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# House of Representatives

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

## PRAYER

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

Eternal God, we give You thanks for giving us another day.

Once again, we come to You to ask wisdom, patience, peace, and understanding for the Members of this people's House. The words and sentiments that have been spoken and heard in these recent days were born of principle, conviction, and commitment.

We ask discernment for the Members that they might judge anew their adherence to principle, conviction, and commitment, lest they slide uncharitably toward an inability to listen to one another, and work cooperatively to solve the important issues of our day.

Give them the generosity of heart and the courage of true leadership to work toward a common solution with sacrifice on both sides. We pray that their work results, not in a Nation comprised of winners and losers, but where our citizens know in their hearts that we Americans are all winners.

May all that is done this day be for Your greater honor and glory.

Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Rhode Island (Mr. CICILLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. CICILLINE led the Pledge of Allegiance as follows:

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

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 5 1-minute requests on each side.

## DOMESTIC MINOR TRAFFICKING

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

Mr. POE of Texas. Mr. Speaker, walking home from school, a girl of 12 is approached by a man who promises to give her everything. In her short life, she has already suffered abuse and neglect from her father and her foster parents. She thinks the promise of food and shelter and love is something she cannot pass up. But the man takes the girl to a hotel room where he beats her, forces her to do drugs and rapes her. Then she is sold on the Internet, is taken from hotel to hotel around the country, and is regularly raped by multiple men and treated as a piece of property.

She becomes a sex slave.

This is the plight of an actual domestic minor sex trafficking victim in the United States.

We cannot continue to be blissfully ignorant of this crime against these victims. As cochair of the Victims' Rights Caucus, along with JIM COSTA (CA), I commend the work of CAROLYN MALONEY (NY) and CHRIS SMITH (NJ) for their legislation to help stop this scourge of child sex trafficking.

These children need to be rescued and treated as victims, not criminals. The customers and the traffickers need to be arrested, tried before a jury of 12, and need to get their just rewards for having been involved in sex slave trafficking.

And that's just the way it is.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2920

Mr. CICILLINE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2920.

The SPEAKER pro tempore (Mr. DENHAM). Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

## DR. DONNA OTTAVIANO, SUPERINTENDENT OF NORTH PROVIDENCE, RHODE ISLAND

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

Mr. CICILLINE. Mr. Speaker, I rise today to recognize the superintendent of the North Providence, Rhode Island School Department, Donna Ottaviano, who was honored as the Rhode Island Superintendent of the Year by the Rhode Island School Superintendents' Association.

Dr. Ottaviano, who also attended North Providence public schools as a student, has led the North Providence public schools with distinction since 2004.

Dr. Ottaviano has spent nearly 30 years in the educational field as a teacher, principal, assistant superintendent, and public health educator in my home State of Rhode Island. In addition to the tremendous contributions she has made to Rhode Island's education system, she has also devoted her time to breast cancer awareness as well as lending her support to the Rhode Island Special Olympics.

Dr. Ottaviano will be recognized nationally at the annual American Association of School Administrators' National Conference on Education. In addition, a $1,000 scholarship in Dr. Ottaviano's name will be awarded to a

senior from North Providence High School.

I congratulate and commend Dr. Ottaviano for her dedication and commitment to educating the future of Rhode Island.

## THE OBAMA JOBS PLAN

(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. The President wants Congress to pass his $447 billion jobs plan. It really ought to be called Son of Stimulus, yet more spending and higher taxes, as the President's jobs plan proposes, won't get our economy moving in the right direction. It's just the same act, different day.

It is time for our tax-and-spender-in-chief to stop pushing these failed policies and to start listening to the American people. With unemployment above 9 percent, we need to get Americans back to work by stopping out-of-control spending, by reforming our Tax Code, and by putting an end to the senseless job-killing regulations of this administration.

Jobs are there. One example: Let's just drill for oil and gas. We simply cannot tax, spend, and borrow our way to prosperity.

## THE AMERICAN CAN-DO SPIRIT IN SOUTHERN MINNESOTA

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

Mr. WALZ of Minnesota. I rise today to let folks know that the American can-do spirit and the spirit of innovation is alive and well in southern Minnesota.

Last week, I visited United Machine and Foundry in Winona, Minnesota. UMF is a small business that opened in 1885. It currently employs 35 people, and produces metal castings for asphalt production, road construction, and power generation. UMF's president, Tom Renk, told me the only real problem he has is this: that without investment in critical infrastructure like roads, the foundry doesn't sell any products, and when demand dries up, so do the jobs.

Building things is in the American DNA. We build roads; we build bridges; we create the necessary infrastructure to power this economy. Congress has the tools to build again. We have a President prepared to break ground. We can create the infrastructure our grandchildren will need in the 21st century.

I visited UMF of Winona to remind myself that building things is in our DNA, building things is the American spirit. That spirit will create jobs, and it will build the economy we need in the 21st century.

## THE IMPORTANCE OF PRAYER

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

Mr. FORBES. Mr. Speaker, I rise today on behalf of the Congressional Prayer Caucus to note the importance of prayer in the founding of our country.

This week in 1791, John Hancock, a signer of the Declaration of Independence and the Governor of Massachusetts, issued a proclamation declaring a day of public Thanksgiving.

John Hancock said in part, ''I have thought fit to appoint a day of public Thanksgiving and praise to Almighty God for all his goodness towards us, above all, not only to continue to us the enjoyment of our civil rights and liberties, but the great and most important blessing, the gospel of Jesus Christ. I do earnestly recommend that we may join the penitent confession of our sins and implore the further continuance of the Divine Protection and blessings of Heaven upon this people, especially that He would be graciously pleased to direct and prosper the administration of the Federal Government and the other States in the Union, to bless the allies of the United States, and to afford His almighty aid to all people, who are virtuously struggling for the rights of men, so that universal happiness may be established in the world, that all may bow to the scepter of Our Lord Jesus Christ, and the whole Earth be filled with His glory.''

## CONGRESS MUST ADDRESS WALL STREET GREED

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

Ms. KAPTUR. Mr. Speaker, some pundits are criticizing the Wall Street demonstrators as unfocused, inchoate, and disorganized. Well, let me render this opinion:

It is Congress that is unfocused, inchoate, and disorganized. It is Congress that has not met its obligation to the American people. Congress has not addressed the real damage caused by Wall Street greed. This institution can't even do rigorous oversight hearings across America—starting on Wall Street.

The demonstrators have found the right piece of geography. They have their eyes on the right subject. It is this body that has allowed justice to be denied to millions of our fellow Americans harmed by Wall Street wrongdoers. Wall Street has taken bonuses as we've seen the largest transfer of wealth from Main Street to Wall Street in modern history—too much power in too few hands.

I am placing in the RECORD today 12 bills Congress needs to pass to yield long overdue justice, restore a trustworthy competitive banking system and get the big money out of politics influencing this Congress. These bills include restoring Glass-Steagall to separate prudent banking from speculation, helping those facing foreclosure, and adding 1,000 FBI agents to do real investigation and prosecution, along with forensic accounting, to bring those who have done wrong to this Republic to justice. It's long overdue for Congress to do its job.

□ 0910

## BALANCED BUDGET AMENDMENT

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

Mr. PENCE. Mr. Speaker, you know, in the midst of these rancorous and divided days in our Nation's Capital, there is a growing consensus across this country that Washington, D.C., isn't just broke, it's broken.

With a $14 trillion national debt, the American people want solutions, not fights. They want reforms that will transcend political parties and the historic divides that have made this city seem, for most Americans, to appear to be a House divided.

Well, thanks to tough negotiations this summer, the American people deserve to know that Congress has a historic opportunity to vote on just such a bipartisan solution. It's a balanced budget amendment to the Constitution of the United States.

For the first time in 15 years, the House and the Senate will have an up-or-down vote on this historic measure, and every American who is fed up with borrowing and spending and deficits and debts should let their voice be heard and be heard today.

Most Americans work hard, they pay their bills, and they live within their means. I think it's time we had a national government as good as our people. It's time to pass a balanced budget amendment to the Constitution, send it from this House to the Senate, and from this Congress to the States for ratification.

## JOBS

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

Mr. CARNEY. Mr. Speaker, last week I sponsored a job fair in my home State of Delaware in Georgetown. The good news is that nearly 2,000 people turned out to meet 55 employers, some of whom had jobs for them. The bad news is that so many people out there are looking for work. Thousands of people in Delaware and millions across the country are looking for work.

Mr. Speaker, it's time we vote a jobs bill here in the House of Representatives. The President set up the American Jobs Act. It contains infrastructure investments on roads, highways, and schools. It contains tax cuts for small business. These are things that

we could all agree on here in Congress, and they will help businesses create the jobs that people need right way in our districts.

It's time we do what the people sent us here to do in Washington. It's time to pass a jobs bill here in the House of Representatives.

## HONORING BARBARA MIKKELSEN

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

Mr. GOSAR. Mr. Speaker, today I would like to recognize Barbara Mikkelsen, a very special woman and a hometown hero doing extraordinary work for our military veterans in Prescott, Arizona.

Barbara joined U.S.VETS in 2004 and has led their effort to provide affordable housing, quality health care, and job training to the homeless veterans of the Quad Cities of northern Arizona. Nationally, U.S.VETS feeds, clothes, shelters, and helps get back to work over 2,000 veterans every year.

As the Prescott site director for U.S.VETS, the largest service provider for homeless veterans in the United States, Barbara was awarded the 2011 national award for Site Director of the Year. Additionally, the Arizona Department of Veterans Services recognized Barb with an award of recognition and appreciation.

Barb has proven herself a dedicated and inspiring advocate. I applaud her for going above and beyond the call of duty. I congratulate her and am proud of the wonderful service to our military men and women in Arizona's First Congressional District. I challenge others to follow her exemplary leadership and give back to their community in this time of great national need.

## SERVICEMEMBERS, MILITARY FAMILIES AND BUDGET CUTS

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

Mrs. DAVIS of California. Mr. Speaker, I rise today to speak in support of our servicemembers and their families. For the last 10 years, our all-volunteer force has graciously and without complaint done all we have asked for them. They have deployed, many more than once, leaving their friends and families here at home to go fight on foreign soil.

And today, during this time of budget constraints and upcoming cuts, we must remember the sacrifice our service men and women, as well as their families, have made. We cannot balance our budget by cutting the benefits they have earned and deserve.

I agree that all aspects of government spending must be looked at and considered for possible cuts. In this era, where our budget is so out of balance, no one entity can be spared. However, we have to make smart cuts and ensure that our fighting men and women are taken care of. We need to look at weapons programs that no longer meet our needs, redundancies that can be streamlined and other programs that should be more efficient.

I encourage my colleagues on the supercommittee to fight for our brave men and women by protecting the benefits they so rightly deserve.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2954

Mr. BROOKS. Mr. Speaker, due to a clerical error, I was inadvertently made a cosponsor on the wrong bill. As such, I ask unanimous consent to remove myself as a cosponsor of H.R. 2954.

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

There was no objection.

## EPA REGULATORY RELIEF ACT OF 2011

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous materials on H.R. 2250.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2250.

□ 0916

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mr. DENHAM in the chair.

The Clerk read the title of the bill.

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

The gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

Since 2009, the Environmental Protection Agency has rolled out a long list of regulations that are really unprecedented in their cost and complexity. The impacts on jobs, energy prices, and America's industrial competitiveness in the world are extremely serious.

But of all these rules, the Boiler MACT rule, which we will be discussing today, stands out in that it will apply to a very wide variety of employers. Not only will industrial facilities be impacted, but also colleges, universities, hospitals, government buildings, and large commercial properties.

The impact on jobs projected is staggering, but the cost will be borne by all of us in the form of higher tuition costs, higher hospital bills, higher rent, as well as higher prices for manufactured goods. Just about everyone will be adversely impacted either directly or indirectly.

The good news is that we can reduce emissions from boilers without causing economic harm. The EPA Regulatory Relief Act, H.R. 2250, accomplishes this goal by taking a sensible, middle ground, balanced approach; and I would like at this time to thank Mr. BUTTERFIELD of North Carolina, as well as Mr. GRIFFITH of Virginia, for their sponsorship of this bipartisan bill.

A study conducted by IHS Global Insight, a respected research company, found that the rules that we are talking about today would impose total costs of over $14 billion and put at risk 230,000 jobs in America at a time when we already have a 9.1 percent unemployment rate. My home State of Kentucky, under the analysis, would face estimated costs of $183 million and 2,930 potential job losses. Twenty-five other States are hit even harder. That includes at least 10,000 jobs estimated for North Carolina, Indiana, Ohio, Michigan, Pennsylvania, South Carolina, and Virginia, as well as over 5,000 job losses for Minnesota, Wisconsin, Alabama, Tennessee, Iowa, New York, Illinois, Maine, Georgia, Florida, Louisiana, and Arkansas.

□ 0920

These boiler rules largely target coal-fired boilers and thus discourage the use of this energy source which, by the way, today provides about 50 percent of all of the electricity produced in America.

I should add that the problems with EPA's boiler rules are not the sole fault of the agency. These rules, like many today, are being rushed out the door to comply with a court-ordered deadline. EPA asked for additional time, but their request was refused by the courts. EPA then published the rules by the deadline, but immediately announced that it was reconsidering portions of them because they were so complicated. However, this is not an adequate solution, as the reconsideration only applies to some of the many problematic provisions in these rules; and the reconsideration process is an uncertain one. In reality, it is unlikely that all the issues can be addressed.

So our legislation is to help EPA deal with this problem. We create a comprehensive solution not only for EPA but also for boiler owners, and we provide the certainty that this solution will be implemented. It still requires

additional emissions reductions from boilers, but it gives EPA the time it needs to do it right. It gives the regulated community the time it needs in order to comply.

This bill is supported by over 300 organizations and five national labor unions. It will require that the standards be reasonable and take into account cost and achievability under real-world conditions. I believe that EPA's original rules were a departure from the congressional intent in the Clean Air Act, and the EPA Regulatory Relief Act that we're discussing today represents a return to congressional intent.

Make no mistake, under this bill that we're discussing, new standards will be imposed on boiler owners and operators. The goals of the Clean Air Act can be accomplished without undue cost and job losses, particularly at this time when our Nation's economy is struggling, and the EPA Regulatory Relief Act is the way to do it.

So I would urge every Member of this body to come forth today and help us pass this legislation—help us save over 230,000 jobs at risk in America that we can ill-afford to lose—with this balanced approach to the problem.

With that, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself 5 minutes.

Today's debate is going to seem awfully familiar to anyone that's been paying attention. Today's debate will remind us of the bill we passed in April to block any requirements to control carbon pollution; and the bill we passed in June to loosen pollution controls on oil companies; and the bill we passed in September to gut the Clean Air Act and block pollution controls on power plants; and the bill we debated yesterday to ensure cement kilns don't have to clean up their toxic air pollution.

In total, the House has voted 146 times this Congress to block action to address climate change, to halt efforts to reduce air and water pollution, to undermine protections for public lands and coastal areas, and to weaken the protection of the environment in other ways. This is the most anti-environment Congress in history.

Today, the House continues its frontal assault on public health and the environment. The bill we consider today would nullify and indefinitely delay EPA's efforts to reduce toxic emissions from industrial boilers and waste incinerators.

If this bill is enacted, there will be more cases of cancer, birth defects, and brain damage. The ability of our children to think and learn will be impaired because of their exposure to mercury and other dangerous air pollutants.

In 1990, Congress adopted a bipartisan approach to protect the public from toxic substances. The law directed EPA to set standards requiring the use of Maximum Achievable Control Technology to control emissions of mercury, arsenic, dioxin, PCBs, and other toxic emissions. This approach has worked well. Industrial emissions of carcinogens and other highly toxic chemicals have been reduced by 1.7 million tons each year.

EPA has reduced pollution from dozens of industrial sectors. More than 100 categories of sources have been required to cut their pollution, and this has delivered major public health benefits to the Nation.

But a few large source categories still have not been required to control toxic air pollution due to delays and litigation. Now that pollution controls are finally being required on industrial boilers and waste incinerators, this bill would intervene and delay pollution controls indefinitely. It would also rewrite the standard-setting provisions in the Clean Air Act to weaken the level of protection and set up new hurdles for EPA rules.

We're told that this bill simply gives EPA the time they requested to get the rules right. Well, the EPA has not requested this from Congress, and the President has said he'll veto this bill if it gets to his desk.

We're also told that we need to pass these bills because the threat of EPA regulation is dragging down our economy. The reality is that requiring installation of pollution controls will create jobs. Fabricators and factory workers build the pollution controls, construction workers install them on site, and industry employees operate them.

We'll hear over and over today, as we've heard in the past, about self-serving industry studies that claim pollution controls will cost us jobs. These studies have been thoroughly debunked by independent experts. For instance, the Congressional Research Service examined the key study by the Council of Industrial Boiler Owners and concluded that it was so flawed that ''little credence can be placed in these estimates of job losses.''

It's my hope this body will not be so easily misled. It was the lack of regulation of Wall Street banks that caused this recession, not environmental regulations that protect children from toxic mercury emissions.

I oppose these bills on the substance, but I also have concerns about the process as well. When Congress organized at the beginning of the year, the majority leader announced that the House would be following a discretionary CutGo rule. Similarly, Chairman UPTON on our committee stated that he'd be following that same discretionary CutGo rule. Well, CBO has determined that the bill we consider today authorizes new discretionary spending and will have significant impact on the Federal budget.

The CHAIR. The time of the gentleman has expired.

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

However, this new authorization is not offset and the bill does not comply with the Republican's discretionary CutGo policy. It is not discretionary in the sense that they have discretion whether to follow it or not, but discretionary spending when it is mandated in a bill must be paid for. The American people need to focus on the radical agenda of the Republicans that control the House of Representatives. I don't think when the Republicans were voted into office the American people wanted poisoning more children with mercury and letting more of our seniors die prematurely because of uncontrolled air pollution.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I would like to yield 2½ minutes to the distinguished gentleman from Ohio (Mr. LATTA), a member of the Energy and Commerce Committee.

Mr. LATTA. Mr. Chairman, I thank the gentleman for yielding, and I rise today in support of H.R. 2250.

I'm a cosponsor of this legislation which was introduced in response to yet another overreaching EPA rule proposal, this time for industrial boilers. This rule finalized will have devastating effects on the Nation's economy and lead to further job loss, especially in my home State of Ohio.

The community of Orrville, Ohio, which is east of me, a small city which has just over 8,300 residents, provides a perfect example of the wide-ranging negative impacts of the rule.

□ 0930

As written, the Boiler MACT rule would require Orrville Utilities, a nonprofit electric service provider, to spend $40.2 million on additional controls to remain in compliance. This equates to $4,843 for every man, woman and child living in Orrville, as well as putting the utility workers' jobs at risk.

While that cost increase alone would be devastating to the families and job creators in the community, the unintended consequences reach much deeper. For example, Smucker's, that company that we all know and love which makes jellies, jams, apple butter, spreads and other food products has been a staple of America's homes for over 110 years; and it employs over 1,500 people at its home factories in Orrville. Smucker's has been a customer of Orrville Utilities since the establishment of the utility in 1917, and the company's CEO says ''Smucker's has elected to remain in the Orrville, Ohio, community for many reasons, including the low rates, reliable service, and the company benefits of working with a city-owned and -operated electric utility.''

It is impossible for me to understand why anyone would support a rule that would force a nonprofit utility like Orville to significantly raise their rates, as the result of a rule EPA has admitted was based on faulty information, and make it more difficult for companies that have been providing thousands of jobs in communities like

Orrville for over 110 years to do business.

It is important to note that this bill does not ask the EPA not to regulate these facilities. It only lays out a framework that allows the EPA to regulate them in a more reasonable fashion, over a more reasonable time frame so we can protect the environment and take advantage of all the economic benefits that these facilities provide to the communities and businesses they service.

Mr. Chairman, I urge my colleagues to support this important job-saving legislation.

Mr. WAXMAN. Mr. Chairman, before I recognize the subcommittee chairman, I want to indicate to the gentleman from Ohio who just spoke, Mr. LATTA, that he was giving a speech on the wrong rule, that this bill does not pertain to the rule that he mentioned in his comments.

I now yield 5 minutes to the gentleman from Illinois (Mr. RUSH), the distinguished ranking member of the Subcommittee on Energy and the Environment.

Mr. RUSH. I want to thank my leader, the ranking member of the full committee, for yielding this time to me.

Mr. Chairman, I rise today in strong opposition to H.R. 2250, the Dirty Boiler Enhancement and Enabler bill.

Mr. Chairman, here we go again. This bill represents yet another Republican unrestrained, unrestricted assault on the Clean Air Act and on our Nation's most fundamental environmental protection laws. In fact, since the new Republican majority has taken over, there's been a constant assault against the Environmental Protection Agency and the clean air policies that they enforce on behalf of a few of the most avaricious, opportunistic, and dirtiest polluters ever known in the history of mankind and to the detriment of the American public as a whole.

Since the new Tea Party-led majority has taken control of this Congress, this body has passed bill after bill that will weaken our Nation's most basic clean air and clean water regulations. One of the very first bills that this new radical Republican majority passed out of the Energy and Commerce Committee, H.R. 910, was a direct frontal attack to the EPA's ability to even regulate greenhouse gas emissions at all, despite the warnings and evidence from those in the scientific community that these gases directly contribute to climate change.

Last month, the radical Republican majority followed that up with H.R. 2401, the TRAIN Wreck Act, which will repeal and block smog, soot, mercury and air toxics standards for power plants that will potentially save thousands of lives and avoid hundreds of thousands of asthma attacks in this Nation.

Now, here we are today debating H.R. 2250, the Dirty Boiler Enhancement and Enabler bill, which would vacate three Clean Air Act rules that establish the only national limits on emissions of air toxics, including mercury, from certain boilers and incinerators. This bill would require EPA to propose and finalize weaker alternative rules that will allow for more pollution than the law currently permits by intentionally making substantial changes in how the EPA sets the standards for the rules.

At a minimum, this Dirty Boiler Enabler and Enhancement bill would delay EPA reductions from boilers and incinerators until at least 2018, which is a 3-year delay. Mr. Chairman, the science tells us that these dirty air toxics can cause a variety of serious health effects, including cancer, respiratory and neurological impairments, as well as reproductive problems. The research also tells us that low-income families and minorities are disproportionately affected by toxic air pollution, including impaired neurological development, as well as higher rates of respiratory and cardiovascular disease because these groups are more likely to live closer to industrial power plant facilities.

In fact, by the EPA's own estimate, H.R. 2250 will allow up to tens of thousands of additional premature deaths and heart attacks and hundreds of thousands of additional asthma attacks that could have been avoided.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman 30 additional seconds.

Mr. RUSH. Mr. Chairman, it is now time that the radical Republican majority stop putting profits in the pockets of dirty polluters and stop putting dirty air in the lungs of the American people. Now is the time for the Republicans to cease their unending assault on the Environmental Protection Agency.

Mr. Chairman, I urge all my colleagues to oppose this egregious and dangerous bill.

Mr. WHITFIELD. I would like to yield 4 minutes to the primary sponsor of the legislation, the gentleman from Virginia (Mr. GRIFFITH), a member of the Energy and Commerce Committee.

Mr. GRIFFITH of Virginia. I rise today in support of H.R. 2250, the EPA Regulatory Relief Act of 2011.

Excessive regulations are threatening jobs across the Nation. We all recognize the need for reasonable regulations to protect the public. There are good regulations that ensure public safety and protect our environment. But there are also unnecessary and unreasonable regulations that hurt jobs in some of our Nation's most critical industries.

Recently, a representative from Celanese, a chemical company in the Ninth District of Virginia, which I'm proud to represent, testified that the EPA's Boiler MACT rules, as written, could force them to significantly scale back or change operations at a plant in Giles County that employs hundreds of people in the Ninth District. Giles County and communities throughout southwest Virginia are already facing job losses resulting from other excessive EPA regulations.

The Boiler MACT rules are a very complex area of law and regulation. We are talking about hundreds of pages of rules in the Federal Register. These rules would affect boilers used by thousands of major employers and smaller employers, including hospitals, manufacturers, and even our colleges.

By the EPA's own estimates, compliance with its Boiler MACT rules will impose $5.8 billion in upfront capital costs and impose new costs of $2.2 billion annually. However, the Council of Industrial Boiler Owners estimates that the capital costs alone of the final rules will exceed $14 billion and could put more than 230,000 jobs at risk, including 10,000 jobs in Virginia.

□ 0940

The EPA Regulatory Relief Act would provide the EPA with 15 months to repropose and finalize new, achievable, and workable rules to replace those that were published earlier this year. The legislation would extend the compliance deadlines from 3 to at least 5 years to allow facilities—like Celanese and others—enough time to comply with these very complex and expensive standards and to install the necessary equipment. It also directs the EPA to ensure that new rules are in fact achievable by real-world boilers, process heaters, and incinerators, and directs the EPA to impose the least burdensome regulatory alternatives under the Clean Air Act, consistent with the act and President Obama's Executive order.

Despite what opponents may say, this bill recognizes the need for reasonable boiler regulations. This is not an attempt to forego the rules entirely. Under H.R. 2250, the EPA must issue replacement rules and must set compliance dates. The bill simply provides sufficient time for the government to get the rules right and come up with a more reasonable and achievable approach that protects the public without imposing unnecessary costs on businesses that employ thousands of hardworking Americans.

Protecting jobs is an issue that transcends party lines. This commonsense bill represents a compromise. Like any compromise, the language of H.R. 2250 is not what I might have done if I were acting alone. However, this bill brought together a group of legislators from both sides of the aisle with a reasonable approach and reasonable language. The EPA Regulatory Relief Act has 126 bipartisan cosponsors.

America's job creators are also speaking out in support of this bill. The EPA Regulatory Relief Act has received hundreds of support letters from businesses, unions, and trade associations. Understand, the investments required by these rules are irreversible. For those businesses that decide to

stop producing their product at a particular location, the job losses are also irreversible.

The good news here is excessive regulations are reversible and fixable. We must fix unreasonable regulations like the Boiler MACT rules and keep the focus on protecting valuable American jobs.

The CHAIR. The time of the gentleman has expired.

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

Mr. GRIFFITH of Virginia. Mr. Chairman, I urge all of my colleagues to join me in supporting the EPA Regulatory Relief Act of 2011. I appreciate this opportunity to carry this important legislation, which will protect jobs not only in the Ninth District of Virginia, but across these United States.

Mr. WAXMAN. Mr. Chairman, I wish to yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank our leader from California.

I just want to say that these bills represent a toxic assault that compromises public health for polluter wealth. Republicans are continuing their war on the environment with episode 37 of the Clean Air Act repeal-a-thon. It is a tried-and-true, three-part Republican strategy:

First, pass legislation that repeals regulations that have already been set. Second, indefinitely delay new regulations from ever being set. And third, just for good measure, include a provision that eviscerates the very underpinnings of effective Federal law and deters any effort to protect the health and well-being of millions of Americans.

Make no mistake, that is what we are doing here this week. These bills block and indefinitely delay implementation of the rules that would reduce hazardous air pollution, such as mercury, lead, and cancer-causing substances released from cement kilns and industrial boilers, and do so in callous disregard for adverse impacts those pollutants have on public health, particularly on the health of infants and children.

Republicans have decided to stage their own public event today on the floor: Occupy Stall Street. But lest you think that Republicans always want to delay regulations, it turns out that sometimes they want to speed up the wheels.

Republicans voted to tell EPA to hurry up and make decisions to issue air permits for drilling rigs off the pristine coast of Alaska. Republicans have voted to give the Department of the Interior a mere 30 days to approve permit applications for drilling in the gulf at the same time they block legislation to implement any drilling reform in the wake of the BP disaster. And they've also voted to reduce the time allowed for environmental review so that the State Department would approve the Keystone pipeline as soon as possible.

But when it comes to regulations that would decrease the amount of toxic pollutants in our air or water, apparently the same Federal agencies that evaluate hazardous pollutants in the first place just need more time to review the science, more time to understand the technologies, more time before doing anything to make our water safer to drink, make our air safer to breathe, and protect the health of children around the country.

And it also turns out that Republicans don't always turn a blind eye towards the health effects of toxic chemicals. Three months ago, as our country stood on the edge of default due to Tea Party brinksmanship, House Republicans chose to vigorously debate a bill to ban compact fluorescent light bulbs. During that debate, Republicans repeatedly told us that the mercury vapor from those light bulbs is dangerous and that exposing our citizens to the harmful effects of the mercury contained in CFL light bulbs is likely to pose a hazard for years to come. Yet the bills considered today would result in nearly 16,600 pounds of extra mercury vapors being released directly into the air, and that's just in 1 year. That is the equivalent of 2.5 billion compact fluorescent light bulbs. And the mercury released as a result of these bills is not the kind you can sweep off the living room floor or throw into a trash can. This is the mercury released directly into the air that we all breathe and finds its way into the food that we eat.

If the regulation to remove mercury from cement plants—which is already 13 years overdue—is delayed for even 1 year, up to 2,500 people will die prematurely, there will be 17,000 cases of aggravated asthma, and 1,500 people will suffer heart attacks.

The CHAIR. The time of the gentleman has expired.

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

Mr. MARKEY. I thank the gentleman.

If the regulation to remove mercury, lead, and cancer-causing toxins from incinerators and industrial boilers—which is already 11 years overdue—is delayed for even 1 year, there will be 6,600 people who will die prematurely and people will miss 320,000 days of work and school.

The Republicans are presenting yet another false choice to the American people. We do not have to choose between manufacturing and mercury. We do not have to choose between concrete and cancer. We can have both clean air and a healthy manufacturing sector.

I urge my colleagues to vote ''no'' on this terrible Republican cancer-causing bill out here on the floor today.

Mr. WHITFIELD. I might just note to the gentleman from Massachusetts that our legislation does not postpone this indefinitely. EPA has 15 months after passage of the bill to come out with the regulations and 5 years to comply. And the only way they can be extended beyond 5 years is if the EPA administrator, herself, decides to do so.

At this time I would like to yield 2½ minutes to the gentleman from Georgia, Dr. GINGREY, a member of the committee.

Mr. GINGREY of Georgia. Mr. Chairman, I rise in strong support of H.R. 2250, the EPA Regulatory Relief Act of 2011.

□ 0950

This important legislation will greatly reduce the onerous regulatory burden caused by what is commonly referred to as Boiler MACT, the Boiler MACT rule that has been proposed by the EPA.

Furthermore, I commend the sponsors of the bill and fellow members of the Energy and Commerce Committee, Chairman WHITFIELD, Mr. GRIFFITH of Virginia, and Mr. BUTTERFIELD of North Carolina, for their leadership on this important issue.

Unfortunately, the Boiler MACT rule has the potential to cost a broad base of industries a total of nearly $14.4 billion in compliance costs, and it could jeopardize upwards of 225,000 jobs. In my home State of Georgia alone, the Boiler MACT rule would put nearly 6,400 jobs at risk. At a time when 14 million Americans are out of work, we need to take the necessary steps to prevent adding even more people to these unemployment rolls.

Mr. Chairman, H.R. 2250 would simply delay this rule by 15 months in order to insert much-needed common sense into this rulemaking process. By providing this important delay, there will be ample time for the EPA to craft rules that will take into account the economic impact of these regulations and to provide industries with the needed time for their implementation. This has the potential of creating more certainty in the marketplace than currently exists and will help spur economic growth.

Mr. Chairman, critics of this legislation will say that we are simply ignoring the Clean Air Act and risking irresponsible harm to our environment. Let me assure my colleagues that this argument is false. The intent of H.R. 2250 is not to completely repeal this environmental rule. The legislation seeks to correct the regulatory overreach by the EPA, especially in this depressed economy, and to reconfigure this rule so that it can be functional for industries and save much-needed jobs in the process.

So, Mr. Chairman, in closing, I urge all my colleagues to please support H.R. 2250.

Mr. WAXMAN. Mr. Chairman, before I yield, I want to set the record straight. Our distinguished colleague on the other side of the aisle said that this bill would provide 15 months to promulgate a rule and then 5 years to comply. There are 15 months to promulgate the rule, but there's no requirement that there ever be compliance.

I want to also point out that this argument about jobs being lost is absolutely wrong for four reasons, and four reasons you shouldn't believe them. First, the claims are based on fundamentally flawed studies, bought and paid for by the regulated industry.

Second, the rules are stayed. EPA is in the process of redoing them, and not one of these studies has analyzed the actual final rule.

Third, EPA has done a rigorous 251-page economic analysis, and found that the boiler rules issued in February would be expected to create over 2,000 jobs.

And finally, history tells us to be very, very skeptical of industry claims that the sky is falling. EPA is in the process of rewriting these rules. I say to the industry, let us work together to fashion legislation that will solve the immediate problems, a bill that can be signed by the President, not this bill, which may never see the light of day out of the Senate, and if it did, the President has indicated he would veto it.

I now yield 1 minute to the gentleman from Georgia (Mr. BARROW), a member of our committee.

Mr. BARROW. I thank the ranking member for the time to express another view on the legislation.

I'm proud to be an original sponsor of the EPA Regulatory Relief Act. This legislation was drafted in response to new EPA regulations on emissions from industrial boilers. I believe those regulations, however well meaning, cannot reasonably be met with today's technologies. I believe that this bill is a more reasonable solution than that proposed by the EPA.

The choice before us is not between the two mutually exclusive outcomes of dirty air or more jobs. Our challenge is to promote policies that serve both. I think this bill strikes a better balance. It will spur industry to make investments that cut down on harmful air emissions, while minimizing the chances of negative economic consequences and job losses.

I'm proud to have worked in a productive, bipartisan way to get this bill to the floor, and encourage my colleagues' support.

Mr. WHITFIELD. At this time I would like to yield 2 minutes to the distinguished gentleman from Texas (Mr. HALL), who's chairman of the Science Committee.

Mr. HALL. Mr. Chairman, Chairman WHITFIELD, of course I rise in support of H.R. 2250.

As policymakers, it's our job to use common sense and judgment to balance the universal priorities of a strong economy, security at home and security abroad, and healthy communities. And this country has a history of remarkable achievement in addressing these priorities. However, with an unemployment rate of more than 9 percent, it's irresponsible for the executive branch to stifle job growth and, for that matter, to create job loss through the outrageous and inflexible negotiations and regulations.

In my district alone, the Boiler MACT rules threaten more than 800 good-paying manufacturing jobs. These are not jobs that can be re-created. Once eliminated, they're gone. Several weeks ago Assistant Administrator Gina McCarthy stated arrogantly, I don't want to create the impression that EPA is in the business of creating jobs.

I feel that statement's inappropriate and unfeeling toward those who have lost their jobs and lost the ability to provide for their family's future. H.R. 2250 is a clear statement by Congress that EPA slow down and allow for reasoning along with some regulations.

The President said that his administration would be the most transparent in history. Instead, we find clandestine models, cherry-picking of data, double-counting of benefits, and a failure to follow basic peer review guidelines. This is a recipe for losing the public's trust. EPA needs a timeout, and this bill provides it.

I urge all my colleagues to support this bill.

Mr. MARKEY. Mr. Chairman, can you inform us as to how much time is remaining on both sides?

The CHAIR. The gentleman from Massachusetts has 11 minutes remaining, and the gentleman from Kentucky has 13¼ minutes remaining.

Mr. MARKEY. I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank my very good friend for yielding to me.

Mr. Chairman, a rigorous peer-reviewed analysis, called ''The Benefits and Costs of the Clean Air Act from 1990 to 2020,'' conducted by the Environmental Protection Agency, found that the air quality improvements under the Clean Air Act will save $2 trillion by 2020, and prevent at least 230,000 deaths annually—230,000 lives saved on an annual basis. We could save four times the number of people killed each year in automobile accidents by reducing air pollution.

Yet, just 2 weeks ago, this Chamber approved legislation to block the EPA from implementing rules to clean up the single largest stationary source of air pollution. That legislation gave this Nation's oldest and dirtiest coal-fired power plants another pass to pollute and avoid compliance with the Clean Air Act.

Today we're considering legislation, the EPA Regulatory Relief Act, to exempt the second-largest source of hazardous air pollution: Industrial and commercial boilers, process heaters, and commercial and industrial solid waste incinerators.

Under this bill, these large boilers and incinerators would be given at least a 75-month pass from regulation; a 15-month delay before any new rules could be issued, and an additional 5 years beyond that delay before any new emission standards could be issued; and no deadline for industry compliance. This bill does more than just offer a pass from regulation. It also ensures that any final regulation will be weaker than what the law requires.

The final section of this bill deals with the Clean Air Act's most protective legal standard for reducing toxic air pollution, the Maximum Available Control Technology. After 20 years, we're replacing it with the absolutely least protective of measures, called ''work practice standards'' such as equipment tuneups that need not even reduce emissions.

Pass this bill and you sentence hundreds of thousands to asthma attacks and a lifetime of health complications. Pass this bill and you saddle our economy with unnecessary costs and employers with millions of additional sick days. Pass this bill and you trigger an additional 20,000 heart attacks. Pass this bill and you condemn tens of thousands of Americans to a premature death.

□ 1000

Mr. Chairman, the Cement Sector Regulatory Relief Act that unfortunately will pass today and the TRAIN Act that passed 2 weeks ago constitute an all-out war between this Nation's dirtiest industries and the Federal agency charged with protecting the public's health. EPA has become the symbol, the center, of a debate over the role of government. It's a sad commentary for this Chamber that an industry that prefers to invest in the political process rather than in saving lives by reducing harmful emissions is in fact winning the debate.

In fact, the coal consuming industries that have underwritten this assault on EPA were invited early on during the first year of the Obama administration to sit down and craft a compliance option. The administration had hoped to craft a deal similar to the historic deal it made with the Nation's auto industry on fuel efficiency and tailpipe emissions. An article by Coral Davenport in the September 22 issue of the National Journal referenced this meeting. But unlike the auto industry, the coal consuming industries refused to negotiate.

Instead, and let me quote from the article, they ''banded together with the Republican Party to strategize, and the 2010 midterm elections offered the perfect battleground. The companies invested heavily in campaigns to elect Tea Party candidates crusading against the role of Big Government. Industry groups (like the U.S. Chamber of Commerce), Tea Party groups with deep ties to polluters (like Americans for Prosperity), and so-called super PACs (like Karl Rove's American Crossroads) spent record amounts to help elect the new House Republican majority.''

My colleagues, this is a bill peddled by an industry that refuses to clean up

its act. Hundreds of thousands of people owe their lives today to the environmental movement, leaders in Congress, and the White House who pushed for and passed the landmark environmental laws back in the 1970s that required polluters to clean our waters and reduce the pollution in the air we breathe.

In the decade after the 1990 Clean Air Act Amendments were signed into law by the first President Bush, our unemployment rate declined, our economy grew, and we reduced acid rain-forming gases by more than 30 percent.

The CHAIR. The time of the gentleman has expired.

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

Mr. MORAN. Mr. Chairman, the cost of meeting the emission reductions was actually 75 percent less than what EPA had originally predicted and even farther below what opponents had claimed. In the case of the rule for boilers and solid waste incinerators, EPA issued its proposed standards in April of this year, 11 years after the statutory deadline. They listened to affected businesses, they cut compliance costs by a half and issued a modified, final rule in February.

Mr. Chairman, EPA is doing everything the law requires and that the public health requires. This body ought to do the same and defeat this bill.

Mr. WHITFIELD. I yield 2 minutes to the distinguished lady from Washington State (Mrs. MCMORRIS RODGERS), a member of the Energy and Commerce Committee.

Mrs. MCMORRIS RODGERS. I thank the chairman for yielding, and I appreciate his leadership on this important issue.

Mr. Chairman, I rise today in strong support of H.R. 2250, the EPA Regulatory Relief Act of 2011. At a time when our Nation's economy continues to struggle and unemployment remains far too high, Congress should focus on legislation that will keep and create jobs in America, not suffocate them or send them overseas. As an original cosponsor of this legislation, I know it will do just that.

Last week, I was home in eastern Washington on an energy and jobs tour where I met with citizens, small businesses, and job creators. Whether I was up in Colville or in Spokane, the message was clear: The Federal Government is making it harder to manufacture, harder to produce, and harder to innovate anything in America. The anxiety and the uncertainty caused by the Federal Government's record regulatory overreach is destroying any chance of economic recovery.

Like the ozone standard, the simple truth is the new, stricter Boiler MACT regulations will have a disastrous effect on our economy. The EPA, itself, says that these rules will cost thousands of jobs. Independent studies say up to 224,000 jobs could be lost. One example is in eastern Washington, where the Ponderay Newsprint Company will be forced to spend $8 million on mandatory upgrades. That's $8 million that cannot be spent on retaining or creating jobs.

The EPA Regulatory Relief Act requires the EPA to set realistic, achievable, fact-based standards that will not destroy jobs while still protecting the environment. I urge my colleagues to support this pragmatic, commonsense solution.

I again thank the gentleman for yielding.

Mr. MARKEY. I yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank the gentleman from Massachusetts.

Mr. Chairman, a number of very passionate and well-informed speakers have come before this body today to urge a ''no'' vote based on facts and based on research. All this is extremely important, and I'm so glad they did it, but for the people watching this debate today, they need to know one thing, and that is that this legislation is bought and paid for by industry so that people could try to save money at the expense of people's health and their lives, and this is exactly what's going on here today.

What's going on here today is that industry interests backed candidates who come here today to offer legislation that would allow the cement industry, the coal-fired power industry and the boiler industry users to just dump mercury and other junk into the air that makes you sick.

And as we're talking about jobs, what about a jobs bill that could put Americans to work, as opposed to saying, we're just going to get rid of all the regulations in America? What if we just got rid of all the regulations in America? We would be sicker, we would die sooner, and we would be much less of a country. What if we just said that we're going to put the health of Americans up front, that we're going to actually introduce a jobs bill like the American Jobs Act? What if we did those things? America would be back on track. But maybe some of these big industrial polluters would be a little sadder.

I say today, Mr. Chairman, that this Congress should reject the attack on Americans' health. In the last 3 weeks, we have seen industry polluters from the industry that uses these boilers, the cement industry and coal-fired power plant industry, be able to just run amok on the people's health, and we have yet to see a single jobs bill in the course of the 250-plus days that this majority has been in the hands of the Republicans.

This is a national disgrace. The American people said they wanted jobs. They haven't gotten them. The American people say they want to be well and healthy. They are seeing assaults on that. This is something that the American people need to bring their attention to, Mr. Chairman; and I hope that people are paying attention to this debate today because it is crystal clear whose side the majority is so on: industry polluters, not the American people.

Mr. WHITFIELD. Mr. Chairman, I may say to the gentleman from Minnesota, I don't know exactly what he's talking about when he says ''bought and paid for by industry.'' I might say that this legislation is being offered because hospitals, schools, industry, a wide range of interests, have come to us and asked for help, and the insinuation that we were bought and paid for by industry is a little bit of an affront to this institution.

At this time I would like to yield 2 minutes to the gentleman from Texas (Mr. OLSON), a member of the Energy and Commerce Committee.

Mr. OLSON. I thank the chairman of the subcommittee.

Mr. Chairman, President Obama's regulatory agenda, being led by the EPA, is going to kill the American pulp and paper industry. My father spent his entire career in the pulp and paper industry, so I know firsthand that if the misguided Boiler MACT rules are allowed to be implemented, 36 mills across this country will close and more than 80,000 jobs will be lost. These jobs will be lost because of the EPA's failure to understand the basics of how this industry works.

□ 1010

The industry does not—does not—impose reasonable regulations. They are just asking to have regulations based on sound science, which can be achieved with technology that is currently available here in the real world.

Mr. Chairman, we need to stop exporting American manufacturing jobs. I urge my colleagues to vote ''yes'' on H.R. 2250, the EPA Regulatory Relief Act of 2011, to create an immediate positive impact on American jobs and the recovery of our economy.

Mr. MARKEY. I yield myself 1 minute.

What we have here today is just one more episode in what is a 1-year Republican control of the Congress, which has seen a litany of industries that no longer want to make the air cleaner, that no longer want to make the water safer to drink.

We come out here on the House floor with Republican leadership in order to repeal the laws, to water down the laws to protect children from mercury, to protect children from contracting asthma. That's what this is all about. The EPA used to stand for the Environmental Protection Agency. Now it stands for ''every polluter's ally'' out here. They all come out here, and they want to ensure that the laws are watered down.

That's what we're fighting. That's what Democrats are fighting here. We're fighting to ensure that the water stays clean, that the air stays safe to breathe. The boiler industry is saying, no, there's not enough mercury that gets sent up into the air; there's not

enough mercury that goes into the lives of children in our country. We're going to fight that.

I reserve the balance of my time.

Mr. WHITFIELD. I would like to remind the gentleman from Massachusetts that there is a large number of Democrats on this legislation.

At this time I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Chairman, I rise in support of H.R. 2250, which will protect American jobs from the EPA's unnecessary and economically destructive Boiler MACT regulations. At this time of high unemployment and economic hardship, the EPA wants to require the costly retrofitting of boilers at small businesses, energy plants, schools, and churches in the northern California congressional district I represent and across the Nation.

This regulation is another example of the Obama administration standing in the way of job growth. The Department of Commerce estimates that the 276 pages of Federal regulations could eliminate as many as 60,000 U.S. jobs nationwide. The EPA's own fact sheet says that implementing these rules will cost more than $5 billion.

In August of 2010, the Small Business Administration explicitly warned the EPA that these regulations were too extreme and would harm small businesses. Unfortunately, the EPA did not heed this warning. In addition, the boiler regulation will impose substantial and unnecessary costs for Americans to use biomass energy—an essential part of job growth in the northern California district I represent. Biomass is a clean and renewable energy source that could help increase our energy supplies and manage our overgrown and fire-prone forests while creating much needed jobs.

I urge my colleagues to support this legislation, which will protect jobs and ensure that this costly regulation does not go into effect.

Mr. MARKEY. I would ask the Chair if we could review again how much time is remaining.

The CHAIR. The gentleman from Massachusetts has 1¾ minutes remaining.

The gentleman from Kentucky has 9 minutes remaining.

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

Mr. WHITFIELD. At this time I yield 3 minutes to the gentleman from Tennessee, Dr. ROE.

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

I rise today in support of this legislation. We cannot afford to enforce the proposed MACT regulations, especially when unemployment exceeds 9 percent. These new burdensome regulations would result in the loss of over 200,000 jobs, over 8,400 of which are in Tennessee.

When will this administration learn that further burdening the job creators does not create jobs?

This is just another example of failed leadership, and it is our duty to the American people to ensure that the EPA does not continue down the same path that will only lead to job loss.

The new rules affect approximately 200,000 boilers. These boilers burn natural gas, fuel oil, coal, biomass, refinery gas, or other gas to produce steam, which is used to generate electricity or to provide heat for factories and other industrial or institutional facilities or schools.

This will especially affect the economic outlook in the agriculture community. Agriculture accounts for more than 950,000 jobs both on and off the farm—a large portion of the American economy. In Tennessee, 13.8 percent of the workforce is employed in agriculture, and these are jobs we cannot afford to lose to government overreach. If forced to replace current coal-fired boilers with natural gas-fired boilers at this time, there is no doubt that the cornerstone of our economy would suffer.

Or consider Eastman Chemical, a manufacturing company headquartered in my district. Eastman generates $6.9 billion in revenue and employs over 11,000 Tennesseans. There is no doubt these new regulations would negatively impact their business, the effects of which they estimate for their company alone would be in the tens of millions of dollars. In fact, the Boiler MACT regulations could cost the manufacturing sector over $14 billion in capital, plus billions more in annual operating costs; and complying with the incinerator standards could cost even billions more.

As the EPA has acknowledged, the rules were finalized with serious flaws because the EPA was forced to meet a strict court-ordered deadline. This commonsense legislation does not repeal these rules; it simply allows time to come up with a plan to support clean air efforts without more burdensome regulations on job creators.

I urge my colleagues to support this important legislation.

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

Mr. WHITFIELD. At this time I yield 2 minutes to a member of the Energy and Commerce Committee, the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I want to thank the gentleman from Kentucky for yielding. I really want to thank him for bringing this jobs bill to the House floor.

This legislation, this EPA regulatory reform bill, is critical to saving tens of thousands of jobs—over 100,000 jobs—in America that are at risk if the EPA is able to get away with yet another radical regulation they're trying to implement.

When I go throughout southeast Louisiana and talk to job creators, our small business owners—the people who are struggling in this tough economy but who still want to try to create jobs—and when I ask them, What are the things that are holding you back from creating jobs, from having your business grow so that more people can have great opportunities to live the American Dream?, there is a consistent theme that they all say, that it's the regulations coming out of Washington, D.C., coming out of the Obama administration. That is the prime reason that is holding them back from creating good jobs in this country.

Of course, we've seen it in southeast Louisiana—we've got tough times—but if you go all throughout the country, you'll see the same thing. Just look at the numbers from outside groups that have actually tried to figure out just how devastating the impact would be of just this boiler regulation if it were to go into effect by the EPA. Over 1,500 boilers across this country are at risk, and you're talking about over 230,000 jobs. Just look at some of the States—I mean, the State of North Carolina, the State of Indiana, the States of Ohio, Michigan, Pennsylvania. Each of those States will lose over 10,000 jobs if this radical EPA regulation goes into effect.

The President is running around the country, saying, Pass this bill. He was saying pass this bill before he even filed the bill. Here is an actual bill on the floor of the House of Representatives that will save over 230,000 jobs that will be lost; yet the President wants to ram through this radical regulation anyway in spite of the fact that all those jobs will be lost.

□ 1020

I think the American people understand what's going on. They're saying sanity needs to be reinvoked in Washington in this administration.

Stop running jobs out of the country. Let's put commonsense reforms in place. This bipartisan legislation does that.

Mr. MARKEY. I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. I thank the gentleman for his leadership.

I would like to quote Bruce Bartlett, who was the economics adviser to both President Ronald Reagan and President George H. W. Bush. He said this in an article in The New York Times this week.

''Republicans have a problem. People are increasingly concerned about unemployment, but Republicans have nothing to offer them. The GOP opposes additional government spending for jobs programs and, in fact, favors big cuts in spending that would be likely to lead to further layoffs at all levels of government. Republicans favor tax cuts for the wealthy and corporations, but these had no stimulative effect during the George W. Bush administration and there is no reason to believe that more of them will have any today. And the Republicans' oft-stated concern for the deficit makes tax cuts a hard sell. On August 29, the House majority leader, ERIC CANTOR of Virginia, sent a memorandum to members

of the House Republican Conference, telling them to make the repeal of job-destroying regulations the key point in the Republican jobs agenda. Evidence supporting Mr. CANTOR's contention that deregulation would increase unemployment is very weak. As one can see, the number of layoffs nationwide caused by government regulation is minuscule and shows no evidence of getting worse during the Obama administration.''

The CHAIR. The time of the gentleman has expired.

Mr. WHITFIELD. May I ask how much time remains, Mr. Chairman?

The CHAIR. The gentleman from Kentucky has 4 minutes remaining, and the gentleman from Massachusetts has 1¼ minutes remaining.

Mr. WHITFIELD. I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. DUFFY).

Mr. DUFFY. I appreciate the gentleman from Kentucky for yielding.

I come from central and northern Wisconsin where we have a large forest products industry. We make a lot of paper in Wisconsin. And if you look at these rules, they are going to have a significant impact on Wisconsin paper, real jobs that support our families. Domtar Industries, 1,400 jobs; Flambeau River Paper, 300 jobs; New Page, 3,200 jobs; Wausau Paper, 1,600 jobs.

So we look at these regulations that are going to increase the standard on our boilers. And if you increase those standards, causing our companies to spend millions of more dollars to meet those standards, what's going to happen? You are going to ship Wisconsin paper to China and Brazil. And what happens there? They don't have the same standards that we have. And, in the end, what's going to happen is we're going to outsource Wisconsin jobs and our paper is going to be made with reduced standards.

I think in the end, those who care about our environment, who care about standards to make sure we have clean water and clean air, if you look over to China, they don't have those same standards. But, in the end, we breathe the same air and drink the same water.

So let's make sure we have efficient standards that can keep American industry and Wisconsin paper in business and doesn't shift these jobs overseas.

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

The Republicans have yet to bring a job creation bill out here on the House floor in the 10 months they have controlled the Congress.

Instead, what they're doing is responding to industries who do not want to make the air cleaner, who do not want to make the water safer for the children of our country to drink and to breathe. And, instead, they make the case that making the environment cleaner kills jobs when we know that all evidence says it creates more jobs, because it spurs innovation in new technologies that create jobs that make our economy stronger. Instead, they argue that what the country needs is more mercury, more arsenic, more cadmium, more asthmas, more mercury poisoning, more carcinogens that harm the health of our country.

So not only do they not help the health of our economy by bringing out a jobs bill, instead they bring out bills that hurt the health of the American people where they live and their families. That's what their agenda has been all about since the day they took over in January, and that's the agenda that we are voting on here today.

Vote ''no'' on this Republican health-killing bill.

I yield back the balance of my time.

Mr. WHITFIELD. In closing, I would urge every Member of this body to support H.R. 2250. We believe that it is genuinely a balanced approach. EPA even was trying to convince the court that their rule was a good rule, the old rule.

To just give you a very concrete example of this, of the practical impacts of what's going on here, EPA went to the court last December when it asked for time to fix the Boiler MACT rules, which the court denied it, and pointed out that the investments required by industry are irreversible.

An example of that, representatives of Notre Dame University came to our hearing. And in order to comply with the Boiler MACT rules issued in 2004, which were invalidated by the court, the University of Notre Dame spent $20 million, and now they're not in compliance with the new rule, so they're going to have to come forth with additional millions of dollars.

So that's happening not only at the University of Notre Dame, that's happening at just about every university around the country, hospitals around the country, small businesses around the country, small utilities around the country. So if we don't take some action, there are going to be a lot less, many fewer jobs in the economy than there are today, because testimony after testimony after testimony has indicated that entities cannot meet these new rules, are going to have to close down and lose jobs.

So one way that we can help the administration create jobs is to prevent the loss of jobs. If this administration would assert more common sense in their rules, we could remove some of the uncertainty to help us create more jobs in America.

I would urge every Member to support 2250. It's a balanced approach. It protects health, protects industry, and provides a more commonsense approach to this significant problem.

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

The CHAIR. All time for general debate has expired.

Mr. WHITFIELD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. DENHAM, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

## CEMENT SECTOR REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2681.

□ 1030

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, with Mr. DENHAM (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, October 5, 2011, a request for a recorded vote on amendment No. 3 printed in the CONGRESSIONAL RECORD by the gentlewoman from Maryland (Ms. EDWARDS) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 23 by Mr. COHEN of Tennessee.

Amendment No. 5 by Mr. KEATING of Massachusetts.

Amendment No. 3 by Ms. EDWARDS of Maryland.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 23 OFFERED BY MR. COHEN

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 248,

answered ''present'' 1, not voting 12, as follows:

[Roll No. 760]

AYES—172

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

NOES—248

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

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—12

Bachmann
Blumenauer
Boren
Giffords
Holden
Lewis (CA)
Olver
Polis
Sánchez, Linda T.
Wilson (FL)
Wittman
Young (AK)

□ 1057

Ms. ESHOO changed her vote from ''aye'' to ''no.''

Mr. VISCLOSKY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. KEATING

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 162, noes 257, not voting 14, as follows:

[Roll No. 761]

AYES—162

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

NOES—257

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren

Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—14

Bachmann
Bachus
Blumenauer
Boren
Giffords
Holden
Larson (CT)
Moran
Olver
Polis
Sánchez, Linda T.
Wilson (FL)
Wittman
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1102

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WITTMAN. Mr. Chair, on rollcall Nos. 760 and 761 I was unavoidably detained. Had I been present, I would have voted "no" on both 760 and 761.

AMENDMENT NO. 3 OFFERED BY MS. EDWARDS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 165, noes 258, not voting 10, as follows:

[Roll No. 762]

AYES—165

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

NOES—258

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

NOT VOTING—10

Bachmann
Blumenauer
Boren
Giffords
Holden
Olver
Polis
Sánchez, Linda T.
Wilson (FL)
Young (AK)

□ 1106

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. DENHAM, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, and, pursuant to House Resolution 419, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

The question is on the committee amendment in the nature of a substitute.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Mrs. CAPPS. Mr. Speaker, I have a motion to recommit at the desk.

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

Mrs. CAPPS. Yes, I am.

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

The Clerk read as follows:

Mrs. Capps moves to recommit the bill H.R. 2681 to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, add the following sections:

**SEC. 6. PROTECTION OF INFANTS, CHILDREN, AND PREGNANT WOMEN FROM TOXIC AND CANCER-CAUSING AIR POLLUTANTS.**

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rule identified in section 2(b)(1) of this Act to reduce air pollution from cement kilns, as defined pursuant to this Act, where such cement kilns are within 5 miles of any school, any day care center, any playground, or any hospital with a maternity ward or neo-natal unit.

**SEC. 7. NOTIFICATION TO COMMUNITIES.**

With respect to each requirement for a major source facility to implement an air pollution control or emissions reduction that is eliminated by this Act, such facility shall provide notice of such elimination to affected communities not later than 90 days after the date of enactment of this Act.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, there are times when we come to this floor and engage in heated debate, and we've heard some heated debate on this bill. But my final amendment offers us the opportunity to come together and do something extraordinarily important, and that is to protect our children and grandchildren from mercury and other toxic air pollutants.

I want to be clear. The passage of this amendment will not prevent the passage of the underlying bill. If it's adopted, my amendment will be incorporated into the bill and the bill will be immediately voted upon.

Now, I make no apologies for opposing the bill, but regardless of how one feels about this bill, or even EPA's cement standards, my amendment should be something that we can all agree upon, and that's because it only does two simple things: First, it says we should have safer air standards on giant cement plants if they're located near schools or hospitals with a maternity ward or neonatal unit. That's because these large factories are the third largest source of mercury pollution in the United States.

□ 1110

We all know that mercury is extremely dangerous to young children, to nursing mothers, and to women of childbearing age. Mercury exposure affects a developing child's ability to walk, to talk, to read, to write, to learn. That's why I think none of us should want to see this in our districts: A giant cement plant in Midlothian, Texas, spewing mercury and other pollutants in the air right next to J.A. Vitovsky Elementary School.

But I don't want to just pick on Texas. In California, a giant cement plant in Tehachapi sends far more mercury into the air than any other plant in the State, and it's less than 3,000 feet—3,000 feet—from Monroe High School. That's less than half the distance between where we are today here in the Capitol and the Washington Monument.

Mr. Speaker, nothing is more important to us than our children and our grandchildren. Having spent 20 years as a school nurse, I really don't need any reminders of this, but just 6 months ago my family was blessed again with the birth of a new baby boy. So every time debates about mercury pollution come up, my thoughts immediately go to him and the tens of millions of other children in this country. I know how small and fragile little Oscar is, and I want to make sure that I'm doing everything I can to protect him, to make sure the air he breathes and the water he drinks is as safe as it can possibly be. I'm no different from the millions of mothers and fathers, grandmothers and grandfathers, aunts and uncles across this country and right in this Chamber. We all want the best for our kids, so we must reduce the risks of this pollution to them, especially in places that should be safe, like a school.

The second part of my simple amendment gives all communities the right to know what pollution is coming from these giant cement factories. Without the sight of ominous clouds billowing from nearby plants, it's easy to assume that we're all relatively safe, but you don't need to live right next door to a giant cement plant to suffer the effects of mercury pollution. I learned this firsthand when I received test results showing that I have an unsafe level of mercury in my body. And I'm not alone—both in the levels of mercury in my system and by the fact that I didn't know about it until I got tested this past summer. Who in this Chamber thinks they have a dangerous level of mercury in their system? Probably no one. But who here has actually been tested to know for sure? Probably very few of us.

So, my final amendment just calls for a little transparency. It makes sure that giant cement plants can't hide the truth about the pollution they're dumping into our air each year. It just gives American citizens a right to know what's in their air. That's all.

Mr. Speaker, I respectfully ask that my colleagues consider these two simple propositions: Why should our kids go to schools where mercury is spewing from smokestacks just down the street? And why should any of our constituents be kept in the dark about the pollutants that they're being exposed to? They shouldn't. And we shouldn't stand idly by and let it happen.

So today we have the opportunity to speak with one voice. We can vote to protect our children and our grandchildren from mercury and other toxic air pollutants. It's up to us. I urge all of us to support this final amendment to the bill.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I claim the time in opposition to the motion.

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

Mr. WHITFIELD. At this time I would like to yield to my colleague from California.

Mr. LEWIS of California. I appreciate my colleague yielding, and I'm rising only because of the comments of the gentlelady who just spoke.

Nobody in this Chamber has spent more time working on air quality than this Member. I was the author of a major bill in California that changed the scene there in terms of polluting the air. During that discussion, we said, we can control 97 percent of emissions from smokestacks in a relatively short time if we will, but the real problem's going to be Detroit. If we really want to change that, we've got to change Detroit.

The gentlelady's amendment would follow a logical line. We would indeed insist on having an amendment instead that would close down all of Detroit. The problem of mercury is a totally different question than the way this gentlelady presented it. We found problems in the air and found that there was no problem that we thought was there in the first place.

Instead of using this for politics, let's try to really solve the air quality problems and let our industry move forward and get our economy to work again.

Mr. WHITFIELD. I thank the gentleman.

Our legislation, H.R. 2681, provides a balanced approach to a significant problem. These new regulations put out by EPA relating to cement company regulations are unbalanced. We've had testimony after testimony from representatives of the industry that 20 percent of the U.S. cement manufacturing industry will probably close down within 2 years if these regulations remain in effect.

Our legislation is very simple. It simply says to EPA, go back and within 15 months come back with a new regulation, more balanced, and give the industry 5 years to comply. If the administrator wants to give them more, he or she may do so. But this is about protecting jobs as well as about protecting health. As you know, our economy is struggling right now. The testimony shows quite clearly that if we allow these regulations to remain in effect, we're going to lose a lot more jobs.

The good news is that once EPA goes back and revisits this issue, they most certainly are going to consider health benefits. They're going to do an analysis about health benefits.

I might also say we've heard a lot about mercury. EPA has made it very clear that in the regulation that we're trying to postpone that they do not even consider the dollar benefit from the reduction in mercury emissions. So from their perspective, the benefits from mercury emissions were insignificant. All of the benefits come from particulate matter reductions.

I would urge every Member of this body to vote ''no'' on this motion to recommit and ''yes'' on our legislation, H.R. 2681, if we want to save jobs in America and if we want a more balanced approach to environmental regulation.

I yield back the balance of my time.

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

There was no objection.

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

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

RECORDED VOTE

Mrs. CAPPS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 176, noes 247, not voting 10, as follows:

[Roll No. 763]

AYES—176

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

NOES—247

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

NOT VOTING—10

Bachmann
Blumenauer
Boren
Giffords
Holden
Olver
Polis
Sánchez, Linda T.
Wilson (FL)
Woodall

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1138

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mrs. CAPPS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 262, noes 161, not voting 10, as follows:

[Roll No. 764]

AYES—262

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clyburn
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack

Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCollum
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
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—161

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

NOT VOTING—10

Bachmann
Blumenauer
Boren
Coble
Giffords
Holden
Olver
Polis
Sánchez, Linda T.
Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1146

Mr. BACA changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COBLE. Mr. Speaker, on rollcall No. 764 I was unavoidably detained. Had I been present, I would have voted ''aye.''

Stated against:

Ms. McCOLLUM. Mr. Speaker, on rollcall vote 764, I incorrectly voted in favor of passage of H.R. 2681, the Cement Sector Regulatory Relief Act. I am strongly opposed to this destructive bill and strongly support the Environment Protection Agency's mandate to uphold our nation's Clean Air Act laws.

## NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. JACKSON of Illinois. Mr. Speaker, pursuant to clause 2 of rule IX, I rise to give notice of my intention to raise a question of the privileges of the House.

The form of the resolution is as follows:

Whereas on October 2, 2011, the Washington Post reported a story called ''Rick Perry And A Word Set On Stone'';

Whereas upon reading that story the vast majority of people in the United States were morally outraged;

Whereas most of the facts in this resolution come from that Washington Post story;

Whereas Governor Rick Perry has described a childhood in Haskell County in Paint Creek, Texas, as centered on Boy Scouts, school, and church;

Whereas Texas Governor Rick Perry is from West Texas and was originally a Southern Democrat—often known as Dixiecrats—who switched parties in the late 1980s to become a Republican and is currently a leading Republican presidential candidate;

Whereas ranchers who once grazed cattle on the 1,070-acre parcel in Throckmorton County on the Clear Fork of the Brazos River—near where Governor Perry was raised in Paint Creek, Texas—it has since become a hunting ground that was called by the name ''Niggerhead'' well before Governor Perry and his father, Ray, began hunting there in the early 1980s even though there is no definitive account of when the rock first appeared on the property;

Whereas the use of the term ''Niggerhead'' to describe a hunting retreat is morally offensive;

Whereas Ronnie Brooks, a local resident who guided a few turkey shoots for Governor Perry between 1985 and 1990, said he holds Governor Perry ''in the highest esteem'' but said this of the rock at the camp: ''It kind of offended me, truthfully'';

Whereas Haskell County Judge David Davis, sitting in his courtroom and looking at a window there, said the word was ''like those are vertical blinds. It's just what it was called. There was no significance other than a hunting deal''—in other words, the judge was morally vacuous;

Whereas the name of this particular parcel did not change for years and for many remained the same after it became associated with Rick Perry, first as a private citizen, then as a State official, and finally as Texas Governor;

Whereas some local residents still call it by the morally repugnant name ''Niggerhead'';

Whereas as recently as this summer, the slab-like rock—lying flat, portions of the name still faintly visible beneath a coat of white paint—remained by the gated entrance to the camp;

Whereas asked last week about the name, Governor Perry said the word on the rock is an offensive name that has no place in the modern world—implying that it may have been okay and had an appropriate place in that community when he was growing up;

Whereas Mae Lou Yeldell has lived in Haskell County, Texas, for 70 years and recalls the racism she faced in the 1950s and 1960s in West Texas, when being called an offensive name—like Whites greeting Blacks with ''Morning nigger''—was ''like a broken record'';

Whereas Throckmorton County, where the hunting camp is located near Haskell County, was for years considered a virtual no-go zone for African-Americans because of old stories told by locals about the lynching of an African-American man there;

Whereas Haskell County began observing Martin Luther King Jr. Day just two years ago according to a county commissioner in Haskell County;

Whereas Governor Perry grew up in a segregated era whose history has defined and complicated the careers of many Southern politicians;

Whereas Governor Perry has spoken often about how his upbringing in this sparsely populated farming community influenced his conservatism;

Whereas Governor Perry says he mentioned the offensive word on the rock to his parents shortly after they had signed a lease and he had visited the property, and they rather immediately painted over the word during the next July 4 holiday, but seven people interviewed by the Washington Post said they still saw the word on the rock at various points during the years that the Perry family was associated with the property through his father, partners, or his signature on a lease;

Whereas another local resident who visited the property with Governor Perry and the legislators he brought there to go hunting recalled seeing the rock with the name clearly visible;

Whereas how, when, or whether Governor Perry dealt with it when he was using the property isn't clear and adds a dimension to the emerging biography of Governor Perry who quickly moved into the top tier of Republican presidential candidates when he entered the race in August; and

Whereas Herman Cain is the only Republican presidential candidate to criticize Governor Rick Perry for being ''insensitive'' when the word was not immediately condemned, but we would remind Herman Cain that the word is not only ''insensitive'', but is also ''offensive'': Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) calls on Governor Rick Perry to apologize for not immediately doing away with the rock that contained the word ''Niggerhead'' at the entrance of a ranch he

was leasing and on which he was taking friends, colleagues, and supporters to hunt;

(2) calls on Governor Rick Perry's presidential rivals, who have not yet make strong statements of outrage over the rock that contained the word, to do so;

(3) calls upon Governor Rick Perry to condemn the use of this word as being totally offensive and inappropriate at anytime and anyplace in United States history; and

(4) calls upon Governor Rick Perry to list the names of all lawmakers, friends, and financial supporters he took with him on his hunting trips at ''Niggerhead''.

□ 1150

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Illinois will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time for consideration of the resolution.

## EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore (Mr. KING of Iowa). Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1155

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, with Mr. SIMPSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2250

*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 ''EPA Regulatory Relief Act of 2011''.*

***SEC. 2. LEGISLATIVE STAY.***

*(a) ESTABLISHMENT OF STANDARDS.—In place of the rules specified in subsection (b), and notwithstanding the date by which such rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (in this Act referred to as the ''Administrator'') shall—*

*(1) propose regulations for industrial, commercial, and institutional boilers and process heaters, and commercial and industrial solid waste incinerator units, subject to any of the rules specified in subsection (b)—*

*(A) establishing maximum achievable control technology standards, performance standards, and other requirements under sections 112 and 129, as applicable, of the Clean Air Act (42 U.S.C. 7412, 7429); and*

*(B) identifying non-hazardous secondary materials that, when used as fuels or ingredients in combustion units of such boilers, process heaters, or incinerator units are solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the ''Resource Conservation and Recovery Act'') for purposes of determining the extent to which such combustion units are required to meet the emissions standards under section 112 of the Clean Air Act (42 U.S.C. 7412) or the emission standards under section 129 of such Act (42 U.S.C. 7429); and*

*(2) finalize the regulations on the date that is 15 months after the date of the enactment of this Act.*

*(b) STAY OF EARLIER RULES.—The following rules are of no force or effect, shall be treated as though such rules had never taken effect, and shall be replaced as described in subsection (a):*

*(1) ''National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters'', published at 76 Fed. Reg. 15608 (March 21, 2011).*

*(2) ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers'', published at 76 Fed. Reg. 15554 (March 21, 2011).*

*(3) ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units'', published at 76 Fed. Reg. 15704 (March 21, 2011).*

*(4) ''Identification of Non-Hazardous Secondary Materials That Are Solid Waste'', published at 76 Fed. Reg. 15456 (March 21, 2011).*

*(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—With respect to any standard required by subsection (a) to be promulgated in regulations under section 112 of the Clean Air Act (42 U.S.C. 7412), the provisions of subsections (g)(2) and (j) of such section 112 shall not apply prior to the effective date of the standard specified in such regulations.*

***SEC. 3. COMPLIANCE DATES.***

*(a) ESTABLISHMENT OF COMPLIANCE DATES.—For each regulation promulgated pursuant to section 2, the Administrator—*

*(1) shall establish a date for compliance with standards and requirements under such regulation that is, notwithstanding any other provision of law, not earlier than 5 years after the effective date of the regulation; and*

*(2) in proposing a date for such compliance, shall take into consideration—*

*(A) the costs of achieving emissions reductions;*

*(B) any non-air quality health and environmental impact and energy requirements of the standards and requirements;*

*(C) the feasibility of implementing the standards and requirements, including the time needed to—*

*(i) obtain necessary permit approvals; and*

*(ii) procure, install, and test control equipment;*

*(D) the availability of equipment, suppliers, and labor, given the requirements of the regulation and other proposed or finalized regulations of the Environmental Protection Agency; and*

*(E) potential net employment impacts.*

*(b) NEW SOURCES.—The date on which the Administrator proposes a regulation pursuant to section 2(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4)) or the definition of a new solid waste incineration unit under section 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).*

*(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to restrict or otherwise affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).*

***SEC. 4. ENERGY RECOVERY AND CONSERVATION.***

*Notwithstanding any other provision of law, and to ensure the recovery and conservation of energy consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the ''Resource Conservation and Recovery Act''), in promulgating rules under section 2(a) addressing the subject matter of the rules specified in paragraphs (3) and (4) of section 2(b), the Administrator—*

*(1) shall adopt the definitions of the terms ''commercial and industrial solid waste incineration unit'', ''commercial and industrial waste'', and ''contained gaseous material'' in the rule entitled ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units'', published at 65 Fed. Reg. 75338 (December 1, 2000); and*

*(2) shall identify non-hazardous secondary material to be solid waste only if—*

*(A) the material meets such definition of commercial and industrial waste; or*

*(B) if the material is a gas, it meets such definition of contained gaseous material.*

***SEC. 5. OTHER PROVISIONS.***

*(a) ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.—In promulgating rules under section 2(a), the Administrator shall ensure that emissions standards for existing and new sources established under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429), as applicable, can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category, taking into account variability in actual source performance, source design, fuels, inputs, controls, ability to measure the pollutant emissions, and operating conditions.*

*(b) REGULATORY ALTERNATIVES.—For each regulation promulgated pursuant to section 2(a), from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.) including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).*

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated October 4, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed.

AMENDMENT NO. 9 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

**SEC. 6. PROTECTION FOR INFANTS AND CHILDREN.**

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities if such emissions are harming brain development or causing learning disabilities in infants or children.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman, yesterday Republicans told us they aren't opposed to clean air, but we just can't afford it right now. And as their bills have no deadline for ever cleaning up toxic air pollution from these sources, it appears that they don't think we can ever afford clean air even in the future. The truth is we can't afford to wait for clean air any longer, and here's why.

Mercury is a potent neurotoxin. Numerous scientific studies from around the world show that babies and children who are exposed to mercury may suffer damage to their developing nervous systems, hurting their ability to think, learn, and speak. EPA has estimated that about 7 percent of women of childbearing age are exposed to mercury at a level capable of causing adverse effects in the developing fetus. That may not sound like a big number, but that translates into thousands and thousands of children who may never reach their full potential.

Toxic pollution can have tragic consequences. That's why Republicans and Democrats, alike, voted in 1990 to strengthen the Clean Air Act to require dozens of industry sectors to install modern pollution controls on their facilities. And since then, EPA has set emission standards for more than 100 different categories of industrial sources. The standards simply require facilities to use pollution controls that others in their industry are already using. They are based on maximum achievable control technology.

EPA's approach has been successful. Emissions standards for these industrial sources have reduced emissions of carcinogens, mercury, and other highly toxic chemicals by 1.7 million tons each year. But a few major industrial sources so far have escaped regulation, and the Republicans appear to be on a mission to help them continue to evade emissions limits on toxic air pollution.

Coal-fired power plants are one major industrial source of hazardous air pollutants. In fact, they are the largest U.S. source of airborne mercury pollution. But just a couple of weeks ago, the Republicans passed the TRAIN Act to nullify EPA's rules to cut toxic air pollution from those sources.

Yesterday, we debated whether or not cement kilns, another major source of mercury, should have to clean up—the Republicans said ''no''—and today, we are talking about incinerators and dirty boilers at industrial facilities across the country, including chemical plants, refineries, and large manufacturing facilities.

H.R. 2250 nullifies EPA's rules to clean up toxic air pollution from these sources and requires EPA to issue new rules using confusing and unworkable criteria. These long overdue public health protections will be delayed for years. That's unacceptable for the people who live near a solid waste incinerator or a chemical plant using a dirty boiler. These communities already have been waiting for more than a decade for EPA to clean up these facilities.

My amendment is straightforward. It states that EPA can continue to require an incinerator or a facility using a dirty boiler to clean up its toxic air pollution if that facility is emitting mercury or other toxic pollutants that are damaging infants' developing brains. This amendment simply clarifies our choice: allow polluters to continue to harm infants and children on the one hand, which is what the Republicans would allow, or require facilities that are actually harming our kids to reduce their pollution.

I urge my colleagues to support this amendment and protect our children's future.

I know we hear a lot about jobs and we hear a lot about the economy. Our economy will not recover if our children's minds are not allowed to fully develop, if we don't have a population of young people that can be born healthy, can get educated, can learn, and can produce a good life for themselves, their families, and for our Nation's economy. So please support this amendment.

I yield back the balance of my time.

□ 1200

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Our legislation, H.R. 2250, does not leave the American people with the choice of having to have unregulated air, polluted air that creates horrible health consequences. Our legislation is a balanced approach that simply says we think that Congress has the responsibility to review regulations where the American people have told us in hearings that they have great difficulty in complying—in some instances they are unable to comply—and that as a result jobs would be lost.

Sometimes, listening to the debate, it sounds like we have the most polluted air in the world. I would note that EPA reported that since 1990, nationwide air quality has improved significantly for the six common air pollutants. For example, ozone pollution has been lowered by 14 percent; coarse particulate matter—dust—by 31 percent; lead by 78 percent; nitrogen dioxide by 35 percent; carbon monoxide by 68 percent; sulfur dioxide by 59 percent. So we have a very clean air standard today.

Our legislation is not in any way going to change any of the health protections. We simply are asking, because of the concerns expressed by many people around the country, many industries around the country, that EPA should go back, within 15 months, issue, promulgate a new rule within 5 years, give the industry that much time to comply. If the EPA administrator thinks they need more time, then she or he may do that but is not required to do so.

So our position is that this is a balanced approach, particularly at this vulnerable time in our economy when our unemployment rate is high; that we can protect jobs, we can help stimulate the economy, and we can also protect health without endangering our young people.

So for that reason, I would oppose the amendment and ask Members to oppose this amendment.

I yield back the balance of my time.

Ms. ROYBAL-ALLARD. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of this amendment.

The bill before us nullifies EPA's rules to require industrial boilers and incinerators to reduce their emissions of toxic mercury and other toxic pollutants. The bill removes legal deadlines for pollution controls to be installed, fundamentally weakening the Clean Air Act and allowing years or decades of continued toxic air pollution.

Mr. Chairman, mercury is a potent neurotoxin. According to the California Department of Toxic Substances Control, human exposure to organic mercury can result in long-lasting health effects, especially if it occurs during fetal development. In addition, scientists have linked mercury poisoning to nervous system, kidney and liver damage, and impaired childhood development. Nervous system disorders can include impaired vision, speech, hearing, and coordination. In other words, babies born to women exposed to mercury during pregnancy can suffer from a range of developmental and neurological problems, including delays in speaking and difficulties in learning. Children suffering from the chronic effects of mercury exposure may never reach their full potential. This clearly has a profound impact on the affected children and their families, and it also has a long-term societal impact.

In 1990, Congress amended the Clean Air Act on a bipartisan basis to reduce emissions of mercury and other toxic pollutants from a range of industrial sources, including boilers and incinerators. Boilers and incinerators are one of the largest sources of airborne mercury pollution in the United States. For far too long, they have been allowed to pollute without installing modern technology to reduce their

emissions. This is of particular concern for women who are pregnant, may become pregnant, or who are nursing. Mercury exposure in the womb can adversely affect the developing brain and nervous system. This can lead to problems with a child's cognitive thinking, memory, attention, language, and fine motor skills.

As of 2008, 50 States, one U.S. territory, and three tribes have issued advisories for mercury. Earlier this year, EPA finalized standards to cut emissions of mercury and other toxic air pollution from boilers and incinerators. These rules were more than a decade late. EPA is in the process of reconsidering those rules and plans to finalize the revised rules by next April. Once finalized, EPA's rules for boilers and incinerators will cut mercury pollution from these sources.

The Republican leadership wants to nullify these rules. They have also passed legislation to nullify rules to clean up mercury pollution from cement plants, and they have passed legislation to nullify rules to clean up mercury pollution from dirty coal-fired power plants, the largest U.S. source of mercury pollution to the air. This is unacceptable for public health. People living near these polluting facilities have waited far too long for them to clean up their pollution. They shouldn't have to wait any longer.

This amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from an industrial boiler or incinerator if that facility is emitting mercury or other toxic pollutants that are damaging babies' developing brains.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I rise in support of this amendment. We should not be putting the interests of polluters before the health of our children.

Numerous studies have demonstrated a link between increased exposure to industrial contaminants and impaired brain development or learning disabilities in children. For example, according to the Centers for Disease Control, health effects linked to prenatal and childhood methylmercury exposure include problems with language, memory, attention, visual skills, and lower IQs. And exposure to mercury is particularly dangerous for pregnant and breastfeeding women, as well as children, since mercury is most harmful in the early stages of development.

In some cases around the world, such as in Minimata, Japan in the 1950s, we have seen exposure to industrial mercury sicken an entire generation of children. Mothers who exhibited no clinical symptoms of mercury poison gave birth to infants suffering from blindness, spasticity, and mental retardation.

We tend to think an environmental catastrophe like Minimata could not happen here, but it could. Already in the United States one in six women of childbearing age has blood mercury levels that exceed those considered safe by the EPA for a developing baby. This amounts to approximately 630,000 babies born every year at risk of developmental problems because of prenatal mercury exposure.

While America's approximately 600 coal-fired power plants are the single largest source of mercury contamination in the United States, boilers and waste incinerators that burn mercury-containing products and chlorine manufacturers rank close behind. And yet it is now proposed that we delay, that we weaken the regulations protecting infants and children and allow these incinerators and boilers to continue spewing significant amounts of mercury pollution into the air every year, harming the health of our children and future generations of our children. It is unconscionable.

And mercury is just one of the dangerous contaminants putting the development of children at risk. Exposure to lead threatens the health of young children and unborn babies in particular, can lead to miscarriage, preterm birth, low birth weight, and developmental delays.

□ 1210

And that is why it was banned from gasoline and house paint by the EPA in the 1980s. These contaminants are deadly, which is why the EPA, the Environmental Protection Agency, put forward a rule to reduce them. In fact, the implementation of the Boiler MACT would reduce mercury emissions from major-source boilers and process heaters nationwide by 1.4 tons a year. It would also cut non-mercury metals, including lead, by 2,700 tons per year, hydrogen chloride by 30,000 tons per year, particulate matter by 47,000 tons per year, volatile organic compounds by 7,000 tons per year, and sulfur dioxide by 440,000 tons per year.

According to the EPA, the benefits of reducing all of these dangerous emissions would outweigh costs by at least $20 billion a year. But even that aside, this act means 2,500 to 6,500 fewer premature deaths, 1,600 fewer cases of chronic bronchitis, 4,000 fewer heart attacks, 4,300 fewer hospital and emergency room visits, 3,700 fewer cases of acute bronchitis, 41,000 fewer cases of aggravated asthma, 78,000 fewer cases of respiratory systems, and 310,000 fewer missed work days. And it means fewer cases of impaired brain development and learning disabilities in our children.

So on one side of the equation, we have $20 billion in savings per year, cleaner air, thousands of fewer deaths, and the healthy development of our kids. On the other, we have polluters; we have polluters who want to just keep harming the health and the lives of Americans. I know what side I'm on, and I find it extraordinarily telling that this House majority would take the side of big polluters over the health and the welfare of America's children.

I urge my colleagues to stand up for America's children, stand against big polluters, and support this amendment.

I yield back the balance of my time.

Ms. CASTOR of Florida. I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. CASTOR of Florida. Mr. Chairman, I rise in support of the Waxman amendment and in opposition to this GOP bill.

Mr. Chairman, all Americans should be concerned with the GOP push to roll back America's fundamental environmental protections and health protections. This GOP bill strikes at the heart of American values. We are not a smoggy, Third World country. This is the United States of America; and over the past decades since the passage of the Clean Air Act, businesses have flourished and the air and water has gotten cleaner. These are not mutually exclusive.

That's why this GOP bill takes a step backward. It fundamentally weakens the Clean Air Act and grants unnecessary breaks to toxic air polluters.

Now, Mr. WAXMAN's amendment is very important because it targets one of the most dangerous and toxic neurotoxins, that is, mercury. We know that babies born to women exposed to mercury during pregnancy can suffer from a range of developmental and neurological problems, including delays in speaking and difficulties learning.

Children suffering from the chronic effects of mercury exposure may never reach their full potential. This clearly has a profound impact on the affected children and their families, but it also has a long-term societal impact.

It was in 1990 when the Congress, in a bipartisan fashion, amended the Clean Air Act and targeted the particular, the specific, polluters coming from specific sources. These specific polluters, some of them created jobs, acted to bring in modern technology, the scrubbers. They took the mercury out of the air. There are many examples in my home State of Florida of these manufacturing plants and utilities that have taken the mercury out of the air by installing the up-to-date modern equipment.

But there have been some businesses that have been very resistant to this, and they need to get with the program because it has been since 1990 when the law has said it's time to clean it up.

Now what year is this? This is 2011. Now, I would offer that after 20 years, these businesses have been on notice that they can use the American know-how and modern technology to clean up their plants, just like a lot of their other competitors have done.

Now, I've heard the argument that, boy, this is bad for business. But I'll tell you, coming from the State of Florida, clean air and clean water are good for business. Our tourism industry relies on clean water and clean air. And for the plants in the State of Florida that have cleaned up, it has really improved the commercial fishing industry, the recreational fishing industry, billion-dollar industries in my State. If they had not—if the Congress had not acted in a bipartisan way decades ago to say we're going to clean up the air and the water, I don't think we'd have as many visitors coming to my beautiful State for their vacations and fishing.

And fishing is important because we have so many that go out in the Gulf of Mexico or the Atlantic or out in the Keys and they fish and they bring it home to eat. Now, because mercury is not cleaned up to the greatest extent that we can clean it up, the Florida Department of Health has advised here, and I'm reading from the Florida Department of Environmental Protection Advisory: ''The Florida Department of Health has advised the public to limit their consumption of fish from hundreds of waterbodies throughout the State due to unacceptable risk of mercury exposure. As a result, these waterbodies have been listed as 'impaired' for mercury.'' This doesn't mean it's unsafe. But it means that you can't go overboard.

But you know what? We have the technology to continue to clean up so that people can eat all the great Florida seafood that is available to them. There is no reason to take a step backward. Other businesses have done this. They have cleaned up.

So earlier this year, after a decade of analysis and work by the EPA and interaction with businesses and other stakeholders all across the country, the EPA finalized standards to cut emissions of mercury and other toxic air pollution from these particular polluters. Their goal was to finally put these rules into effect this coming April. But, unfortunately, we're running into opposition from the most anti-environmental Congress in history.

People, this amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from these particular sites. If that facility is emitting mercury or other toxic pollutants, we're not going to proceed. I urge my colleagues to support the amendment.

I yield back the balance of my time.

Ms. HERRERA BEUTLER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Washington is recognized for 5 minutes.

Ms. HERRERA BEUTLER. Mr. Chairman, I rise in support of this legislation, the underlying legislation, unamended, because it's going to protect and grow jobs, both in my region and across the country.

My district in southwest Washington is home to thousands of private forest landowners. Whether it's a family farm or a private business, such as Weyerhauser, which is one of our region's largest businesses and employers, we have pulp mills, paper mills and an emerging biomass industry. And what do all these things have in common?

They all provide tens of thousands of jobs, good family-wage jobs to the folks in my region. And they're all part of the forest products industry that has long been the cornerstone of southwest Washington's economy. And if we don't pass this underlying bill unamended, they will all shed those thousands of jobs in southwest Washington.

How many are we talking about? Well, a recent study shows that about 18 percent of those jobs would be lost. Those who produce pulp and paper would be laid off by this onerous Boiler MACT rule as it's written. Those are blue-collar families. Those are family-wage jobs. They're the ones that would pay the price for this if we do not act now to protect the environment where jobs can grow.

Now, the ripple effects in related industries in our region and across the country would be an additional 87,000 jobs lost if we do not act and pass this bill. In a place like Cowlitz County in my district, where more than one out of every 10 moms and dads are out of work, the effect of this rule, if we don't fix it and we don't fix it soon, would further devastate an already devastated economy.

In August 89,000 jobs were created. They were added nationwide. So, basically, if we don't move now, we're going to wipe out the entire month of August's growth. That's going to put our economy backwards, not forwards.

And make no mistake, Mr. Chairman, that's one thing the current majority in the House is about is creating jobs for the men and women at home to make sure they can provide for their families and their kids, their kids' college education, their health care and so on and so forth. It's the American Dream.

□ 1220

Let's pass this bipartisan piece of legislation today without this amendment. It won't add to the deficit, and it's going to preserve those jobs for those folks who are struggling in my home region, southwest Washington, and across the country.

Let's give the EPA the time it's requested to rewrite the rule in a commonsense way. The great thing about this is our environment and our economy don't have to be mutually exclusive, which is why we're taking a balanced approach to changing this rule. It's why I believe and I am assuming that's part of the reason the EPA wants more time to rewrite it, because it had the feedback. Yes, we can innovate and create and reduce, and I support reducing whatever type of emissions we're producing as a Nation. We need to go there, but we need to do it in a commonsense way that doesn't just handicap the economy at a time when we need it to grow.

So let's give the EPA that time that they've requested so that facilities like Longview Fibre in Longview, Washington, won't have to lay any more people off. With this legislation, we can protect our environment and protect American jobs.

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

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. ESHOO. I rise in support of this amendment. I think it's a very, very important one.

The bill nullifies the EPA's rules to require boilers and incinerators to reduce their emissions of toxic mercury. That's really quite a sentence: the bill would nullify rules to require boilers and incinerators to reduce their emissions of toxic mercury. In doing so, this bill nullifies the mercury reductions in our country that would have been achieved; and it indefinitely delays, not just for a given time frame, it's indefinite, indefinitely delays the implementation of any replacement standards that EPA issues.

My friend, Mr. WHITFIELD, said earlier today that the bill does not provide for an indefinite delay of any new rules. That is false. The bill clearly states that facilities have at least 5 years to comply without any hard deadline for compliance. That's the definition of an indefinite delay.

Our Republican colleagues also claim that mercury pollution from dirty boilers and incinerators does not harm public health. That is quite a stand. I think it's terrifying myself, in a civilized society, that this is not going to damage anyone and their health. They blame China, even though U.S. facilities are emitting toxic mercury pollution from smokestacks right here within our borders. I acknowledge that there is some that does come from China. Are we going to replicate China? I don't think that's the gold standard for our country. The mercury released here at home is just as toxic as mercury released anywhere. That's how toxic it is. Ours is not less toxic because it's U.S. It's the same horrible, dangerous stuff.

And how toxic is it? There are a lot of things under attack here in the House of Representatives, but I think one of the most serious attacks is the attack on science. We're coming up with a lot of political science for underlying legislation. Listen to what the National Academy of Sciences has said. They stated unequivocally that mercury is a powerful neurotoxin. The National Academy of Sciences has stated that mercury is highly toxic. They state, and I quote, exposure to mercury can result in adverse effects in several

organ systems throughout the life span of humans and animals. There are extensive data on the effects of mercury on the development of the brain in humans.

The National Academy of Sciences has also stated that exposure to mercury can cause ''mental retardation, cerebral palsy, deafness, and blindness'' in children exposed in utero and sensory and motor impairment in exposed adults. This is stunningly shocking. This is not Republican pollution or Democratic pollution. This is something that will harm our people. Why would we not protect them?

The National Academy of Sciences said again, and I quote, chronic, low-dose prenatal mercury exposure has been associated with impacts on attention, fine motor function, language and verbal memory. The National Academy of Sciences has stated that prenatal mercury exposure has, quote, the potential to cause irreversible damage to the developing central nervous system.

Our Republican friends say we shouldn't worry about mercury pollution from boilers, incinerators, cement kilns and power plants. I know who I trust, and it's not the phony baloney political science around here. I'll put my money any day on what the National Academy of Sciences says. They are the gold standard in our country. This is not something to be fooled around with. This is a huge danger to our people.

This amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from an incinerator or a chemical plant or a manufacturing plant with a dirty boiler if that facility is emitting mercury or other toxic pollutants.

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

Mrs. MILLER of Michigan. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Mrs. MILLER of Michigan. We all understand that our economy is struggling, that millions of Americans can't find a job, that too many families are struggling to make ends meet, and that the American people are very frustrated that Washington is simply not doing enough to get our economy moving. I would argue that not only is Washington not doing enough to get our economy moving but it is actually harming the efforts of American innovators, of manufacturers, of small businesses, of the job creators because of government over-regulation.

The fact is today that the Obama administration has publicly listed almost 220 new regulations just this year alone, a 15-percent increase in one year alone, of new regulatory actions under consideration. Each one of them is estimated to cost at least $100 million, if you can imagine.

Mr. Chairman, the bill that is currently under consideration would provide relief from some of the new EPA regulations that would cost American job creators more than $14 billion and threaten over 230,000 jobs. In my home State of Michigan, this government over-regulation would cost nearly $800 million and put nearly 13,000 jobs at risk. In my home State of Michigan, we are on our knees economically, and we cannot tolerate this anymore. It has to be stopped.

At home, I have talked to so many businesspeople, from small family businesses to major corporations, et cetera; and the message from all of them is always the same: that government over-regulation is absolutely killing their efforts to grow and to create jobs.

I'll give you one example. There's a company in Port Huron, Michigan, in my congressional district, called Domtar. Port Huron has been hit particularly hard. Current estimates are that the unemployment rate is approaching 20 percent, if you can imagine that. It's unbelievable how bad it is there at this time. Domtar is a paper company. It currently employs 245 people. It generates between $8 million and $12 million in revenue annually.

I talked to them about this regulation under consideration today, and they estimate that this regulation today would cost them $9 million to scrub the coal that they use to operate their boilers or would cost $3 million to $4 million to convert to natural gas and have an additional annual cost of $3 million to $4 million a year just to stay compliant. They estimate that these costs would likely force the company to shut down two of their four paper machines and, of course, force a reduction in jobs, Mr. Chairman. This company, this community, this Nation cannot handle that kind of loss in additional jobs that this regulation would force.

It seems today that the three most feared letters to American job creators, where it used to be IRS, today those letters are EPA. It's no longer the IRS. It's the EPA. And why is that?

□ 1230

On April 30 of 2010, the EPA issued a statement on a study of the impact of one of their proposed regulations. This is what they said:

''The regulatory impact assessment does not include either a qualitative or quantitative estimation of the potential effects of the proposed rule on economic productivity, economic growth, employment, job creation or international economic competitiveness.''

In other words, they don't care what their regulations have to do with job creation, much less with stifling and killing job creation in this country. This is what our own government is doing to our job creators, and this is from an administration that claims that job creation is its number one priority.

Are you kidding? You've got to be kidding.

We have to stop all of this government overregulation that is killing jobs. Certainly, House Republicans have been trying to lift the boot of Big Government off the necks—off the throats—of job creators and of workers who are looking for a job.

We've heard repeatedly from this President about the need to invest in transportation and infrastructure. At the same time, this President and this administration are talking about how infrastructure is such an economic lifeblood for our economy, which I agree with and which, I think, House Republicans agree with. But at the same time the President is saying we've got to invest in infrastructure—in fixing roads—his administration is moving forward on this regulation that we are talking about today that would put large segments of the American cement plants in this country out of business.

I would tell the President that it's very hard to have infrastructure investment to build roads if you don't have any concrete, if you don't have any cement.

I would say, Mr. Chairman, I speak against this amendment, but I speak in favor of the underlying bill. I would call on my colleagues to pass this bill now.

Pass this bill. Let's get America moving again.

I yield back the balance of my time.

Ms. TSONGAS. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Massachusetts is recognized for 5 minutes.

Ms. TSONGAS. I rise in support of the Waxman amendment.

Today, we are taking up yet another bill that continues the GOP majority's ongoing attack on public health. This bill seeks to gut EPA rules requiring reductions in emissions of toxic air pollutants, including mercury, from industrial boilers and incinerators. Industrial boilers and incinerators are among the largest sources of mercury pollution in the country, a potent brain poison that can cause severe developmental problems in children and toddlers.

According to the National Academy of Sciences, even in low doses, mercury can tragically affect a child's development, delaying walking and talking, and causing learning disabilities. Children suffering from the chronic effects of mercury exposure may never reach their full potential. This is simply unacceptable, especially when we have the technology to address it.

The Waxman amendment is straightforward. It says that the bill cannot stop the EPA from taking action to clean up toxic air pollution from an industrial boiler or incinerator if that facility is emitting mercury or other toxic pollutants that are damaging to children's developing brains.

I urge my colleagues to support this commonsense amendment and to stand up for the health of our children and grandchildren.

I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from the Virgin Islands is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Chairman, as a physician, a mother, and as a person of a racial minority, which often bears the disproportionate impact of pollution, I rise in opposition to H.R. 2250 as well as H.R. 2681, which was just passed, and I rise in strong support of the Waxman amendment, which I urge every colleague to support.

Both bills, H.R. 2681 and H.R. 2250, essentially wipe out EPA's regulations, first of cement kilns, now of industrial boilers and incinerators. It would have serious public health impacts because it would allow for the high emissions of dangerous pollutants, which would cause more asthma, heart attacks, birth defects, impaired brain development, which I'll come back to, and other illnesses at a time when we're working to improve the health of all Americans, to reduce health care costs, and when we are already struggling to remain competitive.

All EPA is asking these entities to do is to meet the best existing standards in the industry—existing standards—standards that they've had years to meet.

Mr. Chairman and colleagues, allowing these regulations to go forward is critical because these entities emit lead, arsenic, particulate matter, and other toxic substances, especially mercury. If the Republican majority proponents of this bill have their way, we will see more than 15,000 more cases of aggravated asthma, over 1,500 more heart attacks, over 600 more cases of chronic bronchitis every year, and we will also have over 100,000 additional missed working days, which means lost productivity—all at a time when we're trying to improve the health of all Americans, as I said, and improve American competitiveness.

But most importantly, the large boilers and incinerators are the second-largest source of mercury, which, as you've heard, is a grave risk to our children both before and after birth, especially on their brain development, which makes these bills especially dangerous to the public health and can damage the learning and, thus, the social and economic potential of our children, as mercury stays in the environment for a long time.

As an African American, I have to be particularly concerned. With more than 60 percent of polluting industries located in or near minority communities, it is clear that the learning and other neurological deficiencies caused by mercury would primarily impact our communities. This not only ought to concern African Americans, for the children of Latinos, Asians, and American Indians would also be more likely to be impaired. It should be of concern to all of us.

All the time spent on this bill and the other bill that was just passed that the House majority leadership knows are going nowhere is a pure waste of time and a waste of money. I guess it's not important, because it's being used to try to kill programs they've never liked. They probably think it could hurt President Obama if it doesn't pass. It also protects the big corporations. Beyond that, it creates no jobs. It just creates the potential to cause more sickness and premature deaths, to damage the potential of our children and, therefore, to damage our country's potential as well.

The claims of lost jobs, I believe, are highly exaggerated. Bringing forth and pushing these extremely misguided and dangerous bills says that the proponents are willing to put our country and the future of their and our constituents—of their and our children—at risk.

I ask my colleagues to vote for this amendment, this amendment that protects the public health and that will save our children from a life that would not be what we would want for them, one in which they might not be able to enjoy all of the benefits of this country or fully realize their potential or the American Dream.

Support this amendment. Reject the underlying bill and all of the bills that attempt to weaken the EPA. Vote, instead, for our children, our grandchildren and this country.

I yield back the balance of my time.

Mr. WHITFIELD. I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. A number of speakers on the other side have indicated that, if our legislation passes, new regulations relating to Boiler MACT would be put off indefinitely. I would like to clarify and point out that, in section 3 on page 6 of this bill, it says:

For each regulation promulgated pursuant to this legislation, the administrator of the Environmental Protection Agency shall—not ''may''—shall establish a date for compliance.

So this is not being put off indefinitely. It explicitly says ''shall.''

Now, during the hearings that we've had, extensive hearings on this Boiler MACT that was adopted by the EPA in 2004, which was invalidated by the courts because of lawsuits filed by environmental groups, the typical testimony was this:

EPA final rules impose unrealistic and very costly requirements that EPA has not justified by corresponding environmental and health protection from reductions of hazardous air pollutants.

Just as a practical example of what I'm talking about, many universities, in order to comply with that 2004 rule, spent large sums of money. The University of Notre Dame spent $20 million to comply with that rule, which has now been invalidated, and EPA has come out with an even more stringent rule that's going to cause a lot more money to be spent.

□ 1240

So we genuinely believe that EPA has the health standards in effect that will protect our children. There's nothing in this bill that's going to change any of that.

But we know that if these universities continue to spend that kind of money on regulations that are invalidated and then have to come back and spend more money, tuition costs are going to go up, which makes it more difficult for some children to go to college. So this simply is a commonsense approach, a balanced approach, saying: EPA go back, revisit this issue. In 15 months, come out with a new regulation. And the EPA administrator shall set a compliance date not sooner than 5 years after the final rule.

But we have also heard a lot of discussion today about mercury, and, yes, we're all concerned about mercury. But EPA, itself, in developing the benefits of their regulation that we're trying to postpone, did not assign one dollar, one dime, or one penny of benefit for the reduction of mercury emissions. And the reason they didn't: because there was not enough reduction, because we've already cleaned up the air a great deal relating to mercury.

All of the benefits that they calculated from their rule came from reduction of particulate matter. In fact, they said, the mercury reductions would be less than three-hundredths of 1 percent of global emissions. We've heard all sorts of testimony about mercury, that 90 percent or so of mercury comes from nature or from sources outside of the U.S.

So I don't think we need to be alarmist about this. This is simply an approach that, hey, our economy is pretty weak right now. We're losing a lot of jobs. We're having difficulty creating jobs. So, look, let's just go back, look at this, in 15 months come back with a new regulation, set a date for compliance, and let's move forward.

I don't think anyone can make a credible, verifiable argument that we're out to destroy every young person in America, every child in America. As a matter of fact, we have a lot of Democrats on this bill. There's been a similar bill introduced to this on the Senate side with Democratic support.

I urge all the Members to defeat the Waxman amendment and support our underlying legislation, H.R. 2250.

I yield back the balance of my time.

Ms. EDWARDS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. Mr. Chairman, I was going to speak about mercury, and I will get to that, but I really have to clarify for the RECORD and the public record.

We keep hearing, and we've heard once again on this floor from our Republican colleagues, that the bill won't harm public health or weaken health

standards, and this is just not accurate. It's really important, Mr. Chairman, for the public to understand that. In fact, section 2 of the bill lists four final clean air rules and says they shall have ''no force or effect.'' Section 3 of the bill eliminates the 3-year compliance deadline in the Clean Air Act and doesn't set any new deadline. And, for the record, section 5 of the bill directs the EPA to set weaker standards than the clean air requirements.

So make no mistake. H.R. 2250, contrary to what the other side is saying, has real legal effect and consequence, and those effects weaken our protection from air pollution and harm the health of Americans, especially our children.

Now, I recognize that there is a zeal for deregulation, but for clean air standards, for clean water standards, this really makes no sense. In fact, the bill throws out EPA's rules to require boilers and incinerators to reduce their emissions of toxic mercury. And unlike the statements that have been made on this floor, this comes in the wake of a bill to nullify EPA's rules to clean up cement kilns, and yet another bill to nullify EPA's rules to clean up power plants.

When does it stop? When does the public health and the consequences of these actions become important to the American people instead of just this move to deregulation? Just this last month, the Republicans have pushed legislation to let the Nation's largest source of toxic mercury pollution off the hook for cleaning up their emissions, jeopardizing public health. And for what?

Now, I've heard that we shouldn't have so much concern about mercury, but somebody in this House, somebody in this Congress has to be concerned about the public health consequences to our children of toxic mercury emissions.

They also cite studies from the American Forest & Paper Association, from the Council of Industrial Boiler Owners, and these are nothing more than industry studies that seek to absolve the industry from cleaning up its own mess. They've been refuted by actual scientists. And I suggested on this floor we actually pay attention to science and facts and not just a move to deregulate because we're interested in doing industry a favor at the expense of public health.

And we know that, contrary to what's been said, the public health consequences of mercury are clear; they're stated; they're facts; they're science. So let's not undercut that. Mercury is a powerful neurotoxin. It harms developing brains of infants. It leads to learning disabilities. It causes attention deficits and behavioral problems and a whole range of other problems.

So the Republicans cannot be allowed, Mr. Chairman, to pick and choose their facts and their science. The facts and the science are as they are, and we should not be nullifying EPA's rules that protect the public health.

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

Ms. HAHN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. HAHN. Mr. Chairman, I rise in support of this amendment.

By the way, I believe we should be alarmist; and I am an alarmist, and maybe that's because I'm a mother, maybe that's because I'm a grandmother, and maybe that's because I represent Los Angeles, which has some of the worst air in their country.

Just last year, in California, we had 2,400 deaths because of cargo-related pollution. We're paying for the costs of people all over this country getting goods on time in their local stores. Because of cargo-related pollution, there is about 350,000 days of lost school.

That is a real problem for this country. Pollution does impact our children. Pollution does impact their lives. We know even there is a million days of lost work, lost productivity in this country because of pollution-related illnesses in the workplace.

I'm for this amendment because the underlying bill nullifies EPA's rules to require boilers and incinerators to reduce their emissions of toxic mercury. And this comes in the wake of a bill to nullify EPA's rules to clean up cement kilns and another bill to nullify EPA's rules to clean up power plants.

Just within the last month, my colleagues on the other side have pushed legislation to let the Nation's largest sources of toxic mercury pollution off the hook for cleaning up their emissions. And they defend this policy by pointing to these industry studies about the costs of complying with these rules.

One study that gets cited over and over is a study by the Council of Industrial Boiler Owners, or CIBO. This study, by the way, has been completely discredited. For example, the nonpartisan Congressional Research Service examined this study and concluded: ''the base of CIBO's analysis is flawed. As a result, little credence can be placed in CIBO's estimate of job losses.''

They also cite a study by the American Forest & Paper Association concluding that the boiler rules will cost jobs.

□ 1250

Mr. Chairman, Dr. Charles Kolstad, chair of the department of economics at the University of California, Santa Barbara, reviewed this analysis and said: ''If I were grading this, I would give it an F. The economics is all wrong.''

Dr. Kolstad described the methods as ''fundamentally flawed.'' And he said that, as a result, the jobs estimates were ''completely invalid.''

We know that the National Academy of Sciences and independent public health experts around the world have proven time and again that mercury is a powerful neurotoxin that harms the developing brains of infants, leading to learning disabilities, attention deficits, behavioral problems, and a range of other problems.

This amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from an industrial boiler or incinerator if that facility is emitting mercury or other toxic pollutants that are damaging babies' developing brains. Who can vote against this?

You know, you talk about jobs. My colleague, Mrs. MILLER, earlier talked about jobs and the economy and the cost of the regulations. But at what price do we have to pay for the next generation's health and quality of life? And by the way, the last I checked, adding more pollution into the air is not a jobs plan.

I yield back the balance of my time.

Mr. GRIFFITH of Virginia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. Mr. Chairman, I listened to the gentlelady with interest. And, of course, it's easy to sit in Washington and whatever group you may be with and say this group is wrong or that group is wrong, and everybody can trot out their experts. But, ladies and gentlemen, the CRS doesn't own and operate boilers, businesses do. Lots of them are going to be impacted by this—big businesses, small businesses, and the people who work for them.

Last week I referenced a letter to the editor of the Virginian Leader sent in by Mr. and Mrs. Kinney, in which they said: ''I'm going to be very blunt with the following opinion: As a factory worker and taxpayer, I'm getting sick and tired of these Federal agencies who have nothing better to do except sit in their Washington offices and draw up rules and regulations to kill American jobs. Why don't they get off their sorry behinds and go out across the Nation and try to help industry save what jobs we have left? And who is paying these EPA people's salary? We are, the American workers. I believe in protecting the environment, but we can't shut the whole country down to achieve it.''

I referenced that letter last week, and I referenced Giles County in my comments in a Republican radio address later that week. And in response to that, Mr. and Mrs. Kinney wrote again to the Leader. And we're not talking about big businesses here, we're talking about businesses that affect employees in small counties all across this country. The Leader, for example, has 5,100 subscribers. It's not a giant newspaper.

The Kinneys wrote back in: ''As I stated in the 9/21/11 letter to the editor, I'm a blue collar factory worker with

limited education, and I have worked for our county's largest employer for nearly 35 years. The only reason I am speaking out on this issue is this: To get others involved. Our economic future and way of life here in Giles County could be on the line unless residents, business owners, civic organizations, and others come together and support H.R. 2250.''

You know what, ladies and gentlemen? The people of America understand that the EPA is in fact killing jobs. They understand that while we have to have a clean environment, and we all want a clean environment, as the gentleman from Kentucky said earlier today, we can do that. This is a reasonable approach. H.R. 2250 is a very reasonable approach which will do both, continue us on the regulatory path but make sure those regulations are reasonable and effective, and make sure that we protect the jobs of the United States of America while we go forward in protecting the environment as well.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. I just want to point out to my colleagues that what the bill does is repeals the previous rule, regulation, and then prohibits EPA from adopting another regulation for 15 months. And when they adopt another regulation, it can't be enforced for another 5 years. And then there's no deadline. But meanwhile, they lower the standard for EPA in setting that regulation.

EPA is in the process now of negotiating with the industry to work out the information and the problems that have been brought to their attention. We ought to give EPA the chance to do that and get the full input from the industry. If legislation is needed, we ought to consider what legislation is needed. The approach of this bill is to set us back enormously. When you don't have anything in place but the weakest possible criteria, and then nothing can happen for 5 years, and maybe even longer because it takes 15 months to get the regulation, no enforcement for 5 years after that—and maybe never—that's not a reasonable approach.

If the industry wants a law, the industry ought to work on telling us what they need, and not going on this escapade with the Republicans who would like to repeal the whole Clean Air Act and repeal the ability of the EPA to protect the public from toxic pollution. And, of course, the amendment that's before us is that insofar as this bill becomes law, when we're talking about poisoning children's brains, we're not going to stop EPA from getting their regulations in place and getting them enforced. It's obscene to think, the idea that we would wait another 6½ years, and maybe longer, before we can do anything to start down the road to reduce the pollution that's going to poison these kids.

I ask for an ''aye'' vote on the amendment, and I hope that people realize this is a bill that will pass the House, but in my view, given the President's statement of a veto, it's not going to become law.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of section 5, add the following:

(c) RULE OF CONSTRUCTION.—This section is intended to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act (42 U.S.C. 7412, 7429).

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. RUSH. Mr. Chairman, let us not be distracted by this confused, backward, and short-term thinking on the part of our Republican colleagues. This bill represents just another attack on the Nation's long-standing environmental protection laws in general and the EPA in particular.

On behalf of a select few polluting industries that operate under the assumption that the timing is right to permanently alter, gut, and obliterate the Clean Air Act, the law that the chairman of the subcommittee and many others have said is working on behalf of the American people.

While most businesses have been planning and preparing for these rules, which have already been delayed for years and in some cases have been delayed over a decade, some of the more opportunistic dirty industries see this radical Republican majority and their radical agenda targeting the EPA and all of our clean air laws as the perfect time to try and permanently alter the Clean Air Act.

Section 5 of H.R. 2250 disregards the clean air standards that will help reduce toxic air pollution, like mercury and soot from some of our Nation's biggest polluters—cement plants, industrial boilers, and incinerators.

Instead, this section would make fundamental and damaging changes to the Clean Air Act and would ensure that future standards do not meaningfully reduce emissions into the air.

□ 1300

So, Mr. Chairman, I must offer an amendment that will clarify that section 5 of H.R. 2250 is intended to supplement the provisions of and shall not be construed to supersede any requirement, limitation or other provision of sections 112 and 129 of the Clean Air Act.

This single provision in section 5 will have the effect of exempting incinerators, exempting industrial boilers, and exempting cement plants from maximum reductions in toxic air pollution emissions, in contrast to every other major industrial source of toxic air pollution in this Nation.

The majority, even after being asked repeatedly over and over and over again, has yet to explain why Congress should carve out exemptions for the Nation's dirtiest polluters, in total disregard for the public health of the American people and at the expense of those very companies that have already invested in the technology to meet the minimum requirements of this law.

Mr. Chairman, if it is truly the majority's intent to clarify the rules and to provide certainty for business, then this amendment will accomplish that purpose; but I don't believe that that is their intent, and I don't believe that that is what their goal and objectives are. They have a singular purpose in all of these bills that we have been debating on this floor as it relates to the Clean Air Act, and that is to completely nullify and gut the Clean Air Act so that polluters in this Nation can keep on polluting the very air that we breathe.

So, Mr. Chairman, I urge all of my colleagues to support my amendment.

The Acting CHAIR (Mr. YODER). The time of the gentleman from Illinois has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. RUSH was allowed to proceed for 1 additional minute.)

Mr. RUSH. I yield to the ranking member.

Mr. WAXMAN. I thank you for yielding to me. I want to join you in urging support for this amendment.

Whatever the motivation is of your legislation—and I can understand your reason for being very skeptical. I share it. But what the industry should want is regulatory certainty. And this bill adds more confusion to what is already a long overdue effort to reduce toxic air pollution from boilers and incinerators. With no timeline for implementation of new emissions standards, the bill creates significant questions about how EPA would set limits for toxic air pollution. If they think it's regulatory certainty that they don't have to do anything for years, they'd better not count on it. And if they want regulatory certainty, they'd better come forward and work something out.

In the meantime, your clarification provides the certainty, and I urge Members to support it.

Mr. RUSH. I yield back the balance of my time.

Mr. WHITFIELD. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The gentleman's amendment would simply add an additional paragraph at the end of section 5 of our bill, and basically it would say that section 5 in our bill would not be construed to supersede any requirement, limitation or other provision of sections 112 and 129 of the Clean Air Act. And because his amendment would say ''it does not supersede'' is the reason that we want to oppose the amendment.

Now section 5 says this, and this is what we want to supersede section 112 and 129 of the Clean Air Act, in promulgating rules, the administrator shall ensure that emission standards for existing and new sources established under section 112 or 129 can be met under actual operating conditions consistently and concurrently with emissions standards for all other air pollutants regulated by the rule for the source category taking into account variability and actual source performance, source design, fuels, input, controls, ability to measure pollutants' emissions and operating conditions.

In other words, we want to be sure that can be met under actual operating conditions.

And then the second part of our section 5 that we want to be sure supersedes, which this amendment would not allow, is that we put in section 5 the President's own executive order in which he says that the administrator shall impose the least burdensome regulation consistent with the purposes of the act.

So all we're doing in section 5 is saying we want to make sure that it's the least burdensome pursuant to the President's own executive order and that we want to be sure that it can be met in actual operating conditions.

So for that reason, we would respectfully oppose the gentleman's amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

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

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 15 OFFERED BY MS. HAHN

Ms. HAHN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of section 2, add the following:

(d) TEN METROPOLITAN AREAS OF THE UNITED STATES WITH THE WORST AIR QUALITY.—

(1) STAY OF EARLIER RULES INAPPLICABLE.—Insofar as the rules listed in subsection (b) apply to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, such rules shall, notwithstanding subsection (b), continue to be effective.

(2) NEW STANDARDS INAPPLICABLE IF LESS PROTECTIVE OF PUBLIC HEALTH AND THE ENVIRONMENT.—With respect to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality, the provisions of the regulations promulgated under subsection (a)—

(A) shall apply to such sources, and shall replace the rules listed in subsection (b), to the extent such provisions are equally or more protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b); and

(B) shall not apply to such sources, and shall not replace the rules listed in subsection (b), to the extent such provisions are less protective of public health and the environment than the corresponding provisions of the rules listed in subsection (b).

(3) DEFINITIONS.—In this subsection:

(A) The term ''metropolitan area''—

(i) for purposes of subparagraph (B)(i), means the metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census) most closely corresponding to the city or group of cities ranked among the cities with the worst year-round particle pollution in the ''State of the Air 2011'' report of the American Lung Association; and

(ii) for purposes of subparagraph (B)(ii), means a metropolitan statistical area or consolidated metropolitan statistical area (as established by the Bureau of the Census).

(B) The term ''10 metropolitan areas of the United States with the worst air quality'' means—

(i) during the 5-year period beginning on the date of the enactment of this Act, the 10 metropolitan areas listed in the ''State of the Air 2011'' report of the American Lung Association as having the worst year-round particle pollution; and

(ii) during each successive 5-year period, the 10 metropolitan areas determined by the Administrator of the Environmental Protection Agency to have the highest year-round levels of particulate matter in the air.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. HAHN. Mr. Chairman, today I'm offering an amendment that will preserve the critical air pollution protections for the places that they are needed most. For the people in my district, air pollution is a major health problem. The Los Angeles region always is near the top of the Nation's worst air quality rankings. Unfortunately, the people of my district don't need to read the statistics from the American Lung Association to know that there's a pollution problem in our communities.

They see it in the dark soot that seeps into the homes of families living near the port in Wilmington. They see it in the labored breathing of a little girl in Lomita staying home from school because of asthma. They see it in the tears of loved ones in San Pedro burying someone lost before their time to cancer or lung disease.

But the statistics are there too. In Los Angeles, 6 to 7 percent of all children have asthma—higher than the national average, and disproportionately impacting minority children. When our kids can't run around outside to exercise, when they're missing school with asthma, we're creating all sorts of other health and educational deficits.

Los Angeles has recognized its air quality problems. Since the Clean Air Act amendments of 1990, we've made dramatic air quality improvements. In the last decade, we've managed to reduce particulate pollution levels in Los Angeles by 40 percent. We cannot afford to go backwards. That's why I'm offering this amendment today.

My amendment would ensure that the Environmental Protection Agency will keep their higher standards of clean air protections for the 10 metropolitan areas with the worst air quality. The American Lung Society lists the 10 worst regions with year-round particulate matter.

They are Bakersfield-Delano in California; Los Angeles-Long Beach-Riverside in California; Visalia-Porterville in California; Phoenix-Mesa-Glendale in Arizona; Hanford-Corcoran in California; Fresno-Madera in California; Pittsburgh-New Castle in Pennsylvania; Birmingham-Hoover-Cullman in Alabama; Cincinnati-Middletown-Wilmington in Ohio, Kentucky, and Indiana; Modesto in California; and Louisville-Jefferson County-Elizabethtown-Scottsburg in Kentucky and Indiana.

□ 1310

I believe that the underlying bill is a giant step backwards for those communities and for the air quality and environment of people living in this country. My amendment solely focuses on trying to continue to protect people in communities with the worst air quality standards. These communities cannot afford to have lower standards that will result in more asthma, more cancer.

By protecting our public health, we will not lose jobs. It's a false premise that to create jobs we need to hurt our Nation's environment and health. For example, the ports of Los Angeles and Long Beach were able to improve air quality and create jobs and industry. These ports are the economic engine of this country. I call them ''America's ports.'' About 44 percent of all the cargo in this country comes through those ports.

A lot of people said you can't have clean air and good jobs, but let me tell you what really happened. We cut port pollution by 70 percent since 2005 without losing a single job. I'll say that again: a 70 percent reduction in pollution at the cost of zero jobs. In fact, the green industry jobs were spawned, creating more jobs.

Our more vigorous environmental standards in California aren't stopping the facilities in my district from thriving. That's why I find it so upsetting that, under the banner of protecting jobs, our colleagues on the other side of the aisle are moving to delay or destroy the protections that ensure our children can grow up breathing clean air.

My colleagues on the other side of the aisle claim making our air dirtier is a way to stimulate the economy, but a peer-reviewed Cal State, Fullerton study found that dirty air in the costs residents $22 billion a year in health costs, premature deaths, lost days of work, lost days of school—$22 billion a year wasted because of dirty air.

I reject the false choice between good jobs and clean air. We've already proven that they can go hand in hand with the Clean Air Action Plan at the Port of Los Angeles.

I also want to add that environmental regulations are not topping the list of problems that small businesses in my community are facing. Last week, I met with over 50 small businesses, and they said they need more access to capital, not less regulation.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The gentlelady from California may view this argument about jobs as a false choice, but we do have letters from over 300 organizations concerned about the impact on jobs that these EPA regulations will have, including letters of support from five of the largest labor unions in the country.

The gentlelady's amendment would basically say that, in the 10 metropolitan areas chosen by the American Lung Association, the current boiler rules would be retained regardless of what our legislation may do.

So we are opposed to her amendment for two reasons. One, we don't want the legislation to be changed because we think it's necessary to have the balanced approach throughout the country and not to exclude 10 metropolitan areas. But the second reason we would be opposed to it is that to allow one private entity—even if it's the American Lung Association, an organization we all have respect for. But we don't think that they should be determining what should be in this legislation.

So for that reason, I would respectfully oppose the amendment and ask that the amendment be defeated.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. I support this amendment, and I want to congratulate the gentlelady from California for offering this amendment. Her constituents should be rightfully proud of the fact that she is fighting for them and for the good health of the American people.

Her amendment recognizes the fact that we've made great progress on air pollution in this country because we've had a strong Clean Air Act and because we've let EPA do its job under both Democratic and Republican administrations. But let's not pretend that the job is done.

In the 10 worst polluted areas—these are the worst polluted, nonattainment areas in the country—every day, people are breathing unhealthy levels of air pollution, and they're going to emergency rooms because the air outside is making them sick. And every day, some are dying before their time. In the summer, cities and towns across the country have red alerts, and moms are afraid to let their kids play outside. There's something fundamentally wrong with that.

Despite the progress we've made, we need to make sure that we cut these air pollutants that are very, very harmful. We've been talking a lot today about mercury, but the EPA boiler rules would reduce the emissions of fine particle pollution, which can lodge deep in the lungs and cause serious health effects.

Living in the United States should not be a health risk, and I hope that we will not vote to nullify these EPA boiler rules and also nullify the health benefits in these various polluted areas.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. HAHN).

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

Ms. HAHN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. HAHN) will be postponed.

AMENDMENT NO. 16 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform the internal cross-references, accordingly):

**SEC. 2. FINDING.**

The Congress finds that, according to the Environmental Protection Agency, if the rules specified in section 3(b) are in effect, then for every dollar in costs, the rules will provide at least $10 to $24 in health benefits, due to the avoidance each year of—

(1) 2,600 to 6,600 premature deaths;

(2) 4,100 nonfatal heart attacks;

(3) 4,400 hospital and emergency room visits;

(4) 42,000 cases of aggravated asthma; and

(5) 320,000 days of missed work or school.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Mr. Chairman, it's my hope that we can all simply agree to this amendment. It would simply add a finding to the bill illustrating the health benefits of EPA's mercury and air toxic cleanup standards for industrial boilers and incinerators.

Opponents of these cleanup standards argue that they cost too much and will lead to job losses. I don't agree with that assessment.

Over the past 40 years, the Clean Air Act has fueled American innovation and has created jobs, and it has made the United States a leader in the multibillion-dollar environmental technology sector.

Mr. Chairman, the health benefits of EPA safeguards are not in dispute, and that's why those facts should be included as part of this bill.

For decades, industrial boilers and incinerators have been some of the largest pollution emitters in the United States. They're responsible for some of the most dangerous air pollutants we have in this Nation, including mercury, lead, and cancer-causing dioxins. That's why EPA took action last year to require that industrial boilers and incinerators cut their emissions and simply follow the Clean Air Act.

But instead of supporting EPA's action, the bill before us would delay their standards by at least 3½ to 4 years. It would eliminate any deadline by which industrial boilers and incinerators must comply with EPA safeguards. It could mean thousands and thousands of additional pounds of mercury and other toxic pollution released into our air each year.

Now, proponents of this legislation are quick to say EPA safeguards to cut this pollution would—and now comes the drumroll—cause economic ruin and job losses, and they point to industry-paid-for studies to provide evidence. But indefinitely delaying EPA safeguards will not lead to the economic ruin and job losses. What it will do is put the lives and the health of millions of Americans at risk.

Failing to implement the EPA's air pollution standards for boilers and incinerators would result, just in 1 year, in as many as 6,600 premature deaths, 4,100 nonfatal heart attacks, 4,400 hospital and emergency room visits, 42,000 cases of aggravated asthma, and over 320,000 days of missed work and school. For every additional year of delay that H.R. 2250 allows, these numbers only continue to grow.

And we know this because EPA's analysis must follow the criteria set out by the Office of Management and Budget. Their analysis is based on peer-reviewed studies. The analysis is transparent, it is subject to public comment, and it has to be reviewed again by the Office of Management and Budget. The industry studies meet none of these criteria.

Mr. Chairman, it is true that EPA already announced it is reexamining aspects of these safeguards. They set out a time line providing industry more than enough time and opportunity to weigh in before refinalizing the rules by next April.

□ 1320

EPA has said that it does not need nor want additional time for Congress. Delays only hurt America's health.

Again, it's worth repeating. Hundreds of thousands of jobs are not at risk from these safeguards, like some of my colleagues say. EPA's analysis, reviewed by the Office of Management and Budget economists, project that these standards will have a net positive impact on EPA—that's EPA's analysis, reviewed by the Office of Management and Budget—and they will achieve enormous public health benefits that allow Americans to work and go to school and lead healthy lives.

For every dollar industry spends to clean up even one industrial boiler or incinerator, Americans get up to $24 back in health benefits. What other investment results in this astonishing return for the American people? And that's why I'm offering this simple amendment today. It would remind us all of the tremendous health benefits that EPA's mercury and air toxic cleanup standards will achieve, and they should be included in this bill.

So I urge my colleagues to support this straightforward amendment, and I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. The gentlelady made a comment that she genuinely questions whether jobs are at risk, and I would simply say that, as I said earlier, we received over 300 letters. We received phone calls. We received emails. We have five major labor unions, national labor unions, supporting this legislation. And the people involved in these businesses are telling us that they are going to have to cut off people from work. They're going to have to terminate people's employment in some instances.

And as I said, the University of Notre Dame said they spent $20 million trying to comply with the old rule that was invalidated, and now they're going to have to spend another X millions of dollars to meet these new rules.

I would oppose the amendment because, basically, the gentlelady from California is asking us to put into the findings of the Environmental Protection Agency's calculation that for every dollar in cost, the rule will provide at least $10 to $24 in health benefits. Now, that alone is kind of interesting. From $10 to $24, that's over a 100 percent variance there, flexible zone there. It's not very precise.

And then she says that it's going to avoid either 2,600—up to 6,600 premature deaths a year, so many nonfatal heart attacks, so many hospital emergency room visits, so many cases of aggravated asthma, so many cases of missed work and school.

Well, all of us have sat in a lot of these hearings. We've looked at a lot of numbers, and I tell you what. There's no agreement on any of these numbers. There are questions about the assumptions. There are questions about the modeling. There's questions about the lack of transparency, and different groups come up with different numbers.

Mrs. CAPPS. Will the gentleman yield?

Mr. WHITFIELD. I would be happy to yield to the gentlewoman from California.

Mrs. CAPPS. I just wanted to ask if you are aware that these numbers have to be peer reviewed, so scientists and organizations have evaluated them, and they've come in. And they also have to be screened by the Office of Management and Budget, OMB, and then they're sent back to EPA. So they've gone through quite a wide variety of verifications.

Would you disagree with that fact?

Mr. WHITFIELD. No. I agree that it's been peer reviewed, and I can also give you a long list of scientists who also have peer reviews that do not agree with these numbers. I can also give you a list of names of people at OMB who question these numbers. I can also give you a list of academics at universities that question these numbers.

Mrs. CAPPS. But they did go through the process.

Mr. WHITFIELD. Yes, they went through the process. And our analysis went through the process too. But they come up with different numbers. Therefore, because of that, we don't think it's right to put these particular numbers in there when there's so much disagreement on the numbers.

So with that, I would respectfully ask Members to oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

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

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. DOYLE

Mr. DOYLE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, beginning on line 20, strike paragraph (1) and insert the following paragraphs (and redesignate the subsequent paragraph accordingly):

(1) shall establish a date for compliance with standards and requirements under such regulation in accordance with section 112(i)(3) of the Clean Air Act (42 U.S.C. 7412(i)(3));

(2) may, if the Administrator determines there is a compelling reason to extend the date for such compliance, provide an extension, in addition to any extension under section 112(i)(3)(B) of such Act (42 U.S.C. 7412(i)(3)(B)), extending the date for such compliance up to one year, but in no case beyond the date that is 5 years after the effective date of such regulation; and

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DOYLE. Mr. Chairman, we've been debating this bill, H.R. 2250, for several months now in the Energy and Commerce Committee. And as we've heard from the bill's supporters, the bill is intended to address the Boiler MACT rule that was proposed by EPA in April of 2010 and finalized in February of 2011.

Many of us here know that when the Boiler MACT regulation was finalized, EPA asked for 15 months to issue a reproposal. The courts rejected that request and, thus, EPA was forced to issue the rule on time in February of 2011. However, EPA immediately instituted an administrative stay on several major rules within the regulation, saying that they would begin reconsideration with new information that had been made available.

In the last few months, I've met with many industries and companies that expressed concern with the provisions in this final rule. I've listened and even helped foster ongoing conversations between those industries and EPA as they worked toward a reproposal of the Boiler MACT rule.

Then we were offered this bill, the EPA Regulatory Relief Act. We were told that this bill would simply give EPA the time that they had already asked for to work on the rule and repropose a new final rule. After the conversations I had had with companies in my district, I thought this would be a good solution.

The problem is, when you dig a little deeper, I've said for a long time, this EPA Boiler MACT rule is far from perfect. But the trouble is the bill we have before us today is even further from perfect because it doesn't just give EPA time to reconsider the rule; it tells EPA they can't issue a new rule for at least 15 months. But there's no deadline for final action. Further, it practically rewrites sections 112 and 129 of the Clean Air Act by eliminating the need for numeric emission limits for MACT standards.

But perhaps the most egregious to me was section 3 of the bill. It once again rewrites the Clean Air Act. The Clean Air Act provides for 3 years for compliance with MACT standards with the possibility of a 4th. Section 3 of this bill tells us to throw that out. It tells us that for the Boiler MACT rule, compliance cannot be required for at least 5 years. However, it then says to the EPA administrator, it gives the administrator the ability to establish compliance dates. So depending on who the administrator is at the time these rules are finalized, compliance could be required in 5 years, in 10 years, in 50 years, in 105 years. That's just unacceptable, and that's why I'm offering this amendment today.

I support many of the things in this bill and I recognize the need for a reproposal of this rule, but I don't support 5 years to infinity for compliance. And so this amendment will simply require that we go back to the established compliance time lines in the Clean Air Act. It even gives the possibility for an additional year of compliance if a compelling reason is found.

I urge my colleagues to support this amendment and make this a bill that we can all support when it comes for final passage.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Chairman, we all have great respect for the gentleman from Pennsylvania, and you could make some very good arguments for his amendment. Basically, he said the amendment would set a 3-year compliance date and allow a case-by-case extension for up to 2 years if the administrator of the EPA determined that there was a compelling need, and that's reasonable.

But one of the problems that we continue to run into on these Boiler MACT rules, and all the hearings have pointed this out: the fact that lawsuits are always being filed and litigation is continually going on at EPA and consent decrees are being entered into, and it's an ever-changing situation over there on the exact rule.

□ 1330

The one argument that we hear continually from the affected groups is that they need certainty, and even on a case-to-case basis, if the administrator determines a compelling need, we don't have that 100 percent certainty that we really want. And so our legislation does say that within 15 months, they have to come back with the promulgation of a new rule, and it does say that the administrator shall establish a date for compliance no earlier than 5 years after the effective date of the regulation, and it does say that the EPA administrator may provide additional time if he or she chooses to do so. Just looking at the track record of EPA, I don't suspect that they would be doing that a lot, but they might. But they do have to set a compliance date. We say you must set a compliance date not earlier than 5 years.

Mr. DOYLE. Will the gentleman yield?

Mr. WHITFIELD. I would be happy to yield.

Mr. DOYLE. I would say to my friend—and this is my good friend—I'm with you all the way right till the very end. The one concern that we have is you say that the compliance date can't be any less than 5 years. If you would have just said that compliance shall be at 5 years, that there's a date certain, the problem with your legislation is there's no date certain. It sort of says to the administrator, it can't be sooner than 5 years, but it could be as long as you determine that you want it to be. It could theoretically be a hundred years. I'm not saying it would be a hundred years, but theoretically speaking.

We realize that the proposed rule has flaws and it needs to be reworked. I'm with you on the 15-month rewrite, and we're working with industries right in Pittsburgh with EPA on this as we speak. What concerns many of us is that there's no time line, there's no end line, for compliance in your legislation. You say no less than 5 years, but you never say when is the final deadline. All this amendment asks for is to go back to the Clean Air Act where there's some definition. It's 3 years with the possibility of additional time if the case calls for it. I think if we could get some sort of a finalized deadline on compliance, that you could get a lot of support on this side of the aisle and possibly even pass this bill. As it's written today, it makes it impossible for those of us that are sympathetic to a lot of what is in this bill to be able to support it, and I think it makes it difficult for the President to sign it and for it to pass the Senate.

I would just ask my friend, as we consider this legislation, that we at least give some certainty to the folks who want their air clean that at some point there's going to be a line that says, this is the end date, this is when you comply, not some date in the future that's not defined in the bill.

I thank my friend for yielding.

Mr. WHITFIELD. I thank the gentleman for his comment. Those are very good thoughts and very good ideas. As you know, a similar bill has been introduced in the Senate. We don't know if it's going to pass or not. If it does pass, we want to be able to go into conference with as much flexibility as possible. That's why we chose a 5-year period instead of a 3-year period, recognizing that there is some uncertainty in both the 3-year and the 5-year. Under your situation if there's a compelling need, on a case-by-case basis, they could extend it. In ours, the administrator under certain circumstances could extend it. We do have some Democratic support. We would love to have your support. If we get into conference, that is one of the parts of this bill that we hope that we can negotiate with the other side and come up with something that's satisfactory for both.

I really appreciate your bringing it to our attention and offering your amendment. As I have said, with as much reluctance as I have, I still will have to oppose it and hopefully we can work it out in conference with the other body.

Mr. DOYLE. If my friend could yield one more second, I would just say to you, if your bill simply had a 5-year compliance deadline and the Clean Air Act said 3 years with the possibility of an extension, I think you would have something that many of us would consider because you would have a 5-year deadline. You don't have a deadline. That's my problem. You have a no-sooner-than, but you don't have a deadline.

I thank my friend.

Mr. WHITFIELD. I yield back the balance of my time.

Mr. GRIFFITH of Virginia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. Mr. Chairman, I would have to rise in opposition to the amendment. I agree with many of the comments that were made in regard to everybody trying to be reasonable and work some things out on this, but one of the concerns that I have and the reason that the language is as it is in the bill, which says that it's 5 years unless there's an extension by the administrator, is that in the real world sense of things, many companies find it difficult to hit the target, and I would hate to see us losing jobs because we had 5 years and 1 month. Under this amendment if they needed 5 years and 1 month or 5 years and 6 months to comply, then they would not be in compliance, and it may very well cost jobs and cause a company to make a decision that they don't think they can make it.

In real world examples, everything is not perfect, and I have discussed this several times, but one of the factories in my area of the Celanese company, they have to see what the regs look like, then they have to see if they can retool for using coal. That takes time to figure out whether they can retool their facility to meet the compliance. If they can't meet the compliance, then what about natural gas or some other fuel source? Well, guess what? They don't have a natural gas line coming into the community where they're located that would have enough natural gas in it for any industrial purpose. As a result of that, they then have to try to figure out how they're going to cross rivers and mountains in order to get natural gas into that community in order to keep those jobs available.

The problem with this amendment is it is a solid 5 years and you're done. What we're trying to do with the bill overall, while we want to be reasonable and we want to try to work something out, we want to also have the EPA administrator in a position that in real world circumstances, with real world jobs, not in the ivory towers of the universities necessarily or even here in the ivory towers of Washington, but out there on the hustings, the real world jobs have to be taken into account, and sometimes it takes 5 years and 1 month or 5 years and 6 months. That's why I would urge that we defeat this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DOYLE).

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

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

Mr. WHITFIELD. I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

## RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. JACKSON of Illinois. Mr. Speaker, I offer the resolution previously noticed.

The SPEAKER pro tempore (Mr. YODER). The Clerk will report the resolution.

The Clerk read as follows:

Whereas on October 2, 2011, the Washington Post reported a story called ''Rick Perry And A Word Set On Stone'';

Whereas upon reading that story the vast majority of people in the United States were morally outraged;

Whereas most of the facts in this resolution come from that Washington Post story;

Whereas Governor Rick Perry has described a childhood in Haskell County in Paint Creek, Texas, as centered on Boy Scouts, school, and church;

Whereas Texas Governor Rick Perry is from West Texas and was originally a Southern Democrat—often known as Dixiecrats—who switched parties in the late 1980s to become a Republican and is currently a leading Republican presidential candidate;

Whereas ranchers who once grazed cattle on the 1,070-acre parcel in Throckmorton County on the Clear Fork of the Brazos River—near where Governor Perry was raised in Paint Creek, Texas—it has since become a hunting ground that was called by the name ''Niggerhead'' well before Governor Perry and his father, Ray, began hunting there in the early 1980s even though there is no definitive account of when the rock first appeared on the property;

Whereas the use of the term ''Niggerhead'' to describe a hunting retreat is morally offensive;

Whereas Ronnie Brooks, a local resident who guided a few turkey shoots for Governor Perry between 1985 and 1990, said he holds Governor Perry ''in the highest esteem'' but said this of the rock at the camp: ''It kind of offended me, truthfully'';

Whereas Haskell County Judge David Davis, sitting in his courtroom and looking at a window there, said the word was ''like those are vertical blinds. It's just what it was called. There was no significance other than a hunting deal''—in other words, the judge was morally vacuous;

Whereas the name of this particular parcel did not change for years and for many remained the same after it became associated with Rick Perry, first as a private citizen, then as a State official, and finally as Texas Governor;

Whereas some local residents still call it by the morally repugnant name ''Niggerhead'';

Whereas as recently as this summer, the slab-like rock—lying flat, portions of the name still faintly visible beneath a coat of white paint—remained by the gated entrance to the camp;

Whereas asked last week about the name, Governor Perry said the word on the rock is an offensive name that has no place in the modern world—implying that it may have been okay and had an appropriate place in that community when he was growing up;

Whereas Mae Lou Yeldell has lived in Haskell County, Texas, for 70 years and recalls the racism she faced in the 1950s and 1960s in West Texas, when being called an offensive name—like Whites greeting Blacks with ''Morning nigger''—was ''like a broken record'';

Whereas Throckmorton County, where the hunting camp is located near Haskell County, was for years considered a virtual no-go zone for African-Americans because of old stories told by locals about the lynching of an African-American man there;

Whereas Haskell County began observing Martin Luther King Jr. Day just two years ago according to a county commissioner in Haskell County;

Whereas Governor Perry grew up in a segregated era whose history has defined and complicated the careers of many Southern politicians;

Whereas Governor Perry has spoken often about how his upbringing in this sparsely populated farming community influenced his conservatism;

Whereas Governor Perry says he mentioned the offensive word on the rock to his parents shortly after they had signed a lease and he had visited the property, and they rather immediately painted over the word during the next July 4 holiday, but seven people interviewed by the Washington Post said they still saw the word on the rock at various points during the years that the Perry family was associated with the property through his father, partners, or his signature on a lease;

Whereas another local resident who visited the property with Governor Perry and the legislators he brought there to go hunting recalled seeing the rock with the name clearly visible;

Whereas how, when, or whether Governor Perry dealt with it when he was using the property isn't clear and adds a dimension to the emerging biography of Governor Perry who quickly moved into the top tier of Republican presidential candidates when he entered the race in August; and

Whereas Herman Cain is the only Republican presidential candidate to criticize Governor Rick Perry for being ''insensitive'' when the word was not immediately condemned, but we would remind Herman Cain that the word is not only ''insensitive'', but is also ''offensive'': Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) calls on Governor Rick Perry to apologize for not immediately doing away with the rock that contained the word ''Niggerhead'' at the entrance of a ranch he was leasing and on which he was taking friends, colleagues, and supporters to hunt;

(2) calls on Governor Rick Perry's presidential rivals, who have not yet make strong statements of outrage over the rock that contained the word, to do so;

(3) calls upon Governor Rick Perry to condemn the use of this word as being totally offensive and inappropriate at anytime and anyplace in United States history; and

(4) calls upon Governor Rick Perry to list the names of all lawmakers, friends, and financial supporters he took with him on his hunting trips at ''Niggerhead''.

The SPEAKER pro tempore. Does the gentleman from Illinois wish to present argument on why the resolution is privileged under rule IX to take precedence over other questions?

Mr. JACKSON of Illinois. Very quickly, Mr. Speaker, just before you do rule, the House of Representatives does have a history of passing resolutions that have been privileged in the past on questions that are offensive and morally repugnant to many Americans.

There was a minister on the south side of Chicago, for example, for which this House took up a particular resolution and denounced that minister for language that he used on numerous occasions against minorities in the United States.

Consistent with the language with this resolution that I have offered, the House has taken a position in the past that allows Members of Congress to express their consciences and their sentiments about the matters that are in front of us.

Now, as a Member of Congress and a member of this institution, my final argument is that each one of these Presidential candidates, whether they are on the Democratic side or on the Republican side, stands the chance to stand in front of us and provide us with a state of the Union address—a state of our country's fiscal health, its social health, its mental health, its physical health—and protect us from enemies both foreign and domestic.

If my motion for someone who might stand in front of me as a Member of Congress and share with me their vision potentially of the United States fails today, it simply suggests that the Congress of the United States is painting over a profound problem that exists in this Nation.

I know that my time has expired for making my argument; but I personally would be offended that the Congress of the United States would not understand the gravity of this resolution by granting Members an opportunity to vote on the specific arguments laid out by The Washington Post for which they've offered their story.

Mr. Speaker, ''nigger'' is offensive.

''Niggerhead'' is offensive.

And for a Governor of one of the great States of our Nation to hunt at Niggerhead Ranch, it's offensive; and I think that I am expressing the moral outrage of all Americans.

I thank the gentleman for allowing me to make my argument.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution offered by the gentleman from Illinois makes several assertions about the Governor of a State

and proposes that the House call upon the Governor and others to take certain actions with regard to these assertions.

In order to qualify as a question of the privileges of the House under rule IX, the resolution must address ''the rights of the House collectively, its safety, dignity, or the integrity of its proceedings.'' The resolution seeks to express the position of the House toward the actions of others outside of the House without any tangible connection to the House or its proceedings.

A resolution merely asserting the position of the House with regard to an external issue cannot be the basis of a question of privilege. As articulated by the Chair most recently on September 23, 2010, according privilege to such a resolution would allow any Member to place before the House at any time whatever topic he or she might deem advisable. In such an environment, anything could be privileged, so nothing would enjoy true privilege.

The Chair finds that the resolution does not affect ''the rights of the House collectively, its safety, dignity, or the integrity of its proceedings'' within the meaning of clause 1 of rule IX and, therefore, does not qualify as a question of the privileges of the House.

Mr. JACKSON of Illinois. Mr. Speaker, with all due respect, I appeal the ruling of the Chair, and I would hope that my colleagues would support my appeal.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. WHITFIELD. Mr. Speaker, I move to table the gentleman's motion to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to lay the appeal on the table.

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

Mr. JACKSON of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 173, not voting 29, as follows:

[Roll No. 765]

YEAS—231

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

NAYS—173

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
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)
Conyers
Cooper
Costello
Courtney
Critz
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Price (NC)
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOT VOTING—29

Bachmann
Bass (NH)
Blumenauer
Bonner
Boren
Calvert
Campbell
Coble
Costa
Crowley
Dold
Giffords
Gowdy
Holden
Hoyer
Michaud
Olson
Olver
Paulsen
Pelosi
Poe (TX)
Polis
Quigley
Sánchez, Linda T.
Scott, David
Shuler
Smith (WA)
Wasserman Schultz
Wilson (FL)

□ 1416

Messrs. NEAL, HIGGINS, AL GREEN of Texas, Ms. EDWARDS, Ms. BERKLEY, Ms. SPEIER, and Ms. SCHWARTZ changed their vote from ''yea'' to ''nay.''

Messrs. STIVERS, HUNTER, MANZULLO, GINGREY of Georgia, DUFFY, KELLY, and Mrs. LUMMIS changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DOLD. Madam Speaker, on rollcall No. 765 I was unavoidably detained in Committee with Secretary Geithner. Had I been present, I would have voted "yea."

Stated against:

Ms. PELOSI, Madam Speaker, on rollcall No. 765 I was detained at an official event. Had I been present, I would have voted "nay."

Mr. SCOTT of Georgia. Madam Speaker, on rollcall vote 765, I was unavoidably detained by a conflicting vote and questioning occurring at the same time in the Financial Services Committee meeting. Had I been present, I would have voted "nay."

## EPA REGULATORY RELIEF ACT OF 2011

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2250.

□ 1416

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial,

and institutional boilers, process heaters, and incinerators, and for other purposes, with Mr. YODER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 4 printed in the CONGRESSIONAL RECORD, offered by the gentleman from Pennsylvania (Mr. DOYLE), had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 9 by Mr. WAXMAN of California.

Amendment No. 6 by Mr. RUSH of Illinois.

Amendment No. 15 by Ms. HAHN of California.

Amendment No. 16 by Mrs. CAPPS of California.

Amendment No. 4 by Mr. DOYLE of Pennsylvania.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 9 OFFERED BY MR. WAXMAN

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 243, not voting 23, as follows:

[Roll No. 766]

AYES—167

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
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
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Price (NC)
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—243

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

NOT VOTING—23

Bachmann
Bass (NH)
Blumenauer
Bonner
Boren
Calvert
Campbell
Coble
Giffords
Holden
King (NY)
Olson
Olver
Pelosi
Poe (TX)
Polis
Quigley
Rogers (KY)
Sánchez, Linda T.
Schweikert
Shuler
Smith (WA)
Wilson (FL)

□ 1434

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. PELOSI. Mr. Chair, on rollcall No. 766 I was detained at an official event. Had I been present, I would have voted "aye."

AMENDMENT NO. 6 OFFERED BY MR. RUSH

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 156, noes 242, not voting 35, as follows:

[Roll No. 767]

AYES—156

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boswell
Brady (PA)
Braley (IA)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McIntyre
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano

Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Price (NC)
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—242

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

NOT VOTING—35

Bachmann
Bachus
Barton (TX)
Bass (NH)
Berg
Blumenauer
Bonner
Boren
Brown (FL)
Burgess
Burton (IN)
Calvert
Campbell
Coble
Fattah
Giffords
Gutierrez
Hall
Heck
Holden
Labrador
McGovern
Olson
Olver
Pelosi
Poe (TX)
Polis
Quigley
Rangel
Ross (FL)
Sánchez, Linda T.
Schock
Shuler
Smith (WA)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1437

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. PELOSI. Mr. Chair, on rollcall No. 767 I was detained at an official event. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. SMITH of Washington. Mr. Speaker, this afternoon, Thursday, October 6, 2011, I was unable to be present for part of a series of recorded votes. Had I been present, I would have voted "no" on rollcall vote No. 765 (on the motion to table the appeal of the ruling of the Chair), "yes" on rollcall vote No. 766 (on agreeing to the Waxman amendment), and "yes" on rollcall vote No. 767 (on agreeing to the Rush amendment).

AMENDMENT NO. 15 OFFERED BY MS. HAHN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. HAHN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 151, noes 255, not voting 27, as follows:

[Roll No. 768]

AYES—151

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Brady (PA)
Braley (IA)
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—255

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bono Mack
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Owens
Palazzo
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—27

Bachmann
Bass (NH)
Blumenauer
Bonner
Boren
Brown (FL)
Calvert
Campbell
Carnahan
Coble
Giffords
Gutierrez
Hall
Holden
McHenry
Olson
Olver
Poe (TX)
Polis
Quigley
Rangel
Rigell
Roskam
Ross (FL)
Sánchez, Linda T.
Shuler
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1442

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 16 OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 153, noes 254, not voting 26, as follows:

[Roll No. 769]

AYES—153

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Brady (PA)
Braley (IA)
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Miller (FL)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Price (NC)
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—254

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

NOT VOTING—26

Bachmann
Bass (NH)
Blumenauer
Bonner
Boren
Brown (FL)
Calvert
Campbell
Carnahan
Coble
Fudge
Giffords
Hall
Holden
Olver
Pingree (ME)
Poe (TX)
Polis
Quigley
Rangel
Roskam
Ross (FL)
Sánchez, Linda T.
Shuler
Sires
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1446

Mr. YOUNG of Indiana changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. DOYLE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 147, noes 251, answered ''present'' 1, not voting 34, as follows:

[Roll No. 770]

AYES—147

Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Brady (PA)
Braley (IA)
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack

Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
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
Yarmuth

NOES—251

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Camp
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lee (CA)
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
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
Owens
Palazzo
Paul
Paulsen
Pearce
Peterson
Petri
Platts
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yoder
Young (AK)
Young (FL)
Young (IN)

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—34

Ackerman
Bachmann
Bass (NH)
Blumenauer
Bonner
Boren
Brown (FL)
Calvert
Campbell
Carnahan
Cleaver
Coble
Diaz-Balart
Giffords
Hall
Hinchey
Holden
Markey
McCaul
Olver
Pence
Pitts
Poe (TX)
Polis
Quigley
Rangel
Reyes
Roskam
Ross (FL)
Sánchez, Linda T.
Shuler
Sires
Welch
Wilson (FL)

□ 1450

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WHITFIELD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CRAWFORD) having assumed the chair, Mr. YODER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes, had come to no resolution thereon.

## PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, during rollcall 765, I, along with Mr. HOYER, Congresswoman WASSERMAN SCHULTZ, Mr. CROWLEY, Mr. SMITH, and other Members, was present at the decommissioning ceremony of Commander Mark Kelly, who was there with his wife, our colleague, GABBY GIFFORDS. For that reason, we missed that rollcall vote.

For myself, had I been present, I would have voted ''no'' on the motion to table the resolution.

I would have voted ''yes'' on rollcall 766, the Waxman bill, to protect our children from mercury.

I would have voted ''yes'' on rollcall 767, Mr. RUSH's amendment.

My colleague, the distinguished Democratic whip, says that he and Ms. WASSERMAN SCHULTZ would have voted similarly.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2832, TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011; PROVIDING FOR CONSIDERATION OF H.R. 3078, UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT; PROVIDING FOR CONSIDERATION OF H.R. 3079, UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 3080, UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112–240) on the resolution (H. Res. 425) providing for consideration of the Senate amendment to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes; providing for consideration of the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement; providing for consideration of the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement; and providing for consideration of the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement, which was referred to the House Calendar and ordered to be printed.

## LEGISLATIVE PROGRAM

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

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

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

Mr. Speaker, on Monday, the House is not in session in observation of the Columbus Day holiday. On Tuesday, the House will meet at noon for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour debate and noon for legislative business. On Friday, the House will meet at 9 a.m. for legislative business. The last votes of the week are expected no later than 3 p.m. on Friday.

On Tuesday, the House will consider a few bills under suspension of the rules. A complete list will be announced by the close of business tomorrow. Also on Tuesday, the House will complete action on H.R. 2250, the EPA Regulatory Relief Act, and take up the rule for the three free trade agreements and the Trade Adjustment Assistance bill; therefore, Members are advised that the 6:30 p.m. vote series will be longer than usual.

On Wednesday, the House will consider H.R. 3078, the United States-Colombia Trade Promotion Agreement Implementation Act; H.R. 3079, the United States-Panama Trade Promotion Agreement Implementation Act; H.R. 3080, the United States-Korea Free Trade Agreement Implementation Act; and H.R. 2832, extending the Generalized System of Preferences, as amended by the Senate.

On Thursday, the House will consider H.R. 358, the Protect Life Act, sponsored by Representative JOE PITTS. Then finally, on Friday, the House will consider H.R. 2273, the Coal Residuals Reuse and Management Act, sponsored by Representative DAVE MCKINLEY of West Virginia.

The Boiler MACT bill, the three free trade agreements and Mr. MCKINLEY's regulatory relief bill are all part of the House Republican plan for America's job creators.

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

Before I talk about the American Jobs Act, does the majority leader have an estimate from either CBO or any economist on how many jobs over the next 24 months might be created as a result of the passage of those bills, the bills to which you refer as the House Republican plan for America's job creators?

Mr. CANTOR. Mr. Speaker, I say to the gentleman that I am very entertained by the nature of his question since, I guess, it starts from the fact that some might believe that Congress creates jobs. But I would say in general, Mr. Speaker, that what we need to be doing here is to create an environment where entrepreneurs and small businesses and investors can actually feel confident again to put capital at risk to create jobs.

I would say to the gentleman further that the administration, itself, has accepted the notion that the passage of the three free trade agreements will have the potential—there's no guarantee—but the potential of the creation of a quarter of a million jobs.

Again, there have been a lot of promises made in this town, Mr. Speaker, about how we're going to control the level of unemployment and make sure it doesn't go beyond certain points connected with the stimulus bill, but I think the American people have had just about enough of broken promises. So we are proceeding with a focus, a focus like a laser, on creating an environment for entrepreneurs and small businesses to create jobs without making promises, Mr. Speaker, that will then let people down. We're trying to regain the confidence of the people and put some sensible regulatory policy in place with a lower tax environment so we can see growth return to a badly needed macroeconomic environment.

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

What I took from that answer is there is no estimate of jobs that might be created in the next 24 months. That's what I took from your answer.

In terms of not creating jobs but creating an environment, I agree with the gentleman that we need to create an environment for jobs, but I don't believe that I've seen any estimates that your agenda will create jobs. As a matter of fact, I've seen the opposite.

Mr. Bruce Bartlett, the former adviser to President Ronald Reagan and George H.W. Bush, was quoted just a few days ago. I know the gentleman is smiling because he knows this quote:

''Republicans have a problem. People are increasingly concerned about unemployment, but Republicans have nothing to offer them,'' Mr. Bartlett said, not me. ''The GOP opposes additional government spending for jobs programs and, in fact, favors big cuts in spending that,'' Mr. Bartlett said, ''would be likely to lead to further layoffs at all levels of government.''

He goes on to say:

''Republicans favor tax cuts for the wealthy and corporations, but these had no stimulative effect during the George W. Bush administration''—of course, we lost 8 million jobs, as the gentleman will recall, during that period of time—''and there is no reason to believe that more of them will have any today.''

□ 1500

He goes on to say: ''And the Republicans' oft-stated concern for the deficit makes tax cuts a hard sell. On August 29, the House majority leader, ERIC CANTOR of Virginia, sent a memorandum to members of the House Republican Conference telling them to make the repeal of job-destroying regulations.''

This is Mr. Bartlett, former Reagan aide and former aide to George H.W. Bush, both Republican Presidents. Mr. Bartlett goes on to say: ''Evidence supporting Mr. CANTOR's contention that deregulation would increase employment is very weak. As one can see, the number of layoffs nationwide caused by government regulation is minuscule and shows no evidence of getting worse during the Obama administration.''

Mr. Reagan was quoted, we have a nice quote, I am sure you have seen it, that indicates that people ought to pay their fair share of taxes as well.

The President has offered the American Jobs Act. He has offered the American Jobs Act and economist after economist after economist says that it will create jobs. It will create jobs by creating an environment, by giving more money to small businesses, giving more money to consumers in their pocket.

I know your side has talked a lot about that and that as a result of both businesses having more money in their pocket and consumers having more money in their pocket, that that environment of which you speak will be created, and a number of people think that they will create significant numbers of jobs as a result.

As a matter of fact, the macroeconomic advisers projected the plan would add roughly 1.25 percentage points to GDP, to gross domestic product, and create 1.3 million jobs.

JPMorgan Chase estimated the plan would increase growth by almost 2 points and add 1.5 million jobs. Moody's Analytics forecast the package would add almost 2 million jobs, 1.9 million jobs, cutting the unemployment rate by a point and increase growth by 2 percentage growth points. Now, I know my friend may disagree with those figures, and may disagree with Mr. Bartlett's comment, I am sure you do.

My point is this, we don't have any bill on the floor that we have had over the last 9 months or that is projected, that is projected to increase jobs in the short term. The gentleman knows he and I agree on the trade bills. I think long term that's correct; but the American people, as President Obama observed, can't wait 14 months for the next election. They are struggling, in pain, and at risk today.

And the gentleman last week, or 2 weeks ago, in our colloquy said that there are a number of things, items in the jobs bill on which the gentleman agrees or his party agrees: bonus depreciation, incentives for veterans jobs training programs, infrastructure, small business tax cuts, unemployment insurance reform. The gentleman referenced those on the floor. Clearly there ought to be some areas where we can get agreement.

Yesterday, as the gentleman may have noted on the floor, in the debate I stated that we were debating a regulatory bill that would have no immediate effect on jobs. Your contention is it would depress jobs in the future if that rule were adopted, but I don't think there was any contention during the time of the debate that that would create jobs.

Having said that, I am wondering whether the gentleman has any intention of bringing either the President's jobs bill or a jobs bill that your side would offer, or a jobs bill that the President has offered, to the American people and to this Congress which would be open for amendment and change by your side and by our side in an effort to respond to the American people's great concern that we are not taking actions which are effectively growing jobs in this country.

I yield to my friend.

Mr. CANTOR. I thank the gentleman for all that information.

Mr. HOYER. I knew you would be happy to receive it.

Mr. CANTOR. I just say to the gentleman, in quoting Moody's Analytics, perhaps what he portrays as our way forward, Moody's chief economist was also the one that made the prediction of an unemployment rate that would not exceed 8 percent as a result of passage of the stimulus bill.

And it makes my point, Mr. Speaker, that the people in this country are tired of Washington making promises it doesn't keep. We're trying to abide

by the trust that the people put in us to try and deliver results.

And right now, as the gentleman correctly points out, the economy is in bad shape. We are trying to do all we can to not only put money in people's pockets, because if there were unlimited money, that would be fine. But what we are trying to do is to encourage investment. We're trying to encourage economic activity so we can see growth happen and occur and jobs created.

That's the way it's done in America, is that we need the private sector to take hold of a signal from Washington that we do believe in free enterprise, that we're not about this government dictating where activity must occur, where and who is deserving of government support.

I mean, this is the essence, I think, of our difference, Mr. Speaker. We're trying to set aside the divide, because clearly we don't agree with the President's approach thus far. We didn't agree with the stimulus approach, and I think the facts have borne out that we were right, that stimulus spending out of this government did not produce the results that the administration promised.

We believed then and we believe now the key to economic growth going forward is to increase the competence, is to bolster the entrepreneurial private sector in this country. It's about innovation. From innovation comes jobs, comes manufacturing; but we need to get Washington out of the way and out of the business of creating harm.

The gentleman, Mr. Speaker, quotes all kinds of people; but I can quote my constituents, as I am sure many of his go to him and say can you stop making it so difficult for us to create or run a business? We need to be a startup country again, Mr. Speaker, and we need to see that type of economic activity. That's what will bring on growth.

So what we have said is, no, the President's all-or-nothing approach is unacceptable. It has been rejected by the American people. They don't want the my-way-or-highway kind of conduct.

And what we see out there, Mr. Speaker, is some conduct on the part of the administration that is just not becoming and of a helpful mode. How is it helpful out there to aim at particular sectors of industry, to aim at business in general when we're wanting the businesses to create the jobs?

So what we have said is, no, we are not for voting on tax increases in this House, which is what the President's proposal is about. We're not for accepting his desire to make it more difficult for charities to be successful. That's what's in the President's plan. I'm sure the gentleman would not agree that we ought to limit deductions to charities, and that's what the President's bill does, something that's not very helpful in today's economy when people are so in need of help by charities.

So we said, fine, set aside those differences and let's look at where we can agree. So we said we'll bring the trade agreements to the floor. We've been asking for that, as has the gentleman. And I will say, Mr. Speaker, he has been a stalwart of trying to help get those bills through, and I appreciate that, as do many of the Members on both sides who support free and fair trade.

But I would say we also note the President's remarks in his speech to the joint session where he said he would support our efforts in regulatory relief so that we can make it easier. We can make it easier for people going into business in a sensible way. We continue to bring bills forward on that note every week. We brought two forward this week and, as I indicated earlier, will again next week.

We will also be bringing forward the 3 percent withholding bill at the end of October that the gentleman well knows is a big concern to not only, to not only the private sector, but also to institutions like public universities that have already come and approached me and said, you know what, if you don't do something to remove that requirement, we're going to end up having to pay more for our contracts to our vendors.

□ 1510

So we're bringing that bill to the floor. We also are having bills that will come out of the Financial Services Committee that echo what the President said in his speech to us, that echo the President's stated desire to want to help small businesses access financing. We've got to make sure that we're doing everything there so it's not so difficult. We also intend to bring forward measures towards helping small businesses take advantage of their expenses so they can expense the costs that they incur to grow their businesses and take advantage of that to see if we can grow.

Lastly, Mr. Speaker, the gentleman indicates we need to have hearings and we need to do things on the President's jobs bill. I think we've indicated, and again, the Ways and Means Committee had hearings related to unemployment insurance reform, something that the President indicated that he wanted to do.

So, Mr. Speaker, no, we're not going to bring up the President's bill in whole because we don't believe in raising taxes and in more stimulus spending, but we are going to take the parts that we can agree on. And we've taken that posture again and again. It's a reasoned approach when you have two sides that have disagreement to say we're going to focus on commonality and transcend those differences.

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

First of all, let me say that the gentleman knows full well that the President's jobs bill does not include revenues. The President suggested in the short term—and we ought not to raise revenues, as a matter of fact. In the short term, what we need to do is put more money back into people's pockets.

The jobs bill, he did suggest ways to pay for that. And he suggested, as did Bowles-Simpson and Rivlin-Domenici, that that be paid for in the coming years so we do not dampen down the economy at the same time we are trying to stimulate the economy.

The gentleman says that the bill, the American Recovery and Reinvestment Act, didn't work, and his comment was that the economy is in bad shape. Yes, the economy is in bad shape. It started being in bad shape in 2007, as the gentleman knows, when we went into the deepest recession he and I have experienced in our lifetime. And it remained in place, and the year that this President took office, we lost 786,000 jobs that month. After we passed the Recovery Act, as the gentleman knows, I'm sure, we created 2 million jobs over the last 24 months. The fact of the matter is it worked. Unfortunately, almost no economist understood the depth to which the recession had taken us.

The gentleman didn't support the Recovery Act—I understand that—nor did his party. Perhaps those 2 million jobs would not have been created. In fact, there was another bill, of course—the gentleman hates history, I know—that was passed that created 22 million jobs that no Republican supported. So I tell you, my friend, that when we compare economic performance of policies, one has created a lot of jobs and one lost a lot of jobs in the last decade.

And I will tell my friend when he says that the American people don't support the jobs bill, in fact, I want to tell my friend The Washington Post-ABC news poll says 52 percent of Americans support the American Jobs Act, and 58 percent of Americans believe the American Jobs Act will improve the jobs situation, including in that number 52 percent of Independents. In a Gallup poll, Americans support Obama's plan to pay for the American Jobs Act, 70 percent of Americans support increasing taxes on some corporations by eliminating certain deductions. I think some of your Republicans have said the same thing. Sixty-six percent support increasing revenues on individuals earning at least $200,000. Now, again, the President did not suggest doing that now, as the gentleman knows, just as the commissions did not suggest doing that now.

But what I have said to the gentleman and what I believe to be the case, and he says the Ways and Means Committee had a hearing today, that hearing was not on a comprehensive jobs package. It was on an important issue, no doubt about that, but there has been no comprehensive effort to put together in the short term a bill which will bring jobs to Americans that they need now.

The President's bill, we believe, will do that. We understand that there may be opposition. We also understand that there may be change. But there has

been no vehicle brought to this floor since the President spoke over 2 weeks ago to allow this House to work its will. You may have the majority of votes on it, but let the American people see who wants to create jobs. The gentleman says we don't create jobs. He is exactly right in a certain sense; but in another sense, as he says, we create an environment in which jobs are created, in which the economy grows, and in which people feel comfortable.

One of the things I want to say to my friend that I hope he would be for, my own belief is that one of the things that will most raise confidence will be to have the select committee of 12 come to an agreement on cutting $4 trillion over the next 10 years so that we can get the fiscal house in America in order and to do so by a balanced approach with everything, all of our expenses and revenues, on the table. I would hope my friend would join me in urging the select committee to do that, because I frankly think that is the one thing we could do that will raise the most confidence—not only here at home among Americans, but around the world—in America's ability to address tough questions.

So I would urge my friend to, one, try to come to an agreement with his committee chairs to have a comprehensive jobs bill brought to the floor, whatever you think that jobs bill may be, and then allow us to offer amendments, have the House of Representatives work its will on that; and then, secondly, to join in urging the select committee to work on getting us back to where we were in 2001 with a projected surplus in this country.

Mr. CANTOR. If I could just respond, Mr. Speaker, first of all, I need to correct the record about the gentleman's statement about my not appreciating history. Of course I appreciate history. It is just one's sometimes biased interpretation of that history that I take exception with.

Mr. HOYER. Reclaiming my time, is there anything I said that you believe is factually inaccurate?

I yield to my friend.

Mr. CANTOR. Mr. Speaker, without getting into specifics, I think the gentleman and I do have a different view perhaps of history at times, not always.

Mr. HOYER. I'll take that as a ''no.''

Mr. CANTOR. I would say this, Mr. Speaker. The gentleman well knows that the President's jobs bill, as submitted by Mr. LARSON, has been referred to many, many committees. There isn't one committee that's going to have a comprehensive hearing on the bill. So as I said before, we intend to take the areas that we can agree on to work together towards forging a solution so we could actually, as some would say, put a win on the board for the American people.

I would say also, Mr. Speaker, it is interesting to note that there are no cosponsors on the bill that's been submitted as the President's jobs bill. There are no cosponsors. So if there is such support on the other side, I would guess we'll see a lot of people, a lot of Members signing up for that bill.

I would say, though, to the gentleman that the reason we don't believe that bill is helpful right now is because we don't believe that raising taxes is something you need to do to grow the economy. In fact, it's harmful to growing the economy.

And as far as the gentleman's admonition or statement about the joint select committee, again, if he says ''balanced approach,'' that's a nice way of saying we want to raise taxes. We don't want to raise taxes. As the gentleman knows, he and I have been at the process of trying to forge a solution. Both he and I do want to see outcome and success, because I don't feel that it is in any way helpful to anyone to see the joint select committee fail.

The committee is charged with coming up with commensurate savings in order to increase the Nation's credit limit, so that means we've got to get the cuts. But when the gentleman talks about ''big deal,'' I'm all for trying to fix the entitlements because we know that's the problem facing this country, that the disproportionate driver of the deficits is the entitlements.

□ 1520

We know how to fix them. In fact, our side is the only one that has proffered a wholesale formula to address reform that would last a generation. That's the kind of certainty that I think will help in terms of increasing investment and the appetite for risk in this country to help entrepreneurs grow. The gentleman, his party and the President have rejected our approach and have failed to offer a single formula that will fix the entitlement problem and instead want this so called ''balanced approach'' that will simply take money out of the private sector, out of the people who have earned it, the small business owners, to continue to fund Washington to let Washington spend money.

And we say if you are not willing and courageous enough to fix the problem, why should we go and make prospects for economic growth that much dimmer by raising taxes?

So, yes, I would say to the gentleman, Mr. Speaker, I'm all for as much savings as we can actually accomplish and reform that we can complete, but, clearly, we have demonstrated there are a lot of differences.

So, instead, I would look to the joint select committee to do its work. And I have the full confidence in the appointees by our Speaker that we can see it do its work without a lot of hyperbole and fanfare so we can continue to focus on how we're going to get Americans back to work.

Mr. HOYER. I thank the gentleman.

Mr. Speaker, we have seen, I think, in that last discussion a very significant discussion between our two parties. Indeed, the Republicans did offer a budget bill which privatized Social Security. They call it a premium support program. It eliminated the guarantee that people would have access to affordable health insurance coverage.

We don't agree with that. The gentleman is absolutely correct. We've rejected that. I would suggest the voters have rejected it. But I will tell the gentleman that we also reject the notion that you can spend great sums of money, as we did in the last decade when your party was in control of the House, the Senate, and the Presidency, and not pay the bill. That's why we went from $5.6 trillion of projected surplus to a $10 trillion debt when this President took over.

I will tell the gentleman that paying for what we buy is the right thing to do for our children and grandchildren. And the way you pay for that is called taxes. And we're not for raising taxes. However, we are for paying our bills. And if we want to buy stuff, if we want to confront terrorists in Iraq—which I supported—and if we want to confront terrorists in Afghanistan—which I supported—and if we want to make sure that seniors have prescription drugs, we ought to pay for those, not pass those along to my grandchildren. And you don't have grandchildren yet, but at some point in time you may well have them. And I hope you do have grandchildren. It's a wonderful joy. But we're simply passing the expenses along to them.

As the gentleman knows, we're now collecting somewhere in the neighborhood of 15 percent of revenues, 3 percent below average for the last 40 years. But we continue to buy things. And we bought things at a greater rate in the decade that has just passed than we did in the 1990s. We increased spending at a greater rate. The gentleman knows that. That's not history; those are facts, maybe historical facts, but they're facts.

What I'm telling the gentleman is, with respect to a balanced approach—he then says, well, all that means is you want to raise taxes. No. What it means is I want to make sure that we put everything on the table that is giving us the challenge that we're seeing all over the world of balancing our budget, getting our expenditures in line with our revenues, and that we do so in a way that does not undermine America's national security, its economic well-being, and the welfare of our people. That's what we believe in, that's what we hope this select committee will do, and, yes, we believe that everything needs to be on the table.

If that is not consistent with what your view is, it is consistent with the views of every bipartisan group, the Big Three, if you will—Pete Domenici, former Republican chairman of the Budget Committee in the United States Senate; Alice Rivlin, former CBO director; Erskine Bowles, former

chief of staff for the White House; Alan Simpson, former U.S. Republican Senator from Wyoming; and the Gang of Six that now has over 18 or 19 Republicans and 18 or 19 Democrats saying we need to do.

I hope we can join together to do that. I personally believe that is the most important effort that we could make in bringing confidence back to America and to the perception of America around the world.

Mr. CANTOR. Just one final note, Mr. Speaker, we should just stop buying so much. That's my point.

Mr. HOYER. I yield back the balance of my time.

## HOUR OF MEETING ON TOMORROW

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further when the House adjourns on that day, it shall meet at noon on Tuesday, October 11, 2011, for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

## PIPISTREL AND PIPISTREL USA

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the future of electric aviation is upon us in the Centre region of Pennsylvania. Pipistrel and Pipistrel USA, an aviation company in State College, Pennsylvania, won first place in NASA's Comparative Aircraft Flight Efficiency Green Flight Challenge, which took first place September 25 at Charles Santa Rosa, California.

Sponsored by Google, the Green Flight Challenge was created to advance aviation fuel efficiency technologies. Fourteen teams registered and collectively invested more than $4 million in the challenge. The winning aircraft had to fly 200 miles in less than 2 hours and use less than 1 gallon of fuel per occupant, or the equivalent in electricity, and would be awarded a $1.35 million grant.

Pipistrel USA's aircraft achieved twice this requirement, flying 200 miles using just over a half-gallon of fuel equivalent per passenger. The team was led by Dr. Jack Langelaan, assistant professor of Aerospace Engineering at Penn State University, and supported by engineers and faculty from numerous departments, local area aviation businesses and facilities. It truly was a team effort.

I want to congratulate Pipistrel USA, Penn State, and all those involved in this project for their hard work and entrepreneurial spirit.

## MIDDLE EAST PEACE

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

Mr. SARBANES. Mr. Speaker, the recent Palestinian bid for U.N. recognition effectively abandons direct negotiations as the structure for pursuing peace in the Middle East. To those who question the United States' solidarity with Israel in the face of this bid, the answer is that it is in America's interest to stand strong with its friend and ally.

The Arab Spring is dramatically altering the dynamics of the Israeli-Palestinian conflict and the wider region. Familiar antagonists are seizing on a new populism to stir up anti-Israel sentiment.

It's no surprise that countries like Iran would seek to hijack the sentiment of the Arab Spring, but who would have predicted that NATO member Turkey would turn against its former ally, Israel, with such ferocity? Among other things, Turkey's behavior appears calculated to establish strategic dominance of the eastern Mediterranean by putting pressure on the Israeli-American alliance.

One critical way for the United States to discourage this kind of adventurism in the region is to continue to affirm its unbreakable bond with the State of Israel.

□ 1530

## DEEPWATER RESTORATION: A STEP IN THE RIGHT DIRECTION

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

Mr. PALAZZO. Mr. Speaker, on April 20, 2010, America witnessed the worst man-made disaster in our Nation's history. Mississippi lost four of her native sons to the explosion; and, over the course of 3 months, nearly 5 million barrels of oil gushed into the Gulf of Mexico, causing extreme economic and environmental damage.

Yesterday, the bipartisan RESTORE Act was introduced that will put the Gulf States on the right path to long-term recovery. The RESTORE Act will send 80 percent of the fines paid by BP to the areas that were most affected from this tragic event and will allow the Gulf States to invest funds in projects and programs designed to rehabilitate the region economically and environmentally.

The act provides States with the flexibility to address their own unique and specific needs with transparency and accountability. Once BP is held accountable for its actions, it's only fair that those hardest hit will receive the relief they desperately need and deserve.

I now urge my colleagues from across the country to do the right thing and support the bipartisan RESTORE Act.

## AN INSULT TO THE AMERICAN PEOPLE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, there is something about having a heart and a philosophy that Americans who are not working want to work; Americans who are not rich simply want an opportunity to provide for their families.

I want to congratulate the President today for acknowledging that this economic downfall is not attributable to his actions as a President that happens to be a Democrat. I thank him for mentioning the calamity in China, dealing with the manipulation of currency. It is something we have to address. It is something that has not benefited the United States.

I believe as individuals run for the Presidency, they have every right to do so; but every time they make a statement of insult to the American people, I'm going to address it.

Mr. Cain seems to want to continue, rather than to talk constructively about how we can bring people together, today he announced that those who are on rallies around this country—some in my district, as we speak—he told them, if you are not employed and you are not rich, it's your fault.

Mr. Cain, you need to understand what the common people and person is going through. Understand the common man and stop being high and mighty. I don't know how you can represent all of the people. You need to get a grip and understand what America is all about.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

## HONORING THE LIFE OF REVEREND FRED LEE SHUTTLESWORTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Alabama (Ms. SEWELL) is recognized for 60 minutes as the designee of the minority leader.

Ms. SEWELL. Mr. Speaker, during this CBC Special Order hour, we're going to honor the life and legacy of Reverend Fred Shuttlesworth. And I rise today to pay tribute to a great civil rights leader, Reverend Fred Lee Shuttlesworth, who passed away yesterday at the age of 89.

Reverend Shuttlesworth was a passionate advocate for equal rights and a courageous Freedom Rider. He was one of the leaders of the civil rights movement in Birmingham, Alabama, and a cofounder of the Southern Christian Leadership Conference, SCLC. Martin Luther King considered Reverend Shuttlesworth the most courageous civil rights fighter in the South.

Born in Mount Meigs, Alabama, on March 18, 1922, Reverend Shuttlesworth

was raised in Birmingham, Alabama. Brought up by his tough-minded mother, Mrs. Alberta Robinson Shuttlesworth Webb, Reverend Shuttlesworth developed a very powerful personality that prepared him for his civil rights leadership in Alabama.

Reverend Shuttlesworth was a bright student and graduated valedictorian of his class at Rosedale High School in 1940. Shuttlesworth was compassionate. He was captivating, both as a student, and then later as a minister. He was captivated by the Baptist denomination and felt called to the ministry. He graduated from Alabama State College—now known as Alabama State University—in 1952 and became the pastor of the historic First Baptist Church in Selma, Alabama. In 1953, Reverend Shuttlesworth took over as pastor of Bethel Baptist Church in North Birmingham, Alabama.

Reverend Shuttlesworth soon became the most publicized crusader in the history of Birmingham, Alabama. He became active in the voter registration efforts of the NAACP and in the Civic League's attempts to clean up saloons. In 1955, Reverend Shuttlesworth supported the Montgomery Bus Boycott that was set in motion by Rosa Parks' refusal to give up her seat.

When an Alabama Circuit Court injunction stopped the NAACP's operation in the State of Alabama, Reverend Shuttlesworth founded the Alabama Christian Movement for Human Rights in June of 1956. The weekly meetings of this wonderful organization became the mouthpiece for the masses of African Americans in Birmingham, Alabama, for over a decade.

In 1957, Reverend Shuttlesworth helped fellow ministers and civil rights leaders Martin Luther King, Jr., and Ralph David Abernathy found the Southern Christian Leadership Conference, which became the most important civil rights organization in the South during the 1960s.

Reverend Shuttlesworth was an inspiration to other activists because of his strong commitment to the fight for equality, which often put him and his family in harm's way. He was the target of two bombings. When Shuttlesworth and his wife attempted to enroll their children in a previously all-white Birmingham public school in 1957, a mob of Klansmen attacked him. Shuttlesworth was beaten with chains and brass knuckles in the streets while someone stabbed his wife during this altercation.

His personal courage and sacrifice encouraged others to join the movement as well. Shuttlesworth participated in the sit-ins against segregated lunch counters in 1960 and took part in the organization and completion of the Freedom Rides in 1961.

Reverend Shuttlesworth willingly stood up against the brutal tactics of Public Safety Commissioner Eugene ''Bull'' Connor, as he was known, in the fight for civil rights. The civil rights movement climaxed in 1963 when Shuttlesworth convinced Martin Luther King, Jr., and the SCLC to come to Birmingham, Alabama, for a massive campaign against segregation. In response to the campaign, Bull Connor released police dogs on activists and had activists sprayed with intense fire hose streams so powerful they could knock bark off a tree from 100 feet away.

These egregious actions were captured on national television and published in newspapers across this country. The national attention led to Federal intervention and the signing of the Civil Rights Bill of 1964 and, later, the Voting Rights Act of 1965 by President Lyndon Baines Johnson.

Reverend Shuttlesworth was at the heart of this monumental victory as he poured his soul into the civil rights movement. Although Shuttlesworth remained active in the movement in Alabama and regularly visited, he did move in 1961 to Cincinnati, Ohio, where he was a pastor for most of the next 47 years. In Cincinnati, Shuttlesworth became the pastor of the Greater New Light Baptist Church in 1966 and worked to continue his work to fight against racism and for the alleviation of the problems of the homeless until he retired in 2007.

Upon his retirement, Reverend Shuttlesworth moved back to Birmingham, Alabama.

I know that the City of Birmingham is very proud of its native son and the role he played in the civil rights movement. In 1988, the Birmingham City Council approved an order to rename a 4-mile stretch of road F.L. Shuttlesworth Drive. In addition, the City of Birmingham erected a statue of Reverend Shuttlesworth outside the Civil Rights Institute when it opened in 1992. The Birmingham Airport Authority also renamed the Birmingham International Airport the Birmingham-Shuttlesworth International Airport in his honor.

On behalf of a grateful Nation, Reverend Shuttlesworth was presented with the Presidential Citizens Medal by President Bill Clinton on January 8, 2001.

Mr. Shuttlesworth was married to Sephira Bailey Shuttlesworth, and he was the proud father of four—Patricia, Ruby, Fred, Jr., and Carolyn. He also leaves behind 11 grandchildren and nine great grandchildren.

Now, over the years, Reverend Shuttlesworth has distinguished himself and been honored by numerous awards. His leadership that he showed this Nation in fighting against racism is second to none.

The people of the Seventh Congressional District of Alabama—that I am so grateful to represent—commends him for his wonderful efforts. And as the first black Congresswoman elected from the State of Alabama, I know I stand on the shoulders of Reverend Shuttlesworth. I would not be here today had it not been for his sacrifice and the sacrifice of so many.

□ 1540

His commitment to the racial equality and justice for all is a message that will inspire people for generations to come.

I, therefore, Representative to this U.S. Congress from the Seventh Congressional District of Alabama, do hereby recognize Reverend Fred Lee Shuttlesworth for his numerous contributions, not only to the Seventh Congressional District and the State of Alabama but to our wonderful Nation.

I ask those present today to join me in honoring Reverend Shuttlesworth and commending him for his many achievements on behalf of a grateful Nation. I know that many of my colleagues will join me during this hour to commemorate his life and legacy.

I now yield time to our CBC chairman, the gentleman from Missouri, EMANUEL CLEAVER, for his comments on Reverend Shuttlesworth's wonderful life.

Mr. CLEAVER. Let me first thank the gentlewoman from Alabama for her vision in speaking of one of America's great men.

Shortly after Martin Luther King was killed in Memphis, Tennessee, I, just leaving college, became very active with the Southern Christian Leadership Conference. At that time, Ralph Abernathy had taken over leadership of the organization, and Joe Lowery had become the chair of the board. And a short time after that, Walter Fauntroy, who served as the delegate for the District of Columbia, became the chair of the board. And prior to that he was the SCLC Washington Bureau Chief.

So I became actively involved. I considered Fred Shuttlesworth as a mentor. Fred Shuttlesworth had a remarkable life in that he was a great preacher. But as people who knew him will tell you, he was not afraid of anything, and sometimes that did not work to his benefit.

Fred Shuttlesworth was in his home when the Klan blew it up. Reverend Shuttlesworth ended up down in the basement, but if the Klan had believed that blowing up his home would get him to back away from a movement to bring dignity and civil rights to people in this country, they were wrong.

And Fred Shuttlesworth was so tough that it was often said that when God allowed Bull Connor to be born, that he also made Fred Shuttlesworth to serve as his even change. Fred Shuttlesworth was in many confrontations with the legendary and infamous Bull Connor.

One of the things that I think people need to remember is that, of the people involved in the founding of the Southern Christian Leadership Conference, which was Martin Luther King, Ralph Abernathy, Fred Shuttlesworth, some people include C.K. Steele, is that Shuttlesworth was perhaps the roughest of the group. He went to college late. He was a man who's physical stature was almost amazing. Even when he went into his eighties, Fred Shuttlesworth could slide on a pair of

pants and a shirt and there would be no bulge. He had one of those amazing bodies where he always looked fit, even into his eighties.

But the thing that I want to say about Reverend Shuttlesworth is that there was never a challenge that caused Fred Shuttlesworth to back away. There was no threat strong enough that Fred Shuttlesworth would seek cover. He was always out front, willing to take whatever came his way in order to pursue the fight for justice.

When I was elected mayor of Kansas City, one of the highlights of my time in office was Fred Shuttlesworth visiting Kansas City and coming into my office and getting excited because on the wall in my office hung a photograph, an enlarged photograph which showed Fred Shuttlesworth and a large number of other civil rights leaders and giants who I was just pleased to be around hanging on the wall prior to a march we had done in Greene County, Alabama. And I was so thrilled that Fred Shuttlesworth could come to my office and see his photograph hanging and know how much I appreciated him.

Let me just say this—and I'll pass this on—Fred Shuttlesworth preached at the church I have been fortunate to pastor for over 30 years. And each time he would come in and he'd say, now, Cleaver, I want to show you how you can preach a long sermon. And his strategy was this: after about 30 minutes, he would say, and wink at me, I'm about to wrap up now. And he said, then people would listen to him waiting because they knew he was about to wrap up. And then 10 or 15 minutes later he'd say, I'm on my way out now. I'm closing out. So Fred Shuttlesworth could easily preach an hour and trick people two or three times. And that was what he called training me in how to preach a long sermon.

And he preached at our church many times. In fact, the last time he preached there, which was probably 2 years ago, he was a little frail for the first time that I had ever been around him. And he was still fiery, as our colleague, JOHN LEWIS, will tell you. There was never a time that he did not have fire. In fact, his autobiography is entitled, ''Fire Inside My Bones,'' which I have in my office.

And he, I think, was the epitome of the civil rights struggle. He did a lot of struggling. He never made a lot of money. He never got a lot of publicity. There are probably people in the country who hear the name Fred Shuttlesworth and not know who he is.

This morning I turned on MSNBC and saw his name being scrolled across the bottom of the television set, that the Reverend Fred Shuttlesworth, age 89, died in a Birmingham, Alabama, hospital. And I sat there thinking, you know, the great tragedy is that probably millions of people are looking at that and saying to themselves, I have no idea who Fred Shuttlesworth is.

And I'm here to tell you, had there not been a Fred Shuttlesworth, there never would have been a Birmingham moment. Had there not been a Birmingham movement, the Southern Christian Leadership Conference would never have existed, which meant that Martin Luther King would have gotten his PhD and pastored a church, perhaps in Atlanta, Georgia, and nobody would have heard of him.

So I take great pride in the opportunity to just talk about a friend and a mentor, the Reverend Fred Shuttlesworth, a great civil rights leader, a great Baptist preacher, and a great human being.

Ms. SEWELL. Thank you so much. I was born in Selma, Alabama, and raised in Selma, and my home church is Brown Chapel AME Church. And I remember so many commemorations of the march from Selma to Montgomery always culminated on that Sunday when they commemorate Bloody Sunday in my church. And I can remember often seeing Reverend Shuttlesworth at Brown Chapel and crossing that Edmund Pettus Bridge that he did so often in those commemorations.

My last time seeing him, he participated in a Faith in Politics luncheon that we had this past year, this past March and when I was so honored to co-host that Faith in Politics pilgrimage back to Alabama with Congressman LEWIS.

I know that my generation owes a debt of gratitude to the Freedom Riders, to the folks, the civil rights activists such as Reverend Shuttlesworth and JOHN LEWIS. We owe so much to them. We not only stand on their shoulders, but we pay honor and tribute to them always. They fought the good fight so that people like us could go to Ivy League schools, could walk the Halls of Congress, and I'm just forever grateful for their courage and their sacrifice.

□ 1550

I am equally thrilled to now yield time to Congressman JOHN LEWIS of Georgia. The gentleman from Georgia is one of my own personal heroes and will speak to knowing Fred Shuttlesworth personally and talk of the times in the sixties that they shared together. I am just immensely honored to be able to call Congressman LEWIS a friend as well as colleague.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague, Congresswoman TERRI SEWELL from Birmingham, for holding this Special Order. Thank you for representing the people of the Seventh Congressional District of Alabama, especially Birmingham and Selma.

I grew up reading and hearing about Reverend Fred Shuttlesworth, the man from Birmingham, Alabama. I grew up about 150 miles from Birmingham outside of a little town called Troy. The words of Fred Shuttlesworth, the actions of this man were so inspiring, I probably wouldn't be standing here today, I know I wouldn't be standing here today as a Member of Congress representing the good people of the Fifth District of Georgia if it hadn't been for individuals like Fred Shuttlesworth.

The Reverend Fred Shuttlesworth is the last of a kind. He was a fearless, determined, courageous leader for civil rights and social justice. When others did not have the courage to stand up, speak up and speak out, Fred Shuttlesworth put all he had on the line to end segregation and racial discrimination not only in Birmingham but throughout the State of Alabama and throughout our Nation.

As has been said so well before, he was beaten with chains, his home was bombed, his church was bombed, and he lived under constant threat of violence and murder; but he never, ever lost faith in the power of love to overcome hate.

He escorted brave young children to desegregate public schools in Birmingham. In 1961, and I will never, ever forget it, when I was only 21 years old, during the Freedom Rides, 50 years ago, when others were immobilized by fear, he was fearless and met us at the Greyhound bus station in Birmingham, Alabama, and welcomed us into his home. When we were trapped in the First Baptist Church a few days later, pastored by the Reverend Ralph Abernathy in downtown Montgomery, after we had been beaten by an angry mob and the church had been surrounded by individuals who tried to burn the church down, he stood up and he spoke. He gave us courage. He told us not to be afraid.

He worked tirelessly beside Dr. Martin Luther King, Jr., and others as he led the Birmingham Movement. In 1963 when Bull Connor, the commissioner of public safety, used dogs and fire hoses on peaceful protesters, including young children and women, Fred Shuttlesworth was there.

And I will never forget, Congresswoman SEWELL, when we went back to Selma in 2007, Fred Shuttlesworth wanted to cross that bridge one more time. He was unable to walk. He was in a wheelchair. Then-Senator Barack Obama pushed the chair across the bridge. Former President Clinton came and kneeled down at the chair in front of Fred Shuttlesworth to pay tribute and homage to him.

This brave and courageous man must be remembered. In my estimation, he is one of the Founding Fathers of the New America. He helped liberate, not just the State of Alabama, not just the South, but he helped liberate America; and that's why we honor him. He helped change and made us a different people, made us stand up, walk, run, and march with pride. We owe him a debt of gratitude. He will be deeply missed.

When we go back to Birmingham, or to Montgomery, or to Selma, or any part of the American South, we may see a statue at the Civil Rights Institute or Museum in Birmingham, but we will see Fred Shuttlesworth all over

the South and all over the Nation, because he helped bring down those signs that said White Men, Colored Men; White Women, Colored Women; White Waiting, Colored Waiting.

America is different. America is better. And we are a better people because of this one brave, courageous man who had the audacity, had the ability, the capacity, to stand up and say, we will be free.

He said over and over again, EMANUEL CLEAVER: ''Before I'll be a slave, I'll be buried in my grave and go home to my Lord and be free.'' That's the message of Fred Shuttlesworth. I hope all of our young people, black and white, Latinos, Asian Americans and Native Americans, will study the life of Fred Shuttlesworth.

Thank you, Congresswoman SEWELL.

Ms. SEWELL. Thank you so much, Congressman LEWIS.

I also am always constantly in awe of our next presenter. I yield time to not only a wonderful sister in Congress but also a real leader in Congress, my mentor, the gentlelady from Texas, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Thank you so very much, Congresswoman SEWELL, for allowing us to come to the floor of the House and be joyful even though someone has passed. I thank my previous speakers.

JOHN LEWIS, we salute you always for continuing to be our chronicler, our voice, our steady, if you will, encyclopedia of today, yesterday and tomorrow, what we should be aiming toward as a Nation and as a people but also what we came through.

And to stand next to this picture, thank you for allowing me to stand next to such a symbolic statement about who I would like to call Reverend Dr. Fred L. Shuttlesworth. Can I just stand here and say that I knew him? And as well can I say that I had the privilege of following way behind JOHN LEWIS's footsteps, Congresswoman SEWELL, in working in the Southern Christian Leadership Conference at the time that Reverend Dr. Ralph David Abernathy was alive, that Hosea Williams was alive, that James Orange was alive, and certainly Fred Shuttlesworth was still on the battlefield in places around the Nation.

So I want to say to his children and his wife and all of his great legacy in Alabama that he has given birth to much. This picture depicts a monumental statement, both of his status as an American and a patriot, both of what he created. Whether it was a young Senator to be President, President Barack Obama, pushing this icon's wheelchair as we commemorated the legacy of JOHN LEWIS, and that is the crossing of the Edmund Pettus Bridge, the time when those who spoke loudly on behalf of those who could not speak were brutalized and beaten to unconsciousness simply for the right to vote. Fred Shuttlesworth was known as a man that did not run away from danger. Fred Shuttlesworth joined Dr. Ralph David Abernathy and Martin Luther King and himself in pushing, shoving and pushing the movement in Alabama and around the Nation.

At his side as a young man, a President who served this country for 8 years, a Southerner, William Jefferson Clinton, who acknowledges that part of his great legacy or great opportunity was not only the meeting of President John F. Kennedy, but during his lifetime or his Presidency to correct many of the ills that occurred to African Americans and people of the slave history in this Nation, from the establishment of the African American Museum, to the honoring of so many, such as the Tuskegee Airmen, in terms of generating that as he spoke, to the honoring of civil rights leaders, to the bestowing of recognition on Rosa Parks.

□ 1600

There are so many things that this President, President Clinton, attempted to do because he got to know and he could understand the walk and the talk of Reverend Fred Shuttlesworth. I am grateful that we have the first African American woman Congressperson from Alabama, and I know that she told you of her family's legacy but also of the salt of the Earth that they are, Alabamans who knew of Reverend Fred L. Shuttlesworth's work.

What I am most moved by is the fact that he acknowledges that his beginnings were on a farm, that he was raised by his stepfather and his mother. He came first to be a truck driver, and then got the word that he should go to a school, to the Cedar Grove Academy—a local Bible college—and begin the seeding of understanding in the Scriptures of much of what we who happen to be Christian believe in—but it can be found in so many faiths, from Judaism, to Islam, to Buddhism, and to many other faiths—this whole charitable role that you must take: that it is better to give to others than it is to give to yourself.

Even though Reverend Fred Shuttlesworth was a feisty man, he would tell it to you. Don't get fooled by a wheelchair. He was a feisty man. He didn't take much to being offended. As JOHN LEWIS has taught us over the years, as we've traveled back to commemorate Bloody Sunday and how entrenched the movement was of nonviolence, Fred Shuttlesworth was willing to, in essence, concede his feistiness to be part of the movement he established first, the Alabama Christian Movement for Human Rights, and of course then to overcome its declaring of being unconstitutional and moving on to other creative ways to create and continue the movement.

What I like most since JOHN LEWIS told us of the Freedom Rides—and that is an emotional experience, an emotional set of words to listen to because of the loss of life that attended to those college students and the others who got on buses from Ohio to Illinois, New York—places far from the South. They got on because they were driven by the rightness of the morality of those who were standing for the empowerment of those who had been brutalized. They came from far and wide. I don't know how one could stand by and watch buses be burned to a crisp or could watch those innocent Americans—young and with a great deal of hope—come to the Deep South and be bloodied and be attacked and spit upon.

I note that tragic moment when they were brutalized so badly as they came into the area of Reverend Shuttlesworth. They were brutalized as a result of a famous name, though a name of great damage—Sheriff Bull Connor—with water cannons and the violence that he evidenced that woke up America.

These brutalized Freedom Riders were, I guess, temporarily taken, JOHN, to a hospital where Reverend Shuttlesworth was concerned about their safety. He didn't concern himself about his safety, but was concerned about theirs. So with a few deacons—and for those of you who understand our church structure, deacons are close to the pastor. They are as men who go with him through fire, storm, rain, and devastation. They went with him to carry these broken bodies out of the hospital, fearful for their lives. He took them to his church where, as many knew in the South, was not a place that was immune to violence, as was evidenced by the Birmingham bombing of a church that killed four little girls in a Sunday school class. But Reverend Shuttlesworth was not fearing his life. He wanted to make sure that those who had come to help them and us could be safe and would not be bombarded in the hospital and be threatened or in fear of their lives.

Reverend Shuttlesworth, I want to thank you for allowing me to know you. I want to thank you for staying alive to be able to see the election of the first African American President of the United States. I am grateful that you stayed alive to see America at her best when, in 2008, she came together and unshackled the devastation of race, the ugliness of race, and began to accept that strength and rightness of anyone who desired to be President.

Reverend Shuttlesworth, as you lay in rest, let me again thank you for giving us courage, for being a friend to JOHN LEWIS, a friend to Martin and to Ralph David Abernathy and to James Orange and to many of the Freedom Riders and song singers that I get to see when I go for that commemoration.

What I would say in closure, Dr. Shuttlesworth, is that you wanted us to be engaged in fighting for people who could not speak for themselves. I would imagine that you would want us to pass and vote for the American Jobs Act. I imagine that you would not be accusatory as to why people are unemployed and are not rich. I imagine you would be sympathetic to the people in the streets today, now Thursday, October 6, 2011, and I imagine you would

say, Keep on keeping on. I imagine you would say, Have no fear, because our great friend Dr. Martin Luther King told us of a mountaintop, and he said the pathway to the Promised Land would not be easy. He said in his dying days, or in the last hours toward the end of his life, that he had seen the Promised Land. You still lived at that time, and he told us that he might not get there but that he knew that, as a people, as this Nation, we would get to the Promised Land someday.

Reverend Dr. Shuttlesworth, you have gone on, and we recognize that our people are hurting, and that they're in the streets and that they're all colors and backgrounds and religions in all areas of this country. You realize that we are lucky enough to have Congresswoman SEWELL and JOHN LEWIS out of Alabama, and now Atlanta. You recognize that you pass your mantle on, but you are hoping that we are not giving up and that we will always stay steadfast and that we'll fight for those who cannot speak and are yet unborn.

For you, Reverend Shuttlesworth, I will be courageous enough to take whatever comes, whatever comes life's way, whatever threatens my life, for it is important to note that there is something greater than life, and it is to make sure that people have an opportunity. I hope someday we'll have the ability to bring this Nation together again and not be wallowing in the divisiveness of Tea Parties and ''No'' parties and people who don't recognize what America is all about.

Reverend Shuttlesworth, you saw only what was right and what was just. I bless you, and will say to you that you are a warrior that has fought a good fight. Thank you for that fight. May you rest in peace.

To your family, God bless you, and God bless this warrior, and God bless the United States of America.

Ms. SEWELL. I would like to thank all of my colleagues for participating in this Special Order hour, celebrating the life and legacy of such a great Alabaman, of such a great American, Reverend Fred Lee Shuttlesworth.

To his family—his wife and children and grandchildren—I want to say thank you on behalf of a grateful Nation for the sacrifices that you as a family had to make in order for this wonderful man to be able to lead a movement from Birmingham that affected the whole world.

I am eternally grateful, personally, for your friendship, Mrs. Shuttlesworth, as well as for your enduring sacrifice. Know that we here in Congress understand how important his life's work was, that we take seriously the mantle that he left behind—his commitment to equality, his commitment to justice for all. I know I am personally so grateful for the opportunity to have met him before he died and to be able to tell him personally thank you for what he did for me as a little black girl, growing up in Selma, Alabama, to be able to even dream of someday being in this august body.

□ 1610

It was Shirley Chisholm, the first African American to sit in these seats in Congress, who said: ''Service is the rent we pay for the privilege of living on this Earth.'' I know that Reverend Shuttlesworth has made more than just a deposit towards that rent. He's opened the doors, so many doors for so many of us to walk through, and for that I just want to say thank you. Thank you. We are awfully humbled by the fact that we have an opportunity to pay tribute to such a wonderful man.

In closing I just want to say thanks to this august body for allowing us the opportunity to celebrate the life of such a wonderful American. And we say in closing, while we may say farewell to Reverend Shuttlesworth now, we in America know that it was because of the work that he did that we have held fast as America and made sure that we held up to the ideals of what it is to be American, that is, the ideals of equality and the ideals of democracy.

I yield back the balance of my time.

## IMF GREECE BAILOUT STRATEGY

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

Mr. BURTON of Indiana. Madam Speaker, this year we are going to go $1.6 trillion in debt. Most people can't comprehend $1.6 trillion. It's a lot of money. The national debt, we just found out recently, is going up to $15.1 trillion.

The reason I bring that up today, Madam Speaker, is because we've got terrible problems that we're facing here at home, and there are terrible problems that are being faced in Europe. As a matter of fact, I was in Greece last week, and they're cutting salaries in Greece by 40 percent. They're cutting retirement benefits by 40 percent. They're cutting health benefits by a large amount, and they're raising taxes because that country is a socialistic country and it's about to go completely bankrupt. In addition to that, Italy has the same kind of problems, Spain has the same kinds of problems, Portugal has the same kinds of problems, and Ireland is suffering from similar problems.

Now, the reason I bring that up is because the United States is part of what they call the International Monetary Fund. Most Americans don't know, Madam Speaker, that we put 18 percent of the money in the International Monetary Fund, into that fund to deal with world financial problems.

Now, the International Monetary Fund, according to their European Department Director Antonio Borges, stated that ''the IMF would definitely participate in a second bailout package for Greece.'' Now, that could be up to 200 billion euros, 200 billion euros; and when you talk about American dollars, that's about $280 billion.

The United States would be responsible for 36 billion of those dollars. That's American taxpayers' dollars that would be going to Europe to deal with the problems that Italy, Spain, Greece, and those other countries face.

But in addition to that, there was a recent announcement by the IMF that it was expanding its ''bailout firepower'' to $1.3 trillion, and there is a potential that the International Monetary Fund could create what they call a ''special purpose vehicle'' to buy the embattled bonds of failing European countries like Greece, Spain, and Italy. When you boil all that down, it means the United States could buy a great deal of the $1.3 trillion in bonds that would be purchased to keep those countries afloat.

Now, the IMF is not the primary vehicle of the Greek bailout. If they can't use that, they can use the Federal Reserve Board, the Fed, which has the authority to provide foreign central banks with an unlimited amount of dollars for an equivalent amount of currency.

On September 11 of this year, September 11, 2011, this year, the Fed did just this. It swapped American dollars for euros in order to provide the European Central Bank with liquidity to calm capital markets. Now, I don't think I need to go into a great deal more detail other than to say the United States is about to be involved in bailing out Europe.

We do not have the money.

As I said at the beginning of my remarks, we're going to be $1.6 trillion short this year. We've got a $15.1 trillion national debt, and it's going up very rapidly.

If the Fed, our Treasury Department, and the White House decide it's going to try to bail out Europe, these countries that are about to go belly up, it's going to cause even more economic problems in America. We have 9.1 percent unemployment right now, and can you imagine, Madam Speaker, what would happen if we started trying to bail out Europe as well? We cannot and we must not do that.

If I were talking to the President tonight, Madam Speaker, I would say, Mr. President, let's deal with the problems we have here at home. Let's don't take on more responsibilities that are not of our doing. We should not try to prop up governments that have been socialistic for a long, long time to the point where they have to cut salaries by 40 percent in order to try to keep their country afloat.

That's a problem they created. We have enough problems here at home, and we shouldn't be using American taxpayers' dollars to try to bail out European countries that have gone down the wrong path.

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

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POE of Texas (at the request of Mr. CANTOR) for today after 1 p.m. on account of other district business.

## ADJOURNMENT

Mr. BURTON of Indiana. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 7, 2011, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

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

3380. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluazifop-P-butyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0849; FRL-8889-1] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3381. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Pesticide Tolerances; Correction [EPA-HQ-OPP-2010-0888; FRL-8888-3] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3382. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Material Inspection and Receiving Report (DFARS Case 2009-D023) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3383. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Retail Foreign Exchange Transactions [Docket ID: OCC-2011-0021] (RIN: 1557-AD42) received September 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3384. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, and Virginia; 2002 Base Year Emission Inventory, Reasonable Further Progress Plan, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Washington, DC 1997 8-Hour Moderate Ozone Nonattainment Area [EPA-R03-OAR-2010-0475; FRL-9466-6] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3385. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Evansville Area to Attainment of the Fine Particulate Matter Standard [EPA-R05-OAR-2008-0396; FRL-9469-5] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3386. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Redesignation of the Indianapolis Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter [EPA-R05-OAR-2009-0839; FRL-9469-6] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3387. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Transportation Conformity Regulations [EPA-R03-OAR-2011-0631; FRL-9470-2] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3388. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; North Carolina: Clean Smokestacks Act [EPA-R04-OAR-2011-0386-201151; FRL-9471-1] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3389. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Requirements for Preconstruction Review, Prevention of Significant Deterioration [EPA-R03-OAR-2010-0770; FRL-9466-5] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3390. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2011-0789; FRL-9471-2] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3391. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Changes to Provisions for Electronics Manufacturing (Subpart I) to Provide Flexibility [EPA-HQ-OAR-2009-0927; FRL-9469-3](RIN: 2060-AR26) received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3392. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems: Revisions to Best Available Monitoring Method Provisions [EPA-HQ-OAR-2011-0417; FRL-9469-4] (RIN: 2060-AP99) received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3393. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District, Ventura County Air Pollution Control District, and Placer County Air Pollution Control District [EPA-R09-OAR-2011-0580; FRL-9468-2] received September 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3394. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Abnormal Occurrence Reporting Procedure and Handbook (MD 8.1) received September 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3395. A letter from the Assistant Secretary, Legislative Affairs, Deaprtment of State, transmitting Transmittal No. DDTC 11-104, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3396. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-116, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3397. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-080, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3398. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-103, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3399. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-102, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3400. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-095, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3401. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-088, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3402. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-091, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3403. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-074, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3404. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-067, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3405. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-089, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3406. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-107, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3407. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-069, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3408. A letter from the President, Senate of Puerto Rico, transmitting a letter requesting an in-depth investigation related to the handling of political, business and financial corruption by federal law enforcement agencies in Puerto Rico; to the Committee on the Judiciary.

3409. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Fiscal Year 2008 Low Income Home Energy Assistance Program in accordance with section 2610 of the Omnibus Budget Reconciliation Act (OBRA) of 1981, as amended; jointly to the Committees on Energy and Commerce and Education and the Workforce.

## 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. CAMP: Committee on Ways and Means. H.R. 3078. A bill to implement the United States-Colombia Trade Promotion Agreement (Rept. 112–237). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 3079. A bill to implement the United States-Panama Trade Promotion Agreement (Rept. 112–238). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 3080. A bill to implement the United States-Korea Free Trade Agreement (Rept. 112–239). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. House Resolution 425. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes; providing for consideration of the bill (H.R. 3078) to implement the United States-Columbia Trade Promotion Agreement; providing for consideration of the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement; and providing for consideration of the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement (Rept. 112–240). Referred to the House Calendar.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 2349. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to annually assess the skills of certain employees and managers of the Veterans Benefits Administration, and for other purposes; with amendment (Rept. 112–241). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

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

By Ms. VELÁZQUEZ:

H.R. 3114. A bill to provide grants for Civic Justice Corps programs for court-involved, previously incarcerated, and otherwise disadvantaged youth and young adults; to the Committee on Education and the Workforce.

By Mr. COFFMAN of Colorado:

H.R. 3115. A bill to prohibit non-security assistance to Pakistan, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Alabama, Mr. MCCAUL, Mrs. MILLER of Michigan, Mr. BILIRAKIS, Mr. MEEHAN, Mr. LONG, Mr. MARINO, Mr. QUAYLE, Mr. RIGELL, Mr. WALBERG, and Mr. TURNER of New York):

H.R. 3116. A bill to authorize certain programs of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. WITTMAN (for himself and Mr. KIND):

H.R. 3117. A bill to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes; to the Committee on Natural Resources.

By Mr. FARENTHOLD (for himself, Mr. FLORES, Mr. COFFMAN of Colorado, Mr. KINGSTON, Mr. PAUL, Mr. KELLY, Mr. NUNNELEE, Mr. HARRIS, and Mr. MULVANEY):

H.R. 3118. A bill to direct the Federal Communications Commission to revisit the universal service support program under section 254 of the Communications Act of 1934 to reduce waste, fraud, and abuse, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ZOE LOFGREN of California (for herself and Mr. GUTIERREZ):

H.R. 3119. A bill to amend the Immigration and Nationality Act to remove the per-country limitation on employment-based immigrant visas, to adjust the per-country limitation on family-sponsored immigrant visas, and for other purposes; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California:

H.R. 3120. A bill to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa, and for other purposes; to the Committee on the Judiciary.

By Mr. BARROW:

H.R. 3121. A bill to require congressional approval for certain obligations exceeding $100,000,000; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANNA (for himself and Ms. EDWARDS):

H.R. 3122. A bill to amend titles 23 and 49, United States Code, to establish procedures to advance the use of cleaner construction equipment on Federal-aid highway and public transportation construction projects, to make the acquisition and installation of emission control technology an eligible expense in carrying out such projects, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI (for himself, Mr. LARSON of Connecticut, Mr. REICHERT, Mr. PETERS, and Mr. LEVIN):

H.R. 3123. A bill to amend the Internal Revenue Code of 1986 to allow for annual elections to accelerate AMT credits in lieu of bonus depreciation; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mr. CUMMINGS, Mr. TOWNS, Mrs. MALONEY, Ms. NORTON, Mr. KUCINICH, Mr. TIERNEY, Mr. LYNCH, Mr. COOPER, Mr. CONNOLLY of Virginia, Mr. QUIGLEY, Mr. DAVIS of Illinois, Mr. BRALEY of Iowa, Mr. WELCH, Mr. YARMUTH, Mr. MURPHY of Connecticut, and Ms. SPEIER):

H.R. 3124. A bill to amend the Federal Advisory Committee Act to increase the transparency of Federal advisory committees, and for other purposes; to the Committee on Oversight and Government Reform, 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. CAMPBELL (for himself, Mr. LEWIS of California, and Mr. CALVERT):

H.R. 3125. A bill to establish a program to provide guarantees for debt issued by or on behalf of State catastrophe insurance programs to assist in the financial recovery from earthquakes, earthquake-induced landslides, volcanic eruptions, and tsunamis; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself and Mrs. MCCARTHY of New York):

H.R. 3126. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. POSEY (for himself, Ms. FOXX, Mr. OLSON, Mr. PAUL, Mr. AUSTIN SCOTT of Georgia, Mr. FLORES, and Mr. MULVANEY):

H.R. 3127. A bill to prohibit the payment of death gratuities to the surviving heirs of deceased Members of Congress; to the Committee on House Administration.

By Mr. GRIMM (for himself, Mrs. MALONEY, Mr. KING of New York, Mr. MEEKS, Ms. HAYWORTH, and Mrs. MCCARTHY of New York):

H.R. 3128. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to adjust the date on which consolidated assets are determined for purposes of exempting certain instruments of smaller institutions from capital deductions; to the Committee on Financial Services.

By Mr. BACA:

H.R. 3129. A bill to establish the Family Foreclosure Rescue Corporation to provide emergency relief to refinance home mortgages of homeowners in foreclosure or default; to the Committee on Financial Services, 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 Mrs. BACHMANN (for herself, Mr. GIBBS, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. JONES, Mr. HUIZENGA of Michigan, Mr. SMITH of New Jersey, Mr. JOHNSON of Ohio, Mrs. SCHMIDT, Mr. BURTON of Indiana, Mr. AUSTRIA, Mr. KING of Iowa, Mr. MCKINLEY, Mr. BUCSHON, Mr. LAMBORN, Mr. SCALISE, Mr. KELLY, Mr. WESTMORELAND, Mr. BILIRAKIS, Mr. LATTA, Mrs. ELLMERS, Mr. MCCOTTER, Mr. HARRIS, Mr. BRADY of Texas, Mr. LONG, Mr. CRAVAACK, Mr. BOUSTANY, Mr. MILLER of Florida, Mr. PALAZZO, and Mr. FLEMING):

H.R. 3130. A bill to ensure that women seeking an abortion receive an ultrasound and an opportunity to review the ultrasound before giving informed consent to receive an abortion; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. ENGEL, Ms. ROS-LEHTINEN, Mrs. MALONEY, Mr. SARBANES, Ms. BERKLEY, Mr. CARTER, Mr. FRELINGHUYSEN, Mr. YOUNG of Florida, Mr. GRIMM, Mr. DIAZ-BALART, Mr. ROTHMAN of New Jersey, Mr. ROSKAM, and Mr. SIRES):

H.R. 3131. A bill to direct the Secretary of State to submit a report on whether any support organization that participated in the planning or execution of the recent Gaza flotilla attempt should be designated as a foreign terrorist organization and any actions taken by the Department of State to express gratitude to the government of Greece for preventing the Gaza flotilla from setting sail in contravention of Israel's legal blockade of Gaza, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHU:

H.R. 3132. A bill to extend the authorization period for certain uses of funds from the San Gabriel Basin Restoration Fund; to the Committee on Natural Resources.

By Mrs. DAVIS of California:

H.R. 3133. A bill to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Ms. DELAURO (for herself, Mr. KILDEE, Mr. MURPHY of Connecticut, Mr. JACKSON of Illinois, Ms. LEE of California, Ms. RICHARDSON, Mr. PRICE of North Carolina, Mrs. NAPOLITANO, Mr. RYAN of Ohio, Mr. CONYERS, Mr. LARSON of Connecticut, and Ms. MOORE):

H.R. 3134. A bill to amend the Child Care and Development Block Grant Act of 1990 to include providing diapers and diapering supplies among the activities for which funds may be employed to improve the quality of and access to child care; to the Committee on Education and the Workforce.

By Mr. DUNCAN of South Carolina (for himself, Mr. HUELSKAMP, Mr. PAUL, Mr. WILSON of South Carolina, Mr. JONES, Mr. MULVANEY, Mr. FRANKS of Arizona, Mr. YODER, Mr. AMASH, Mr. BROOKS, Mr. FLORES, Mrs. BLACKBURN, Mr. PITTS, Mr. COLE, Mr. RIBBLE, Mr. BARTLETT, Mr. SCHWEIKERT, Mr. MANZULLO, Mr. GOSAR, Mr. ROSS of Florida, Ms. JENKINS, and Mr. BERG):

H.R. 3135. A bill to amend the provisions of title 40, United States Code, commonly known as the Davis-Bacon Act, to raise the threshold dollar amount of contracts subject to the prevailing wage requirements of such provisions; to the Committee on Education and the Workforce.

By Mr. FORBES:

H.R. 3136. A bill to provide for rates of pay for Members of Congress to be adjusted as a function of changes in Government spending; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT:

H.R. 3137. A bill to permit small business concerns operating in the United States to elect to be exempt from certain Federal rules and regulations, and for other purposes; to the Committee on Small Business.

By Ms. ZOE LOFGREN of California (for herself, Mr. DEFAZIO, Mr. PIERLUISI, Mr. MCGOVERN, Mr. RYAN of Ohio, Mr. CICILLINE, Mr. CARNAHAN, Mr. LEVIN, Mr. DINGELL, Ms. KAPTUR, Ms. RICHARDSON, Mr. LATOURETTE, Ms. MOORE, Mr. FILNER, Mr. NADLER, Mr. LUJÁN, Mr. WELCH, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3138. A bill to amend the National Institute of Standards and Technology Act to specify a cost sharing requirement and to provide for a report to Congress; to the Committee on Science, Space, and Technology.

By Ms. NORTON:

H.R. 3139. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds in the District of Columbia by property and casualty insurance companies for the payment of policyholders' claims arising from natural catastrophic events; to the Committee on Ways and Means.

By Ms. SPEIER (for herself and Mr. MEEHAN):

H.R. 3140. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to prioritize the assignment of officers and analysts to certain State and urban area fusion centers to enhance the security of mass transit systems; to the Committee on Homeland Security.

By Mr. WELCH (for himself and Mr. DAVIS of Kentucky):

H.R. 3141. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 3142. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the donation of wild game meat; to the Committee on Ways and Means.

By Mr. MCGOVERN:

H.J. Res. 80. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain; to the Committee on Foreign Affairs.

By Ms. CLARKE of New York (for herself, Mr. RANGEL, Mr. TOWNS, and Mrs. CHRISTENSEN):

H. Res. 426. A resolution recognizing the impact of Mr. Hulbert James on politics, urban development, and New York City, and paying tribute to Mr. James for his lifetime of public service; to the Committee on Financial Services.

By Mr. HUNTER (for himself and Mr. RUPPERSBERGER):

H. Res. 427. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. TOWNS, Mr. PIERLUISI, Mr. SERRANO, Mr. MEEKS, Mr. MORAN, Ms. CLARKE of New York, Mr. CROWLEY, and Mr. GRIMM):

H. Res. 428. A resolution recognizing the importance of acknowledging the contributions of Dominican-Americans to the United States; 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 Ms. VELÁZQUEZ:

H.R. 3114.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States . . .''

By Mr. COFFMAN of Colorado:

H.R. 3115.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article I, Section 9, Clause 7

By Mr. KING of New York:

H.R. 3116.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

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 forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department of Officer thereof.

By Mr. WITTMAN:

H.R. 3117.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. FARENTHOLD:

H.R. 3118.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. ZOE LOFGREN of California:

H.R. 3119.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution.

By Ms. ZOE LOFGREN of California:

H.R. 3120.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution.

By Mr. BARROW:

H.R. 3121.

Congress has the power to enact this legislation pursuant to the following:

Art. I. Sec. 9, Cl. 7 (no spending ''but in Consequence of Appropriations made by Law'').

By Mr. HANNA:

H.R. 3122.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Section 8 of Article I of the United States Constitution.

By Mr. TIBERI:

H.R. 3123.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to Article 1, Section 7 which provides that ''All bills for raising Revenue shall originate in the House of Representatives.''

By Mr. CLAY:

H.R. 3124.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

By Mr. CAMPBELL:

H.R. 3125.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution of the United States.

By Mr. GEORGE MILLER of California:

H.R. 3126.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, 3, 18 of the U.S. Constitution; Article I, Section 9, Clause 7 of the U.S. Constitution.

By Mr. POSEY:

H.R. 3127.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. GRIMM:

H.R. 3128.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. BACA:

H.R. 3129.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mrs. BACHMANN:

Congress has the power to enact this legislation pursuant to the following:

As human beings capable of exhibiting detectible heartbeats through the most modern medical technology, the unborn are granted the right to due process under Section 1 of the 14th Amendment of the United States Constitution which explicitly states, ''no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.''

By Mr. BILIRAKIS:

H.R. 3131.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 10 of the Constitution of the United States and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Ms. CHU:

H.R. 3132.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8, Article 1 of the Constitution.

By Mrs. DAVIS of California:

H.R. 3133.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. DELAURO:

H.R. 3134.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Mr. DUNCAN of South Carolina:

H.R. 3135.

Congress has the power to enact this legislation pursuant to the following:

Because this legislation adjusts the formula the federal government uses to spend money on federal contracts, it is authorized by the Constitution under Article 1, Section 8, Clause 1, which grants Congress its spending power.

By Mr. FORBES:

H.R. 3136.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 6 and Amendment XXVII

By Mr. GARRETT:

H.R. 3137.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. ZOE LOFGREN of California:

H.R. 3138.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, and 18.

By Ms. NORTON:

H.R. 3139.

Congress has the power to enact this legislation pursuant to the following:

clause 17 of section 8 of article I of the Constitution.

By Ms. SPEIER:

H.R. 3140.

Congress has the power to enact this legislation pursuant to the following:

The Constitution including Article I, Section 8.

By Mr. WELCH:

H.R. 3141.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18, the power to make laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States.

By Mr. YOUNG of Alaska:

H.R. 3142.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution

By Mr. MCGOVERN:

H.J. Res. 80.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article I, Section 8, authorizes the Congress:

1) ''to provide for the common Defence and general Welfare of the United States,'' and

2) ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.''

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. SIRES, Mr. RANGEL, and Ms. HAHN.

H.R. 49: Mr. NUNES and Mr. RIGELL.

H.R. 57: Mr. CASSIDY and Ms. HAYWORTH.

H.R. 58: Mr. MCCLINTOCK.

H.R. 115: Mr. PRICE of North Carolina.

H.R. 265: Mr. JACKSON of Illinois and Mr. FARR.

H.R. 266: Mr. JACKSON of Illinois and Mr. FARR.

H.R. 267: Mr. JACKSON of Illinois and Mr. FARR.

H.R. 324: Ms. RICHARDSON.

H.R. 329: Mr. BACA.

H.R. 360: Mr. KINGSTON.

H.R. 361: Mr. DUNCAN of South Carolina.

H.R. 420: Mr. POMPEO, Mrs. BACHMANN, and Mr. MCCLINTOCK.

H.R. 494: Mr. JACKSON of Illinois.

H.R. 607: Ms. NORTON.

H.R. 674: Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mrs. CAPPS, and Mr. BERG.

H.R. 676: Ms. NORTON and Mr. GUTIERREZ.

H.R. 719: Mr. PIERLUISI.

H.R. 721: Mr. COFFMAN of Colorado.

H.R. 750: Mr. SCHWEIKERT.

H.R. 805: Mr. ROSS of Arkansas.

H.R. 807: Ms. MCCOLLUM and Mr. PETERSON.

H.R. 812: Ms. ROYBAL-ALLARD, Mr. LATHAM, and Mr. ELLISON.

H.R. 822: Mr. HASTINGS of Washington.

H.R. 835: Mr. JACKSON of Illinois and Mr. LEVIN.

H.R. 886: Mr. JONES, Mr. CULBERSON, Mr. CALVERT, Mr. SOUTHERLAND, Mr. MEEHAN, Mr. SCHILLING, Mr. RIBBLE, Mr. YOUNG of Indiana, Mr. TURNER of New York, and Mr. STIVERS.

H.R. 892: Ms. JENKINS.

H.R. 991: Mr. FLEISCHMANN.

H.R. 1041: Ms. WILSON of Florida.

H.R. 1084: Mr. FATTAH.

H.R. 1116: Mr. LARSEN of Washington.

H.R. 1161: Mr. PEARCE.

H.R. 1179: Mr. GARY G. MILLER of California and Mr. THORNBERRY.

H.R. 1193: Mr. MEEKS and Mr. GIBSON.

H.R. 1236: Ms. MCCOLLUM, Mr. LARSEN of Washington, Mr. CLAY, and Mr. MORAN.

H.R. 1265: Mr. SCHILLING and Mr. NUNES.

H.R. 1288: Mrs. MALONEY, Mr. STARK, and Ms. WOOLSEY.

H.R. 1327: Mr. MCKINLEY, Mr. ENGEL, and Mr. STARK.

H.R. 1332: Mr. MURPHY of Connecticut, Mr. THOMPSON of California, Mr. ROYCE, Mr. MANZULLO, and Mr. MCGOVERN.

H.R. 1340: Ms. PINGREE of Maine.

H.R. 1348: Ms. RICHARDSON.

H.R. 1351: Mr. JOHNSON of Ohio and Mr. REED.

H.R. 1370: Mr. ROGERS of Alabama and Mr. COBLE.

H.R. 1443: Mr. LATHAM.

H.R. 1457: Mr. ISRAEL.

H.R. 1509: Mr. BARTON of Texas.

H.R. 1541: Mr. BROUN of Georgia, Mr. ROE of Tennessee, Mr. POSEY, and Mr. SCALISE.

H.R. 1546: Mr. NUNNELEE, Mr. LEVIN, Mr. KING of New York, Mr. BISHOP of New York, Ms. HAHN, Mr. TOWNS, Mr. CHANDLER, and Mr. QUIGLEY.

H.R. 1558: Mr. WOMACK and Mrs. HARTZLER.

H.R. 1578: Mr. OWENS.

H.R. 1585: Mr. FRANKS of Arizona, Mr. RIBBLE, and Mr. SOUTHERLAND.

H.R. 1609: Mr. BROOKS and Mr. SHIMKUS.

H.R. 1616: Mr. JACKSON of Illinois.

H.R. 1639: Mr. BASS of New Hampshire, Mr. KELLY, Mr. OLSON, Mr. YOUNG of Alaska, and Mr. HULTGREN.

H.R. 1675: Mr. ROSKAM and Mr. KING of New York.

H.R. 1676: Ms. SPEIER and Mr. MARKEY.

H.R. 1723: Mr. ROSS of Florida.

H.R. 1737: Mr. NUNNELEE and Mr. SAM JOHNSON of Texas.

H.R. 1744: Mr. MACK.

H.R. 1769: Mr. MARCHANT.

H.R. 1776: Ms. HIRONO.

H.R. 1781: Ms. EDWARDS, Ms. CASTOR of Florida, Mr. PAYNE, Mr. RICHMOND, Mr. DOYLE, and Mr. YARMUTH.

H.R. 1815: Mr. TURNER of Ohio.

H.R. 1862: Mr. FRANK of Massachusetts, Mr. MCGOVERN, and Mr. JACKSON of Illinois.

H.R. 1904: Mr. LUETKEMEYER.

H.R. 1953: Mr. HINCHEY.

H.R. 1968: Ms. HAYWORTH.

H.R. 1996: Mr. CRAWFORD.

H.R. 2016: Mrs. CHRISTENSEN and Ms. SLAUGHTER.

H.R. 2020: Mr. LATHAM and Mr. PLATTS.

H.R. 2033: Mr. FRANK of Massachusetts.

H.R. 2040: Ms. JENKINS.

H.R. 2059: Ms. ROS-LEHTINEN, Mrs. BACHMANN, Mr. MURPHY of Pennsylvania, Mrs. MCMORRIS RODGERS, and Ms. BUERKLE.

H.R. 2085: Mr. HEINRICH, Mr. PASTOR of Arizona, and Ms. HAHN.

H.R. 2161: Mr. SMITH of Washington.

H.R. 2195: Mr. REHBERG.

H.R. 2207: Mr. OLVER.

H.R. 2223: Mr. LIPINSKI and Mr. DONNELLY of Indiana.

H.R. 2236: Ms. SUTTON.

H.R. 2239: Mr. GALLEGLY.

H.R. 2245: Mr. ROSS of Florida and Mr. YOUNG of Florida.

H.R. 2247: Mr. LARSEN of Washington.

H.R. 2272: Mr. RAHALL.

H.R. 2297: Mr. CALVERT.

H.R. 2299: Mr. SCHILLING.

H.R. 2304: Mr. BARROW.

H.R. 2357: Mr. CAPUANO.

H.R. 2362: Mr. HONDA.

H.R. 2369: Mr. TIERNEY, Mr. SULLIVAN, Ms. GRANGER, Ms. LEE of California, Mr. GARDNER, Mr. WHITFIELD, and Mrs. ROBY.

H.R. 2376: Mr. DOLD, Mr. REED, Mrs. BIGGERT, Mr. BILBRAY, Mr. BASS of New

Hampshire, Mr. HANNA, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mrs. CAPPS, Mr. CARNAHAN, Mr. PERLMUTTER, and Mr. LANGEVIN.

H.R. 2377: Mr. CARNAHAN.

H.R. 2443: Mr. WELCH.

H.R. 2447: Mr. SMITH of Washington, Mr. PETERS, Mr. LEVIN, Mr. YARMUTH, Mr. LAMBORN, Mr. CHANDLER, Mrs. ADAMS, Mr. ANDREWS, Mr. HINOJOSA, Mr. HOLDEN, Mr. MCDERMOTT, Mr. OLVER, Mr. POSEY, Mr. QUIGLEY, Mr. ROTHMAN of New Jersey, Mr. HOYER, Ms. MATSUI, Mr. GEORGE MILLER of California, Mr. GARAMENDI, Ms. ESHOO, Mr. FARR, Mr. SHERMAN, Ms. ROYBAL-ALLARD, Ms. DEGETTE, Mr. CARNEY, Ms. CASTOR of Florida, Ms. HANABUSA, Mr. KEATING, Mr. KILDEE, Mr. ELLISON, Mr. PETERSON, Mr. PALLONE, Mr. CICILLINE, and Mr. AUSTIN SCOTT of Georgia.

H.R. 2461: Mr. LATHAM.

H.R. 2471: Mr. LANCE and Mr. KINZINGER of Illinois.

H.R. 2477: Mr. CHANDLER.

H.R. 2492: Ms. BALDWIN and Mr. STARK.

H.R. 2508: Mr. BACA and Mr. VAN HOLLEN.

H.R. 2514: Mr. GARDNER and Mr. DUFFY.

H.R. 2528: Mr. POE of Texas and Mr. BURGESS.

H.R. 2541: Mr. REICHERT.

H.R. 2543: Ms. HAHN.

H.R. 2554: Mr. HONDA.

H.R. 2597: Mr. SARBANES.

H.R. 2599: Ms. DEGETTE, Mr. COSTA, Mr. STARK, Mr. CAMPBELL, Ms. SPEIER, Ms. HIRONO, Mr. SCHIFF, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. SARBANES, Ms. ZOE LOFGREN of California, Mr. DIAZ-BALART, Mr. BILBRAY, Mr. CARNAHAN, Mr. BACA, and Mr. GARAMENDI.

H.R. 2600: Mr. HEINRICH, Mr. WEST, and Mr. HALL.

H.R. 2634: Mr. FRANK of Massachusetts.

H.R. 2655: Mr. LARSON of Connecticut, Mr. PETERSON, Ms. SCHWARTZ, Mr. SERRANO, Mr. GIBBS, Mr. LATOURETTE, Ms. NORTON, Mr. PASCRELL, and Mr. PAULSEN.

H.R. 2672: Mr. MEEHAN.

H.R. 2688: Mr. NADLER.

H.R. 2705: Mr. HIMES, Ms. NORTON, Mr. QUIGLEY, Mr. PASTOR of Arizona, Mr. TOWNS, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mr. FARR, Mr. DAVIS of Illinois, and Mrs. MALONEY.

H.R. 2830: Ms. FUDGE, Mr. FILNER, Mr. JOHNSON of Ohio, Mr. POE of Texas, Mr. WELCH, and Mr. SHERMAN.

H.R. 2835: Mr. HASTINGS of Florida.

H.R. 2836: Mr. HASTINGS of Florida.

H.R. 2837: Mr. HASTINGS of Florida.

H.R. 2842: Mr. COSTA.

H.R. 2864: Mr. SERRANO, Ms. ESHOO, Mr. MCCOTTER, Mr. RUSH, Mr. JOHNSON of Ohio, and Mr. KISSELL.

H.R. 2866: Mr. DONNELLY of Indiana and Mr. PLATTS.

H.R. 2897: Mr. CRAWFORD.

H.R. 2898: Mr. ISSA and Mr. GARRETT.

H.R. 2918: Mr. BILIRAKIS, Mr. MARINO, Mr. LONG, and Mr. COFFMAN of Colorado.

H.R. 2920: Ms. NORTON, Mr. TOWNS, Ms. RICHARDSON, Ms. CLARKE of New York, Ms. WOOLSEY, Mr. HINCHEY, Mr. FILNER, Mrs. MILLER of Michigan, and Mr. RUSH.

H.R. 2939: Mr. STARK.

H.R. 2951: Mr. AUSTRIA.

H.R. 2956: Mr. AL GREEN of Texas.

H.R. 2960: Mr. HECK, Ms. HAYWORTH, Mr. ROE of Tennessee, Mr. BURGESS, Ms. FUDGE, Mr. LATHAM, Mr. PLATTS, and Mr. WITTMAN.

H.R. 2962: Mr. GUTHRIE.

H.R. 2966: Ms. TSONGAS and Mr. INSLEE.

H.R. 2969: Mr. PETERS, Ms. PINGREE of Maine, Ms. WOOLSEY, Mr. MARCHANT, and Mr. MCDERMOTT.

H.R. 2970: Mr. SIRES.

H.R. 3000: Mr. KINGSTON.

H.R. 3005: Mr. WELCH.

H.R. 3009: Mr. BROUN of Georgia and Mr. SOUTHERLAND.

H.R. 3027: Ms. SLAUGHTER.

H.R. 3035: Mr. LUETKEMEYER.

H.R. 3039: Mr. KINZINGER of Illinois, Mr. TIBERI, Mr. ROONEY, Mrs. CHRISTENSEN, and Mr. DOLD.

H.R. 3046: Mr. MICHAUD, Mr. LUJÁN, Ms. RICHARDSON, and Mr. HOLT.

H.R. 3054: Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. ELLISON, and Mr. JOHNSON of Georgia.

H.R. 3056: Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. ELLISON, and Mr. JOHNSON of Georgia.

H.R. 3059: Mr. LANKFORD, Mr. LUETKEMEYER, and Ms. JACKSON LEE of Texas.

H.R. 3061: Mr. KING of New York and Mr. LOBIONDO.

H.R. 3066: Mr. LANDRY.

H.R. 3074: Mr. BENISHEK.

H.R. 3086: Mr. HARPER.

H.R. 3088: Mr. MCGOVERN, Mr. HONDA, and Ms. CLARKE of New York.

H.R. 3090: Mr. PITTS, Mr. FRANKS of Arizona, and Mr. CHAFFETZ.

H.R. 3094: Mr. PLATTS.

H.R. 3096: Mr. ROONEY.

H.R. 3099: Mr. BURTON of Indiana.

H.J. Res. 28: Mr. QUIGLEY, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. MEEKS, Ms. EDWARDS, Mr. RICHMOND, and Mr. AL GREEN of Texas.

H. Con. Res. 39: Mr. RUNYAN and Mr. POE of Texas.

H. Res. 98: Mr. COSTA and Mr. SESSIONS.

H. Res. 111: Ms. HAYWORTH and Mr. HINOJOSA.

H. Res. 352: Mr. MARINO.

H. Res. 387: Mr. HONDA.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2920: Mr. CICILLINE.

H.R. 2954: Mr. BROOKS.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, OCTOBER 6, 2011 No. 149

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

## PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend D. Edward Chaney, senior pastor of Second Baptist Church in Las Vegas, NV.

The guest Chaplain offered the following prayer:

Let us pray.

Bless us now, O God. Touch our hearts, for without Your love, light, and life, we are nothing.

Give our lawmakers strength and courage as they make decisions today that impact the lives of all Americans.

Lord, remove the divisive spirit that prohibits true transformation and allow Your presence to become not just common but harmonious. Through our dedication, commitment, and sacrifice, we thank You for cleansing us from the ills of this world and making us fit to serve and honor You.

We ask these blessings in Your Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, October 6, 2011.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## WELCOMING REVEREND CHANEY

Mr. REID. Mr. President, I have the rare opportunity today to introduce and say a few words about the guest Chaplain. Reverend Chaney has just delivered, as usual, an eloquent invocation.

Reverend Chaney is originally from South Carolina, but for the last 2 years he has led the flock of the Second Baptist Church in Las Vegas, one of the oldest, extremely well-established, and largest churches in Las Vegas, NV. He is a man who is involved in the community very deeply. He serves on the board of the Urban League and the NAACP.

In addition to his service in the spiritual realm, he has also served as a patriot in our Nation's armed services. He served in the Navy for 4 years, as has our Chaplain, Dr. Barry Black. They were both naval officers. Reverend Chaney recently retired as chaplain of the U.S. Air Force Reserve at Nellis Air Force Base.

I have met with Reverend Chaney under very unique circumstances on a number of occasions. He is a wonderful human being. He is one of those rare people who have such a pleasant demeanor. The minute a person meets him, they know he is a man of great substance and spiritual quality. So I am very happy to welcome Reverend Chaney and his wife Avis to Washington.

I thank the pastor for the inspiring invocation, which I hope will guide the Senate's action today.

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of S. 1619, the China currency legislation. The deadline for second-degree amendments to that legislation is at 10 a.m. this morning. At 10:30, there will be a rollcall vote on the motion to invoke cloture on S. 1619.

## MEASURE PLACED ON THE CALENDAR—S. 1660

Mr. REID. Mr. President, I am told that S. 1660 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1660) to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

Mr. REID. Mr. President, I object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. I note 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.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mr. REID. Mr. 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.

## CHINA CURRENCY MANIPULATION

Mr. REID. Mr. President, this morning the Senate will hold a vote to advance legislation to end the underhanded practice of currency manipulation by the Chinese Government. This practice gives Chinese exports a tremendously unfair advantage over all the global markets but especially the one with our relations with China. It hurts American manufacturers and cheats American workers out of jobs. This practice has helped balloon America's trade deficit with China from $10 billion to $273 billion in the last 20 years, costing upwards of 3 million jobs. Too many of those lost jobs came from the manufacturing sector alone, which can't compete as long as the Chinese Government gives its exports special advantages.

This legislation is a chance to even a tilted playing field, to pump $300 billion into our economy in 2 years, and support 1.6 million American jobs. That is why it has the support of labor unions and business groups. That is why it advanced with an overwhelming bipartisan vote on Monday. I believe there were 31 Republican votes on Monday.

I would remind my Republican colleagues that since the Senate began debate of this bill, China has made no move to correct the value of its currency. It is clear that merely considering congressional action will not solve this problem, so it is difficult for me to comprehend how people could be switching their votes from Monday to Thursday. We have offered to work with Republicans on an agreement to consider several germane amendments. I stand by that offer. We talked about that yesterday and, in fact, late last night. I repeat, more than 31 Republicans voted to advance this legislation earlier this week. So I am hopeful my colleagues on the other side will continue to work with us in a bipartisan fashion to advance this important job-creating legislation today.

I have indicated to the Republican leader that I have a meeting with three of my Senators at the White House at 5:30 this afternoon, so we either finish this bill if, in fact, cloture is invoked and we work out something on the amendments before 5:30 or we can come back tonight after the meeting at the White House or we can come back tomorrow, but we are going to complete work on this legislation before we leave, one way or the other. If cloture is not invoked, of course, that ends it, which I think would be a sad day for relations between China and the United States, to think we capitulated on something as important as this. But we are going to finish this legislation today. I would like to do it before 5:30. We have the Jewish holiday that starts tomorrow at 5:30—it is actually an hour or so after that, so 20 until 7, sundown. But, anyway, we are going to continue working on this legislation until we complete it one way or the other.

### AMERICAN JOBS ACT

Early next week, the Senate will begin debate on the American Jobs Act, which will create jobs while asking every American to contribute his or her fair share. This legislation will put construction crews back to work building the things that make our country stronger: modern bridges, roads, dams, sewers, water systems, and up-to-date schools where our children can get the best education possible.

### FREE TRADE

I have spent a lot of time with the Republican leader, knowing how strongly he and some other Members of the Senate feel about the Colombia trade bill, the Korea trade agreement, and Panama. In spite of my not feeling so strongly about these—I am not a big fan of these matters—I am doing my best to advance this so we can have a vote, hopefully as early as Wednesday of next week.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## AMERICAN JOBS ACT

Mr. MCCONNELL. Mr. President, what this week has shown beyond any doubt is that Democrats would rather talk about partisan legislation they won't pass than actually passing legislation we know would create jobs.

Two and a half years after the President signed his first stimulus, there are 1.7 million fewer jobs in this country. Now he wants to do it again. Why? Because Democrats think it makes for good politics.

This week, it was revealed that there wasn't enough support within the Democratic ranks to pass the President's so-called jobs bill—it was simply too partisan. So yesterday, instead of making it less partisan, they made it more so. By adding a tax on small business owners, they made it even less attractive to job creators rather than working with Republicans on legislation that would actually help create jobs.

I mean, what is our goal here? If the goal is to create jobs, then why are we even talking about tax hikes? The President himself has said that raising taxes is the last thing we want to do in a weak economy. That is the President of the United States. Even the White House predicts the unemployment rate will be high when this tax would kick in. So the real goal here for Democrats, as far as I can tell, is entirely political. By arguing for a permanent tax hike to pay for a temporary stimulus, they are essentially admitting they are not particularly interested in creating jobs. Proposing a partisan tax hike 13 months before an election will not create one single job—not one. So I would suggest that our friends on the other side put away the playbook and work with us instead.

As I have said repeatedly, Republicans are ready to act right away with Democrats on bipartisan, job-creating legislation—on the three trade bills, for instance, on regulatory reform, increasing American energy production, and tax reform. All those things would help the economy, and all could be strongly—strongly—bipartisan. Yet Democratic leaders do not seem to be interested in working together.

Two days ago, for example, I offered the President his request to vote on his second stimulus. Our Democratic friends blocked the vote. Instead of working across the aisle with Republicans on solutions that would help put people back to work, Democrats have fallen back to tired talking points—the same, stale rhetoric we have heard literally for years. With 14 million Americans out of work, this is completely and totally unacceptable.

We are wasting valuable time. Despite the President assuring Americans that nobody is talking about raising taxes right now and that a down economy is a horrible time to raise taxes—again, this is what the President said—the new Democratic tax hike would take effect in a little over a year, when CBO tells us the unemployment rate will still be well over 8 percent.

It is no wonder the economy is stagnant, businesses are not hiring, and unemployment is at 9 percent. How can anyone be expected to make plans when the next ''gotcha'' tax hike to pay for this President's spending binge is always lurking right around the corner?

The President has said it is wrong to raise taxes in this weak economic environment. If he meant what he said, surely he will join me in opposing this unwise tax hike Senate Democrats have proposed.

Republicans, along with some Democrats, have progrowth solutions to help solve this crisis, but we will not stand for a permanent tax hike for a temporary stimulus that is largely a rehash of the same stimulus ideas this administration has already tried.

This bill is the same wasteful spending, the same burdensome union giveaways, and the same temporary tax policy that has failed the American people in the last 2 years.

This economy can grow and create jobs when Washington reduces spending and regulations, and by simplifying our incredibly complex tax system. This is what is needed to literally unleash the private sector.

It is time Democrats move beyond the political rhetoric and for the President to stop campaigning. It is time for

Democrats to reach across the aisle on bipartisan legislation that can actually pass.

Mr. President, I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1619, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Pending:

Reid amendment No. 694, to change the enactment date.

Reid amendment No. 695 (to amendment No. 694), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 696, to change the enactment date.

Reid amendment No. 697 (to (the instructions) amendment No. 696) of the motion to commit), of a perfecting nature.

Reid amendment No. 698 (to amendment No. 697), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from New York.

Mr. SCHUMER. Just for a clarification, Mr. President, are we in morning business or are we on the bill?

The ACTING PRESIDENT pro tempore. We are on the bill.

Mr. SCHUMER. Is 1 hour of time equally divided?

The ACTING PRESIDENT pro tempore. Until 10:30.

Mr. SCHUMER. So time is equally divided up to that point?

The ACTING PRESIDENT pro tempore. Correct.

Mr. SCHUMER. Thank you, Mr. President.

First, I would like to make a comment on the Republican leader's comments on the tax bill. Just make note, American people, the leader says: Do not raise taxes. But he does not mention what our proposal actually does. It imposes a 5.6-percent surcharge only on those whose incomes are above $1 million. In other words, 99 percent-plus of the American people will not have their taxes raised, nor should they.

Average middle-class people are struggling. Their incomes are declining. We should not be doing that. But for those who are the very wealthiest—and this is no aspersion to them. I think most of us on both sides of the aisle admire people who have made a lot of money. Most Americans would like to be in their shoes, and most of them have done it the hard way: by coming up with a good idea, struggling and working a business. That is great. But they are the one segment in society whose income has actually increased significantly over the last decade.

The one consensus we have in this place is that we have to reduce the deficit and reduce the budget. The one consensus we have is that we have to do that. Well, you are asking middle-class people to chip in by making it harder to pay for college because student loans are not as good or cutting back on somebody who has been unemployed. They worked their whole life, lost their job, and now are unemployed.

So how do we have the top 1 percent—the one part of society doing the best—chip in? Well, the only way is through the Tax Code because they do not need help getting their kids to college. They do not need health care help. God bless them. They have enough money to do that on their own. So this is the only way to do it. If you say no taxes on anybody, even the millionaires—which is what, I assume, the Republican leader is saying—you are saying the best off in society, who have done the best in the last decade, should not contribute to this deficit reduction we have to do.

I believe—and I will say this again and again—the only way we are going to get real deficit reduction is by raising revenues as well as cutting spending. The only real way we are going to break through on raising revenues is making sure those at the highest income contribute and contribute more than others when it comes to the tax system.

I would like to go to the bill at hand, which is S. 1619, the currency act. I know my colleagues have heard me on this all week. It is passionate for me. It is passionate not as a Democrat or not against Republicans. In fact, we have religiously tried throughout—Senator LINDSEY GRAHAM and I, throughout the history of this bill, which is a long one, and the bills before it, their predecessors—we have tried to keep this religiously bipartisan.

In fact, we have five lead Democratic sponsors and five lead Republican sponsors. LINDSEY and I have opposed Presidents on this issue—whether it was the Republican President Bush or the Democrat President Obama—with equal vigor because we think administrations get too caught up in that highfalutin diplomatic world to understand what American companies, particularly middle-sized companies, go through when China does not play fair.

I am on the Senate floor on this bill many times, more often than I usually speak, because I believe passionately this is about the future of America. If we continue to lose wealth and jobs to China because they manipulate trade laws and intellectual property laws and all kinds of other economic laws for their own advantage, unfairly—against the WTO rules, against the rules of free trade—we may never recover as a country.

This is serious. This is not to gain political advantage, although most Americans agree with it, of course. But I would do this if most Americans did not, and if editorialists did not, business leaders of multinational corporations did not. I do this because when we have small companies that are growing that have great products, and China unfairly competes with them—not because China's products are better but because China's trade allows it to undercut them in our market and in the Chinese market—we are giving away our seed corn.

Take solar cells. China usually uses a one-two punch to hurt us unfairly. First, they will use some trade law to get that business in their country, whether it is rare earths, and they will say: You want these rare earths? You have to manufacture in China. Whether it is intellectual property, they just take it regardless of patent laws and other laws. Or in the case of solar cells, whether it is unfair direct subsidies to companies, they say: You make the solar cells here—the Chinese companies—you will get deep subsidies.

But that alone would not be enough to put our American companies on their butts. What happens is, after they unfairly take the business and move them there, they send them here at a 30-percent discount using currency manipulation. Our American companies—and I have spoken to company after company in manufacturing businesses, in service businesses, and things in between—say: I can't compete. My product is usually better, but not against a 30-percent currency disadvantage. So the price of the Chinese good is 30 percent cheaper.

There is a window manufacturer I just visited, I think it was last Friday. He makes high-end windows for these buildings in New York and elsewhere. The window he makes is better than the Chinese window. This was not a theft of intellectual property. He would not use the Chinese windows because he is a contractor as well. He makes the windows, and then he installs them.

He said: I wouldn't use the Chinese product, but because it has a 30-percent advantage in currency, it undercuts me in price and lots of other people use it.

Now, who would have thought that we are talking about windows? The Chinese are competing against us everywhere. High end, middle end, and low end. On the low end, frankly, we will never get the businesses back. Toys or clothing or shoes, maybe even furniture—except high-end furniture—is not coming back.

The argument that some of these editorialists use, well, they are going to go to Bangladesh or somewhere else if China has to raise its currency is true, but that is not what we are fighting for

here. We are fighting for high- and middle-end companies that have great products—solar panels, in which America has a future; jobs that if China played fairly we would win because we make a better product, and it does not have to be exported. Yet we somehow sit here and twiddle our thumbs.

What I was saying about the window guy is, not only now does China compete in manufacturing the windows, Chinese companies come here and install them. Again, it is still a 30-percent advantage because they are paying the Chinese company and workers the yuan, which is undervalued by 30 percent over there.

So this is serious. It is about the future of America, about the future of American jobs. We are all concerned about jobs. There are very few jobs bills that are, A, bipartisan, and, B, do not cost money. This is one of them. It has been a bipartisan bill all the way. The votes showed it.

I see my colleague from Alabama who has been a great partner. I saw my colleague from South Carolina who has been a great partner. How else in this deadlocked, gridlocked situation can we help American workers in a bipartisan way—that does not cost money—in a big way? This is it. There are not many others.

So I would ask my colleagues on both sides of the aisle—Leader REID said on the Senate floor a few minutes ago what he said last night, that he would certainly entertain amendments and come to an agreement—amendments from both sides of the aisle, relevant, germane amendments, relevant to trade. I am sure if we could move on cloture, Senator HATCH's amendment—he is the ranking member of the Finance Committee—which deals with trade would be debated. We would try to have time limits. There would be a fair and open debate on an important issue, and then we could vote on the bill.

So I hope we will get a positive vote on cloture this morning, and I hope we will—not for political gain or anything like that but for American gain. We cannot, cannot, cannot continue to let China flaunt the rules.

Ten years ago or eight years ago, when Senator GRAHAM and I started on this issue, China was a much smaller economy. Now they are huge, the second largest in the world. They compete against us up and down the line. They have found six ways from Sunday to lure businesses there. That deals with the Chinese market. But then, with trade currency, when the businesses go there, with currency manipulation they are able to undercut us and send the goods here.

Again, to me—and I am just one person and, obviously, I feel this issue more passionately than 99 percent of Americans because I have been involved in it so long—if we could do five things to restore American jobs and restore American wealth, this would be one of them. This would be one of them.

I want to see our children and grandchildren know that they are going to have better lives than their parents and grandparents, and it is a difficult and tough world to ensure that with global competition, with so many changes.

We were just talking in the gym about how our kids spend so much time on video games all day long instead of learning in school.

There are so many challenges we face as a country. At this time we cannot shrug our shoulders and be benign like maybe 20 or 25 years ago when we were in a different situation, saying: China cheats; so what. Let's not risk any change. Let's not get them mad.

We cannot afford that anymore. The future of America is at stake. To those who say it will cause a trade war, we are in a trade war. We have our clocks cleaned every day and lose jobs every day because of unfair Chinese practices. To those who say China will retaliate, China has got far more to lose in this than we do. They the are ones who benefit from all of these rules, we do not—all of these manipulations. They will not retaliate. Yes, they may do a little thing here and there, but they will not retaliate big time because it will do even more damage to the Chinese economy.

What they will do—Senator GRAHAM and I have seen this, and Senator SESSIONS and Senator BROWN—when they are faced with the hard reality that they will no longer be allowed by legislation or, I wish, by administration action, but that has not been forthcoming from either President Bush or President Obama, they then adjust and play fairer. That is what has happened every single time, and that will happen again.

I want to first compliment my colleagues on this legislation. I want to hope and pray—I pray in this one, me, for the future of America. And the future of America is linked to free and fair trade with China. The future of America is linked to the fact that we can no longer let China unfairly take advantage of American workers, American wealth, and the American future.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. SHAHEEN.) The Senator from South Carolina.

Mr. GRAHAM. I rise in support of moving forward on this legislation. I wish I could fix the Senate. It is not functioning the way any of us wishes—plenty of blame to go around. The Congress's approval rating is at 15 percent.

But here is some good news. There is a piece of legislation before us that, if we can ever get a vote on the legislation, would have overwhelming bipartisan support that actually would matter to the average, every-day person. When you look through your Congress, you have got to say: What is it about those folks up there? Why can't they do the things that all of us know need to be done?

There is a difference of opinion about how to deal with China. This is a complicated issue. But the one thing no one is telling me on the other side: LINDSEY, they are not manipulating their currency. I think as the American Taxpayers Union—great organization; I am in pretty good standing with them. I disagree with them on how to proceed against China in this particular instance. I think they said in their own letter: We agree, China manipulates their currency.

Well, if they do manipulate their currency, what does it matter? It matters a lot if you are an American business man or woman trying to compete in the world marketplace. As Senator SCHUMER said, the Chinese manipulate the value of their currency—6.3 yuan to the dollar; it used to be 8-point something. What does that mean? That means if a product produced in China is sold in the world marketplace and you are in business in South Carolina, Alabama, or New York, competing with that Chinese company, the value of their money builds a discount of 30 to 40 percent. You are going to have a very hard time winning in the marketplace, not because you do not work hard, not because your employees are inferior, simply because the Chinese Government is doing things with their currency we do not do.

We have a Federal Reserve. Some of their policies I do not agree with. But to suggest that our Federal Reserve system manipulates our currency to create a trade advantage is ridiculous. If we are doing it for that purpose, everybody should be fired, because we have a $273 billion trade deficit.

Every country has a right to set monetary policy. That is not the issue. If you disagree with the way we are doing monetary policy in the United States, I think you have a valid claim. This is about a country manipulating its currency for an advantage in the export market. The Chinese manipulation of the yuan has cost this country at least 2 million jobs—41,000 in South Carolina—and it is an unfair trade practice in another name.

If this were an island nation somewhere, none of us would care. But this is the second or third largest economy in the world, and all of us should care. The people who are opposing this legislation today are probably doing business in China and they are afraid to offend the Chinese. I have some manufacturing in my State that has a big footprint in China. They are nervous about this bill. I have most people in my State dying for me to get them some relief so they can stay in business.

But here is a warning: It will come—this movie will come to a neighborhood near you soon. In 2016, the Chinese are going to start producing, in large numbers, commercial aircraft. It will be difficult for American aircraft companies to compete with China if the aircraft is 30 percent discounted because of currency manipulation. One day they will be producing cars, not to be

sold in China but throughout the world. If you are in a high-tech industry, what has happened to the textile industry and other elements of our country such as steel is coming toward you. All we ask of China is build cars, build airplanes, but sell their products based on trade practices that are accepted throughout the world. Do not manipulate your currency to create a discount on products made in your country at our expense.

Since 2004, I have been dealing with this. We started with a sense of the Senate because everybody said this is delicate. I buy into that to a point. So sense of the Senate, we all agreed with 100 votes: You manipulate your currency. Please stop.

In 2005, after they did not stop, we introduced legislation, got 67 votes to proceed forward with a 27.5 tariff. We stopped our bill because we hoped things would change. Guess what. The yuan has appreciated about 31 percent since we have been doing this exercise, but not nearly enough. There is a restriction on the yuan trading. It cannot float more than 0.5 percent a day. It is tied to the dollar. It is still crushing our manufacturing community unfairly.

So from 2004 to now, I have been reasonable. I have sent message amendments, I have taken votes where I won overwhelmingly, and backed off. I have had it. Enough is enough. I am sorry the amendment process around this place is so screwed up. It is. There was an effort to get some amendments up. Not as much as people on our side would like.

I hate the idea of filling up the tree and becoming the House. But this is not about Senate procedure for me. I try to be a team player where I can be because I do believe Senator MCCONNELL is doing a very good job. Senator REID has got his own agenda. It is not about HARRY REID. It is not about MITCH MCCONNELL. It is not about some rule of the Senate. It is about people in my State who are going to lose their job if we do not do something.

I know what I need to be doing as a Senator here. The institution I need to be protecting is the American workforce which is having its clock cleaned by a Communist dictatorship that cheats. They do not outwork us. They do not outperform us. They steal our intellectual property. They manipulate their currency. They subsidize their industries. A few years ago they dumped steel all over the world—in the American marketplace, in particular—produced in China below cost, and the Bush administration pushed back with a countervailing duty claim.

I want to do business with China. The Chinese people are good. Their government is bad. They are mercantilists. They look at every transaction with an eye of what is best for us in the short term. They do not play by the rules. Since they have been in the WTO, their trade deficit has almost quadrupled. So enough is enough for LINDSEY GRAHAM.

We are going to have a chance, after 7 years, of getting a vote that will matter to the American people. I am sorry we are mad at each other all the time about everything. I am tired of being mad about the Senate not working well. I am going to set aside my displeasure for the process and do something I think will help the people I represent. I am going to vote to move forward in an imperfect procedural environment, knowing that if we can ever get a vote, it will be the best thing that could happen to the American manufacturing community. It will be a shot across China's bow that is long overdue.

The last thing I would say is that Senator SESSIONS has come into this issue, and he has brought an intellectual weight to it, emotional commitment. He understands the middle class. JEFF SESSIONS has been the best partner anyone could hope to have to try to push a bill forward that will give America a fighting chance in a world economy dominated unfairly by a Communist dictatorship. I want to recognize what Senator SESSIONS has done. He is going to vote to move forward. We have had it with China. Let's do something that will matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I was very interested in the comments of the distinguished Senator from New York and my friend from South Carolina as well.

This morning, the Senate will have the opportunity to send a strong message to China and the world community. Whether that signal is one of inward protectionism or outward engagement remains to be seen. In my mind, the choice is clear. If we support the motion to invoke cloture on the underlying bill, we will be sending a signal to China that the Senate is angry over China's manipulation of its currency, but we are not serious about taking real, long-term action to stop it.

We are also telling the world community that the United States is turning inward once again, seeking protectionist solutions to global problems, and not interested in working with other countries to solve our current international economic crisis. At the same time, we would be interjecting further uncertainty into our own economic recovery as our exporters and workers face potential retaliation from one of our leading trading partners.

There is a better way, and it can be bipartisan. We can defeat cloture and give Senators an opportunity to vote on my amendment, which not only has the best chance of actually resolving our serious currency problems with China but also demonstrates to the international community that the United States will continue to lead by promoting trade liberalization and holding countries accountable to the rules of the game for the long haul.

If given the chance to vote on my amendment, we can demonstrate our serious commitment to developing long-term and meaningful solutions to the persistent problem of currency manipulation. It tells them we are committed to starting that process today.

Yesterday, I outlined some of the serious problems with the unilateral approach adopted by the proponents of this bill. Allow me to summarize them for the benefit of my colleagues. First, this is not a jobs measure. Proponents of the unilateral approach argue that their bill will create thousands of jobs right now and millions of jobs in the years ahead. But all we have to do is take a close look at the numbers and the process laid out in the bill to see this is not the case.

I am also concerned that the bill will inject economic instability in a key bilateral relationship and subject U.S. exporters to potential retaliation by the Chinese.

Yesterday, the White House also expressed concerns about this bill, though they still have not stated publicly what those specific concerns are. I wish they would. It would be helpful to us up here to have the White House weigh in and say what they actually want, instead of waiting for the Senate to do whatever it wants to.

A growing chorus has come out to criticize the unilateral approach in this bill—a growing chorus. The New York times called this bill ''a bad idea'' and ''too blunt of an instrument'' which, if enacted, is very unlikely to persuade China to change its practices, while adding another explosive new conflict to an already heavy list of bilateral frictions.

The Wall Street Journal called the underlying bill ''the most dangerous trade legislation in many years.''

The U.S. Chamber of Commerce issued a letter yesterday stating that the unilateral approach in the underlying bill would be counterproductive in persuading China to alter its currency practices and that ''in the end, such unilateral action would very likely cause retaliation by China and ultimately damage the U.S. economy, including exporters, investors, workers, and consumers.''

It does not get any tougher than that.

Again, there is a better way. My amendment calls for a bold new approach which will empower U.S. negotiators to work within the WTO and the IMF to develop long-term effective remedies to counter the effect of currency manipulation by China or any other country and develop practices to persuade countries to stop currency manipulation. If that does not work within 90 days, they are directed to go outside of these institutions.

My amendment would also send a great message to both the WTO and the IMF.

My amendment would also establish a new priority negotiating objective, so as we negotiate trade agreements with trading partners, we should all commit in those agreements to not manipulate

our currencies. My amendment also ensures that we have a partner by holding the administration accountable until they achieve results—and that is whether it is this administration or some administration in the future.

This is not a quick fix. But truly resolving complex and longstanding problems, such as currency manipulation, will take much more than a quick fix. It requires that we stand together as a country and do the hard work necessary with the international community to achieve real, long-term results.

Although my amendment was only recently introduced, it is already gaining widespread support. The U.S. Chamber of Commerce endorsed the Hatch amendment, arguing that coordinated and multilateral pressure, through international organizations, is essential to encouraging China to adopt market-determined currency and exchange rate policies. That is precisely the approach taken in the Hatch amendment.

This morning, Douglas Holtz-Eakin, former Director of the Congressional Budget Office, wrote in National Review Online that the Hatch amendment ''is a more complex solution to the [currency] problem,'' and while ''not nearly as sexy or slogan-inspiring as the Currency Exchange Oversight Reform Act . . . happens to have a much greater likelihood of being effectual.''

Americans for Tax Reform wrote a letter in support of my amendment, saying the Hatch amendment ''offers a sensible approach that utilizes the mechanisms created by the international trade community to resolve such disputes.''

The Emergency Committee for American Trade says that the Hatch amendment ''will more effectively address concerns about currency misalignment by China and other countries, without opening the door to many harmful effects on U.S. business and workers.'' These and other organizations, such as the Retail Industry Trade Association and the Financial Services Roundtable, recognize there is a better way. Let's quit playing politics with this issue.

Today, we face a clear choice. By voting against cloture, we can stand against unilateralism, stand against protectionism, stand against retaliation, and stand against ''quick fix'' solutions and slogans. We can then turn to vote on my amendment, one that offers the prospect of real long-term and effective solutions, that shows the Chinese and the world community we are serious about solving this problem over the long haul, and that tells this and subsequent administrations they will be held accountable. Even the administration basically agrees with this.

Today, we have an opportunity to make a difference. The Atlanta Journal Constitution wrote this today:

We have a trade problem with China. But Georgians will pay dearly if Congress keeps taking the wrong approach to solving it.

I could not agree more. But it is not just Georgians who will pay dearly but all Americans.

I urge colleagues to make the right choice today, to vote against cloture and support my amendment.

I am even willing to give my amendment to the distinguished Senator from New York and others—have it be theirs. I don't care who gets the credit. When we work on trade issues, I want them to work right. I don't want to have politics played with this. This is too important.

I hope everybody votes against cloture, and I hope we can then take up the amendment I have been talking about—and we can refile it, so those who feel so deeply about the Schumer amendment can be for something. I would like to do that and see this done. I would like to see our country move ahead with an intelligent approach toward currency and trade.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, the majority leader has agreed that if cloture is invoked, Senator HATCH's amendment will be one that will be voted on. There was an agreement. Other amendments, too, would be allowed. I believe the minority has to protect its right to offer amendments, consistent with other processes that we have had here that I am not happy with. The amendments offered by the majority, I believe, are legitimate.

I am a bit offended, and I don't appreciate the view that this is a protectionist piece of legislation. I believe it protects free trade because trade can't exist when one party is manipulating the rules in a significant way that substantially impacts the balance of trade.

I will just ask the question: Is former Governor, now Presidential candidate, Mitt Romney a protectionist? Governor Huntsman from Utah, a Presidential candidate and also former Ambassador to China for President Obama, said he would sign this bill if it came before him if he is elected President; and ROB PORTMAN, our fabulous new Senator, President Bush's former Trade Representative, said he supports the bipartisan legislation.

I don't think it is protectionism. I think it is an effort to protect trade. There are some who are religious about free trade; it is a religion. They believe that no matter how bad our trading partners act, we should not retaliate because that might cause a trade war. I think that is not against common sense. Trade is not my religion. I think any trading relationship should depend on how well the agreement serves the interests of both parties. It is similar to any other business relationship. Is it serving the interests of both parties? In this trade situation, it is a dramatic factor in the American loss of jobs. It is indisputable, in my opinion.

A group of professors from California said our trade imbalance, over the last decade, has cost 10 million jobs. Let me just say we are going to have dynamic changes in our economy. That happens all the time, and there are winners and losers. We can compete with China and we are, in many ways. When we give them a currency advantage as large as this, good companies that are capable of competing and being successful are being hammered. The middle class in this country is being hammered.

This has to stop, and we have to ask ourselves: Is this country going to abandon its commitment or belief in a manufacturing economy? Are we going to give up manufacturing entirely? I don't think that is remotely conceivable. We have had brilliant economists tell us we need to be a service economy and we can just deal with computers and e-mails and move paper around and that this creates growth and wealth. We need a manufacturing economy.

I see Senator BROWN, who has been a strong advocate of this. Senators SCHUMER and GRAHAM have been at this for years. I voted for the legislation in 2005. I have become energized about this because I believe it is a deep responsibility for every government official to protect our national security and protect our economic security. When we have clear evidence that a predatory trade policy of a major world exporter—the largest exporter in the history of the world is China to the United States. They are abusing their trade privileges, and the administration refuses to act. I say the Congress can and should act.

I believe this is a reasonable bill. It allows the administration to negotiate an end to this matter over a period of time, and it will provide the power and the requirement that that happen.

Mr. BROWN of Ohio. Will the Senator yield for a question?

Mr. SESSIONS. I am pleased to.

Mr. BROWN of Ohio. I appreciate the Senator's consistent push for fair trade policies. We have worked on Alabama's and Ohio's issues, from sleeping bags to steel. I appreciate that. The Senator said how important manufacturing is and that we cannot just turn to a service economy or we begin to lose the middle class. I appreciate the Senator's advocacy there.

Will the Senator explain, before the debate is wrapped up, what this currency depreciation, if you will, by the Chinese does to our economy. Senator MERKLEY explained yesterday that when we export to China, their currency advantage—artificial advantage—gets the Chinese a 25-percent tariff on our sales to China, making it harder for a Montgomery or a Dayton company to sell into China. Coming the other way, it is a 25-percent subsidy to the Chinese company—or their government's company—selling in Mobile or Cincinnati. Could the Senator wrap up the debate and go through that again—to the point of what currency does to manufacturing and the middle class.

Mr. SESSIONS. If a manufacturing company in Dayton is competing with the Chinese company to manufacture a widget, they can, on the currency alone, more than have an advantage

shipping the product from China here—a 25-percent advantage. As we know, in modern trade and sales today, margins are very small, and 25 percent is a huge margin that would be provided by the currency alone. Then we have the things that are done in trying to block our companies from moving and selling there. To go beyond currency, it adds to the price of our goods if we attempt to sell them in China.

This is not a two-way street. I believe that any rational government should not allow its manufacturing industry and its workers to be subjected to such unfair practices. We have an absolute responsibility to stand up and fix it. The best way to do it is the bill that Senators SCHUMER, GRAHAM, BROWN, and others have offered. It will do it in a rational, effective way. Other alternatives are less effective and will not do the job. It is time for us to do it now.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, what is the time status for the majority and minority?

The PRESIDING OFFICER. The majority has no time remaining. The minority has 2 minutes.

Mr. SCHUMER. They are much better at this than we are.

Mr. SESSIONS. I will yield the 2 minutes to Senator SCHUMER.

Mr. SCHUMER. All four of us have spoken. Again, I make a plea to my colleagues. We have had 8 months talking about debt, and many have said that is the future for our children and grandchildren. I think there is a consensus on both sides that is true. I argue that this is also about the future for our children and grandchildren, because if good American companies with great ideas are wiped out in the next 10 years—as they will be if China continues its predatory practices—the future for our children and grandchildren in this country will not be bright. Our seed corn, our family jewels are being decimated by a plague of unfair competition that has been allowed to continue. It is as if we have a plague and some of the leaders of this country, whether political or economic, shrug their shoulders and say: That is that. We cannot do that much about this.

In a bipartisan way, we have said we can do something about this plague. We are at the moment of decision. It is my belief that if we pass this in a bipartisan way—as we have to; it is the way the Senate works—the House may not take up our bill exactly, but they will do something. We will have a conference committee, and we can get something done. The odds are quite high that when China sees the train heading down the track, when their ability—I have seen the articles—and I wanted to read some of them into the record—of China urging American companies with plants in China to lobby against this bill. But when China sees the train heading down the track and that, for the first time, their efforts with their multinational allies to stall this bill will not succeed, they will adjust and correct themselves, not just on currency but on all the other areas where they don't treat us fairly.

So this is an important vote and an important day for America.

I yield the floor.

Mr. GRASSLEY. Madam President, I am here to discuss S. 1619, the currency exchange rate oversight bill. I support this bill. Back in 2007, I helped draft some of the language that is contained in this current bill.

China is a big beneficiary of international trade, yet it fails to allow its currency to float freely. As a result, U.S. exporters get cheated. It is time we do something to send the message that enough is enough.

I am all for free trade, I want free trade. Free trade helps our farmers, manufacturers, and our Nation as a whole. There is talk that this bill will cause a trade war with China. I am not convinced that is the case. Plus, keep in mind, this bill is about more than China. This bill is a much needed overhaul of a law that dates back to 1988. This bill puts in meaningful consequences for countries that do not address their currency manipulation.

All of that being said, I have to say I do not support the way this bill is being brought to a vote. While I want a vote on this bill and I want to vote for this bill, my colleagues should have the right to offer and debate their respective amendments. The majority leader's use of cloture to prevent the meaningful debate on motions is unacceptable. It is more of the same partisan politics that the American people are tired of. And in this instance, when there is bipartisan support for the bill, the majority leader's heavyhanded approach just doesn't make sense.

That is why, even though I support the currency bill, I am voting against cloture. If cloture fails, I sincerely hope we can have a meaningful debate and still move toward passage of this important legislation.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Harry Reid, Sherrod Brown, Charles E. Schumer, Al Franken, Jeanne Shaheen, Kay R. Hagan, Robert P. Casey, Jr., Richard J. Durbin, Michael F. Bennet, Richard Blumenthal, Carl Levin, Kent Conrad, Jim Webb, Benjamin L. Cardin, Sheldon Whitehouse, Tom Harkin, Daniel K. Inouye.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 62, nays 38, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—62

| | | |
|---|---|---|
| Akaka | Gillibrand | Nelson (FL) |
| Baucus | Graham | Portman |
| Begich | Hagan | Pryor |
| Bennet | Harkin | Reed |
| Bingaman | Hoeven | Reid |
| Blumenthal | Inouye | Rockefeller |
| Boxer | Isakson | Sanders |
| Brown (MA) | Johnson (SD) | Schumer |
| Brown (OH) | Kerry | Sessions |
| Burr | Klobuchar | Shaheen |
| Cardin | Kohl | Shelby |
| Carper | Landrieu | Snowe |
| Casey | Lautenberg | Stabenow |
| Chambliss | Leahy | Tester |
| Cochran | Levin | Udall (CO) |
| Collins | Lieberman | Udall (NM) |
| Conrad | Manchin | Warner |
| Coons | Menendez | Webb |
| Durbin | Merkley | Whitehouse |
| Feinstein | Mikulski | Wyden |
| Franken | Nelson (NE) | |

NAYS—38

| | | |
|---|---|---|
| Alexander | Grassley | McConnell |
| Ayotte | Hatch | Moran |
| Barrasso | Heller | Murkowski |
| Blunt | Hutchison | Murray |
| Boozman | Inhofe | Paul |
| Cantwell | Johanns | Risch |
| Coats | Johnson (WI) | Roberts |
| Coburn | Kirk | Rubio |
| Corker | Kyl | Thune |
| Cornyn | Lee | Toomey |
| Crapo | Lugar | Vitter |
| DeMint | McCain | Wicker |
| Enzi | McCaskill | |

The PRESIDING OFFICER (Mr. BROWN of Ohio). On this vote, the yeas are 62, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. I move to reconsider and lay this matter on the table.

The PRESIDING OFFICER. The motion is not in order.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, if we could have the attention of the Senate, we are now 30 hours postcloture. What the Republican leader and I would like to do—there is, of course, with what has happened procedurally, no opportunity to offer amendments unless we agree to offer amendments, except for the issue dealing with suspending the rules. What we would like to do is have Senators work to come up with some amendments they feel should be offered.

Senator MCCONNELL and all of us are happy to see whether we can work our way through this. I would hope Senators would check with floor staff and see how we can get this done. It would be to my liking to not have to spill over into tomorrow. The highest holy day of the Jewish faith is tomorrow starting at sundown. There are a number of people who wish to leave to be able to be home with their families on that day, but we have to finish this legislation this week. I would like to do it today if we can.

People should have an opportunity to offer amendments, give a little speech or a big speech—whatever they feel is appropriate—and we can vote. I am happy to do that. I have called off the quorum, people can talk, and in the meantime the floor staff will be waiting to hear from you as to what we can do regarding amendments.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, I would only add that the practical effect of where we are, not having been allowed to offer any amendments during the consideration of this bill, is we are left with motions to suspend. As the majority leader indicated, we are going to have some discussions about how many motions to suspend the majority will, shall I say, tolerate. The bad part of all of this from the Senate's point of view as an institution is that the minority is put at a substantial disadvantage.

Having said that, as the majority leader indicated, the floor staff is going to work together and see whether we can come up with some list of motions to instruct that will at least allow the minority to have some voice in the course of the consideration of this piece of legislation.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, there are a number of things we can do. We can do the motions to suspend. We are happy on this side to, with consent, just do amendments. That is fine over here.

I don't want to get into a long debate, but I have been in a situation during the entire pendency of this legislation to have amendments allowed. I said that yesterday. I have no problem with that. The problem we had is that the Republican leader offered the President's jobs bill in a form that is not the President's jobs bill. I told him this morning: If you want to vote on that, fine. We will do that. We will have a vote on that today. It can either be a motion to suspend the rules or it can be a regular amendment. I feel that way about all the motions to suspend that have been filed.

There are times when I accept the blame of not allowing amendments. There are times that certainly I am willing to take that burden of being criticized but not on this one. Not on this one. I have said publicly and I have said privately to the different Senators, Democrats and Republicans, that amendments could be offered. I don't want to get into a long debate about that.

Mr. MCCONNELL. Would my good friend yield for a question? I listened very carefully to what the majority leader said. We interact every day. What my good friend has just said is that he would be more than happy to have amendments he gets to pick. He gets to pick what amendments we get to offer. That is not, I would say to my good friend, the view of the minority as to how we ought to operate. We ought to be able to determine what amendments we are going to offer, not my good friend the majority leader. What he is saying, in effect, is, yes, he would be prepared to allow us to offer amendments, but he would select which of our amendments might be appropriate. That is not a place that the minority, no matter which party is in the minority, would like to find themselves.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have tried to set up a system here that is fair. Fair is in the mind of the person who says ''fair,'' and I understand that. We have had an open amendment process here, and that has led, because of the intransigence of the Republicans, to getting nothing done. Offer an amendment, and there is no way to get rid of it. So the system we have on this bill may not be the best in the world, but with what has been going on in the Senate, sometimes we do the best we can with the tools we have. There was no way of managing this legislation other than how I just described it. People can imagine what this place would have been like had we had a simple ''anybody can offer anything they want''—get the troops out of Afghanistan and on and on with all the many things people would have done in this legislation.

So without ''he said, she said,'' or I guess in this instance ''he said, he said,'' I think what we should do is try to finish this legislation today. The motion to suspend has been filed. That is fine with us. Let's try to work through as many of those as we can and see if we can finish this today; otherwise, we will finish it tomorrow.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I would only add the way the Senate used to work was the majority didn't pick the amendments the minority chose to offer, but there was some ability to determine whether it got a vote because any Senator could prevent a time agreement on the opportunity to get a vote on an amendment. So it wasn't totally freewheeling. Then at some point, if 60 Members of the Senate thought we ought to move to conclusion, we would. It was a much more orderly and open process, leading to the same result, which is that if 60 Members of the Senate wanted to end the matter and bring it to a conclusion, they could. So my complaint is about what we do before we get to the 60 votes, which I think in this particular instance is unfair to the minority.

Now, my party was divided on this issue. Some Members were for it; some Members were against it. That meant for sure that at some point 60 votes were going to be achieved and it was going to pass. The problem, I would say to my good friend, is what we did before then, which has the practical effect of putting the minority in the position where it gets no amendments at all or is, once again, at the sufferance of the majority with motions to suspend at the end, in which we are basically—the majority determines how many we get, and all of that.

This level of control is not necessary, in my judgment, in order to make the Senate move forward because, I will say again before I yield the floor, if 60 Senators are in favor of bringing a matter to a conclusion, it will be brought to a conclusion. That is what just happened a few minutes ago.

So I hope we can move forward in a more orderly process in the future, and maybe we can work out some agreement to have motions to suspend this afternoon that will not require us to be here tomorrow.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The Republican leader and I came here about the same time. I remember the good old days too. But everyone who follows government at all knows that during the last Congress and part of this one, the No. 1 goal of Republicans has been to stop legislation from moving through here—look at what has happened this year—and they have been fairly successful doing that, I have to acknowledge.

I have said publicly, and I say here today, I admire my friend, the Republican leader, because he was very candid with what his goal is in this Congress: to make sure President Obama is not reelected. That has been their goal. As a result of that, legislation has been very slow moving, and we have not been able to legislate as we did in the good old days.

So let's now try, with the situation in which we find ourselves, to work through this on a bipartisan basis. This is a good piece of legislation. Let's see if we can get through these amendments. I am confident we can. We have two outstanding floor managers for both Senator MCCONNELL and for me in Gary Myrick and Dave Schiappa. They do great work. They are going to try to sift through all of this stuff and put us on a pathway they can show Senator MCCONNELL and I will work and, if folks agree, we will get out of here today; otherwise, we will do it tomorrow.

Mr. MCCONNELL. My good friend referred to ''the good old days.'' The good old days weren't that long ago. I can remember just a few years ago when my party was in the majority in this body, and I was the assistant leader,

making the point with great repetition while listening to a lot of grumbling that the price for being in the majority is, you have to take bad votes; you have to take votes you don't like in order to get legislation across the floor and finished.

So this is not ancient times we are talking about where the minority actually got votes, took votes, and were not shut out. I hope we can move back in that direction. I think it would be a lot better for the Senate.

Mr. REID. Mr. President, I am not going to argue with my friend. The record speaks for itself. We know what has happened. I repeat, we are where we are today, and that is what we have to do to move forward on this most important legislation. I will do my best to cooperate and allow the Senators to have votes on issues they believe are important.

The PRESIDING OFFICER. Cloture having been invoked, the motion to recommit amendments thereto fall as being inconsistent with cloture.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOBS ACT

Mr. BEGICH. Mr. President, as were many of my colleagues, I was back home last week talking, in my case, to Alaskans, and the issues on their minds are pretty simple: the economy and jobs. Alaska has fared better than most States over the last 2 years, but no matter where I go—maybe a small convenience store, while I am driving around town or at Home Depot, a gas station, or wherever I may get a chance to engage with Alaskans—people are concerned about the economy and the ability for jobs to be created in this great country of ours.

Alaskans know the economy will take some time to turn around. That is why today I am pleased to talk a little bit about the jobs act before us this week and, hopefully, while moving forward we will spend some time on the debate about how important this work will be.

Last week when I was in Alaska, I had Transportation Secretary LaHood in Alaska, and we had a chance to travel around and get a good sense of what is important to Alaska with regard to ports, roads, airports, and rail. The core infrastructure of our State is no different than any other State. It is critical that we repair, put into shape, some of the facilities that are falling apart or, in some cases, expand them. The jobs act alone would mean $200 million to repair Alaska's transportation network.

As one can imagine, that $200 million will be spent in the private sector by construction companies and contractors hiring private individuals, workers to work on those jobs—good-paying jobs to provide good incomes for their families. The same is true that the jobs act will offer for Alaska around $62 million for school construction.

As I travel around my State—and I am sure for many other States—the need is strong for improvements to and expansion of schools for those that have been there for many years and have not had the renovations necessary, again, providing hundreds and hundreds of jobs.

The jobs act also has some good steps to deal with small businesses—how to ensure they get a break off their taxes, to ensure they have a benefit as we try to move this economy forward. The tax provisions, the payroll tax reduction, which would affect 20,000 Alaska businesses in a positive way, will reduce their tax burden, as well as working families, who will see a reduction in their payroll taxes.

On average, for a middle-class family, it would be almost $2,000—not a bad gift, in a sense, as we move into this holiday season. But it is really their money. Giving back this $2,000 to middle-class families means they will put it into the economy. They will spend it in the economy. They will use it as they see fit.

However, I wish to lay down a marker. As I have said, the jobs bill is important for the roads and water and sewer and ports that need to be repaired and renovated and expanded, the schools that need to be built or expanded and repaired also, as well as the benefits to our small business community and the benefits to our middle-class working families—all important. But how we pay for it is also important because we have to make sure it is paid for. But I wish to put down a marker on at least the first proposal that was laid down regarding how the President was planning to pay for this.

Let me first start with the oil and gas industry. The oil and gas industry for Alaska is about 85 percent of our economy in the sense that the money goes into our State treasury and provides well over 40,000 jobs. Nationwide, the oil and gas industry produces over 9 million jobs and contributes over $2 trillion to our economy.

I know some of my colleagues on my side of the aisle like to blast Big Oil. But as we know, the oil and gas industry is made up of hundreds, well over 500 companies of all sizes—small, medium-sized, and large. Singling out a growing industry and imposing a tax penalty, in my view, is the wrong choice. It is the wrong road to go down. We need to recognize the potential for more job creation instead by supporting increased domestic oil and gas development.

By developing Alaska's Arctic offshore resources alone, we can create over 50,000 jobs nationwide over the coming decade, jobs being created right here in our country. As an example, 400 jobs just in Washington to upgrade the Kulluk drilling unit which will be utilized in Alaska or the 1,000 jobs in Louisiana to build a new Arctic supply ship right now.

So when we look at the potential, and when we look at the opportunities in the Arctic for oil and gas development, it creates American jobs, American jobs not only in the Arctic in Alaska but also throughout the country where many of the facilities or the material utilized is located to construct what is needed, such as in Washington State and Louisiana, as I mentioned.

Also, Federal revenue would be generated. The Chamber of Commerce has estimated that developing and increasing production on Federal lands could produce well over $200 billion in new revenues to our country.

An Alaska analysis puts the Federal revenues just for Beaufort and Chukchi Sea at $160 billion. For those who are not familiar with where those are, those are just above the North Slope in the Arctic. These have a potential of well over 24 billion barrels of oil development in the known technically recoverable reserves today—upwards to 24 billion, 26 billion.

I will tell you I do support—and I understand in the original proposal they wanted to take away some of these tax incentives that help our industry move forward, especially the smaller companies to expand exploration and development. I recognize that tax reform needs to be done, and I am a strong supporter of tax reform. Senator WYDEN and Senator COATS and I have supported a piece of legislation that is all about tax reform. I believe in a holistic proposal, not just selective industries. So do not get me wrong. Do I believe in tax reform? Do I believe in trying to clear out loopholes and incentives that are not working or may be used improperly? Absolutely. Again, that is why we supported a much broader perspective. But in pay-fors or tax proposals to pay for the jobs bill, this is not the right approach.

Another concern I have is on aviation. Alaska has 6 times more pilots and 16 times more aircraft per capita than any other State in the country. Alaska has limited road infrastructure. Eighty percent of our communities are accessed not by roads but by water or air. So it is critical we have the right kind of aviation system.

General aviation is not a luxury in Alaska, it is a necessity. It is our highway in the sky. That is the utilization of our airlines and small planes. The general aviation component is critical for business, life safety, moving things from one village to another.

One piece of the President's jobs bill would change the way businesses can treat the depreciation of general aviation aircraft and create a disincentive to buy American-made aircraft and further depress an industry that has already felt a significant impact due to the recession.

The administration and Congress should not be demonizing legitimate business travel. General aviation is more than just business jets. I know we like to read about it and see it in papers and that is what people like to highlight. But in Alaska it is about moving from one community to the other. This would impact the turboprop aircraft which are the workhorses for Alaska's general aviation fleet.

Another administration proposal would impose a $100-per-flight user fee on certain general aviation aircraft. This is not a wise or even cost-effective way to administer a tax. General aviation users pay their fair share now. They pay for the aviation system through a per-gallon tax on their aviation fuel.

As a matter of fact, the general aviation industry has even agreed to a modest increase in this fuel tax as part of the FAA, Federal Aviation Administration, reauthorization bill which passed the Senate earlier this year. It shows their commitment to pay their fair share, but in an efficient way, and also puts it back into aviation, which is what in our State is, again, as I said, the highway in the sky to move goods and people all across our State. Again, I think the idea the administration has of a $100-per-flight user fee is just another burden, another fee, another tax that is not necessary and very inefficient.

As we think about job creation and what is going on, the other piece of this I am concerned about as to the taxes that are associated with this idea of the jobs bill—which I support elements of, as I mentioned; very important—but the issue when it comes to limiting the itemized deductions for charitable contributions and mortgage interest for families earning over $200,000, again, I think this is not a well-founded idea. I recognize the administration is trying to find ways to pay for things, but this is not, in my view, a good idea or a smart move.

When we think of a family, some might say: A family making $200,000 is wealthy. I will tell you, if they have a couple kids in school and are trying to figure out their future, after they figure out the deductions, their health care costs, and everything else, $200,000 disappears very quickly. We need to ensure that the deductions for mortgage interest and charitable contributions continue for these middle-class families at the level they can take a benefit from.

So for those three or four items I have a concern with the way the payfors or the tax increases to pay for the jobs bill are being handled. I know there is new discussion. I am glad there is new discussion because it would be difficult for me to support any jobs bill with a pile of these new taxes or tax increases that are being proposed. This would not be in the interest of my constituents in Alaska. It would not be in the interest of my industries that work hard in Alaska, creating jobs not only in our State but across this country.

I agree we need to do what we can to have a jobs bill, but let's have a fair pay-for in order to pay for it, not these additional taxes that I think would be a burden on working families and small businesses.

Mr. President, I would like to digress for one last second before I yield the floor to speak on another issue. It is always enjoyable. I read every business newspaper I can. I try to read every business magazine I can. I want to absorb as much information as I can when I am here in Washington during the sessions and workweeks and then when I go back home, hearing from individuals. But it is amazing to me—and I know on the Senate floor we have our philosophical debates. We saw some of that just a little bit ago on the old days versus the new days. I have never seen the old days. I have been here only 3 years, and this place has not run very well in the sense of trying to get things up and dealt with.

But I will tell you, Mr. President, some of the positions you have taken and I have taken and many on this side of the aisle have taken have been a lot of votes that have helped move this country forward. I will tell you one specifically which is about the auto industry.

As I was sitting here waiting for the debate, I was looking through these articles. Here is one from yesterday from the Wall Street Journal, which is not the most liberal newspaper, to say the least. But if we recall, a couple years ago we made a decision that we were going to take some risk, we were going to try to move the country forward, save an industry that was struggling that employed people in this country and was competing worldwide.

Folks on the other side said we were going to create a disaster by our actions, we would destroy the economy, we would sink this industry. The list went on and on—all the complaints. But as I read the headline in the Wall Street Journal from yesterday, it reads: ''Automakers Now Import Jobs.''

''Import jobs,'' what does this mean? This means they are bringing jobs back to this country. They specifically mention Japan and China.

Now, 3 years ago, I could read a different headline: Auto Industry on Their Deathbed, never going to survive. Maybe we would only have one auto company left. We now have three. Actually, if we look at the numbers, Chrysler is 27 percent up over the previous year in sales; GM, 20 percent up; Ford, 9 percent up. The American auto industry is doing well because of what we did here.

Some called it a bailout. I disagree. What we did was partner with industry to help them get over the hump, the recession, the struggle. They are paying back every dime the Federal Government loaned them, and they are profitable. They are hiring people. They are growing the industry, and they are bringing jobs back to this country.

I would say the policy we had—despite the naysayers, the negative attitudes people had on the other side—worked. Maybe the Wall Street Journal is wrong, but I do not think so because I have seen article after article that states the same. I can point to many others.

Is it as robust as we want in the economy? No. Can it do better? Absolutely. That is why the jobs bill is important—important for my State, important for every State, investing in the issues that matter: water, roads, sewers, electrification, schools, you name it, putting money back into taxpayers' pockets instead of the IRS taking it and hoarding it, putting it back where it counts. That is what the jobs bill does.

We have disagreements on how to pay for it. I think we are going to get to a better solution because several of us—more the moderate wing of the Democrats—are arguing that we cannot have these selective taxes the way they are laid out in the proposal presented by the President. We need to have a more simplified system and pay for it in a different way but not penalize certain companies because maybe we do not like them or it creates a great headline. But let's focus on the right way to do this.

I anticipate we will be able to have a different pay-for, a different proposal on how to pay for a great potential to bring more jobs back. But I end on that note only because I want to make sure—I know we are going to hear more naysaying, but the bottom line is the proof is in the pudding. That article I just read from gives us that.

Mr. President, I, again, thank you for the time and the opportunity to say a few words about the jobs bill, my concern, where I want to lay my marker down, but also to speak about the success we have had on taking some votes that were tough votes and the success we have had to move this economy forward—not as fast as we all would like, but better than I think what the folks said on the other side who just say nay, say no to everything.

So let me end there, Mr. President.

I yield the floor back 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. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT CRISIS

Mr. SANDERS. Mr. President, this country faces many problems. But I think if we go out on Main Street, if we go out to rural America, if we go to my State of Vermont, what people will tell us is, the major crisis we face is we have a massive problem with unemployment.

Some people will suggest that unemployment is 9 percent in this country.

That is not quite accurate. If we look at the numbers for those people who have given up looking for work, if we look at the numbers for those people who are working part time when they want to work full time, we are looking at a situation where 16 percent of the American people are unemployed or underemployed. That is 25 million Americans.

The job of the Congress now is to start putting those people back to work. That is what we have to do. There is an enormous amount of work that needs to be done. Virtually every American who gets into his or her car understands that our infrastructure is crumbling; that is, roads and bridges. Talk to mayors all over Vermont and in the United States of America, and they will say they are having major problems with their water systems. If we look at our rail system in this country, it is way behind Europe, Japan, and China. We need to rebuild public transportation and have a 21st-century rail system.

So if you put people to work rebuilding our crumbling infrastructure, rebuilding our transportation system, you are going to make the United States of America more productive, you are going to make us more competitive internationally, and you are going to create the millions of jobs we desperately need. It is stunning to me that we have not moved aggressively in terms of job creation. That is exactly what we have to do.

If we put $400 billion into infrastructure, we can create millions and millions of good-paying jobs, we can make our country more productive and more internationally competitive. Every single year we are importing and spending about $350 billion on foreign oil, bringing that oil in from Saudi Arabia and other foreign countries. As we move to energy independence, as we break our dependence on fossil fuels, moving to energy efficiency and sustainable energy such as solar, wind, geothermal, biomass, we can create millions more jobs.

It seems to me at a time when the middle class is disappearing, at a time when poverty is increasing to a record-breaking level, at a time when people in every section of the country are saying we need to put our people back to work, now is the time to do that.

Last year I introduced the concept which said, let's have a surtax on millionaires. The reason I said that is the wealthiest people in this country are becoming wealthier. Their real effective tax rate is the lowest in decades. I am very pleased to see that the Democratic leadership is moving forward in that direction.

As we create the jobs we need by rebuilding our infrastructure, by transforming our energy system, it is absolutely appropriate that at a time when the gap between the very wealthy and everybody else is getting wider that we ask the wealthiest people in this country to help us fund job creation so we can pull the middle class out of the terrible recession they are suffering.

I think the job is a major jobs program now for our country, rebuild our infrastructure, transform our energy system, ask the wealthiest people in this country to start paying their fair share of taxes. Let's end many of these tax loopholes and breaks that large corporations have. We can fund a serious jobs program and put millions of our people back to work, which is something we absolutely have to do.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN.) The Senator from Missouri.

JOBS CREATION

Mr. BLUNT. Madam President, as we discuss what we should be talking about—how to get more people back to work—there are a lot of different approaches on how we get there. But I hope we can reach the decision that we need to do the things in government that allow private individuals to make the decisions they make to create jobs. Our Federal debt has reached, of course, a record high. It continues to grow every day. National unemployment is lingering around 9 percent. Home prices have plummeted in almost every community in America. Gas prices and health care costs have skyrocketed.

On the energy issue my friend from Vermont was talking about, the shortest path to more American jobs is more American energy. I am not opposed to any of the green jobs he was talking about. I wish to see us have all of those jobs, if they can eventually be a competitive part of an energy environment. I think they can. But I think we should also focus on the jobs that power America today.

Even if we knew what the country was going to look like energywise 30 years from now, it would take a long time to get there. I am for more American energy jobs of all kinds. For 50 years we have not met the marketplace need with what we could produce. But the marketplace need is always there. It is always there in a bad economy, it is always there in a good economy. Let's meet that need. Certainly that can mean more solar and more wind and more biofuels and more anything else we can think of. It also needs to mean more shale gas and more shale oil, more using the fossil fuel deposits such as coal that we have as we move toward a different energy future, and to do that in a way that allows us to continue to be competitive.

If our utility bill doubles in the middle of the country where the Presiding Office of the Senate today and I are from, we are not as competitive, and I don't think we lose the jobs we lose to Massachusetts or to California. I think we lose those jobs to places that care a whole lot less about what comes out of the smokestack than we do.

At the same time, jump-starting our economy will require bipartisanship. If we are going to compete in a global economy and help create economic opportunities, we have to be willing to work together. This week we saw a long-awaited but still a real example of that kind of bipartisanship when President Obama submitted the three pending trade agreements. They have been pending for 3 years and we have lost opportunities in those markets for 3 years. But in fairness to the President, for at least the first 2 of those 3 years, the House of Representatives would not have passed these agreements. But they would pass them now, and they will pass them now, and so will the Senate—I am hopeful as early as next week. That creates opportunities in Missouri, where I am from, and across the country.

I have worked closely with our colleagues. Senator PORTMAN and I put a letter together from Republicans who told the White House we are willing to work on the trade adjustment assistance as part of the package, if that is what it takes to get these trade agreements sent to the Capitol. And we did. Those trade adjustment agreements have now passed the Senate and are ready to move forward with the trade bills. These free-trade agreements would mean an additional $2½ to $3 billion in agricultural exports every year. Every billion dollars of agricultural exports is an estimated 8,000 new jobs. These are the places where we can get the jobs: trade, travel, tourism, energy. This is not that complicated a formula, but the government cannot continue to stand in the way of all of those things moving forward.

In Missouri, exports accounted for 5.4 percent of our gross domestic product in 2008. Companies in our State sold products in nearly 200 foreign markets. Since 2002, exports have increased three times faster than the rest of our economy. That is one State in the middle of the country working to be competitive in the world.

The passage of these trade agreements will increase trade for soybeans, for beef, for corn, for pork, for dairy products, for processed food, for fish, all of which we produce in our State, plus all kinds of manufactured products which in South Korea, in Colombia, and Panama, given the choice of two products on the shelf, the American product is still a product that consumers in those countries will choose even with some disadvantage. Imagine what will happen when we eliminate more of that disadvantage.

This week the bill on the floor—I think this bill that concerns me about managing China currency, but only if the President does not disagree with what the Congress has passed—has much greater potential to start a trade war than it does to solve any given problem. I am not here to defend the Chinese or its leaders or its trade practices. In fact, one of those practices where you make a product in China and there is already a finding that that product is somehow unfairly being imported or exported in the WTO agreements, and so you put another a label

on it that says it is from somewhere else, sometimes called transshipment, Senator WYDEN and I have a bill, the ENFORCE Act, that would deal with that, and it deals with that specifically, directly, and actually will produce a result. I look forward to that bill being on the floor.

I am proud to cosponsor Senator HATCH's alternative to the bill that is on the floor this week that, in fact, is multilateral. It involves other countries plus the WTO, plus the IMF, in a discussion that might actually produce a real result of what the various countries in the world, including China, are doing as they manage their currency in ways that may not be found to be fair in the foreign marketplace.

But we need results. We do not need legislation purposes of using up time when we have so many important things we could be doing. I have cosponsored the Affordable Footwear Act with Senator CANTWELL. That will ease the tax burden on American consumers who unknowingly pay up to 40 percent duties on retail costs that cover this import duty or the shoe tax on shoes made outside the United States. All of those bills represent ways we can level the playing field for American workers, for American job creators, and spur economic growth right here at home.

Another topic we should be focused on is Federal regulation and regulation that simply does not make sense. I have met lots of job creators in Missouri even this year, and certainly in past years. But this year more than any other, they want to talk about the regulators. They want to talk about the air rules, the utility MACT rule, the cross-State air pollution rule, that could cause as much as 15 percent of our coal-producing energy plants to shut down. When they shut down, that means the price goes up. I know it is a philosophy of many in the current administration that our problem is that our energy is not expensive enough, but I do not find any Missouri families who are sitting down at the kitchen table looking at their utility bill and saying, the problem here is this bill is not high enough. What we need to do to solve our energy problem is raise this. Nobody is saying that—even though the cap-and-trade legislation that passed the House in 2009 would have doubled the utility bill in Missouri in about 12 years.

A lot of things work at today's utility bill that do not work later. Under the new EPA regulations on cross-State air pollution, the Ameren Electric Company announced that they will be forced to close two of their coal-fired plants by the end of this year. Not modify, not redo, close. The only thing that makes sense is to close those plants. The people who get the utility bill will know those plants are closed because they are going to be paying a higher price. Electric rates could rise 20 percent in some areas in a very short time.

Fugitive dust. There is actually a rule the EPA is talking about where farmers cannot let dust from their farm go to another farm. I was raised on farms and around farms. You cannot farm without dust. You cannot harvest a crop without dust. You cannot farm in the mud. You cannot contain the dust that is part of farming. It is the kind of rule that simply does not make sense.

There is a rule on boilers that would impact universities and hospitals as well as sawmills and other facilities that generate their energy from industrial boilers.

There is a cement regulation.

We are not going to have the kind of recovery we want in this country without a recovery in housing.

The House recently passed a bill that would require the administration to evaluate the economic toll of the new EPA rules on cement and other industries. The House also is set to take up a bill that would delay the cement rules for at least 5 years. You are not going to have a construction industry if you do not have access to products that make sense to build things out of.

I have said for some time that we ought to have a moratorium on all of these regulations. In fact, I am cosponsoring Senator COLLINS' bill to call a timeout on new major regulations and give employers the certainty that they need to create new jobs in an environment that they understand what it is going to be like as those jobs have a chance to become permanent jobs.

This is an easy solution to help job creators. But instead, we are talking about the jobs bill. Almost all of the President's speeches on the jobs bill are in politically competitive States. I am wondering if that is not a 2012 political strategy instead of a 2011 legislative strategy.

There are 1.7 million fewer American jobs since the President signed the first stimulus bill into law. We do not need stimulus 2. We need to do the things that encourage private sector job creators to create private sector jobs. Let's vote on the bill. Instead of this debate we are having this week on China currency, let's vote on the President's bill. He said in, I think, Dallas last Tuesday, late morning in Dallas: Let the Senate at least vote on the bill. So the minority leader, Senator MCCONNELL, came to the floor and said, let's vote on the bill. We are ready on our side. Let's vote on the bill. Let's get beyond the ''pass the bill,'' let's see if the votes are there to pass the bill so we can get to the things that will get the country going again.

These regulations and this talk of higher utility bills and higher taxes put a big wet blanket on the entire economy. This discussion of who we are going to be puts a big wet blanket on the entire economy. Let's take that blanket off and do the things at the government level that allow private job creators to do what they can to create private sector jobs. I hope we can get on with the business the country needs to get done.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I rise today to speak about the issue of creating jobs in America—more specifically, the loss of jobs that has been driven by the unfair trade practices of China. The bottom line is this: Chinese manipulation of currency is a tariff on American products and a subsidy to Chinese exports, greatly disadvantaging manufacturing in America and destroying thousands of American jobs.

When we look at our challenge, it is not to simply strengthen the overall economy, often measured by the gross domestic product. Our challenge is to strengthen the American family, the financial foundations that depend upon a good living-wage job. So every proposal we consider should be weighed by whether it creates jobs or destroys jobs. That is true in times of a robust economy. It is particularly true now when we have a persistent high unemployment rate, when families have been battered not just by the loss of jobs but by the loss of equity in their homes, by the loss of their health care that went with their jobs, by the loss of their retirement savings—all of these at a time when the price of things fundamental to families keeps going up.

There are many who looked to the opening of China as an opportunity to have a vast market for American products. Indeed, many continue today to talk about China in terms of the market opportunities for American products. But the picture has changed dramatically over the last decade, and we, as policymakers here in the Senate, must recognize that change: that China has become a vast manufacturing enterprise, that it has done so through a deliberate manufacturing and export strategy, and that strategy is destroying jobs in the United States of America.

Over the last 10 years, China has reaped benefits, but it has not upheld its end of the bargain. Indeed, one piece of the deal is that they would create a rule of law that they would enforce restrictions on the theft of intellectual property. But I can tell you that when we took a bipartisan delegation to China earlier this year, led by the majority leader, company after company told us the stories of their products being stolen by Chinese enterprises, and not just the design of their products that were then replicated and sold without the appropriate patents but also the software.

If you want a simple example of this, take Microsoft Windows and its products and its Office suite. Only about

half of the copies used by the official government in China are legal copies, and outside of the government, only a very small fraction of the copies are legal copies. That is just the beginning of the vast intellectual theft where China has not upheld its end of the bargain to create a rule of law and stop the outright thievery of American intellectual property, damaging American companies.

Second, we have the Chinese-pegged currency. Now, when a country pegs its currency to another, as they have their currency to the dollar, they can do so and adjust it periodically according to market influences; they can decide to end the pegging and let it float, which then you get a real market valuation or they can deliberately keep printing money to sustain a situation in which the currency is undervalued. And that is exactly what China has done. When they make their currency cheap, what they do is make their products much less expensive to other nations. That is equivalent to subsidizing their exports. When they make their currency cheap and make dollars very expensive, it is equivalent to putting a tax on American products, a tariff on American products.

While much of America has thought of the World Trade Organization as one that created a platform for free trade or even a level playing field, that is far from the truth. The truth is that China has been allowed to sustain a pegged currency that puts the equivalent of a 25-percent tariff disadvantage to American products and a 25-percent subsidy to Chinese products.

There are those in this Chamber who have come to this floor and said that to challenge the Chinese tariff on American products is to launch a trade war. My friends, do you not realize that the Chinese tariff on America is a trade war and that they are winning this war and they are destroying American jobs while vastly increasing their own production? If not, please go to China and talk to American companies and talk to the American companies that have been shut down in America. We have lost 3 million manufacturing jobs since 1998, a little bit over a decade. Not all of that is the consequence of Chinese practices, but a great amount of it is.

We must not stand by trying to pretend that the world is one way and that China represents solely a market and not a manufacturing competitor when the truth is they are a fierce competitor using industrial policy and a pegged currency to outcompete American products, to penalize American products.

In terms of the currency manipulation, our Secretary of the Treasury said this:

> Whatever your definition of manipulation is, what matters is the currency is undervalued. They are intervening—

Referring to China—

> to hold it down. That adversely affects our economic interests, and there is an overwhelmingly compelling economic case for the world, for China's trading partners, for China, for us, to try to alter that basic practice.

Well, certainly we have the Secretary of the Treasury echoing that we have a challenge that is hurting America and that we need to respond to that challenge. That is why we have this bill on the floor addressing the Chinese manipulation of currency.

This is not the only strategy China uses. They also, through their use of rules, use a strategy of holding down interest rates below the inflation rate. This means any Chinese citizen who puts their money in a state-controlled bank—and that is the only option they have—loses value every year on that money. This is sometimes given the fancy name of ''financial repression'' by economists—where they repress or hold down the interest rates. But let's call it something a little more understandable: insurance rate manipulation. That is done in order to allow the central bank—the Chinese banking system—to reap great revenues, which they can then take to subsidize their manufacturing. They do this through a series of grants and through a series of subsidized loans.

An American entrepreneur was in my office the morning before yesterday talking about how an individual he knows went to China and started out negotiations with China, where they offered him a 3-percent interest rate on money to operate his enterprise. They ended up offering a negative 3-percent interest rate. In other words, they would pay him to take the money in order to bring that manufacturing to China. In other words, take his plant out of the United States and bring it to China. They would pay him to do that. That is a vast subsidy.

That is not the only subsidy. The grants, the subsidization of water costs, and the subsidization of electricity—all these subsidies—have a big impact. If we go to the WTO Web site, we will see how it summarizes the structure of the WTO. Under the section called ''Subsidies,'' they note:

> [Subsidies] are prohibited because they are specifically designed to distort international trades, and are they're therefore likely to hurt other countries' trade.

So the plan was, when subsidies were used deliberately to distort international trade, they would be outlawed. Guess what. China is ignoring this. China is flaunting this. They are required to disclose each and every year all the subsidies they provide to their manufacturing, and they do not do it. They did it once in 2006, a very minimal disclosure.

Why is it we continue to believe we have a structure that facilitates mutually beneficial trade in the WTO when China, through currency manipulation and direct subsidies to exports, is breaking every key aspect of the WTO framework with hardly a protest from the United States?

We have on the floor a bill which says we will no longer turn our head from the deliberate distortion of the international trading regime that was supposed to benefit both nations but, in fact, has become a powerful international tool for stealing jobs from the United States of America and undermining the success of the American worker.

Let's take a look at paper. Just a few months ago, Blue Heron, a company that has operated for nearly a century in Oregon, shut down. It is a paper company. They shut down for one simple reason: because the Chinese currency manipulation and the Chinese direct subsidies to those who manufacture paper for export in China completely undermined the market for manufacturers in the United States. So the lives of these American workers are destroyed. The workers owned Blue Heron. When they got notice they were going to have to shut down because of these Chinese subsidies and Chinese currency manipulations, they basically were completely out on the street—no health care after the Friday they shut down, no severance payment. Indeed, they are having to start from scratch—workers who are 40, 50 years old starting from scratch—in an economy where there are no jobs to be found. But they are not alone. Paper companies across the United States have been shutting down for exactly the same reasons.

Let's take the case of wind turbines. Wind turbines imported into China are subject to a 10-percent tariff, while wind turbines imported into the United States are subject to only a 2½-percent tariff. Why do we—on top of everything else I have noted—add to the injury by putting a lower tariff on their imports than they put on ours?

Can someone in this Chamber explain to me why shutting down manufacturing in the United States and opening manufacturing in China and piling on lower tariffs on a country that is already subsidizing its exports and already putting a tariff on ours makes any sense? I certainly would be very interested in that explanation. I think the workers in an industry that would otherwise be manufacturing these wind turbines in the United States would be very interested in the explanation.

China doesn't give our wind turbines a fair chance to be used in their energy products. Let me read this quote from 2009 regarding the award of contracts on Chinese projects.

> . . . all multinational firms bidding on National Development and Reform Commission projects [were] quickly disqualified on technical grounds within 3 days of applying.

In other words, a nontariff barrier in China was added, on top of everything else, to make sure that only Chinese manufacturers would have a chance to get the contracts.

Let's turn to solar—solar voltaic panels. The whole technology was invented in the United States, but we can see that over the last 3 years the tremendous subsidies to solar in China are destroying the American industry. One of the few remaining manufacturers is

SolarWorld. It is located in my State—the State of Oregon. In the span of less than 10 months—from 2009 to 2010—three major manufacturers shut down, destroying hundreds of jobs—jobs that would not be restored.

SolarWorld is incredibly efficient. They are working with American technology. We should be building and selling these solar panels to the world, but we aren't going to be able to do so if China—using their manipulated interest rates to produce funds for grants and subsidized loans—continues to virtually pay folks to ship their manufacturing into China and discriminates against American products. I want SolarWorld to be there not just next year but 10 years from now or 20 years from now. That will not happen if we don't address this massive assault on American manufacturing.

Because China has failed to disclose its subsidies, as required under WTO, I have proposed an amendment to the bill—an amendment that will not be heard because a deal cannot be worked out to allow amendments on this bill. I am very disappointed in that. This amendment simply says, if China or any other country under the WTO fails to do the notification of subsidies that is required, our U.S. Trade Representative will do a counternotification, putting those subsidies on the table. That way we can see exactly what they are and we can be part of this debate. It is the beginning of holding China accountable for breaking the WTO rules.

This is not a Democratic amendment and it is not a Republican amendment. This is an amendment about the future of the middle class in America, the future of the worker in America. I am pleased to have Senator ENZI as my chief cosponsor and additional colleagues from across the aisle—Senator BARRASSO and Senator SNOWE. I am pleased on this side of the aisle to have Senators NELSON, SCHUMER, and LEVIN as cosponsors. That pretty much spans the spectrum of opinion in this Chamber, where everyone agrees China should be held accountable. If they are subsidizing their manufacturing, which they are, they have to disclose it, and they are not. We can have a better debate about how to end their rule-breaking under the WTO if we have that information.

In closing, I just wish to note that this debate should have happened a decade ago—it should have happened 5 years ago—because over that timespan we have continued to hemorrhage jobs, we have continued to hope China would apply the rule of law on intellectual property, we have continued to hope they would end their manipulation of their currency, we have continued to hope they would end their illegal subsidies and the undermining of American products. Those hopes have not been realized. China has not chosen to honor the framework that was established. So while we hope, American workers are losing their jobs. That is why we have to have this debate on the floor. That is why this bill before us must be passed—to give the President greater leverage and to send a message to China that we are now fully paying attention at a level we should have a decade ago. The fact we have not paid attention is water under the bridge, but we are paying attention now. If anyone cares about having an American middle class, with living wages for workers, then I ask them to fully support this bill. The trade war China has been carrying out, decimating manufacturing in our Nation, must not go without full debate and a full response.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAN

Mr. RUBIO. Madam President, I stand here to talk about the case of an abuse of another kind than we are currently speaking of with regard to China and its currency manipulation. Youcef Nadarkhani was arrested in October of 2009 in Iran. I will read the charges against him, pursuant to a document signed by two judges, and I will say their names because I think one day they will be held accountable: Morteza Fazel and Azizoallah Razaghi. I think I got the pronunciation right. Here is what the document says, as reflected in a news article: ''Mr. Youcef Nadarkhani, son of Byrom, 32 years old, married, born in Rasht in the state of Gilan, is convicted of turning his back on Islam, the greatest religion the prophesy of Mohammad at the age of 19,'' the document states.

The article goes on to say:

> He has often participated in Christian worship and organized home church services, evangelizing and has been baptized and baptized others, converting Muslims to Christianity. He has been accused of breaking Islamic Law that from puberty . . . until the age of 19 the year 1996, he was raised a Muslim in a Muslim home. During court trials, he denied the prophecy of Mohammad and the authority of Islam. He has stated that he is a Christian and no longer Muslim. During many sessions in court with the presence of his attorney and a judge, he has been sentenced to execution by hanging.

He was sentenced to hanging for this alleged crime, and that is what he has been convicted for. That conviction was upheld by an appeals court in Gilan in September 2010.

In July, the Supreme Court of Iran overturned the death sentence. Again, this is according to media reports. They did not overturn the conviction, just the death sentence, and sent the case back to his hometown of Rasht. Here is what has happened since it has gone back to his hometown.

The deputy governor of that province says, while he is guilty of apostasy, that is not why he was sentenced to death. They have come up with some new charges. They say he is a security threat—in particular he is an extortionist and, they claim, he is a rapist.

By the way, they had never said this before until the case came back to them. By the way, he is also a Zionist, which in and of itself, according to them, is punishable by death in Iran. That is where the case stands today.

There have been reports time and again about what has been happening in Iran with this case. His lawyers have now been publicly saying they expect to know by Saturday whether their client will be executed in Iran, quite frankly for the crime of not just being a Christian but of converting others to Christianity.

Obviously, this is an outrage. I am glad to see that the voices from this government and from all over the world have expressed themselves against it. But I think it is important for us to express ourselves against it for another reason. This is a time when Americans in this Nation have increasingly been asked to turn to international bodies to resolve disputes. Let's visit that for a moment because we have international bodies and we have international conventions that Iran has signed—particularly two. One is the Declaration of Human Rights. They signed it in 1948. The other is the International Covenant of Civil and Political Rights. They signed that in 1966. Any nation that signed on to these covenants—any action like this in the courts of your country are unconscionable, illegal. They violate these agreements.

I hope we will see some action on the part of the United Nations and nations such as Russia and China, for example. Of course it would be difficult for China to speak out against oppressing religious minorities when they do that quite often in that country as well. But that being said, we are interested in seeing where some of these countries will be on this matter. We are obviously very encouraged that the European Union has spoken about this matter. We would like to see some of these other countries step up. We would like to see the United Nations take a break from figuring ways to sanction and take on Israel and maybe focus a little bit on these sorts of things, where people are facing a hangman's noose because of their religion.

By the way, in Iran this sort of thing is not just happening to Christians. Not only Christians feel oppressed, but non-Shiite Muslims experience great oppression.

But here is the greater point. Beyond this outrage, let me say I encourage everyone to pray tonight for the safety of Youcef Nadarkhani and his family. We hope this will resolve itself. We hope, in that nation and in that Government of Iran, there are reasonable people who realize what an outrage, what an atrocity, what a human rights violation, what a crime it would be for this man not just to be sentenced to death but even to be in jail.

We should be sorry for the people in Iran. It is hard to believe that the vast

majority of people in that country agree with us. In fact, they look at their government and say: You are isolating us from the world.

If the people of Iran want to know what it is that is isolating them from progress in this 21st century, they need to look no further than Tehran and the people running that government. It is sad because I think, going back to 2009, the evidence is there that especially young people in that country just want to have normal lives and live in a normal country. Instead, their country is being run by individuals who think this sort of thing is OK.

By the way, I also point out to leaders in places such as Venezuela and other nations of Latin America who so warmly welcome leaders from Iran when they visit that this is whom you are doing business with. I encourage those people in Latin America to turn to their leaders and ask them: Why do we have a relationship with people like this? Why are people like this being invited to come into our countries and do business with us and tour our streets as heroes?

This is who they are. Forget the rhetoric, put everything aside, if you want to know what the leadership and Government of Iran is about, it is about this. This is who they are. I can think of no other case before us today with regard to Iran that more clearly outlines the monsters we are dealing with within that government than this case I have outlined.

I believe there is a broader conversation to be had about what Iran means. There is a lot going on in the world, but what is happening in Iran is important, and Iran's neighbors know it. Whether they will admit it publicly, Iran's neighbors know what a danger that government and its vision for the region and the world poses.

But I think this case is one we should all speak out about. The eyes of the world should be turned to this case. It is an absolute outrage, and there is no way in the world we should stand by and allow anyone to be silenced or anyone to be silent, particularly our allies around the world and other countries and members of the so-called international community. It is time to step to the plate and condemn these acts because Youcef Nadarkhani should not—not only should he not be facing a death sentence, he should not even be in jail.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I would like to address the Senate on an amendment I have to the pending legislation, which will be familiar to my colleagues because it is similar to a bipartisan bill Senator MENENDEZ of New Jersey and I have introduced, a standalone bill. It is called the Taiwan Airpower Modernization Act of 2011.

It does something very simple but very important: It requires the United States to respond to a request by the Government of Taiwan to purchase 66 F–16C/D models of fighter aircraft. Why is this important? It is important for all sorts of reasons, one of which Robert Kaplan recently pointed out in an op-ed in the September 23 edition of the Washington Post:

> By 2020, the United States will not be able to defend Taiwan from a Chinese air attack, a 2009 RAND study found, even with America's F–22s, two carrier strike groups in the region and continued access to the Kadena Air Base in Okinawa.

The United States will not be able to defend Taiwan. So it is very important that we sell Taiwan, at no taxpayer expense—it is cash money coming from the Taiwanese Government to the United States that happens to sustain thousands of jobs right here in America—that we sell them these F–16s so they can defend themselves.

Dan Blumenthal, in an October 3, 2011, article published by the American Enterprise Institute, lists what he calls the top 10 unicorns of China policy. He says in the article:

> A unicorn is a beautiful make-believe creature, but despite overwhelming evidence of its fantastical nature, many people still believe in them.

He lists the top 10 unicorns of U.S.-China policy. The No. 2 unicorn relates to the subject of this amendment, and it is entitled ''Abandoning Taiwan will remove the biggest obstacle to Sino-American relations.'' In other words, rather than antagonize China, Communist China, by selling 66 F–16C/D models to Taiwan, some might suggest we should withhold and not make that sale, as the Obama administration has apparently at least decided to do for now, because we do not want to antagonize China. If we antagonize China, our relationship will deteriorate. But, as Mr. Blumenthal points out, rather than basking in the recent warming of its relationship with Taiwan, China has picked fights with Vietnam, the Philippines, Japan, South Korea, and India.

He goes on to say:

> It doesn't matter what obstacles the United States removes, China's foreign policy has its own internal logic that is hard for the United States to shape. Abandoning Taiwan for the sake of better relations is yet another dangerous fantasy.

As my colleagues may recall, I introduced this amendment earlier on the trade adjustment assistance provisions, the TAA, and the distinguished chairman of the Senate Finance Committee, from Montana, quoted Ecclesiastes to make the point that it was not the right time. He said, ''For every thing there is a season.'' He also indicated that my amendment might derail the carefully negotiated bipartisan agreement on trade assistance. I did not agree with him at that time because my amendment was related to trade because these F–16s represent an export for the U.S. economy that creates jobs right here at home, in addition to its importance for other reasons.

But now the reason for that objection no longer exists. The pending legislation is not a carefully negotiated bipartisan agreement. And I hope my colleagues who shared my concerns—or shared the concerns the chairman of the Finance Committee argued earlier—will find an opportunity to support this amendment on the merits today because I think it is very important.

The chairman of the Foreign Relations Committee also argued at the time against my amendment on the TAA bill. He said it was unprecedented for the Congress to force the White House's hand when it comes to foreign military sales. The fact is, I remind my colleagues, the Taiwan Relations Act that passed and was signed into law in 1979 makes it clear that Congress has a very important role to play. The Taiwan Relations Act says:

> The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan. . . .

This is the law of the land.

Unfortunately, I do not believe the administration's policy when it comes to selling defensive weaponry to Taiwan, that their agreement that we should just upgrade the existing fleet of F–16s is adequate to meet the demands of the Taiwan Relations Act.

This chart, taken from Defense Intelligence Agency public materials, shows the incredible shrinking Taiwan air force. Taiwan's projected fighter fleet over time goes from roughly 400, as part of a total of 490 combat aircraft. As you can see, the F–5 is an obsolete American aircraft, basically because of needed repairs, replacement parts, and it is basically not dependable anymore. The French Mirage 2000, it is estimated, will basically drop off the chart shortly after 2015 or so. Then we see the F–16 A/B models, which the administration says we should upgrade, and roughly 150 of those will be basically the remaining Taiwan air force, down from a total of roughly 400 fighters today. Actually, the administration's proposed upgrade will essentially take some of these F–16s offline, a whole squadron of F–16A/Bs, during the retrofitting period, further diminishing the number of aircraft available for Taiwan to defend itself.

The Taiwan Relations Act was a responsible decision in response to a decision of the executive branch of the Federal Government that Congress happened to disagree with. Congress can disagree with the administration and force the administration's hand when Congress believes it is appropriate to do so. The Taiwan Relations Act was one example of that. That decision was based on President Carter's diplomatic recognition of the People's Republic of China and the breaking of diplomatic relations with Taiwan.

Congress had a different view and wanted to make sure the freedom of the Taiwanese people was secure, so we passed bipartisan legislation which was ultimately signed into law by President Carter.

But what is great about the Taiwan Relations Act and the relationship of the United States with Taiwan is it has always enjoyed strong bipartisan support. This is not a partisan issue at all. Here is what former Senator Jesse Helms said about it 20 years after the passage of the Taiwan Relations Act:

> It is a bit of a rarity when an issue comes up that brings Jesse Helms and Ted Kennedy together.

I never served with Senator Helms. I did serve with Senator Kennedy. I can assure you, from what I know about Senator Helms and his record, that was an understatement.

He said:

> But this was precisely such an issue. Senator Kennedy, Senator Goldwater, and I—along with Congressman Wolff, Derwinski and others—set out to ensure that after having their treaty of alliance tossed in the trash can, our friends in Taiwan would be left with far more than the vague verbal promises the Carter administration was offering Taiwan. So we went to work and the result was the Taiwan Relations Act.

I believe my amendment is a natural extension—actually, a fulfillment—of the Taiwan Relations Act and a reaffirmation of the bipartisan leadership the Senate has brought, which originally brought Senator Kennedy and Senator Helms together way back in 1979. We should not depart from that strong bipartisan tradition of supporting our ally in Taiwan and providing the defensive weaponry they need in order to defend themselves so the United States will not have to fill that gap.

During the debates on the trade assistance authority bill, the Senator from Massachusetts and distinguished chairman of the Senate Foreign Relations Committee, argued that President Ma of Taiwan is happy with the administration's decision merely to upgrade the existing F–16A/B models and not to replace the F–5s and Mirages and other aircraft that are fast becoming obsolete. The Senator from Massachusetts went so far as to say at the time that ''the President of Taiwan has said [the approved package] is entirely adequate. He feels they have the defensive capacity necessary under the [Taiwan Relations Act] in order to be able to defend themselves at the current level with the upgrade we are providing.''

The facts are the government of Taiwan needs both the existing F–16A/B models upgraded through this upgrade but also the 66 additional F–16C/D aircraft that are the subject of my amendment. To quote Taiwan's foreign minister, he said:

> Our government will continue to work closely with the United States to strengthen our national defense and security . . . by urging the United States to continue its arms sales to Taiwan with needed articles and systems for our defensive capabilities . . . including F–16C/D aircrafts and diesel-electric submarines.

Again, to remind my colleagues, this is a familiar chart from the last time I offered this amendment, which shows the growing imbalance of the Taiwan Strait, with China having some 2,300 operational combat aircraft and Taiwan with 490 operational combat aircraft, including 400 fighters, as part of their air force.

The fact is we know China doesn't tell the truth when it comes to its defensive and national security expenditures. It shows only a fraction of what it spends as it projects power across the world to follow its economic needs and interests.

Let me quote the Taiwan defense minister. Earlier I quoted another Taiwanese official. Taiwan's defense minister said:

> The F–16A/B fleet upgrade package and the F–16C/D fighters purchase have different needs and purposes. It is not contradictory to have both cases done.

Last Friday, September 30, a member of the House Armed Services Committee, who happens to be of the other party, met with President Ma in Taiwan. According to the official press release by the Government of Taiwan, President Ma commented that:

> The upgrades of the F–16A/B series aircraft are aimed at extending the life of fighter jets and avoiding a lack of spare parts due to the age of the F–16A/B series. Meanwhile, [Taiwan] wishes to purchase F–16C/D fighter jets to replace its aging fleet of F–5E fighter jets.

That is in red here, the aging F–5E fighter jets.

President Ma explained, ''Therefore, the objectives of the two are different.''

Let me leave with one final comment. Several of my colleagues have argued the Obama administration could approve the sale of the F–16C/D series at a later date, but that is actually not the case. The F–16 production line recently received a small order from the Air Force of Iraq to sell Iraq F–16s, but without additional orders the production line will soon be shutting down. The people who are working there will be laid off or reassigned other jobs. We are rapidly approaching a point at which the President of the United States will not be able to approve the sale of new F–16s because they will not be able to be manufactured because the production line will be shut down. I hope my colleagues will keep this in mind as they consider my amendment.

Even if the production line was not an issue, why should we make our allies in Taiwan wait? Why would the United States tell our friends to come back later? Well, as I said, the chairman of the Finance Committee quoted Ecclesiastes during our last debate. Allow me to conclude with some wise words from Proverbs:

> Do not withhold good from those to whom it is due when it is in your power to act.
>
> Do not say to your neighbor, come back tomorrow, and I'll give it to you when you already have it with you.

To that, I hope my colleagues would give a hearty amen.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The assistant legislative clerk called the roll.

Ms. AYOTTE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Ms. AYOTTE. Mr. President, I rise today to address the majority leader's refusal to bring the Defense authorization bill to the floor. On Monday, the Majority leader came to the floor and acknowledged the importance of bringing the Defense authorization bill forward. He said, ''It is vital that we get to this bill and pass it.''

I could not agree more. That is why it is nothing short of outrageous that the majority leader is blocking this important bill from being debated and passed by the Senate based on misguided objections that the administration has raised to a bipartisan provision in the Defense authorization bill which addresses how we detain and treat terrorists who are captured under the law of war.

The American people and our military men and women deserve better. The 2012 National Defense Authorization Act addresses many essential issues for our warfighters. I want to mention just a few of the important measures that the majority leader is blocking from consideration by failing to bring this bill to the floor. The bill ensures that our warfighters have the weapons they need to win the fight, ranging from small arms and ammunition to tactical vehicles to satellites. Some examples include advanced helicopters and reconnaissance aircraft, as well as combat loss replacement. It helps ensure that our soldiers and their families have quality housing. The authorization gives our wounded warriors better access to educational opportunities.

The bill enhances the deployment cycle support system and reintegration for our National Guard and Reserve given how much they have done in sacrificing with the multiple deployments they have endured. It strengthens oversight of our taxpayer dollars that are being used for reconstruction projects in Afghanistan, and it ensures that our money does not continue to be funneled to our enemies.

What is so disappointing is that the majority leader is willing to prevent passage of the Defense authorization bill, which addresses these essential needs I have talked about for our warfighters and our soldiers, because the Obama administration does not like one provision of the bill, the detainee provision of the bill that was passed overwhelmingly by Senators from both parties who serve on the Armed Services Committee.

If the majority leader insists on preventing the Defense authorization bill

from coming to the floor this year, 2011 would be the first year since 1960 in which the Congress has not passed the Defense Authorization Act. In over 50 years, this would be the first time this bill has not been passed by this esteemed body.

Let me say that again. Here is where we are: in the midst of two wars, with our brave sons and daughters, husbands and wives fighting in Iraq and Afghanistan—and I am the wife of a combat veteran who served in Iraq—with our country facing a very serious threat from radical Islamist terrorists, this would be the first time in a half century in which we have not passed the National Defense Authorization Act.

It would be shameful to not bring forward the Defense authorization bill to the floor and to pass it, after robust debate, where Senators from both parties can amend it, we can talk about it, and we can let the American people know what is in this bill.

I met recently with the sergeant major of the Marine Corps. Sergeant Major Barrett shared with me the stories of several marines serving our country. I cannot discuss all of them, but I want to give a few examples. One is Sergeant Ramirez, a squad leader assigned to the 1st Battalion 5th Marines in Helmand Province in Afghanistan.

Sergeant Ramirez has a hook as a left hand. In February of 2006 Sergeant Ramirez lost his hand when he was wounded in action while serving in Iraq with the 3rd Battalion 5th Marines. Now he is leading patrols in Afghanistan. He wanted to go back and serve our country. Talk about bravery. Talk about courage.

There is also Sergeant Gill at Quantico and Corporal Pacheco at Camp Pendleton and thousands of other soldiers, sailors, airmen, and marines who after being injured on the battlefield have continued to serve their country. They are doing their jobs with skill and courage in this 10th year that our country is at war. I just wish we would show half, even a quarter of the courage of our military men and women in taking up the important issues that need to be addressed to protect our country, and many of them are addressed in this Defense Authorization Act.

That is why I am on the floor today. I think it is so important this bill be brought forward and we have a debate over it; that we are allowed to amend it and allowed to pass it to make sure our military men and women know we are fully behind them.

I know the majority leader has said if we just drop the detainee provision in the bill that he would bring forward the Defense authorization bill. But this is not how this body is designed to operate. If Senator REID and the administration do not like the detainee provision in the bill, Senator REID should move to amend it or vote against the bill rather than prevent the entire Defense authorization from being considered. That is how the Senate is supposed to operate.

Of course, the irony is that in a place where we rarely agree on anything, the detainee provision that is holding up this bill the administration has objected to actually received overwhelming support in the Armed Services Committee—25 out of 26 members of the Armed Services Committee voted for this detainee compromise. That rarely happens around here. I think it shows this was a thoughtful compromise and that members of both sides of the aisle worked hard to address this important issue.

This compromise was actually a compromise put together by Chairman LEVIN of the committee, ranking member JOHN MCCAIN of the committee, and Senator LINDSEY GRAHAM, who also has substantial experience in the Guard as a Judge Advocate General attorney.

The overall Defense Authorization Act passed out of the Armed Services Committee 26 to 0. How often does that happen around here, that every single member of the Armed Services Committee from both sides of the aisle, Republicans and Democrats, and Senator LIEBERMAN an Independent, that we all voted to pass this bill? Yet this bill that is so important to our national security and to our warfighters is being held up right now from being considered and brought to the floor.

In this era of partisanship, the American people want us to work together, and that is what we did. As a result, not a single member, as I mentioned, voted against the final bill. That is not to suggest that every member of the Armed Services Committee got what they wanted in that compromise. I was someone who fought hard in the committee for the compromise to be tougher on terrorists.

But I respect that we came together as colleagues to come to this compromise and to move forward on the Defense Authorization Act so it could be brought for full consideration for every Member of the Senate. If the majority leader were to bring this compromise to the Senate according to normal and well-understood procedures, every Member of this Senate, including the majority leader and myself, would have the opportunity to debate it, to amend it, and to vote on the Defense authorization bill, including the detainee compromise I just referenced.

I may be new around here, but I must ask: Why isn't the majority leader bringing this forward? I know he is clearly doing the administration's bidding on these detainee issues. But why would he prevent the American people from hearing this important debate? Why would giving terrorists greater rights to our civilian detention and court system, which seems to be the administration's position, be more important than ensuring that our warfighters have the right weapons and equipment, or ensuring that our wounded warriors get better access to educational opportunities, and all of the other important issues that are addressed in the Defense authorization bill related to both our national security and to our warfighters?

I believe those issues deserve to be addressed by debating and passing this bill. I also believe the American people deserve to know all of the facts about where we are with respect to our detention policy with terrorists.

I have to tell you, as a new member of the Armed Services Committee during the last 8 months and having our military leaders come before that committee, when I have asked them about our detention policy and how we are treating terrorists we have captured, how we are gathering intelligence from them, what we are doing to protect the American people, I have been shocked to learn that 27 percent of the terrorists we have released from the Guantanamo Bay detention facility have actually returned to the battle or we suspect have returned to the battle to harm us and our allies.

Too many former Guantanamo Bay detainees are now actively engaged in terrorist activities and are trying to kill Americans. Former Guantanamo detainees are conducting suicide bombings, recruiting radicals, and training them to kill Americans and our allies. Said al-Shihri and Abdul Zakir represent two examples of former Guantanamo detainees who have returned to the fight and have assumed leadership positions in terrorist organizations that are dedicated to killing Americans and our allies.

Said al Shihri has worked as the No. 2 in al-Qaida in the Arabian Peninsula. Abdul Zakir now serves as a top Taliban military commander and a senior leader in the Taliban Quetta Shura.

Can you imagine having to tell a mom or a dad that their son or daughter was killed in Afghanistan by a terrorist whom we released from Guantanamo Bay?

Given the facts, I understand why the majority leader and the Obama administration don't want to talk about our detention policy, but as John Adams said, facts are stubborn things. The American people deserve to hear this debate and to have us address this issue through the Defense Authorization Act.

Under our Constitution, we have a fundamental duty to protect the American people and to provide for our warfighters.

We owe it to our military men and women to take up the Defense Authorization Act right now. Majority Leader REID, as the leader of this esteemed body, should allow that to happen so we can fulfill our responsibility to the American people.

Let me conclude by urging the majority leader to bring the defense authorization bill forward for debate, for amendment, and for passage. In the midst of two wars, it is time Congress does its job and provides for our warfighters and their needs.

Sergeant Ramirez, Sergeant Gill and Corporal Pacheco and the thousands of

other soldiers, marines, sailors, and airmen of our All-Volunteer Force deserve no less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I rise, first, to thank my colleagues, including the Presiding Officer, for supporting cloture today. It is the second major step in this body, passing the largest bipartisan jobs bill we have seen in this body in years. The bipartisan jobs bill has the potential to create or save around 2 million jobs, without cost to taxpayers, because it is simply standing up for American companies and American workers. For a change, we put American workers and American manufacturers first.

It is important to, for a moment, consider how we got here. This effort did not begin this week or even this year. Efforts to combat Chinese currency manipulation have been underway for over half a decade. It began in earnest around 2005. Since then, the situation has grown worse for workers and businesses. In 2005, there was an intense debate inside the National Association of Manufacturers, which was representing a whole range of American manufacturers, from the small tool and die shop in Akron to the medium-size manufacturing company in Toledo, to GM, Ford, and other huge manufacturers. The division was smaller companies, generally—not in every case, of course, but smaller companies generally supported taking action against currency manipulation with China. Larger companies, many of which had already outsourced production to China, generally were opposed to standing up to the Chinese. That was because the Chinese are well known for punishing companies that are doing business in China if those companies actually criticize the Chinese Communist Party Government.

So it was an interesting, if unholy, alliance between some of America's greatest, best known, largest, longest existing companies. There was an unholy alliance between them and the Communist Party of China—something that would have made, perhaps, Henry Ford turn over in his grave. Nonetheless, that is what happened. Some of these companies actually left the organization—the smaller ones—because the larger companies dominated an organization like that. They paid the biggest dues and are the most influential people in the country. Some of the smaller companies left partly because they have to stay in a community and do their manufacturing and supply components to companies that outsourced these jobs.

What is interesting—and we have talked about this—it has become almost—not almost, it has become a business plan, perhaps unprecedented in world history, where a large number of companies in one country—this country, the United States—shut down production in Steubenville or Springfield and moved production to Wuhan or Xi'an, China, and sell the goods back to the United States. So it is a business plan for many companies to shut down production here, move overseas, and sell the product back. To my knowledge, that has never happened the way it has in this country in the last dozen years, since permanent normal trade relations was approved here to set the stage for China's entry into the WTO.

I remember—and the Presiding Officer was in the House when I was—when that debate happened in 1999 and 2000. What I remember is, the largest corporations in America were—the CEOs were walking the Halls of Congress and doing the bidding of the Communist Party of China, the People's Republic of China, and they were saying that putting China in the WTO would mean China would follow the rule of law. They also said they couldn't wait until they could get access to 1 billion Chinese consumers, although 5 years later it was apparent they wanted access to 1 billion Chinese workers. But the whole idea of putting China in the WTO was to have them live under the rule of law and practice trade under the rule of law, and that is what we have not seen. We have simply not seen the Chinese follow the rule of law.

That is why so many economists, including Republican economists and Democratic economists, and including some economists who worked for President Reagan and some economists who worked for President Clinton and President Obama—the ones who are looking at sort of an expansive world—say things like Fred Bergsten of the Peterson Institute—a pretty much pro-free-trade, middle-of-the-road organization—who said:

> Some American corporations will fret that these actions—

These actions meaning regulations on dealing with this currency issue, as our bill does—

> that these actions would needlessly antagonize the Chinese and threaten a trade war. I believe these fears are overblown. The real threat to the world trading system is in fact the protectionist policies, including undervalued currencies of other countries, and the vast trade imbalances that result.

And Bergsten went on to say:

> Not since World War II have we seen a country practice protectionism to the degree the People's Republic of China does.

We were talking earlier about the split in the National Association of Manufacturers—and I am not making too much of it. Most companies didn't leave. But some of the smaller companies, which may or may not have left, have suffered greatly during the gaming of the currency system.

Let me cite one example: the Bennett brothers' Automation Tool & Die in Brunswick, OH, a city about 25 miles outside of Cleveland. The Bennett brothers run this tool-and-die shop, Automation Tool & Die, and they had a $1 million contract they thought they were about to sign with a new customer. The Chinese came in at the last minute with a bid 20 percent under their bid. That meant I don't know how many jobs that didn't stay in America but went to China, and that 20 percent was given to them because of currency.

As Senator MERKLEY said on the Senate floor yesterday, this currency advantage given to the Chinese because they purposely keep their currency devalued means when we sell products made in our country—made in Whirlicote, OH—to China, they have, in effect, a 25-, 30-, 35-percent tariff because of the currency undervaluation. When the Chinese sell a product into Chillicothe, OH, they get a 25-percent bonus or subsidy—25 or 30 percent. So that is why we have seen this huge trade deficit grow by multiples of something like three or four times.

Last week, there was a column by the former president of the National Association of Manufacturers, Jerry Jasinowski. He was president during the time of this debate in 2005. He has watched as members struggle with this disadvantage of the currency manipulation. He wrote this week that Congress is ''belatedly stepping up to the plate on China's currency manipulation.'' He called this currency manipulation ''an assault on U.S. manufacturing'' that is ''having a deadly impact on the overall economy.''

Because these companies have lived with this, more than 300 companies have signed a petition in support of this legislation according to the Coalition for a Prosperous America. We can see companies such as McAfee Tool & Die in Ohio, and we highlighted some of the ones in different Senators' States and lots of national organizations, lots of State and local organizations, and hundreds and hundreds and hundreds of companies are supporting this because they know—and all kinds of organizations know—this isn't working for American companies. It is not working for American manufacturing. It is not working for American communities or American workers.

I had mentioned what happened up until 2005. In 2007, Senator STABENOW of Michigan, a Democrat; Senator SNOWE, a Republican from Maine; Senator ROCKEFELLER, a Democrat from West Virginia; and Senator Bunning, a Republican from Kentucky—of those four, only Senator Bunning has left the Senate—created the Fair Currency Coalition, which pulled together manufacturers and labor united to address a serious problem. We can see some of those here.

In the 111th Congress, the Senate introduced several bipartisan bills. Senator SNOWE and I worked this year on countervailing duties, legislation similar to what the House of Representatives passed, providing industries a remedy when it comes to imports that are proven to be subsidized by currency manipulation. Since then the Senate combined Senator SNOWE's and my bill with that of Senator SCHUMER and Senator GRAHAM into the bipartisan legislation we have today.

This bipartisan legislation is a no-cost job creator. In fact, it is better

than that because when we have the biggest bipartisan jobs bill—passing overwhelmingly 62 to 38 today, with some party leaders trying to block it but still passing 62 to 38—increasing jobs, particularly if we are not spending money doing it, we are obviously saving on the budget deficit.

The Economic Policy Institute says this is more than job creating, and it will create more than 1 million jobs. If we have 1 million people going back to work, that means 1 million people who aren't drawing unemployment benefits, who aren't filing for food stamps, and who aren't getting any other kinds of subsidies. They are working and paying taxes, and that, obviously, is why we can't cut our way to prosperity. We have to grow our way to prosperity and grow our way to a more balanced budget.

So that is what this is all about. And I would quote a couple of other people—Republicans. DAVID CAMP, the Republican chairman of the House Ways and Means Committee, who has supported this measure in the past, said the bill doesn't ''presuppose an outcome,'' but sends ''a clear signal to China that Congress' patience is running out, without giving China an excuse to take it out on U.S. companies and workers.''

Mitt Romney, Presidential candidate, Republican, former Governor of Massachusetts, said taking action to remove protectionist market distortions wouldn't result in a ''trade war,'' but failing to act will mean the United States has accepted ''trade surrender.''

That is exactly the point because the strongest objection to this bill and the most frequent and compelling argument from, apparently, the three Democrats and the, I guess, roughly three dozen Republicans who opposed the vote a couple of hours ago is that this bill declares a trade war; that it would lead to some kind of trade war.

I first want to remind everybody listening that the United States is already in a trade war. When we see the trade deficit in 10 years triple with a country that is not playing by the rules, it is pretty clear there is a trade war going on, and they are winning in so many ways because we are buying so much from them, and they are buying so little from us. Yes, our exports have increased over the last 10 years, but only marginally. Our imports from China are just growing much more rapidly.

In the end, common sense says the Chinese aren't going to initiate a trade war. You don't initiate a trade war if you are China—they might threaten to—because we are their biggest customer. One-third of Chinese exports come to the United States. They have way more to lose than we do if they initiate a trade war.

We can predict it, like we can predict the Sun will come up. Whenever we stand up to the Chinese—when President Clinton or President Bush or President Obama would sort of do a start-and-stop in standing up to the Chinese, and then back down—the last President to enforce trade law well was Ronald Reagan. President Obama has done it marginally well, but the other Presidents haven't done it much at all. But whenever we act like we are going to do that, it is so predictable what the Chinese Government will say: Trade war. Trade war. Then some Members of the Senate will stand up and say: Trade war. Trade war. But just because the Chinese say there is going to be a trade war, they always bluster like that.

So as certain as the Sun was going to come up on Tuesday morning after the vote Monday night—which was 79 to 19—the People's Bank of China, the Ministry of Foreign Affairs, the Ministry of Commerce—like all birds flying off a telephone wire when one bird does—said this is protectionism, this is a trade war, and all the kinds of things they say. But just because they say it isn't necessarily what they are going to do. They want us to believe they are going to do that because far too often American politicians—Presidents especially—will back down.

This bill will begin to help us do what we should be doing in this country, and that is following—as the Presiding Officer has said so many times before and fought for—real manufacturing policy. Thirty years ago, in the early 1980s, between 25 and 30 percent of our gross domestic product was manufacturing. Today it is only about 11 percent. Those manufacturing jobs created an awful lot of middle-class families in Garfield Heights, OH, and in Norwood, OH, and in Grove City, OH. Today a lot of those families struggle because they have lost their $14-, $15-, $18-, and $20-an-hour job making things. Instead, they are working in a service industry, which never pays as much and never has the spinoff effect of job creation that a good manufacturing job has.

So I am thrilled about this vote today. What makes me even more excited is I think it is the beginning of the United States having a more coherent manufacturing strategy. We are the only wealthy country in the world that doesn't have a manufacturing strategy. While all of our trade competitors practice trade according to their national interests, we practice trade according to a college textbook that is 20 years out of print.

I am hopeful those days are behind us, and I especially thank Senator GRAHAM and Senator SESSIONS for their stance and making a difference on this vote today. I think this is the beginning of something much better for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, how much time is being divided now or is it divided?

The PRESIDING OFFICER. The Senator has up to 1 hour under cloture.

Mr. KERRY. Well, Mr. President, I yield myself such time as I may use under the 1 hour, and I will not use all that, by any means.

Mr. President, this is obviously an issue that is more complicated than the debate may have indicated—at all moments, at least. I think there are complicated and longstanding frustrations that have built up with a lot of Senators and a lot of people in America that bring us here to this moment on the Senate floor.

As chairman of the Foreign Relations Committee, I have a reluctance to see us engage in an effort that I think can put other interests at risk in certain ways. On the other hand, I have voted to allow and help this legislation to reach the point of postcloture because I think it is an important debate and because I think China needs to carefully think about the process and the substance of what people are saying on the floor of the Senate.

This is a very complicated relationship, with enormous interests on both sides, and we need to avoid a confrontation in a lot of different ways. There are a lot of different kinds of confrontations—trade, physical confrontation in the South China Sea and the straits and elsewhere, confrontations over human rights in Tibet—and there are a lot of issues at play. But with respect to the trade issue, China has a huge interest in the United States being able to export more effectively to China.

China has an interest in its middle class growing in its purchasing power and expressing that purchasing power through consumption. One of the things China needs is its own higher level of domestic consumption. It is saving too much. One of the reasons it saves too much is it doesn't have a safety net structure of any kind, really, so people do save. That is the nature of life there. But at the same time, I think China is seeing a slowdown of its own economy now. One of the reasons for the slowdown in China's economy is the fact that we have had a slowdown in our economy and our ability to consume, and the American consumer is paying off debt, wisely, and consuming less of the goods brought in from China. So it all is interconnected.

China is also our biggest banker. China is critical to our ability to deal with our current economic challenge in many ways—and Europe's, I might add. Both Europe and the United States would benefit significantly with a new trade relationship with China.

That is what I want to talk about for a moment. I believe in trade. I have supported trade here. I don't believe in unequal trade. I don't believe in unfair trade. I believe in enforcing the agreements we have. If you look at NAFTA, for instance, NAFTA had side agreements—side agreements on the environment, side agreements on labor standards—and they were never enforced. People have a right to be angry if they see an agreement that is made and then parts of it are enforced, parts of it are not, and they see their jobs go

overseas, whether it is from North Carolina or Georgia or Massachusetts or Ohio or any other place in our country. So I think it is important to have trade that is fair and sensible.

You are not going to grow your economy trading with yourself—no way—particularly if your overall population growth isn't growing that fast and you are a mature economy. Economics just doesn't work that way. You need newer markets and other places to expand. So I believe it is important for us to recognize that the world's trading system only works if the participants treat each other fairly.

Over the last decade, our national debate on the costs and benefits of trade has intensified, and, frankly, the uneasy alliance, the uneasy consensus that had been created from the 1980s forward with respect to trade is being frayed right now, is being frayed for understandable and clearly definable reasons.

The American worker is not seeing their wages go up. There are a lot of reasons for that: the unfairness of our Tax Code, the inability of people in America today to be able to bargain the way they used to, the lack of an NLRB and a court that uphold the rights of labor to be able to negotiate—a whole bunch of reasons people are disadvantaged today. One of them is the fact that you have this unfair competition.

In order to keep the consensus that allows Americans to say: Yes, trade is a good thing, it has to be a good thing. And to be a good thing, it has to be fair and it has to result in people's lives being improved by it, meaning their wages go up, their job gets better, and their opportunities are better. But everything has been working in the opposite direction. I think that is why so many of our colleagues feel a responsibility to come to the floor on this legislation and make sure that China and others hear from the American people loudly and clearly.

We did this before on a vote we took on currency legislation back in 2005. I think China heard us then, and China began slowly to allow the value of its currency to begin to fluctuate rather than keeping it pegged tightly to the dollar.

China has taken measures. In fairness, China's currency has appreciated over the course of the last few years. Some argue exactly how much—somewhere in the vicinity of 27 percent, maybe 7 percent the last year—but it is not fast enough, and it is still not fair enough. And the fact is that there are other Chinese trade tactics that contribute to our increasing trade deficit with China, not just currency.

Unfortunately, our efforts through multilateral institutions—nobody can point a finger at the United States and suggest that we haven't played by the rules or that we haven't gone to the global institutions in order to try to resolve these differences. We have gone to the World Trade Organization, and we have won, step by step, slowly but surely. But if your tactic is to just keep in this highly mercantilistic, focused strategy of China's to just keep on pushing, take advantage of everything you can, and you get a little nibble against you here and there at the WTO, a little nibble over there, that is really just an inconvenience on the road to a kind of trade domination that is bad for everybody.

That is why I am here today. That is why I have voted for this legislation to come to the floor, to have this debate. This debate is an imperfect stand-in for the broader discussion we need to have about our economic relationship with China. The truth is that our bilateral relationship is both filled with promise and plagued by complex challenges we have to overcome for the good of both countries.

The Chinese market is a huge and growing opportunity for American firms, obviously. Despite the hurdles to entry—and there are hurdles—China is still our fastest growing export market today. People had better think about this as we go forward.

I am convinced that the key to America pulling itself out of this economic challenge we are in today and the key to Europe pulling itself out is for the United States and Europe to actually work out, almost formally, a new and better relationship with respect to trade with China, as well as with the other fast-developing countries—Mexico, South Korea, Brazil, India—because if those societies will allow us adequate entry to market and if those societies will purchase more from Europe and the United States, then we will export more, manufacture more, and come out of the economic doldrums. That reverberates to China's benefit, also, because their investments in the United States become more secure, because our debt goes down, because we have a stronger economy, and because we are purchasing more in return from them. What goes around comes around.

My hope is that we can agree on fair terms and conditions for trade with these rising powers. If we do, we will create jobs. That is the fastest way we have to create jobs and pull out of our economic doldrums today. The simplest, fastest, most obvious way to do this is to be able to access those other markets rapidly with American goods and begin to restore confidence to the marketplace so that people believe they will get a larger return on their investment and begin to reinvest in job creation and in the marketplace.

The current trade model we are operating under with massive U.S. trade deficits and enormous Chinese trade surpluses is not only unfair, it is unsustainable. So we have to rebalance that relationship. And China's own leaders need to understand that their country's long-term economic health absolutely cannot rest on a foundation of subsidized exports fueled by an indebted American consumer and the credit card of the American consumer. That is a deathly unvirtuous—to use our former Fed Chairman's comments about virtuous and unvirtuous cycles, it is about as unvirtuous as you can get in that economic relationship.

Now, conflict, in my judgment, is not the best way to resolve our tensions. Making clear how we feel and what we think the reality is and what is important in our relationship is critical.

Some of our colleagues have come to the floor to argue that our two countries are already in a trade war. Others have come to the floor to say this bill is going to trigger one. I don't agree with either view. I don't think either one of those views is correct.

If we were in a real trade war with our largest lender, let me tell you, they would be doing a heck of a lot more damage than the misalignment of currency is currently doing to us.

The specific remedy proposed in this legislation is neither as dramatic nor as offensive as some people have said. This is a pretty carefully structured piece of legislation, and I think the language has been chosen in a thoughtful way and the remedies that are available under this bill are not as dramatic as some would suggest. It doesn't propose raising tariffs on all Chinese goods. It only proposes increasing tariffs on those Chinese goods that receive an unfair advantage from an undervalued currency and then compete with American-made goods here in the United States. It is a pretty limited and targeted message. And that is within our rights. If the yuan is properly valued, that will simply not be necessary. That is China's decision, China's choice.

I would much prefer a negotiated, multilateral solution, as I described, involving this new relationship, a new trade relationship on a global basis, which I think would send an extraordinary message to a beleaguered Europe, where Greece, as we all know, is basically fundamentally insolvent, needing some kind of a managed, structured transition hopefully that avoids a greater crisis in Italy and Spain and contagion in their banking system, which clearly needs recapitalization, clearly needs more than the $440 billion that was put on the table, clearly needs some kind of a rescue fund with some very tight kinds of requirements not dissimilar to what we did in the United States in 2008 and 2009 out of sheer necessity. My hope is they will do that.

Nothing would do more to send a message of confidence about the future of job growth than to have this new trade understanding and relationship where responsible partners are behaving responsibly and accepting responsibility for the global marketplace in which we all operate, not just exploit it but support it, protect it, nurture it.

Beyond the currency, there are many other sources of tension in our economic relationship, and they need to be resolved. China does not protect adequately our intellectual property in its

market. That is almost a euphemism. The violations of intellectual property rights, the outright theft in some streets and communities within China of billions of dollars of American designed and marketed and developed property is shocking. In addition to that, China imposes artificial regulatory barriers to the entry of many of our goods. It fails to crack down on cyber attacks, and it has executed a thinly veiled effort to appropriate key foreign technologies. On each of these issues, and others, we have been going to the WTO, we have been bringing cases, and we have been winning those cases. As I have said, that is not a substitute for this larger fix in the relationship that is critical.

I believe overcoming market access challenges is actually where we ought to be focusing our efforts in China and also in the other large, fast-growing markets. That, as I have said several times, is really the answer—the quick answer, if you will. We can develop goods and we can invest in companies here, but if we can't sell the goods to more than ourselves, we have some serious limits on us. It is important for us to be fighting for that market access.

I believe that to increase our exports, we are going to have to increase our competitiveness at home and we are going to have to convince our partners to lower their tariffs, remove discriminatory regulatory restrictions on our exporters, protect intellectual property, use scientific standards as the basis for allowing our agricultural goods to enter, and recognize that trade in services is becoming as important to the modern economy as trade in goods. We need to make the case that doing all of these things is not to the advantage of one country or another, it is to all of our shared advantage because of the nature of the global marketplace in which we live.

Countries such as China, India, and Brazil are stakeholders. Whether or not they want to admit it publicly, they are stakeholders in the West's economic success. They need access to our customers. They need access to our investors. They want to make deals over here. They want to be in joint ventures. They want to own companies. And their businesses and citizens will benefit from strong, sustainable growth in the world's largest economies.

China is an important partner of the United States in a lot of ways. It is also a major investor in the United States. So I don't think we are here to rupture that relationship; I think we are here to send a message to the Chinese about the urgent need to repair it. We want a mutually beneficial relationship, an equitable partnership that will pay dividends for both countries. And I believe, if we listen to each other and work in good faith, we can make that happen and we can enter into a better framework of cooperation that inures to the benefits and the security and the stability and the leadership demands of both of our countries.

We both sit on the Security Council of the United Nations. We both have remarkable responsibilities through our economic power. We are still the largest economy on the face of this planet, maybe three times larger than China—still, even as China is growing. China will surpass us. With that reality of where China stands today economically comes major responsibility. No country has exercised that responsibility through all the last century and into this century with a greater sense of purpose and responsibility than the United States. Hopefully, China will embrace the notion that its new economic power brings with it that same shared responsibility. I hope we can engage in the creation of that kind of mutually beneficial relationship.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

JOBS CRISIS

Mr. HATCH. Mr. President, I rise to speak about our Nation's jobs crisis. This is a crisis that is real and it is a crisis that is not going to be addressed by the bill currently being considered by this body. It is not a crisis that is going to be solved by more tax increases, as some would have it. It is a crisis that will be solved when Congress creates the conditions for job creation by giving greater certainty to businesses and individuals and liberating them to take risks.

Americans are more than uneasy about our current jobs deficit. The failure of this economy to create jobs is the single most important issue to the citizens of this country. For years now, whenever I have talked to my fellow Utahns about the economy, their No. 1 concern has been jobs. Throughout the country, particularly in those places that are worse off than my own home State, I am quite certain people have the exact, same concern.

We have had more than our fair share of posturing on job creation in Washington. We heard a speech to a joint session of Congress from the President, wherein he demanded passage of this jobs bill. Of course, the President's bill has no real chance of passing in either Chamber of Congress. Indeed, Members of the Senate Democratic leadership have been quoted publicly as saying they don't even believe enough Democrats would vote for the bill to pass it in the Senate, with or without a filibuster.

But not all hope is lost. Members of both parties agree we need to pass a jobs package of some kind. The American people demand it and I believe Congress can deliver. However, I am not under any illusions. This will be a difficult task, and it will require Congress to recognize some hard truths and to make some difficult decisions. But if we are serious about job creation and not just about campaigning on job creation next year, that is what we are going to have to do.

It will not be enough to simply pass legislation that will stimulate the economy in the short term. We have tried short-term stimulus time after time again and it does not work. One of the President's first acts after his inauguration was to promote and sign a partisan big spending stimulus package. It did not work then and it is not going to work now. What we need to do is change the economic environment in America to make it more jobs friendly, to change incentives to allow for long sustained job growth.

As I said, it will not be easy, but I believe it is doable because, frankly, there are things we should have been doing all along that will create more jobs and prevent more job losses in the future.

That is what I wish to talk about. I want to unveil my own jobs proposal. It is a comprehensive, 10-point plan that I believe encapsulates much of what we should be doing to create more jobs in America. I wish to take just a few moments to talk about each of the 10 points in my jobs plan.

No. 1, we need to restore fiscal sanity in Washington. Our Nation's $14 trillion debt is an anchor around the neck of every American and a threat to our economic growth and job creation in the future. Congress must take meaningful steps to reduce our debt and get America's fiscal house in order.

This is something my friends on the other side of the aisle do not seem to get—debt and deficit reduction is a jobs issue. The failure to get this spending under control led to a downgrade of our Nation's credit rating, an action that will impact our interest rates and impede job growth. The failure to get spending under control and the constant threat from the other side of higher taxes to pay for this historically large government keeps businesses on the sideline and discourages risk-taking. The failure to get spending under control crowds out the types of investments in national defense and infrastructure that actually have some impact on jobs. Reining in spending should be our highest priority.

Given the fights we have had over spending in the last year, this goal may seem to some to be out of reach, but I am optimistic. I expect some success from the Joint Committee on Deficit Reduction that is currently working on finding significant savings and currently trying to find a way out of our problems. Members of both parties are on record supporting a balanced budget amendment to the Constitution, which would ensure greater fiscal discipline in the long run. This is a vital element to securing economic growth and job creation in the future, and we need to act now. As the ranking member on the Senate's Finance Committee, I am committed to working with my colleagues there to achieve meaningful reform of our Nation's largest spending programs.

No. 2, we need to expand markets for U.S. exports by approving the pending

three free-trade agreements and renewing trade promotion authority. Every President has wanted that except this one. Congress waited far too long for the President to send the pending trade agreements with Colombia, Panama, and South Korea, which would increase U.S. exports by $13 billion and create more than 70,000 domestic jobs. Some estimate even higher than 250,000 jobs. Unfortunately, in delaying submission of these agreements, the President prioritized his anti-trade union allies at the expense of the American workers who stood to benefit from their passage. Now that these agreements are before Congress, we need to ratify them promptly. However, we also need to move forward with a robust trade agenda for the future.

Unfortunately, by refusing to seek renewal of trade promotion authority, the President is undercutting our Nation's ability to realize these new trade agreements.

No. 3, we need to reform our Nation's Tax Code to allow American businesses to compete with foreign competitors on a level playing field. Rooted in a bygone era, the U.S. Tax Code is antiquated, impeding our economic recovery and slowing job growth. Our tax system is too burdensome, it is too inefficient. Fundamental tax reform will allow both individuals and businesses to focus their efforts on their families and businesses instead of tax compliance. There is bipartisan agreement on the need to fix our Tax Code and if the President and his party will agree that the goal of tax reform should be job creation and economic growth rather than raising taxes, I think progress can be made.

No. 4, we need to repeal ObamaCare. I am certain my Democratic colleagues will write this proposal off as blind partisanship, but to paraphrase President Obama: This is not partisanship, it is math. ObamaCare's unconstitutional individual health care mandate will result in a $2,100 increase in premiums for families buying insurance on their own. Rather than saving money, ObamaCare is costing individuals and States more money, including $118 billion in new costs imposed on States for Medicaid expansions, meaning that our States will have to cut other programs such as education or law enforcement to pay for this unfunded mandate. Additionally, ObamaCare will result in over $1 trillion in new taxes and penalties over a 10-year period once it is fully implemented in 2014, while still increasing the deficit by $701 billion during that same time.

Collectively, the various provisions included in ObamaCare will continue to hinder job creation and industry innovation by mandating the imposition of anti-industry burdens such as a 2.3-percent excise tax hike on medical device manufacturers that could result in job losses of over 10 percent of the device industry workforce. That is nearly 43,000 potential lost jobs. Some experts have calculated that nearly 800,000 jobs could potentially be lost as a result of full implementation of all of ObamaCare's provisions.

Clearly, calls to repeal ObamaCare are more than political blustering. It is simply a necessary step forward toward job creation.

No. 5, we need to repeal the Dodd-Frank Act. Again, it would be easy for our friends on the other side to write off this proposal as just partisan posturing, but facts are facts. American companies and small business owners are paralyzed by the excesses of the Dodd-Frank Act which has created massive new bureaucracies, imposed job-killing mandates, and heaped upon American businesses a slew of regulations that are choking off job opportunities for Americans. Dodd-Frank is leading to reductions in the availability of credit to American families and businesses and increases in the cost of credit to those who are able to borrow. The price controls required by Dodd-Frank and by the Dodd-Frank interchange amendment are a case in point of what happens when government wades carelessly into the economy.

I don't know why it came as a surprise to anyone that the price controls imposed by the interchange agreement, drying up a revenue stream for banks, would require new fees on consumers. Yet I doubt the announcement that banks are eliminating free checking and increasing debit card fees, a direct result of the interchange amendment, will result in a long look in the mirror for those responsible for this regulation. Rather, the favored response will no doubt be more regulation. It is essential that we repeal this fundamentally flawed law to unleash the full potential of the American economy by unfreezing much needed credit for small businesses as well as stripping away new layers of burdensome and ineffective regulations.

By the way, I have not mentioned Sarbanes-Oxley, which is adding accounting costs and other costs so astronomical to small business that many of them are not able to hire, they are not able to accomplish what they want to accomplish, and it has stalled our economy. That doesn't mean we don't need some regulations, but these bills have gone way to the excess.

No. 6, we need to make our regulatory system more jobs friendly. America's regulatory system is out of control. Time and again, unelected Washington bureaucrats erect walls of redtape that place significant burdens on the job creators. Far too often, businesses are forced to spend time and resources trying to comply with unnecessary Federal rules and regulations rather than on growth and development. With unemployment at over 9 percent, Congress needs to ensure that policies pursued by Federal agencies make it easier for businesses to hire and do what is necessary to be able to compete globally. There is bipartisan support for this idea. President Obama has proposed requiring regulators to perform a cost-benefit analysis in drafting new regulations. This requirement should be set by statute and should apply to all Federal agencies.

In addition, Congress should have greater influence in the regulatory process and should pass legislation such as the REINS Act, S. 299, which would, among other things, require Federal agencies to obtain congressional approval for regulations that will have significant economic impact.

No. 7, we need to develop America's energy resources. In the United States, energy is produced by private industry. Yet most energy resources are controlled by the Federal Government. The Obama administration has aggressively withdrawn access to Federal energy resources and has stalled or proscribed countless domestic energy projects sought by industry. This willful inaction by our President has cost Americans hundreds of thousands of good-paying jobs. It has also cost our Federal and State governments billions of dollars in lost revenues from Federal energy royalties which they share. A recent Wood Mackenzie study found that if our Nation were permitted to allow more domestic energy production in the next two decades, an additional 1.4 million jobs would result and Federal and State governments would enjoy more than $800 billion in additional revenue. According to the study, it would mean more than 40,000 new jobs in Utah alone.

I have worked with my colleagues, Senator DAVID VITTER of Louisiana and Senator JOHN BARRASSO of Wyoming, on two legislative proposals that would reverse the President's attacks on domestic energy production. The 3–D, Domestic Jobs, Domestic Energy, and Deficit Reduction Act, that is S. 706, and the American Energy and Western Jobs Act, S. 1027, will get America back in the business of producing its own energy, creating hundreds of thousands of new jobs and billions in new revenue for Federal and State governments.

No. 8, we need to help America compete by protecting and encouraging innovation. We must modernize and make permanent research and development, the R&D tax credit to help keep America on the leading edge of technological innovation.

The United States once led the world in research and development incentives when we created the R&D credit back in 1981. However, in the years since other countries have responded with their own incentives, and now we rank 17th behind many of our global competitors. Senator BAUCUS and I have been the prime sponsors of the research and development tax credit over the years. In order to provide a more level playing field for American companies that compete in the global marketplace, we must provide more certainty to companies that invest heavily in research and development.

In addition, international infringement of U.S. intellectual property

rights costs American businesses billions of dollars every year. This affects big corporations and small businesses alike. By simply ensuring that our trade partners fulfill their international obligations to recognize and enforce intellectual property rights, we can create millions of jobs in this country. Starting now, this administration must take more meaningful steps to address this problem and protect American job creators.

No. 9, we need to create incentives and remove barriers for small businesses to create jobs. Small businesses drive the American economy and they are the soul of our Nation's entrepreneurial heritage. Small businesses create two-thirds of the jobs in our Nation's economy. As such, they should be at the forefront of our economic recovery. To achieve this, we need to ensure that American small businesses operate in a more business-friendly environment. Big-government solutions have failed to produce jobs, so it is long overdue that we release the entrepreneurial power of the private sector to grow our economy once again. We can and must make it easier for small businesses to invest, grow, and create jobs.

For example, Congress could provide a 20-percent tax deduction for small businesses on their income, and Congress could repeal the 3-percent withholding requirement for Federal contractors. Both of these ideas would expand job creation among small businesses.

No. 10, finally, we need to reform America's labor laws and rein in the National Labor Relations Board. Congress must enact significant reforms to our Nation's labor laws to counteract the pro-union extremism of the Obama National Labor Relations Board, or the NLRB. Instead of allowing the NLRB to rewrite America's labor laws every time a new administration takes office, Congress should reform those laws to provide greater oversight, accountability, and judicial review of the NLRB's decisions. They are usurping the power of the Congress. They are usurping the power of the courts. The fact of the matter is they don't have the right to do that, and they are overturning 76 years of solid labor law which is slightly in favor of organized labor. They want to make it totally in favor of organized labor.

In addition, Congress should pass legislation such as the Employee Rights Act, S. 1507, which I introduced in August to protect the rights of workers who do not want union representation, to prevent unions from exploiting their current members, and to ensure that the NLRB is no longer able to trample employee rights via regulatory fiat.

Congress should finally repeal the outdated prevailing wage requirements in the Davis-Bacon Act or, at the very least, suspend them until the economy recovers. Doing so would reduce burdens on small businesses, save the taxpayers money and, of course, create more jobs.

Once again, I am not under any illusions that passing this type of jobs agenda will be easy, but I am convinced of its necessity. Each of these proposals would achieve a commonsense objective, and most of these ideas have broad support within Congress and the American people. One thing is certain, however. We cannot stand by and do nothing. The people of Utah, whom I serve, and people across the country are demanding more jobs. This plan would accomplish this goal, but not through government, more regulation, more spending, and more taxes. Rather, it would encourage private sector job growth by getting government the heck out of the way. And by ensuring greater economic stability in the future, it would help to maintain the conditions for robust job creation.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Illinois.

AMERICAN JOBS ACT

Mr. DURBIN. Madam President, I wish to follow on the speech made by my friend and colleague from Utah about the current state of unemployment in America and what to do about it. One of the last things he says is, get government out of the way. I wish to suggest that maybe, if he has some time—and I know he is a very busy man—he join me on a trip to Peoria, IL, where I was last week visiting Lucas & Sons Steel Company. This company has been in business since 1857. It has 26 employees. The CEO is a delightful, dynamic young woman named Margaret Hanley. She has, as I said, 26 union employees, all ironworkers. What she does is fabricate steel for construction projects all over the Midwest and as far away as Antarctica. As I said, the company has been around over 150 years.

I asked her, Where do you get your steel? She said, It is all American steel. I asked her, How are you doing? She said, Great. She said, One of the reasons we are doing great is because of President Obama's stimulus package. The President said to American businesses such as hers, you can borrow money at low interest rates to buy new machinery that will help you be more competitive. She said, Come on, let me show you. We walked in the other room, and here was a computer-driven machine as big as a small room being handled by a fellow that was literally taking steel girders, boring holes in them, and bending them where they are supposed to be bent. She said, I can compete with the big boys with this. We are going to increase the number of people working at Lucas & Sons Steel. Senator HATCH says, Government, get out of the way. Thank goodness, government was there for that company, a private company, paying a living wage with decent benefits, that has been around for a century and a half and is prospering because they are making quality products out of American steel with equipment they bought through President Obama's stimulus package.

How many times do we hear Senator McCONNELL come to the floor and say, The President's stimulus package was a punch line on nighttime TV? Well, it isn't a punch line in Peoria. It is dead serious because people are working, making a good wage, thanks to the investment in small business through government help.

I believe, and most Americans believe, real job creation is going to be in the private sector. Well, look what happened here. Because of the investment of government helping her to buy this machinery and be competitive, production and manufacturing jobs stayed right here in the United States, and that is what we want. There are 14 million people out of work.

As I traveled up and down my State of Illinois, I visited some days with those who are unemployed, desperately trying to find jobs, and other days with businesses such as Lucas & Sons Steel in Peoria which are doing well. I asked them the key to their success. They basically say they have been lucky to have good products and great workers and great infrastructure.

Senator HATCH says, Get government out of the way. Government has to be in the way for infrastructure. It is government that builds the highways, the bridges, the airports, the railroads. That is part of what the government is investing in for the future of our economy. Part of President Obama's jobs package is to put Americans back to work rebuilding basic infrastructure. We need it. We need it all across the Midwest and across the Nation. If you think we can afford to get government out of the way and not invest in infrastructure, take a look at what is going on in China today. In China, our No. 1 competitor in the world and our No. 1 creditor in the world, they are building right and left. They are preparing for the 21st century. They are going to build 50 new airports in the next 5 years that will accommodate every plane of every size made by Boeing Aircraft. That is how big these airports are. There will be 50 new ones. They are building the infrastructure to not only compete but pass the United States.

When my colleagues on the other side come to the floor and say: Get government out of the way, what do they mean? That we should not be investing in infrastructure to make America strong for the 21st century; that the businesses, large and small, in Illinois that need modern, safe highways to move their goods back and forth to market should not turn to government for that help? It makes no sense. Historically we have agreed on a bipartisan basis when it comes to infrastructure. We should agree again, and that is part of the President's jobs bill.

Let me tell you what else is in there. We know America's working families are struggling paycheck to paycheck. They took a survey recently, and they asked working families in America: How many of your families could come

up with $2,000 in 30 days either out of savings or borrowing? That isn't an unreasonable amount of money. A very moderate injury in an emergency room might cost you $2,000. So they asked them, and it turned out only a little over half of working families had access to $2,000. It shows you how close to the edge many families are living. It shows you many of them are surviving paycheck to paycheck. Although they work hard, they cannot seem to get ahead.

President Obama's jobs act says this: These working families deserve a payroll tax cut of 3 percent. What would that mean? Three percent doesn't sound like much, but look what it means in Illinois. Our average wage in Illinois is about $53,000 a year. The 3-percent payroll tax cut would give to these families between $125 and $130 a month. A Senator may not miss that amount of money, but for a lot of working families, it is the difference between filling your gas tank and buying the shoes for the kids to go to school. So the President's payroll tax cut puts money in the hands of working families to buy the goods and services to get the economy moving forward.

What else does the President suggest? He suggests in his jobs act that we need to provide tax incentives for small businesses to hire the unemployed. One of the things the President said when he spoke to us is we ought to make sure every veteran who served our country can find a job when they get home by offering incentives for businesses to hire returning soldiers. That is government involved. We create that incentive. The Republican side says: Get government out of the way. I don't think so. These men and women who served our country, who risked their lives, who fought for America, should not have to come home and fight for a job and lose that fight. We ought to stand by them and help them find work. That is part of President Obama's jobs bill, and it is a reasonable part. Cutting the payroll taxes, cutting the taxes that businesses, including small businesses, pay so they are more profitable and can hire more people is a reasonable thing to do.

I was amused that the Senator from Utah brought up one of my issues that I have worked on, and that is the debit card swipe fee. If you use a debit card to make a purchase at a restaurant, a grocery store, a drugstore, a bookstore, whatever it happens to be, and they would swipe that card, the retailer you bought that good or service from has to pay a fee to the bank and major credit card company. Well, it turns out that the fee—the so-called swipe fee—is dramatically larger than the actual cost of the transaction to the bank and credit card company.

Let me give you some numbers. The Federal Reserve investigated, and here is what they found: To use a debit card to make a purchase costs the bank and credit card company somewhere between 4 cents and 12 cents. That is to process everything. For you to take money out of your checking account with a debit card to pay for a purchase, what do they charge? On average they charge the retailer 44 cents. That is somewhere between 600 percent and 400 percent of their actual costs. So what we did is to say that retailers across America deserve a break. With the Federal Reserve establishing the number, we said a reasonable fee is about 24 cents. That splits the difference, which is the common outcome in Washington. It gives the banks more than they actually have to expend to process, but it doesn't hit the retailers hard.

I went to the Rock Island Country Market when I was back home in downstate Illinois. Carl, the manager, talked about his morning special, a cup of coffee and a doughnut at the country market, 99 cents. He said, Senator, do you know what it feels like when someone hands me a debit card for that 99-cent transaction? I not only didn't break even, I lost money, and I will lose it every time.

We have to give retailers a fighting chance. When the Senator from Utah comes to the floor and says we should not do that, that we should stand by the Wall Street banks and the credit card companies, I think he lost sight of the fact that Main Street, not Wall Street, is where jobs are created in America. Helping retailers, large and small, be profitable, be able to reduce prices on their goods and hire more people is the way for us to emerge from this situation and have more people working across America.

There is great controversy associated with the fact that President Obama made a suggestion when he spoke to us about the jobs bill and when he said to us: I am going to pay for it. Whatever I do with this jobs bill, whether it is extending unemployment benefits, payroll tax cuts for working families, a break for small businesses to hire veterans and other unemployed people, we are going to pay for it. We are not going to add this to the deficit. He came up with a plan to do it. I thought his plan was reasonable. We have talked on the Democratic caucus side and come up with a plan that is more acceptable to our caucus, and I can accept it too. Here is what it is. It is a little over a 5-percent surcharge on people who are making over $1 million a year—a 5-percent surcharge on their income tax. These are people who are making $20,000 a week—$20,000 a week—and the President has suggested they should pay their fair share. We have come up with a more specific approach—a little over a 5-percent surtax to pay for what it will take to get the jobs act moving forward and get the economy moving forward, which will be to everyone's benefit, rich and poor alike, across America.

One would think we said something heretical—the protests that were received from the Republican side of the aisle in the House and the Senate. What I find interesting about their opposition to this is, when we ask the American people point-blank: Do you think to pay for the President's jobs bill, to get people back to work, it is reasonable to close tax loopholes and ask millionaires to pay a little more on their income tax, here is what the poll says: 64 percent—almost two out of three Americans—support raising taxes on millionaires. How about Independents? ABC News poll: Seventy-five percent support raising taxes on millionaires. But what about Republicans? Fifty-seven percent of Republicans support raising taxes on millionaires and—hang on tight—55 percent of tea party supporters agree with raising taxes on millionaires.

It turns out that the majority of Americans at every political level believe this is a reasonable proposal. The only problem is, we can't find a Republican Senator or a House Member who agrees. They have said they will vote against anything that includes a penny more in taxes for those who are making over $1 million a year.

I think Americans believe we are all in this together. Everyone has to sacrifice. Families sacrifice every day. Businesses are sacrificing, trying to stay open and prosper in a rough and challenging economy. It is not unreasonable to ask those who are doing well in America to pay a little more so we can get this economy moving forward and create jobs.

WALL STREET REFORM

There are two other points raised by the Senator from Utah I wish to address. One of them is, he said he is against the Wall Street reform package we passed. Do my colleagues remember—it hasn't been that long ago—when we were told by the previous President that if we didn't provide almost $800 billion of taxpayers' money to the biggest banks in America, they would fail and the economy would crater? It is a day I will never forget because it is a stark choice: take $800 billion out of our Treasury with all our debt and give it to Wall Street banks or run the risk of our economy collapsing. Many of us said we will stand with President Bush's proposal. We will see if we can keep these banks staying afloat. Does anyone remember the thank-you note we got from the major bankers across America for the $800 billion in TARP funds? They gave million-dollar bonuses to their officers. The same people who were in charge and who drove their banks into the ground and drove the economy into the ground that forced the taxpayers' bailout were ending up with millions of dollars in bonuses.

We decided with Wall Street reform to say, once and for all, we are not going down this road again. This notion that some of these Wall Street banks and bigger banks are too big to fail has to come to an end. So we passed Wall Street reform to try to straighten out some of the abuses that led to this recession. We didn't get a

single vote on the Republican side of the aisle—not one. They don't want the government to exercise any power of oversight, to police the ranks of those in the financial industry who are not dealing with this situation responsibly. That is their position.

I happen to believe government has a legitimate role. When those banks were about to fail, they loved government. They couldn't wait to get our money. They got the money and survived and then gave one another bonuses. The government said: Now you have to clean up your act, and they said: Get out of the way. Government is nothing but a big old problem.

The American people know better. We want Wall Street and the big banks to be held accountable. We never want to go down this bailout road again, and I think—and I hope most Americans believe—that oversight of these banks is absolutely essential to make sure we have money available and these banks are sound.

HEALTH CARE REFORM

The last point I will make relates to the health care issue. I see my colleague from Colorado on the floor, and I am happy to yield to him in just a couple minutes.

The health care issue is one that is a frequent source of conversation among the political talking heads and elected officials here in Washington. Recently, many on the other side of the aisle have been holding almost daily press conferences—one was reported today in the Washington Post—where they get very worked up over the President's health care reform bill, which I was proud to support, and say it is the reason for virtually every problem in America.

Let me tell my colleagues on both sides the reality. Having served on the deficit commission, we cannot reduce the deficit and the rate of growth in our national debt without coming to grips with the cost of health care. Whether it is a family, a business or any level of government, the cost of health care is breaking the bank. What we tried to do, and I think we will do, is to come up with a fair way to bring down the rate of growth and the cost of health care. I am not naive enough to believe we are going to actually bring down health care costs dramatically. What we are trying to do is to slow that rate of growth, and that is something we can achieve.

I take a look around at what we are faced with when it comes to health care and the dilemmas we face, how many people before this health care reform bill had virtually no protection. One of the things we did in health care reform, which I suppose those who want to repeal it want to get rid of, was to say they couldn't penalize a person or a family because of preexisting conditions. Children under the age of 18 could not be denied on a family policy because of a preexisting condition. Many parents, such as my own family, have lived through this and have known that if we couldn't get basic health insurance for our child, it could jeopardize the quality of care that was available. We changed that law. We said they cannot discriminate against children under the age of 18 because of preexisting conditions. We are moving toward eliminating that discrimination across the board. Is that unreasonable? I think it is realistic and humane and it is a good thing to do.

The second thing we did was to help senior citizens getting prescription drugs under Medicare who get stuck with something called the doughnut hole. It is a gap in coverage of almost $2,000 a year that they have to take out of their savings accounts to pay for expensive prescription drugs. We are closing that hole over a period of a number of years so seniors will have seamless coverage, start to finish. That is part of health care reform. Those who are calling for its repeal ought to stand and say exactly that they want to get rid of that as well.

We also provide coverage under the family health insurance plan for children up to the age of 26. It expands the reach of family health insurance for recent high school and college graduates who may not have a job. It is an important coverage factor that I am glad we included in this bill.

There is more we need to do. But to walk away from health care reform, to walk away from efforts to preserve quality and reduce the cost in health care is a step in the wrong direction for the quality of life of American families and for dealing with this deficit challenge we face.

I sincerely hope my colleagues on the other side of the aisle will consider joining us in offering amendments and modifications to the President's jobs act. What is absolutely unacceptable is to do nothing. Unfortunately, many of them believe that is exactly what we should do: Don't let government get involved in any respect when it comes to the unemployment across America. Whether it is unemployment benefits, helping working families, giving incentives to small businesses to hire veterans and other people, putting money into infrastructure in America—these are things we can and should do together as a nation to bring this economy forward and to reduce the unemployment we are currently facing.

I yield the floor.

The PRESIDING OFFICER. Expressions of approval are not in order.

The Senator from Wyoming.

Mr. ENZI. Madam President, if I had the time, I would contest a few things my colleague from Illinois said, but I am not going to make a political speech; I am going to speak on the bill that is currently before the Senate which is the China currency bill.

So I rise to speak on the China currency bill. China's undervaluation of its currency is a serious problem. It is an issue I studied when I was a member of the Senate Banking Committee and now as a member of the Finance Committee. Earlier this year, I also had an opportunity to visit China with a number of my colleagues and learn more about this issue as we met with their government officials.

It is clear the efforts of the Chinese Government to peg its currency against the dollar give unfair benefits to the Chinese exporters at the expense of U.S. manufacturers. The United States should take additional action to pressure their government to reevaluate Chinese currency.

However, this is not a new problem. China currency has been a priority for both President George W. Bush and President Obama. Through a number of venues, including the Joint Commission on Commerce and Trade talks, our officials at all levels have raised this issue with little response. This experience shows that action by the United States alone is not enough. We know other major global trading powers have the same concern, but we continue to act individually. Just this summer, the German Government made a renewed attempt to gain more flexibility in China's currency. The full European Union has followed suit, but they, too, have had little gain. But the United States and the European Union are not the only ones concerned about China currency. A number of emerging economies, including both India and Brazil, have also made the same plea. So the question I ask now is why are we considering a bill that puts the United States in a position of going it alone?

That is one reason I am a cosponsor of the Hatch amendment No. 680. This substitute amendment retains the designations included in the underlying bill that define a ''fundamentally misaligned currency'' while giving direction to the administration to pursue action through multilateral channels. The amendment also thinks forward by making the issue of currency misalignment a priority issue in both our current trade negotiations and in future trade agreements. It is important that the United States not act by itself when it comes to pressuring China on this issue. I have found in my experience that when it comes to economic policy in our globalized world, the multilateral approach is the most successful. That is one reason I do not support imposing unilateral economic sanctions on any nations. I am hopeful the Senate will have an opportunity to vote on and include the Hatch amendment in this bill.

I also wish to speak about an amendment I am working on with my colleague from Oregon, Senator MERKLEY. Given that this bill is about enforcement of trade obligations, we filed an amendment that would encourage our officials to counternotify those nations that have failed to report on the government subsidies that are provided to industries engaged in international trade and in competition with us. The World Trade Organization agreement on subsidies and countervailing measures establishes base rules for when

members can provide subsidies. An important element of that agreement for compliance is a measure that requires each country to disclose annually information about their subsidies. China agreed to these obligations in 2001. However, since joining the WTO 10 years ago, China has only made its required notification once. That was in 2006, and it was largely incomplete. The amendment we have offered requires the U.S. Trade Representative to use its authority under the WTO subsidies agreement to counternotify a nation that has failed to meet this obligation 2 years in a row. I am told the U.S. Trade Representative plans to act this afternoon by submitting information to the WTO that identifies China's failure to comply with this requirement. I am hopeful this will lead to accurate and consistent reporting by those governments that continue to disregard their trade obligations.

This problem with reporting subsidies points to the larger issue we have with China aside from currency misalignment. There are other significant Chinese policies that put the United States at an economic disadvantage and deserve our attention. One such policy I wish to highlight is China's policy of giving value-added tax—VAT—rebates to artificially promote exports.

On April 1, 2009, China reinstated a 9-percent rebate of its 17 percent VAT on soda ash exports, another instance of China manipulating commercial outcomes through a government industrial policy. In 2009, during the depths of the global economic crisis, China's soda ash exports increased 9 percent, while global demand for soda ash was in free fall. That same year, U.S. exports of soda ash fell 19 percent. This is just one of the countless examples where China's producers pay little attention to market conditions and instead are being driven by artificial incentives to export.

Continuation of such a policy puts U.S. jobs and the soda ash industry at risk, which is why I have led an effort to have our government press China for the elimination of the VAT rebate on soda ash.

The U.S. natural soda ash industry employs over 3,000 workers in Wyoming and California, another 100 dock workers in Portland, OR, as well as railroad workers who help transport soda ash. Half of all workers employed in the soda ash industry are dependent on exports for their jobs.

The U.S. soda ash industry is an export success story. For the first time in 2010, the U.S. soda ash industry shipped more product to overseas markets than it did to domestic customers, and exports continue to grow in 2011. Domestic demand for soda ash is flat, so growth in the U.S. soda ash industry is entirely dependent on maintaining and expanding its exports.

The United States is the most competitive soda ash producer in the world, but it will continue to be confronted by China's trade-distorting policies that put it at a competitive disadvantage. Specifically, China's VAT rebate on exports reduces China's production costs. It undermines U.S. soda ash exports in other markets. Moreover, Chinese soda ash is produced through synthetic processes that are both extremely harmful to the environment and are energy intensive.

China's manipulation of its VAT rebate has been raised multiple times by Members of this Chamber, as well as our House colleagues. On May 31, 2011, we asked Commerce Secretary Gary Locke and U.S. Trade Representative Ron Kirk to keep this issue on its agenda with the Chinese and fight for its elimination.

Madam President, I ask unanimous consent to have printed in the RECORD the text of the letter to Secretary Locke and Ambassador Kirk.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
*Washington, DC, May 31, 2011.*

Hon. GARY LOCKE,
*U.S. Secretary of Commerce,*
*Constitution Ave., NW,*
*Washington, DC.*

Hon. RON KIRK,
*U.S. Trade Representative*
*17th Street, NW.*
*Washington, DC.*

DEAR SECRETARY LOCKE AND AMBASSADOR KIRK: We are writing to express our continued concerns about China's use of a Value-Added Tax (VAT) rebate to promote its soda ash industry at the expense of U.S. exports. For over two years, China has provided its domestic manufacturers with an artificial incentive to export through a 9% rebate of the 17% VAT. For a number of reasons, we ask that the issue of the soda ash VAT rebate be specifically included on the JCCT agenda this fall.

After suspending its VAT rebate for soda ash in July 2007, China reinstated the soda ash rebate in April 2009 to encourage its own exports during the global economic crisis. China's state-supported soda ash industry is the largest in the world and this policy is harmful to its international competitors, particularly U.S. soda ash manufacturers. As you may know, U.S. soda ash has a natural advantage over Chinese soda ash, based on a manufacturing process that is much more sustainable in terms of environmental protection and energy use than the synthetic processes used in China. China's manipulation of the VAT rebate to support its domestic soda ash industry also has wider implications—not only is it economically unjustified, it contravenes China's own interests in shifting energy resources from more productive and efficient industries.

We must focus on Chinese policies that are a direct threat to U.S. exports and U.S. jobs. The soda ash VAT rebate is one such policy. Chinese exports compete directly with U.S. soda ash exports in the Asia-Pacific market and beyond. Although the VAT is just one part of China's overall industrial policy, the soda ash VAT rebate is a distinct threat to U.S. manufacturing in a sector where the United States enjoys a natural competitive advantage. If we don't stand up for the pillars of our export-based manufacturers like the soda ash industry—and the U.S. workers employed throughout the soda ash supply chain—we cannot seriously contend we are doing everything we can to support U.S. exports.

We ask that the Department of Commerce and the U.S. Trade Representative's Office ensure that the soda ash VAT rebate is raised at the highest levels with Chinese officials at the JCCT meetings this year. The message should be as clear as it is convincing; namely, China should live up to its repeated pledge to discourage the expansion of highly-polluting and energy-intensive sectors such as its own soda ash industry. Policies aimed at promoting soda ash exports, such as the VAT rebate, are inconsistent with China's own stated goals and a direct threat to U.S. interests.

We greatly appreciate your consideration of this request and look forward to your response.

Michael B. Enzi, John Barrasso, M.D., David Wu, Joseph I. Lieberman, Robert Menendez, Cynthia Lummis, Ron Wyden, Jeff Merkley, James A. Himes, Frank Lautenberg.

Mr. ENZI. For over 2 years, China has provided its domestic manufacturers with an artificial incentive to export through the 9-percent VAT rebate on soda ash. When this incentive is removed, a truly competitive market can be restored for global exports of soda ash. I look forward to a lively discussion on this issue when the United States and China meet for the Joint Commission on Commerce and Trade ministerials this fall.

I do not want to underestimate the importance of the China currency issue. However, this debate cannot overlook the significant trade imbalances caused by other Chinese Government policies that disadvantage U.S. industries. If you ask our officials, they will not hesitate to say that the currency issue is just the tip of the iceberg. There are countless tariffs, subsidies, and nontariff barriers that keep the United States out of China at the cost of U.S. jobs. That is why I am disappointed my colleague, the majority leader, has not yet allowed Members to offer the amendments on trade and jobs they wish to offer.

Our economic policies with China extend far beyond the currency issue, and this bill should be the forum to raise and debate those concerns. This bill has been sold as a jobs bill and a trade bill and, therefore, should be open to amendments about jobs and trade. Allowing amendments now is especially important since this is yet another bill brought directly to the floor without the benefit of committee consideration.

Our companies and exporters are among the best in the world, but it is tough for them to succeed when other nations allow competitors to ignore the rules they have agreed to follow. Without a doubt, something needs to be done about currency misalignment in China. However, for it to be successful, we have to take a holistic approach. I am hopeful the Senate will consider these ideas, including the Hatch amendment. If the United States continues to go it alone, we will continue to have the same problems. We must consider legislation that not only authorizes U.S. action but encourages

the administration to pursue the currency issue with other nations that may have the same concern.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

THE ECONOMY

Mr. BENNET. Madam President, I am here today to talk a little bit about the state of our economy. I have spent the summer and early fall traveling around the beautiful State of Colorado, having townhall meetings and listening to people who mostly start the conversations by saying: What is wrong with you people in Washington? Why can't you work together to actually get anything done there?

They are short of slogans these days, and they are desperate for us to turn this economy around. They know what the consequences have been of living in a country that for the first time in its history has had median family income falling, at a time when their cost of health insurance has been skyrocketing, their cost of higher education is going through the roof.

I thought the Wall Street Journal captured this in a way that I have been unable to. In a very vivid way, on the front page a couple weeks ago, there was an article that was entitled: ''As Middle Class Shrinks, P&G''—that is Procter & Gamble—''Aims High and Low.'' That article is about one of the most iconic middle-class brands imaginable, Procter & Gamble.

Ninety-eight percent of the households in this country have a product in their house that is produced by Procter & Gamble: Crest toothpaste, Head & Shoulders shampoo, Tide water detergent, Pampers diapers, Bounty paper towels. The list goes on: Duracell batteries, Mr. Clean, Pepto-Bismol, Pringles potato chips—stuff that did not even exist before there was a middle class in this country to buy it.

That is the great brand of Procter & Gamble, and it is still a great brand. But this article is about how they are changing their business model to reflect the current economic realities and economic realities they believe are actually going to persist for some time.

I will quote from the article, Madam President, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Wall Street Journal, Sept. 12, 2011]

AS MIDDLE CLASS SHRINKS, P&G AIMS HIGH AND LOW

(By Ellen Byron)

For generations, Procter & Gamble Co.'s growth strategy was focused on developing household staples for the vast American middle class.

Now, P&G executives say many of its former middle-market shoppers are trading down to lower-priced goods—widening the pools of have and have-not consumers at the expense of the middle.

That's forced P&G, which estimates it has at least one product in 98% of American households, to fundamentally change the way it develops and sells its goods. For the first time in 38 years, for example, the company launched a new dish soap in the U.S. at a bargain price.

P&G's roll out of Gain dish soap says a lot about the health of the American middle class: The world's largest maker of consumer products is now betting that the squeeze on middle America will be long lasting.

''It's required us to think differently about our product portfolio and how to please the high-end and lower-end markets,'' says Melanie Healey, group president of P&G's North America business. ''That's frankly where a lot of the growth is happening.''

In the wake of the worst recession in 50 years, there's little doubt that the American middle class—the 40% of households with annual incomes between $50,000 and $140,000 a year—is in distress. Even before the recession, incomes of American middle-class families weren't keeping up with inflation, especially with the rising costs of what are considered the essential ingredients of middle-class life—college education, health care and housing. In 2009, the income of the median family, the one smack in the middle of the middle, was lower, adjusted for inflation, than in 1998, the Census Bureau says.

The slumping stock market and collapse in housing prices have also hit middle-class Americans. At the end of March, Americans had $6.1 trillion in equity in their houses—the value of the house minus mortgages—half the 2006 level, according to the Federal Reserve. Economist Edward Wolff of New York University estimates that the net worth—household assets minus debts—of the middle fifth of American households grew by 2.4% a year between 2001 and 2007 and plunged by 26.2% in the following two years.

P&G isn't the only company adjusting its business. A wide swath of American companies is convinced that the consumer market is bifurcating into high and low ends and eroding in the middle. They have begun to alter the way they research, develop and market their products.

Food giant H.J. Heinz Co., for example, is developing more products at lower price ranges. Luxury retailer Saks Inc. is bolstering its high-end apparel and accessories because its wealthiest customers—not those drawn to entry-level items—are driving the chain's growth.

Citigroup calls the phenomenon the ''Consumer Hourglass Theory'' and since 2009 has urged investors to focus on companies best positioned to cater to the highest-income and lowest-income consumers. It created an index of 25 companies, including Estee Lauder Cos. and Saks at the top of the hourglass and Family Dollar Stores Inc. and Kellogg Co. at the bottom. The index posted a 56.5% return for investors from its inception on Dec. 10, 2009, through Sept. 1, 2011. Over the same period, the Dow Jones Industrial Average returned 11%.

''Companies have thought that if you're in the middle, you're safe,'' says Citigroup analyst Deborah Weinswig. ''But that's not where the consumer is any more—the consumer hourglass is more pronounced now than ever.''

Companies like Tiffany & Co., Coach Inc. and Neiman Marcus Group Inc., which cater to the wealthy, racked up outsize sales last Christmas and continue to post strong sales.

Tiffany says its lower-priced silver baubles, once a favorite of middle-class shoppers craving a small token from the storied jeweler, are now its weakest sellers in the U.S. ''I think that there's probably more separation of affluence in the U.S.,'' Tiffany Chief Operating Officer James Fernandez said in June.

Firms catering to low-income consumers, such as Dollar General Corp., also are posting gains, boosted by formerly middle-class families facing shrunken budgets. Dollar stores garnered steady sales increases in recent years, easily outpacing mainstream counterparts like Target Corp. and Wal-Mart Stores Inc., which typically are more expensive.

P&G's profits boomed with the increasing affluence of middle-class households in the post-World War II economy. As masses of housewives set up their new suburban homes, P&G marketers pledged that Tide detergent delivered cleaner clothes, Mr. Clean made floors shinier and Crest toothpaste fought off more cavities. In the decades since, new features like fragrances or ingredient and packaging enhancements kept P&G's growth robust.

Despite its aggressive expansion around the world, P&G still needs to win over a healthy percentage of the American population, because the U.S. market remains its biggest and most profitable. In the fiscal year ended June 30, the U.S. delivered about 37% of P&G's $82.6 billion in annual sales and an estimated 60% of its $11.8 billion in profit. P&G says that Americans per capita spend about $96 a year on its products, compared with around $4 in China.

During the early stages of the recession, P&G executives defended its long-time approach of making best-in-class products and charging a premium, expecting middle-class Americans to pay up.

But cash-strapped shoppers, P&G learned, aren't as willing to splurge on household staples with extra features. Droves of consumers started switching to cheaper brands, slowing P&G's sales and profit gains and denting its dominant market share positions.

In late 2008, unit sales gains of P&G's cheaper brands began outpacing its more expensive lines despite receiving far less advertising. As the recession wore on, U.S. market-share gains for P&G's cheaper Luvs diapers and Gain detergent increased faster than its premium-priced Pampers and Tide brands.

At the same time, lower-priced competitors nabbed market share from some of P&G's biggest brands. P&G's dominant fabric-softener sheets business, including its Bounce brand, fell five percentage points to 60.2% of the market as lower-priced options from Sun Products Corp. and private-label brands picked up sales from the second quarter of 2008 through May 2011, according to a Deutsche Bank analysis of data from market-research firm SymphonyIRI.

P&G's grasp of the liquid laundry detergent category, led by its iconic Tide brand, also posted a rare slip over the same period as bargain-priced options from Sun and Church & Dwight Co. gained momentum. Even the company's huge Gillette refill razor market suffered, declining to 80.1% by May from 82.3% in the second-quarter of 2008, as Energizer Holdings Inc.'s less-expensive Schick brand gained nearly three points.

P&G began changing course in May 2009. After issuing a sharply lower-than-expected earnings forecast for the company's 2010 fiscal year, then-CEO A.G. Lafley said the company would take a ''surgical'' approach to cutting prices on some products and develop more lower-priced goods. ''You have to see reality as it is,'' Mr. Lafley said.

When the company's 2009 fiscal year ended a month later, P&G's sales had posted a rare drop, falling 3% to $76.7 billion.

In August that year, P&G's newly appointed CEO, company veteran Robert McDonald, accelerated the new approach of developing products for high- and low-income consumers.

''We're going to do this both by tiering our portfolio up in terms of value as well as

tiering our portfolio down,'' Mr. McDonald said in September 2009.

To monitor the evolving American consumer market, P&G executives study the Gini index, a widely accepted measure of income inequality that ranges from zero, when everyone earns the same amount, to one, when all income goes to only one person. In 2009, the most recent calculation available, the Gini coefficient totaled 0.468, a 20% rise in income disparity over the past 40 years, according to the U.S. Census Bureau.

''We now have a Gini index similar to the Philippines and Mexico—you'd never have imagined that,'' says Phyllis Jackson, P&G's vice president of consumer market knowledge for North America. ''I don't think we've typically thought about America as a country with big income gaps to this extent.''

Over the past two years, P&G has accelerated its research, product-development and marketing approach to target the newly divided American market.

Globally, P&G divides consumers into three income groups. The highest-earning ''ones'' historically have been the primary bracket P&G chased in the U.S. as they are the least price sensitive and most swayed by claims of superior product performance. But as the ''twos,'' or lower-income American consumers, grew in size during the recession, P&G decided to target them aggressively, too. P&G doesn't specifically target the lowest-income ''threes'' in the U.S., since they comprise a small percentage of the population and such consumers are typically heavily subsidized by government aid.

At the high end, it launched its most-expensive skin-care regimen, Olay Pro-X in 2009, which includes a starter kit costing around $60. Previously, the Olay line had topped out around $25. Last year, the company launched Gillette Fusion ProGlide razors at a price of $10 to $12, a premium to Gillette Fusion razors, which sell for $8 to $10, and Gillette Mach3, priced at $8 to $9.

At the lower end, its new Gain dish soap, launched last year, can sell for about half per ounce of the company's premium Dawn Hand Renewal dish soap, which hit stores in late 2008.

Developing products that squarely target the high and low is proving difficult for a company long accustomed to aiming for a giant, mainstream group.

Conquering the high end is difficult because it usually involves a smaller quantity of products.

''We do big volumes of things really well,'' said Bruce Brown, P&G's chief technology officer. ''Things that are smaller quantities, with high appeal, we're learning how to do that.''

Likewise, the cost challenges at the bottom of the pyramid are also proving difficult, Mr. Brown said. Over the past two years, P&G has increased its research of the growing ranks of low-income American households.

''This has been the most humbling aspect of our jobs,'' says Ms. Jackson. ''The numbers of Middle America have been shrinking because people have been getting hurt so badly economically that they've been falling into lower income.''

Mr. BENNET. I quote:

P&G's profits boomed with the increasing affluence of middle-class households in the post-World War II economy.

The story I was just telling.

The article starts out by saying:

For generations, Procter & Gamble Co.'s growth strategy was focused on developing household staples for the vast American middle class.

Now, P&G executives say many of its former middle-market shoppers are trading down to lower-priced goods—widening the pools of have and have-not consumers at the expense of the middle. . . .

P&G isn't the only company adjusting its business. A wide swath of American companies is convinced that the consumer market is bifurcating into high and low ends and eroding in the middle. They have begun to alter the way they research, develop and market their products.

In other words, they have begun to alter their business plan with the assumption that the middle class is evaporating in this country and that their growth markets are the very richest among us, on the one hand, and the very poorest among us, on the other hand.

Let me close on this part by reading near the end of this story:

To monitor the evolving American consumer market, P&G executives study the Gini index, a widely accepted measure of income equality that ranges from zero . . . to one. . . . In 2009, the most recent calculation available, [there was] a 20% rise in income disparity over the past 40 years. . . .

Here is the next quote:

''We now have a Gini index similar to the Philippines and Mexico—you'd never have imagined that,'' says Phyllis Jackson, P&G's vice president of consumer market knowledge for North America. ''I don't think we've typically thought about America as a country with big income gaps to this extent.''

I do not think that is the way we have thought about America either because that is not what America has been for generation after generation, decade after decade, going back to the founding of this country.

Why do I come to the floor to talk about this? It is because the debate in this place is becoming more and more unmoored from the facts, and people need to be reminded, I think, here—not in Colorado—but here about what the problem is we are actually trying to solve.

Here, as shown on this chart, is our current economic challenge. The top line is our productivity index, going back to 1992, that blue line. You will notice it fell slightly during the recession, and then it took off again like a rocket. Why? Because firms all over the country were having to figure out how to do what they were doing, produce what they were producing, with fewer people in order to survive in this recession. The combination of competing in a global economic environment, which was not even present remotely in the way it is today in the 1980s, required us to be more productive. The technological revolution this country has spawned and led has allowed us to become more productive.

You can see from this green line—which is gross domestic product—our economy actually has started to come back. We are about two-thirds of the way back to where we were before this recession started. But what my families are feeling in Colorado and what the Presiding Officer's families are probably feeling in Missouri is in these other two lines. This line represents median family income which, as I said earlier, continues to drop, for the first time in our country's history, in the last 20 years. What that means is people are earning $4,000 and $5,000 less in real income at the end of the decade than they were at the beginning of the decade. Although I guess I should point out here, as well, that during the time median family income was falling, average family income went up, reflecting the widening gap between rich and poor in this country and reflecting a diminishing middle class.

This line is unemployment. It does not take a genius to figure out that when the green line crosses again and our GDP is where it was before we even had this recession—and it will—we do not have an answer for people who have been dislocated as a consequence of our economy becoming more efficient and more productive. These jobs are going to be created not by legacy firms from the last century but by businesses that are going to be started tomorrow and the week after that and the week after that.

Rather than having a partisan debate here in Washington, we should be having a bipartisan discussion about how to change our Tax Code and change our regulatory code to make it easier—not harder—for small businesses to be created and to compete and to make sure we are creating jobs here in the United States that are actually lifting median family income rather than driving it downward.

This is what has happened to manufacturing in the United States since 2001. I invite anybody to look on our Web site if they want to look at these charts themselves or use them in their own meetings. But this top line is our manufacturing output. You can see that has been rising. This other line, going back from 2001 to today, is manufacturing employment. Output rising; employment falling.

People in my State know we did not get here yesterday. This has been happening to them for the last decade or so. They want us to be responsive to that.

This is the median family income chart: In 1999, median family income was roughly $53,000. In 2010, it was $49,000—a $4,000 drop in real dollars since 1999; a 7.1-percent decrease. People are coming to me and saying: MICHAEL—they may not know it is a 7.1-percent decrease, but they know they are earning less. They know that 10 years ago when they set out to save for college for their 8-year-old, they were expecting to be earning more at the end of the decade. Now their kids are going to school, and they are saying: I can't afford it. Tuition has skyrocketed. I can't send my kid to the best school they got into. What a waste.

I would ask you, Madam President, whether any of us think we can afford another decade like that at the beginning of this new century. If we consume a fifth of the 21st century driving American middle-class income down, we are going to have a very tough time recognizing ourselves.

This next chart is something that is not noted by many, but I used to be a school superintendent, so I have an interest in our education. This chart shows unemployment during this recession based on educational attainment. The worst it ever got for folks with a college degree in this country was 4.5 percent during this recession. For people who had less than a high school diploma, it was 15 percent. For people with a high school degree, it was around 12 percent.

Here is what else we have done over the last 10 years. This chart shows our poverty rate in this country.

This is why we have to move past the politics and into a substantive conversation about where we want to take this country as Republicans and Democrats together. These lines are people who are Republicans and Democrats and Independents, who are seeing their income driven down, who are seeing their wealth destroyed, and expect us to at least be able to have a civil conversation about it on the floor of the Senate.

Did you know that poverty has increased by 46 percent since the year 2000 in the United States of America? There are 46 million people in our country of 300-and-some million that live in poverty today. Thirty-five percent of them are kids. Two percent of the children in the United States today are living in poverty. One-fifth of the children in our country are living in poverty.

As I mentioned earlier, this has not affected everybody the same in our economy. This is the average income growth for the top 1 percent of income earners in the United States. This is the top 5 percent. This is the top 10 percent. And it seems almost insane to describe it this way, but the bottom 90 percent, 9 out of 10 income earners—9 out of 10 income earners—this is what has happened to their income since 1967 in real dollars, inflation-adjusted dollars. It has been absolutely stuck and flat at the bottom of this curve, all of which leads me to show the most disturbing slide of all, which I know is hard to read. But let me tell you what it says—and you can find it on the Web site.

It says we have not seen this level of income inequality in the United States of America since 1928. That is the last time that the so-called bottom 90 percent of earners—9 out of 10 earners—earned roughly 45 percent of the income in the country. Here in 1928, and here in 2011. I do not think our democracy can sustain itself with another decade or two of numbers such as this. We have to do better.

The bottom 90 percent of earners, as I mentioned a minute ago, are Republicans and they are Democrats, they are Independent voters, and they expect their government to work together. We cannot create their jobs, but we can create the conditions under which we can create high-paying jobs in the United States that are lifting family incomes rather than driving them down. That is what we should be debating in Washington.

Like you, Madam President, I have a deep concern about the fiscal condition of the country. We have $1.5 trillion of deficit, and we have $15 trillion of debt, and we do not have the apparent will to address that problem. We can address that problem. We should be adopting the kind of policies that were recommended by the bipartisan commission, Bowles-Simpson, that together combines to take $4 trillion out of our deficit situation over the next 10 years.

They did it by asking everybody to have a share in the sacrifice. We should be debating that on the floor of the Senate. We should be supporting the work that the Gang of 6 has tried to do, not just because it will help us with our fiscal situation, which is critical, but because it will help us with our jobs situation.

There is $2.3 trillion of cash, by some estimates, sitting on the balance sheets of America's corporations that is not being invested now because people are deeply worried that they cannot predict what interest rate environment we are going to be in because we cannot get our fiscal house in order and because the government is financing its debt on short-term paper, which easily could rise. Every rise in our interest rate will add $1.3 trillion to the debt over the next 10 years.

These are the facts. I have a list of what we could be doing today. I will not dwell on it. We could be reforming and simplifying our Tax Code. We could be adopting a long-term research and development strategy. We could be investing, as Republicans and Democrats have done for decades if not centuries, in our infrastructure. We could bring our public education system into the 21st century, which would matter a lot not just to our middle-class kids but to kids living in poverty as well.

Did you know that today, if you are a child born in poverty—whether you are rural or urban, it does not matter—your chances of getting a college degree are 9 in 100—9 in 100—which means that the day you are born, if you are among those 100 kids, out of the shoots 91 of you are consigned to the margins of the democracy, the margins of our economy.

If we do not change the way we educate our kids, and even if we do not care from their point of view what the implications of that are—and I deeply do care about that as the father of three little girls. I think everybody should have an opportunity to graduate from high school, go on to college and succeed. Even if you did not care from that perspective, look at what happens if you do not have an education in the 21st-century economy. Look at the unemployment rates people are having to suffer through if they do not have a high school degree or a college degree compared to if they do have a degree. That is not going to change.

The last time we were creating jobs in this country we created roughly 5.3 million for people with a college degree, 3.5 million for people with something north of a high school diploma. No new jobs for people with a high school degree, and we lost jobs for high school dropouts.

So if you care about the strength and success of the American economy, if you care about maintaining the mantle of the land of opportunity, if you care about the idea that the job of one generation is to put another generation into a position to succeed and contribute in the economy and the democracy, you need to care about what we are doing with our education system.

We could be talking about that. We could be doing regulatory review to make sure we have a process to get rid of old regulations that do not make sense and put in ones that do. I know in Colorado we have a huge interest in ending our reliance on foreign oil. Everywhere I go people talk about that. Everywhere I go people wonder whether it would not be better to have an energy policy that created energy independence for this country instead of having one—or a lack of one may be a better way of saying it—that forces us to shift billions of dollars a week to the Persian Gulf for the privilege of buying their oil because we do not have a policy.

We could be thinking about advanced manufacturing. We could be eliminating the technology gap. We could be modernizing the FDA. There is no shortage of things we can do if we come together to do it.

I see my colleague from Oregon is here, so I will wrap up in 1 minute. But in order to be able to get to any of that, in order to get to any of that, we have to knock off the political games and actually start working together around this place.

Two days ago there was an article in the Washington Post—I think it was—that said that the United States Congress has a 14-percent approval rating, and the joke around here is, well, who in the world are those 14 percent who think we are doing a good job? But it is not a joke. This is serious. There is a reason our approval rating is in the basement. It is because instead of working on the things that actually would drive productivity in this country, would drive job creation in this country, would most importantly drive median family income up instead of down, we are fighting with each other.

I want to go back to Colorado and have an answer for the people in my townhalls who could care less—could care less—whether I am a Democrat or I am a Republican and just want me to do my job. The ones who are doing their jobs want me to do my job. The ones who do not have jobs want me to do my job. They want all of us to do our jobs.

I know there are people of goodwill on both sides of the aisle that if given the chance will work together to do

this. The last thing I will say is this, and then I will stop. The rest of the world is not waiting for us to get our act together. The rest of the world is not waiting for us to decide whether we are going to have another debate that leads to us blowing up the credit rating of the United States. They are not waiting for us to decide whether we want to sacrifice for the first time the full faith and credit of the United States of America. They are not waiting for us to decide whether we are going to invest in 21st-century manufacturing.

My colleague from Ohio just showed up. He talked about that. They are not waiting for us to decide whether we are going to let them own the 21st-century energy economy. They are going right ahead, and so our failure to act has consequences. I believe it is time for us to come together—even though we are in a political season, even though we have a Presidential campaign—and do our work on behalf of the American people and the people of my State of Colorado.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

HEALTH CARE REFORM

Mr. WYDEN. Madam President, before he leaves the floor, I just wanted to commend Senator BENNET for the outstanding work he is doing on the budget issue, and particularly cite the fact of the cooperation of the Senator from Colorado and the Senator from Nebraska, Mr. JOHANNS, which illustrates how important it is to try find some common ground. That is what I am going to be trying to do on the health care issue coming up. But I wanted to commend the Senator from Colorado for his good work.

As the Senate focuses on the budget, and certainly the American people hear the discussion about health care and particularly what is going on in the supercommittee, I want to take a few minutes to talk about how there is an opportunity to come together in a bipartisan way, particularly with older people, to show that it is possible for them to get more of the care they want, particularly care at home, for a price that is lower for taxpayers, reduced costs for the taxpaying public.

This all came to light through an extremely important hearing that was held in the Senate Finance Committee on which I serve. Chairman BAUCUS took the time to look at the care of those who are some of the neediest and most vulnerable in our country. They are the older people who are eligible for both Medicare and Medicaid.

In the fancy jargon of American health care, they are called the dual eligibles. But I think anybody looking at the American health care system knows that these are some of those who are most vulnerable and most harmed when they fall between the cracks in the health care system. The fact is, the ball game as it relates to Medicare—I know the Presiding Officer of the Senate has spent a lot of time on those budget issues—is all about chronic disease. That is where the Medicare dollars go. It goes into the treatment of heart and stroke and diabetes. That is where the money really goes.

Millions of those who suffer from these devastating illnesses are those folks I am speaking about, the dual-eligible people who are eligible for both Medicare and Medicaid. Millions of them are eligible for alternative services, particularly services at home. But right now, a disproportionately large number of them get their care in the most expensive kind of setting, a place where they do not want to be—the hospital and the hospital emergency room.

The fact is, all over the country—in the State of Ohio, in the State of Missouri—every single day these folks are going in ambulances to hospital emergency rooms. Often they end up having to go on a life flight, essentially in the air to these facilities. As of today, even though we have more than 9 million of these individuals who are on both Medicare and Medicaid, according to Dr. Don Berwick at the Centers for Medicare and Medicaid Services, only about 100,000 of them are being taken care of at home.

So, of course, the Congress worked on the health reform issue, and it was possible in that legislation to move to take a few thousand more, a few thousand more than the 100,000 that are now being taken.

As Chairman BAUCUS highlighted just a few days ago, we ought to get serious about this and do a lot more because older people, if we come up with approaches that allow them to get cared for at home, will feel better about our health care system and better about the decisions that are being made here, and taxpayers are going to save money.

Anybody who questions whether this is possible ought to look at the latest information that is coming from the Veterans' Administration. They have 250 locations—locations all around the country—for the program they use called the Home-Based Primary Care Program. The only difference between that VA program and essentially what is being done on the Medicare and Medicaid side is that the VA patients are even sicker than those who have been treated in the Medicare and Medicaid studies.

The latest information shows that caring for older veterans in the home has reduced hospital stays by 62 percent, nursing home stays by 88 percent, and cost by 24 percent. Let's just for a moment focus on that number—a cost savings of 24 percent—while the older veteran gets more of what they want, which is to be at home for the care they need rather than in these institutional settings, whether they are hospitals, hospital emergency rooms, what have you. We have new information, specific, concrete information.

So that colleagues know, those who are specialists in this area at the University of Pennsylvania who have looked particularly at the model that was recently included in the affordable care act have said that if that model was fully implemented for caring for these individuals at home, it is their judgment that it would be possible to save in the vicinity of $30 billion a year.

These are enormous sums of money, and to be able to make those savings while we say to older people in Missouri, in Oregon, and around the country: You are going to get more of what you want, which is care at home, at a price lower than the alternative—that looks like a pretty good opportunity.

As the supercommittee goes forward with its work, there are some questions about whether they need additional legislative authority to do their work. If they do, I think certainly the supercommittee, in conjunction with both the full Senate and the House, ought to give it to them. My own sense is that they probably don't need additional legislative authority, but certainly there will be support in the Senate Finance Committee, under the leadership of Senators BAUCUS and HATCH, both of whom have done very good work on this issue, to move legislatively, whether it is in the supercommittee or through the full Senate, legislation that would allow us to dramatically expand this program.

I know the Senator from Minnesota cares a great deal about seniors and these issues. Just a little bit of history. As I sat in the Senate Finance Committee a few days ago listening to how we ought to have some more pilot projects and some demonstrations and some studies, I thought about the days when I was codirector of the Oregon Gray Panthers, about three decades ago. I had a full head of hair and rugged good looks and all of that kind of thing. We were talking then in much the same way I heard the discussion going in the Senate Finance Committee—about demonstrations and pilots and the like. To a very good person at the Center for Medicare and Medicaid Services, Melanie Bella, and in conversations later with Chairman BAUCUS and Senator HATCH, I basically said: We have to change this because if we don't, my prediction is that 10 years or so from now, they will be back in the Senate Finance Committee having pretty much the same discussion. They will be talking about a few pilot projects, demonstrations, and a few more studies, and by that time, the number of those who are eligible for both Medicare and Medicaid will be lot more than the 9 million who are eligible today. It will be many times that, and we will have wasted many billions of dollars more. So now is the time to do it.

I would like to close simply by picking up on a point Senator BENNET made about trying to find common ground. This question of independence at home has strong bipartisan support. In the other body, the principal sponsor, Congressman ED MARKEY, worked with

CHRIS SMITH of New Jersey, MICHAEL BURGESS of Texas—two very strong conservatives—over the years, and in the Senate, I have been honored to have Senator CHAMBLISS, Senator BURR, and a number of other colleagues on both sides of the aisle say that this makes sense both for older people and for taxpayers.

In the next few days, Senators are going to hear from about 100 health care groups around the country making the case for the Congress—starting with the supercommittee, going through our work in the Senate and the House—to get serious about dramatically expanding, massively expanding the number of older people who are cared for at home, where they want to be, which will result in savings to the taxpayers at the same time.

This is something that should not be allowed to be delayed or put off any further. After decades of talking about how it makes sense and studying it and having some pilot projects and some demonstration projects, I think it is time when doctors come to the Senate President's office and patients come to the Senate President's office and say: I am very concerned about these cuts. I am convinced it is going to reduce access. The providers say: I am not going to be able to serve the same number of people. Older people, we know, are calling our office saying they are frightened about how it is going to affect them.

It is time for us to be able to come together in the Senate in the kind of spirit Senator BENNET was talking about, Democrats and Republicans, to say: Look, here is something that works. We know it works; it was proven by Chairman BAUCUS's recent hearing. We now know, based on the VA's important new study with respect to how you can care for older people at home, that we have an opportunity to significantly expand care for older people at home and generate significant budget savings. It will be bipartisan. It is something that ought to be picked up by the supercommittee. It ought to be picked up by the full Senate and the full House, and we need to do it now.

If we don't do this now and if it is put off again, after Chairman BAUCUS's important hearings to once again open the door to major reform, as sure as night follows the day, Congresses 5, 10 years from now will be debating the same thing. I don't think that is right.

Holding down health care costs doesn't have to mean benefit cuts or cuts to reimbursements. We have a chance, with this Independence at Home Program, to secure for older people more of the care they need in the comfort of their own homes, and employers are actually rewarded with shared savings for delivering the kind of quality care they have always wanted to provide. These ideas, by the way, are voluntary. No older person, no senior citizen is required to participate in it.

We are going to get around to every Senator's office the findings of this new VA study. It comes from 250 locations in each State and DC. There are cost savings of 24 percent, hospital stay reductions of 62 percent, and nursing home stay reductions of 88 percent. These are documented savings for older people who are even sicker than those who would be served by programs outside the VA.

This is the time. We have talked about it long enough. If the government needs additional legislative authority, it will be possible to give that through the supercommittee. I urge all of my colleagues on both sides of the aisle, Democrats and Republicans, to pick up on the strong bipartisan support that exists for independence-at-home services, particularly for those who are eligible for Medicare and Medicaid. They are the most vulnerable in our society. Those individuals and the programs they rely on, paid for by taxpayers, deserve better. We now have the opportunity to ensure they get it.

I ask unanimous consent to have printed in the RECORD ''Independence at Home: Better Health Care at Lower Cost.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDEPENDENCE AT HOME—BETTER HEALTH CARE AT LOWER COST

Holding down health costs doesn't have to mean benefit cuts or cuts to reimbursement. With Independence at Home (IAH), beneficiaries get more of what they need—in the comfort of their own home—and providers receive shared savings as a reward for delivering the kind of quality care they have always wanted to provide. The beneficiary and provider get more; the federal government pays less.

The IAH program is designed to allow America's seniors to remain as independent as possible and avoid unnecessary hospitalizations, ER visits and nursing home admissions.

Enrollment in an IAH program is completely voluntary, and participating beneficiaries do not relinquish access to any existing Medicare benefit or any practitioner or provider.

Primary care is available to beneficiaries in their homes through ''housecalls'' by teams of health care professionals tailored to the beneficiaries' chronic conditions.

The IAH program holds participating practitioners and providers strictly accountable for (a) good outcomes, (b) patient/caregiver satisfaction and (c) minimum savings to Medicare of 5% annually.

IAH is Voluntary—IAH allows practitioners and providers voluntarily to enter into 3-year agreements with HHS under which they are held strictly accountable for (a) minimum savings to Medicare each year of 5%, (b) improved patient outcomes, and (c) patient/caregiver satisfaction. Eligible beneficiaries voluntarily enroll in IAH programs and may disenroll at any time for any reason. There is no mandate and beneficiaries are not ''assigned.''

IAH Targets Cost Where They Are Highest—The Independence at Home (IAH) program targets the 5%–25% of Medicare beneficiaries with multiple chronic diseases like diabetes and heart disease who account for 43% to 85% of Medicare costs. IAH reduces Medicare's cost where they are the highest, not by cutting reimbursement or coverage, but rather by providing a new chronic care coordination service tailored to the needs of Medicare beneficiaries with multiple chronic diseases.

IAH Lowers the Cost of Care—IAH reduces costs by allowing beneficiaries to remain independent at home and avoid hospitalization, ER visits and nursing home admissions.

IAH Has Been Proven Effective—The Veterans Administration (VA) has been providing Home Based Primary Care (HBPC) programs since the early 1970s The VA's Home Based Primary Care program operates in 250 locations in every state and D.C. and has reduced hospital days by 62%, nursing home days by 88%, and costs by 24%.

IAH Can Be Implemented Immediately—More than 100 health care organizations across the country are ready to implement the IAH program immediately.

IAH Has Bipartisan Support—The IAH demonstration received unanimous bipartisan support when it was included in the PPACA by the House Energy and Commerce Committee and the Senate Finance Committee.

Mr. WYDEN. I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Alabama.

Mr. SESSIONS. Madam President, I was pleased that earlier today the Senate voted to move forward with the China currency legislation that has been worked on for so many years by Senators SCHUMER and GRAHAM, and I am pleased to join with them. I supported similar legislation in 2005. I will say a couple things as our Members evaluate what they will do on final passage.

I believe in trade. I believe in good trade, and most trade is good trade. Countries do need to compete with the production in other countries. If you have a trade partner, normally both partners, through a relationship, benefit. In a treaty, trade, or business relationship, if one party to that relationship is being damaged by that relationship, then they have to confront the problem and fix it or withdraw from the relationship. That is just the way life is.

I see that some of my free market friends—and I have a lot of them—on trade issues are religious about it. It is a religion with them. They don't want to analyze whether the trading agreement advantages the United States or the other party; they just want to say: If it is a trade agreement, be for it. Anything that promotes trade is good, and peace will break out in the world.

Well, that is not right, and that is not what I think conservatives believe. I am a conservative—a conservative who believes in reality. Conservatism is a cast of mind, not an ideology. It is an approach to complex issues. As my friend Bob Tyrrell at the American Spectator said, it is an approach to issues, a cast of mind.

How do you approach this matter? We are getting hurt in this relationship. Every editorial I have seen—even those groups who are specifically advocating against this legislation contend and acknowledge that the United States is being disadvantaged by this currency manipulation. They all acknowledge that. When you acknowledge that, you acknowledge that we

are losing jobs and losing manufacturing in this country as a result, not of competition, but of unfair competition.

Let's be in contact with reality. The People's Republic of China is state-dominated. Those companies are not free to do as they normally would in the United States. It is a state-dominated thing. Every agenda carried out by China—by their companies even—tends to be driven by expanding the national interest of China.

That is the way they think and that is the way they operate. Their theory of trade is mercantilist. They believe in maximizing their exports, minimizing their imports, and accumulating wealth.

Some of our friends here say: Oh, it is all right. The products that are sold at Walmart are from China and, all right, yes, we closed a factory in the United States. But don't worry, Mother can buy her sneakers or her children's clothes cheaper because it is imported. Don't worry about it. Manufacturing is not that important, they have told us.

We have seen that in the writings around the Nation from some of our great economic minds. But I don't believe that is true. I do not believe this Nation can be a strong, vibrant force in the world without a manufacturing sector.

I had the pleasure of meeting Dr. Schulz, the CEO of ThyssenKrupp, a steel company in Germany. He just retired. He is 70 and a very impressive man. He was investing in my home State of Alabama, and he said publicly and to me privately, with great passion, you have to have a renaissance of manufacturing. He said: Germany was criticized for attempting to hold on to its manufacturing base in Europe, people saying they were not part of the modern economy—the service economy. But he said: We did more than most of the Europeans to maintain our manufacturing base, and we are now the healthiest economy in Europe.

We have to have a manufacturing base. Wealth is sent abroad every time we purchase imported products. The deficit with China last year was $273 billion. This year it will be the largest in history—$300 billion. There has never been a trading relationship result in deficits as large as those in the history of the world. China is the second largest economy in the world. China is growing rapidly. They have been doing this for a decade.

Let me say I celebrate prosperity in China. I would like to see prosperity in all the nations of the world, and they will benefit the United States, not harm us, if China is prosperous. But if their prosperity is driven by disadvantaging the United States to their advantage, as the currency process does, then that is a different story. It is not a fair competition and it is not helpful to the United States.

We are told this will not hurt us, that we can move to a service economy, that we don't have to have manufacturing, and the doctrine of comparative advantage is such that if a product can be manufactured cheaper in China, so be it. We will put the American businesses out of business. Let them close their doors.

As a conservative, I am not comfortable with that and let me say why. First, this creates too rapid a dislocation in our economy, causing too much damage societally from rapid unemployment and closing of manufacturing in our country. Secondly, we now know with certainty that the manipulation of currency—the 30-percent or 25-percent difference—is resulting in unfair competition with American businesses and causing the closing down of businesses.

We have a chance to rebound, I am convinced, in manufacturing. China's salaries are going up. Salaries around the world are going up. China's utilities and energy costs are higher than ours. Their advantages are not so great as they were a few years ago, and we are becoming more sophisticated. Our businesses are lean and competitive now. I think we have a real chance to get back into the game but not if we have a 25- to 30-percent currency differential, where when we sell a product to China it costs 25 percent more than the competing Chinese production would, and when they sell to our country they have a 25-percent advantage over our manufacturers. When margins are as close as they are in the world economy today, that is too large. Any unfairness is too large. So I would contend we have to act. Thirdly, there is damage being done to the middle class in our country, and a large part of it is arising out of unfair trade practices. We have to be aware that millions of Americans are hurting. Maybe the wife, maybe the husband has lost his or her job and is now unemployed, and families are struggling to get by. Wages are not going up. In fact, wages have trended down just a little bit. Unemployment is not going down. It is maybe going up now for the last several months. Inflation is on the scene.

If the wages aren't going up, the number of people employed isn't going up, we get into a situation in which we can't see economic growth occur. There is not extra money to go to the store or market to buy things. As one businessman told me, one of the great marketing chains in the United States—Walmart: People don't have the money to come to the store to buy anything. If a person doesn't have a job, they don't have the money to buy anything.

So this is a serious economic problem we are facing. I have come to the conclusion we can no longer borrow money to spend today to try to create a sugar high and jump-start our economy. That didn't work before. We don't have the money and the debt is already too great. We need to look for ways to create American jobs now without costing the U.S. Treasury or raising taxes on an already weak economy. This is one of those things we can do. Senators SCHUMER, BROWN, GRAHAM, and I agree, in a bipartisan way, this is a way to create jobs without harming our economy, without raising the debt of America. It is a bipartisan act to create greater employment by simply eliminating an unfairness that is hammering American manufacturers and American workers.

Some say if we insist on this, China will be offended. First, China is a great nation. They have the second largest economy in the whole world. They are bellicose. They attack us aggressively. We don't hide under the table when they say something bad about the United States, do we? Neither are they going to hide under the table if the Senate, the Congress says they have to get their currency correct. Great nations don't wither and crawl away.

I was looking at an article in Forbes magazine, written by Mr. Gordon Chang, who talked about this question posed by Chris Chocola, the president of the Club for Growth, who opposes this legislation. Mr. Chocola asked this: ''What do they say to arguments that starting a trade war with China would kill jobs, not create them?''

In other words, Mr. Chocola is saying, if we start a trade war, we are going to lose jobs. First of all, Mr. Chocola's hands are not so clean in this issue. When he was in the House of Representatives a few years ago, he introduced a bill—the China Act—that would have imposed tariffs on China if it tried to manipulate its currency, according to his press release at the time. I guess he has changed his mind. We all have a right to change our minds. But I will just say I am not too impressed with that argument, and I would note that Mr. Chang, in his comments about it, made a very good point.

Writing in Forbes, he says:

> Chocola is correct that a trade war with China would kill jobs—but most of them would be in China.

That is absolutely so. A trade war will not occur, in my opinion. But if we had a trade war, Mr. Chocola says it would hurt jobs in the United States. But Chang continues:

> How do we know this? Last year, the United States ran a deficit in trade in goods with that country of $273.1 billion. In trade wars, it is the surplus countries—countries that depend on exports—that get hurt. Americans know this because we were the powerhouse exporter in the 1930s when nations fought a tariff war.

That was when the Depression hit and trade froze after tariffs and other actions and we were hurt the most because we were exporting goods. In this case, China would be hurt the most. Mr. Chang goes on to note how large China's economy is and its dependence on exports to the United States. He says:

> And this is a pretty good indication that Beijing, although it will undoubtedly huff and puff and might engage in minor retaliation, will not escalate the fight. China cannot afford more unemployment.

Mr. Chang quotes Premier Wen Jiabao as saying, if you change this

currency, ''countless Chinese workers become unemployed.''

What does that say? The Premier of China is saying, if we have a fair currency rate, the Chinese would lose jobs. Somebody is going to gain those jobs—maybe it will be in Dayton or maybe it will be in Birmingham or Mobile.

As Mr. Chang says, and this puts it on the line:

> If China manipulates its currency to gain a trade advantage, then Premier Wen is seeking to put American workers on the bread line.

Not Chinese workers on the bread line. Quoting the article further:

> So Donald Trump hit the mark when he tweeted last week that ''China is stealing our jobs.''

I am not here trying to condemn China. I am here saying we have failed to aggressively defend our legitimate national interests, and we need to do that. I believe this legislation puts us on that path.

I believe in trade. I expect to support the Colombian trade bill as it comes forward. I think it serves our national interest. The Panamanian trade bill serves our national interest and will help us be more profitable. I believe the trade agreement we have negotiated with South Korea is also in our national interest and will help us. But this deal needs to be fixed. It is time to stop it. It has gone on too long.

It is great to see my colleague, Senator BROWN. I know he will be ready to talk as we move forward to final passage, but let me congratulate Senator BROWN and Senator SCHUMER and others who have worked on the bill. I believe it is a reasonable piece of legislation, and it provides exits if something dangerous were to occur. It gives discretion to the President to delay, even stop, actions that might occur under this process if it is damaging to the United States, and it gives Congress a chance to be involved in that process.

This is the right way to do it. If someone has some better ideas, maybe we can improve the bill. But fundamentally, I think it is a good piece of legislation that will do the job, and I am proud to be a part of this bipartisan effort that has moved this legislation that will help create American jobs without expanding our debt.

I thank the Chair, and I yield the floor.

Mr. BAUCUS. Madam President, I rise to speak at this watershed moment in the U.S.-China relationship. This is a relationship that will affect our children's future. And how we manage this relationship now will help determine the long-term strength of our Nation.

Warren Buffett has an answer for anyone who questions America's future.

As he said earlier this year:

> The prophets of doom have overlooked the all-important factor that is certain: Human potential is far from exhausted, and the American system for unleashing that potential—a system that has worked wonders for over two centuries despite frequent interruptions for recessions and even a Civil War—remains alive and effective . . . Now, as in 1776, 1861, 1932 and 1941, America's best days lie ahead.

I agree.

America has the world's best universities, a tradition of brilliant entrepreneurship, and the drive and ingenuity of our people.

We gave the world the light bulb, the airplane, the Polio vaccine, the personal computer, and the Internet. We have been the world's engine of innovation for more than a century.

But we cannot rest on our laurels. We can and must rise to the challenge of China. This is a challenge I recognized long ago. That is why I led the effort to grant permanent normal trade relations to China, so we could begin to get China to play by the rules.

That is also why I have traveled to China eight different times, to stress to their leaders the importance of playing by those rules.

China has grown explosively during that time period. It is now the second-largest economy in the world. And it continues to expand.

China's growth presents real opportunities for American entrepreneurs and workers. Over the last decade, our exports to China have increased by close to 500 percent. That is eight times faster than the growth of our exports to the rest of the world. China is now the third-largest market in the world for U.S. exports. And it is the number one market for U.S. agricultural exports.

But we should not blind ourselves to the very real challenges that China also poses to American entrepreneurs and workers. Too often, China seeks an unfair advantage in international trade, including by manipulating the value of its currency.

In my most recent trip to China last November, I met with Vice President Xi Jinping and other top leaders. We discussed a broad range of issues.

On currency, my message was clear: China needed to allow its currency to appreciate more quickly to market levels. If not, the U.S. Congress likely would take up—and pass—currency legislation.

Since my trip, China has only allowed its currency to appreciate by 3 percent. The Chinese government continues to intervene to keep its currency significantly below its real market value. That is why I intend to support this bill.

I did not come to this decision lightly. I have never favored unilateral approaches. But the time has come to take action.

And the United States needs a thoughtful China policy that takes action on other fronts as well. The currency issue is only one of many problems facing American companies in China.

The problem of intellectual property theft in China is enormous. To cite but one example, an astounding 80 percent of the software installed on Chinese computers is pirated. That represents an enormous lost opportunity for U.S. software companies, who lead the world in innovation.

And China bars many of our exports from entering its market at all. China shuts out American beef exports entirely. And it imposes barriers that effectively prevent the entry of U.S. companies into its banking, insurance, and telecommunications sectors.

So while this bill addresses an important piece of the puzzle, it is not enough for China to appreciate its currency. China can and must take action to address these other problems as well.

Ultimately, though, America's future as a great economic power will not be dictated by what China does. It will be dictated by what we do. It is about us.

It is about the principles that made America great. It is about our freedom, our justice, our democracy, and the will, creativity, and endurance of our people. And it is about what we must do to get our own house in order so that we can continue to compete and win on the global stage.

We must focus on policies and initiatives that encourage American entrepreneurship.

We must nurture and protect American innovation, both at home and abroad. That is why I introduced a bill to strengthen the research and development tax credit and make it permanent.

We also must reform our Tax Code to unleash new investment and make college more accessible. That is why I have been holding a series of Finance Committee hearings to pave the way for tax reform.

And we must work together to open export markets around the world. That's why I strongly support the pending free trade agreements with Colombia, Panama, and South Korea.

We took an important step last month to pave the way for these trade agreements when we renewed trade adjustment assistance with a strong bipartisan vote. It is now time to approve the trade agreements themselves so that American entrepreneurs, workers, farmers, and ranchers can unlock the potential of these key export markets.

So as we debate this bill, let us not forget that the currency issue is only one of many challenges in our relationship with China. Let us also be mindful of our larger challenges both at home and abroad. And let us continue to nurture American entrepreneurship here at home so that we remain the world's engine of innovation.

As long as we do so, we can be sure that, as always, America's best days lie ahead.

Mr. DURBIN. Madam President, 14 million Americans are currently unemployed. The American people are resilient, strong and hard-working. If they are given a fair shot, they will succeed. Unfortunately, as the world keeps getting flatter, as our global economy grows, Americans are not always given a fair shot.

Last year the United States had a $273 billion trade deficit with China. That means the U.S. imports more goods from China than China imports from the U.S.—$273 billion more. This is because Chinese goods are cheaper. Why? Because China undervalues it currency.

Madam President, 2.8 million jobs have been lost to China since 2001. 1.9 million of them are manufacturing jobs. And 117,000 jobs were in Illinois. Congress needs to help restore the strength of domestic manufacturing and bring jobs back to the United States.

In 2001 China joined the WTO and agreed to play by the rules. China agreed to be on a level playing field with other countries, to employ fair trade practices. That means no export subsidies and no product dumping. China agreed to those terms, but it hasn't always acted in accordance with them.

China is breaking the rule undervaluing its currency. China undervalues it currency by anywhere from 15 percent to 50 percent—depending on the methodology used. When the Yuan—China's currency—is low compares to the dollar, Chinese products are cheap while U.S. products are expensive. So Americans buy cheap goods made in China, but the Chinese do not buy goods made in America, made more expensive by their currency manipulation. How is that fair to U.S. and American workers?

According to a recent report, if China revalued its currency, we would see U.S. GDP increase by $287.7 billion, creation of 2.25 million U.S. jobs, and a lowering of the U.S. budget deficit by $71.4 billion.

We don't shy away from competition in America. We play fair because we know that we can compete with any other country in a fair fight. This bill marks an important step toward job creation and restoring the strength of America's economy in a globalized world.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I appreciate very much Senator SESSIONS' comments, and even more I appreciate his work on this legislation. He was one of a couple of real key players in this legislation passing because he did such a good job of explaining to colleagues why this is a plus for American manufacturing and a plus for job growth in our country.

I think about his comments, and the major opposition to this bill has been an accusation or a contention from opponents—whether from some Members of the Senate or the House or some newspapers or economists—who say this would result in a trade war.

Fundamentally, as Senator SESSIONS' comments indicate, the Chinese are not going to initiate a trade war against their largest customer. We buy one-third of Chinese exports. Of all the hundreds of billions of dollars of exports they do around the world, one-third comes to the United States of America.

Pretend you are in business for yourself and you have a customer who buys one-third of your products, and they do something to make you mad. Are you going to declare war on them? No. You are going to sit down and figure out how to make it work.

We can never predict the future on darned near anything with certainty, whether it is the Minnesota Twins finishing in last place this year, Madam President—which I never would have predicted because they were a good team in previous years—or whether it is trade law or the economy. But we knew that as soon as we passed this, two things would happen.

One is that the Chinese—in this case it was the People's Bank of China, the Ministry of Foreign Affairs, I think, and the Ministry of Commerce—would immediately squawk: Trade war, trade war, trade war. Unfortunately, some others in this body and the newspapers mimicked that, but it wasn't going to result in that.

The other thing we could pretty certainly predict based on history is that the Chinese, after this strong vote—which we got, thanks in large part to Senator SESSIONS—of 62 votes earlier today, are probably going to let their currency appreciate a little bit because they know we are calling their bluff. But for sure it doesn't make sense for them to initiate trade wars. They may fight on some individual issues. They may fight on some products that were made in Ohio or Alabama and fight back one issue at a time, and we will go to the WTO, the World Trade Organization, and have at it in a legal way, and we will win most of them because they are gaming the system. We might lose one of our manufacturers, but we know in the end it will work out.

That is why Senator SESSIONS is dead right that this is right and that it is going to create jobs in our country. We have seen the trade deficit increase, and increase almost three times what it was when this started 10 years ago. We are going to be in a much better place—not tomorrow or the next day, but next year, if we can get this through the House of Representatives—I am not assuming we will get this passed today; I think we will here—if we get it to the House of Representatives, overwhelming support, 60 Republican cosponsors, 150 Democratic cosponsors, something like that—they will want to move the bill in the House.

The President and the Republican leadership in the House aren't quite where Senator SESSIONS and I are, but public pressure will get to them, and we expect this bill to get to the President's desk. I think he will sign it in the end, and I think it is good for Alabama, good for Ohio, and good for the other 48 States.

American manufacturing is what built this country. You really only create wealth through mining, agriculture, and manufacturing. The Presiding Officer's home State of Minnesota has done all of those very well over the years—mining where she grew up, and agriculture, which is huge and which is why she is on the Agriculture Committee, as I am. And manufacturing; Minnesota has done a lot of manufacturing.

In my home State of Ohio, we are third in the country in manufacturing output, behind only Texas, twice our size, and California, three times our size. So we know how to produce. We just want a level playing field to do it.

I thank the Presiding Officer, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Daily Digest clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. I ask that I be able to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLASS ACT

Mr. THUNE. Madam President, I come to the floor today to talk about one of the dirty little secrets around here, and that is the ticking time bomb that is right under our noses and that, until recently, had been virtually ignored until some recent activity in Congress and at the Department of Health and Human Services brought the program into the spotlight. That time bomb is the CLASS Act.

It is a long-term care entitlement program created by the health care reform law. On Tuesday, the Wall Street Journal described the inclusion of the CLASS program in the health care law as the definition of insanity.

I ask unanimous consent to have printed in the RECORD a copy of the article from the Wall Street Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 4, 2011]

THE DEFINITION OF INSANITY

Why no one wants to repeal a program that everyone knows is a fraud.

The Obama health-care plan passed 18 months ago, and its cynicism still manages to astonish. Witness the spectacle surrounding one of its flagship new entitlements, which is eliciting some remarkable concessions from its drafters.

The Health and Human Services Department recently shut down a government insurance program for long-term care, known by the acronym Class. HHS also released a statement claiming that reports that HHS is shutting down Class are ''not accurate.'' All HHS did was suspend Class policy planning, told Senate Democrats to zero out Class funding for 2012, reassigned Class's career staffers to other projects and pink-slipped the program's chief actuary. Other than that, it's full-speed ahead.

HHS is denying what everyone knows to be true because everyone also knows that the Class entitlement was not merely created to crowd out private insurance for home health aides and the like. Class was added to the bill because it was among the budget gimmicks that Democrats needed to create the illusion that trillions of dollars of new spending would somehow reduce the deficit.

Benefits in the Class program, which was supposed to start up next year, are rigged by an unusual five-year vesting period. So the people who sign up begin paying premiums immediately—money that Democrats planned to spend immediately on other things, as if the back-loaded payments to Class beneficiaries would never come due. The $86 billion or so that would have built up between 2012 and 2021 with the five-year lead is supposed to help finance the rest of ObamaCare. The Class program would go broke sometime in the next decade, but that would be somebody else's problem.

Opponents warned about this during the reform debate, and people on HHS's lower rungs were telling their political superiors the same thing as early as mid–2009, according to emails that a joint House-Senate Republican investigation uncovered.

In one 2009 note, chief Medicare actuary Richard Foster—a martyr to fiscal honesty in the health-care debate—wrote that ''Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.'' He suggested that Class would end in an ''insurance death spiral'' because the coverage would only be attractive to sicker people who will need costly services. It could only be solvent if 230 million Americans enrolled, which is more than the current U.S. workforce.

An HHS Office of Health Reform official, Meena Seshamani, rejected Mr. Foster's critique because ''per CBO it is actuarially sound.'' But of course CBO only scores what is presented to it, no matter how unrealistic. Despite this false reassurance, later even one HHS political appointee took up Mr. Foster's alarms, writing that Class ''seems like a recipe for disaster to me.''

In February of this year, Health and Human Services Secretary Kathleen Sebelius finally admitted the obvious, testifying at a Congressional hearing that, gee whiz, Class is ''totally unsustainable'' as written. By then Class had become a political target of vulnerable Senate Democrats looking to shore up their fiscal bona fides, despite voting for it when they voted for ObamaCare.

Bowing to this political need, Mrs. Sebelius has repeatedly promised to use her administrative discretion to massage Class's finances until it is solvent. But given that the office doing that work has now been disbanded, this evidently proved impossible, as the critics claimed all along.

All of this would seem to make repealing Class an easy vote for Congress, but, this being Washington, it isn't. Since the CBO says Class's front-loaded collections cut the deficit to the tune of that $86 billion, HHS has to pretend that the program is still alive to preserve these phantom savings.

Some Republicans are also nervous about repealing Class because, under CBO's perverse scoring, they'll be adding $86 billion to the deficit. Others would prefer not to repeal any of ObamaCare until they repeal all of it, on grounds that some of it might survive if the worst parts go first.

So an unaffordable entitlement that will be a perpetual drain on taxpayers may continue to exist because of a make-believe budget gimmick that everyone now admits is bogus. Congress can't reduce real future liabilities because it would mean reducing fake current savings.

This is literally insane. It's rare to get a political opening to dismantle any entitlement, much less one as large as Class. House Republicans ought to vote to repeal it as soon as possible as an act of fiscal hygiene, forcing Senate Democrats to vote on it and President Obama to confront (even if he won't acknowledge) the fraud he signed into law.

Mr. THUNE. Madam President, the editorial highlights a point that I have been making since I first offered an amendment to strip the CLASS program from the health care reform bill back in December of 2009. The inclusion of the CLASS program is perhaps one of the most brazen budget tricks used by the majority in the health care reform bill. As the Wall Street Journal says:

> CLASS was added to the bill because it was among the budget gimmicks that Democrats needed to create the illusion that trillions of dollars of new spending would somehow reduce the deficit.

Due to the 5-year vesting period required by the CLASS program, premiums will be coming in long before benefits must be paid. That pot of money somehow is simultaneously used to reduce the deficit and pay for other programs within the health care reform law.

When it is clear to Americans that the money is not there to pay benefits to beneficiaries, this administration will be long gone, and taxpayers are going to be left holding the bag. It is, at best, disingenuous the way the Democrats have promised individuals who participate in the CLASS programs that their premiums paid into the CLASS system will be available to pay out future benefits.

When I asked Secretary Sebelius about this program earlier this year in a Senate Finance Committee hearing, she called the program ''totally unsustainable.''

But HHS continued to push forward toward implementation, asserting that they have the authority to make changes in the program.

Given the inherent questions in the fiscal sustainability of the CLASS Act, I cochaired a bicameral group of Senators and Representatives, along with Representative REHBERG and Representative UPTON from the House of Representatives, that investigated the behind-the-scenes story of the CLASS Act. We released the findings of our investigation last month in a report entitled ''CLASS' Untold Story: Taxpayers, Employers, and States on the Hook for Flawed Entitlement Program.'' I commend it to my colleagues. This report can be found by visiting my Web site, http://thune.senate.gov.

We found astonishing statements from within the Department of Health and Human Services that show the lengths to which the administration Democrats knew this program was on a crash course but proceeded anyway, statements such as, this program is ''a recipe for disaster'' with ''terminal problems.''

The e-mails also show that the independent Chief Actuary for CMS sounded the first warning in May of 2009. The Chief Actuary is a nonpartisan official who estimates the long-term financial effects of current law and proposed legislation. In May 2009, he wrote to other HHS officials, some of whom were working directly with Senate Democrats, saying, ''At first glance this proposal doesn't look workable.'' The Chief Actuary said a back-of-the-envelope analysis showed that the program would have to enroll more than 230 million people—more than the number of working adults in the United States—to be financially feasible.

A few months later, the Chief Actuary was more assertive in his comments. In July of 2009, after reviewing the latest information from Senate Democrats, he wrote HHS officials:

> Thirty-six years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.

Unfortunately, Democrats here in the Senate needed the political win more than they needed to hear the truth, so they pushed forward and included the CLASS Act based off of illusory savings coming in the form of incoming premiums from the paychecks of hard-working Americans—incidentally, some of whom may never consent to program participation.

Late last month, there was another interesting development that occurred. The Actuary tasked with designing the CLASS Program announced he was leaving his position at Health and Human Services and that the CLASS office was closing. HHS denied closing the CLASS office and said they are still evaluating this program, but in a blog post on healthcare.gov, HHS announced they will be releasing a report on CLASS sometime this month. I believe this report will indicate that this program does not have the fiscal muster to move forward, but it is possible that HHS may try to hide that information.

If this Congress is truly concerned about long-term deficits, this program should be at the top of the list of programs to repeal. This program may not cost taxpayers money in the short term as the premiums are coming in, but eventually it will require an ongoing bailout from taxpayers to the tune of billions of dollars.

I filed an amendment to the current legislation that is before us to repeal the CLASS Act. It probably will not get a vote today, but I hope that sometime in the days ahead the Senate will weigh in and exercise some common sense and do what we should have done a long time ago; that is, strike and eliminate this program so we do not have to deal with this massive timebomb that is ticking out there, waiting for future generations of Americans who are going to be stuck with the huge deficits that will occur when the inevitable happens. It is pretty clear that it is only a matter of time, as I submitted from the statements that were made by the Actuary at HHS

and statements made by the Congressional Budget Office at the time.

There are all kinds of anecdotal evidence out there and all kinds of empirical evidence out there that suggests this is a program which is headed for fiscal disaster. It should not have been included as a pay-for in the health reform bill. That is why it was included, because it showed some short-term revenues. But the long-term costs, like many of the programs we funded here in the past, have a long tail on them, and the American taxpayer is going to be stuck on the hook for a long time into the future.

I hope we will have the good sense here in the Senate to repeal this program before it becomes the fiscal nightmare and fiscal disaster I think everybody has predicted it would be.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

I yield the floor.

Mrs. FEINSTEIN. Madam President.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise today to speak on the Currency Exchange Rate Oversight Act of 2011. Before I get into the bill, I want to say this is not an easy vote for me. It is a difficult vote because, beginning in 1979, I developed a relationship as mayor of San Francisco with China. Over these 30-plus years, I have seen China make the greatest changes of virtually any large country in the world. I know China has wanted to reach out, and the United States has reached out. On the Pacific Coast we have developed a century of trade which long ago overtook the Atlantic Coast. This trade between Asia and this country is, indeed, large and prized.

During that time, I have had occasion to have meetings with the former President of China, the former Premier of China, and the latest Foreign Minister on the subject of currency. I have urged each to let the renminbi float freely.

In every conversation, they have indicated that Beijing is aware of the situation and the need to allow the renminbi to respond to market forces, and there has been some progress. From July 2005 to July of 2008, the renminbi appreciated by 21 percent against the dollar, and since 2010 it has risen by an additional 7 percent. Unfortunately, action on this matter has not been sufficient, and China continues to resist a free-floating currency.

My last conversation with a major government official took place last Friday evening in San Francisco. On Saturday, I pulled out my binoculars. Our home is situated on a hill, and it overlooks San Francisco Bay. I watched the big cargo ships pulling out of the Port of Oakland going through the Golden Gate. I watched five of them, and I saw they were half loaded. Half-loaded cargo ships leaving the ports of America, going to Asia and particularly China, have become more and more a part of daily routine. Most are loaded with scrap paper, but equal trade is missing. We import huge amounts of goods from China, and the same amount—with the exception of some high-valued goods—does not go back to China.

I believe if we are going to have this great trading basin on the Pacific Ocean, everybody has to play by the same rules. In my view, this bill is not about putting sanctions on China. It is not about imposing retaliatory tariffs. It is about sending a clear message to Beijing that we are serious about the need to let the renminbi respond fully to market forces.

Let me point out that China is not specifically mentioned in this bill. The aim is to address misaligned exchange rates whenever we find them. This does not talk about manipulation of rates.

The bill has three fundamental purposes. First, it requires Treasury to report to Congress which currencies are fundamentally misaligned—not manipulated, but misaligned—including those currencies that require priority action.

Secondly, the legislation provides a mechanism for the Commerce Department at the request of a U.S. industry to investigate whether an undervalued currency constitutes a subsidy subject to retaliatory tariffs.

Finally, the bill triggers certain penalties. If a priority country fails to realign its currency immediately upon designation, additional consequences take effect after 90 and 360 days subject to a Presidential waiver.

What does this all mean? What it means is that for the first time we are going to monitor exchange rates and determine whether any currency is misaligned. If that currency, in fact, is misaligned, then the bill triggers a period of time to remedy that misalignment. If it is not remedied within 3 months, it provides additional action. Again, all of this is subject to a Presidential waiver.

In effect, what you have is the Senate of the United States speaking out and saying enough is enough. The time has come to let the renminbi float freely, just as the dollar floats freely, and we take the upside along with the downside. If that is the case, then you have an equal and fair trading community. If it is not the case, you have a downward sloping trading community.

The penalties include a prohibition on OPIC, the Overseas Private Investment Corporation, loans; increasing antidumping duties on imports from countries with undervalued currencies; a prohibition on Federal procurement; opposition to any new financing from multilateral banks.

There is little doubt that the renminbi is undervalued. The Chinese leadership understands it, the Chinese people understand it, and the American people understand it.

In April 2011, in a study by William Cline and John Williamson at the Peterson Institute for International Economics, it was argued that the renminbi is undervalued by approximately 28.5 percent. Other studies provide different estimates, but the conclusion that the renminbi is undervalued is constant in virtually every study that has been done. This gives Chinese goods a steep advantage over U.S. goods. It results in a loss of U.S. jobs, and it results in my putting on my binoculars and watching huge cargo ships leave the large port of Oakland going under the Golden Gate Bridge only half full. When it is half full, it is usually waste paper.

You can only take so much of this. In my own way, I have been importuning the Chinese for over a decade. They are always polite, they always say, yes, they understand, but they also say, China has to take steps as China can take steps. Well, the United States is now at a pivotal point. In the great State of California, our unemployment rate is over 12 percent, and the half-empty cargo ships have to be filled up if we are going to have a fair trading community. As I look at it, letting the renminbi float free is what is necessary to do this.

In testimony before the Senate Banking Committee in September of 2010, Treasury Secretary Tim Geithner argued this:

> The undervalued renminbi helps China's export sector and means imports are more expensive in China than they otherwise would be . . . It encourages outsourcing of production and jobs from the United States. And it makes it more difficult for goods and services produced by American workers to compete with Chinese-made goods and services in China, the United States, and third countries.

Every economic report agrees with our Treasury Secretary's conclusion. History indicates that is correct. Just using one's eyes indicates that is happening. Indeed, cheaper Chinese goods lead to bigger trade deficits with the United States, and that leads to fewer U.S. jobs.

Here's another report by economist Robert Scott of the Economic Policy Institute, and he found that between 2001 and 2010, the trade deficit with China cost the United States 2.8 million jobs, of which 1.9 million were in manufacturing. Nothing makes up for it. We have gained in education jobs, health care jobs, but they are minuscule in comparison with the loss of manufacturing jobs.

The report also argues that this trade deficit has been compounded by China's decision to keep the renminbi artificially low, essentially subsidizing Chinese exports at the expense of their American competitors. Regardless of whether the number of job losses is as high as the Economic Policy Institute

estimates, or as I have just said, at a time when we have got this national unemployment rate at almost 10 percent and 12 percent in California, we have to use every tool at our disposal to put Americans back to work. That means, quite simply stated, that the Senate can no longer afford to ignore the devastation of the manufacturing sector in this country.

A July 2009 article from the Harvard Business Review by Gary Pisano and Willy Shih argues that the decline in manufacturing will negatively impact our status as a leader in innovation. I agree that in order for the United States to address these ills and promote economic growth, we have got to reclaim our leadership in research, development, and high-tech manufacturing. In order to do so, we have to address the undervaluation of the renminbi. A market-based exchange rate between the renminbi and the dollar is not going to solve all of our problems, and nobody should believe it will, but it will create a level playing field. Trading communities cannot long exist on an unlevel trading field.

So this is very important for America at this time.

In a sense—and I don't like to say this, but in a sense—the legislation is a ''shot across the bow.'' It gives the Treasury Department and the Commerce Department clear authority to take actions against undervalued currencies wherever they may occur, and particularly for high priority currencies. But it is also important that this bill is not merely about imposing penalties. It is very well drafted, in my view, and I read it cover to cover. It mandates consultations with priority countries, the International Monetary Fund, and key trading partners. In other words, it continues to place an emphasis on dialogue and diplomacy.

The bill provides another tool for U.S. companies that have been affected by cheaper Chinese imports due to an undervalued renminbi. It makes it clear that Congress has the authority to investigate whether an undervalued currency is a subsidy subject to countervailing duties, and it provides two well-known methodologies to determine the value of the benefit conferred on exports by an undervalued currency.

Let me be clear. This bill does not mandate any countervailing tariffs due to an undervalued currency. It simply restates that Commerce has the authority to investigate whether such duties are appropriate if a domestic company provides the proper documentation.

Over the past 30 years, in visit after visit, I have seen how dialogue and cooperation have solidified ties between the United States and China, and Sino-American cooperation is very important. I watched the process becoming the foundation for what I believe is our most important bilateral relationship. Indeed, in my view, this relationship can positively impact the security and economic well-being of both countries. As such, when addressing disputes that may arise between Washington and Beijing, I believe it is in the interests of both nations to use diplomacy and negotiation to find commonsense solutions.

Yet, on this matter, I believe the time has come. We are past the polite talks where people say ''I realize, I know, I understand,'' and not much happens. In the last 10 years, it looked as if China were going to take action, and then China has retrenched on that action. So I believe we must send a clear signal to China that it has to move faster to a market-based exchange rate.

I know China doesn't like this. I know it has serious concerns about the bill. I understand that many U.S. companies and national organizations that do business in China are concerned about the impact this bill will have on our bilateral economic relationship. But I also know over the 20-year period I have been following the currencies of both countries, the improvement is small, and the impact on the United States has been great.

So as a friend of China and a strong supporter of United States-China ties, I hope this vote will demonstrate our deep concern. I hope it will give the administration the leverage it needs to encourage Beijing to work with us and our partners in the international community to bring the renminbi into alignment with market forces. I do not say this in a hostile way. I say it in friendship and with hope that there is a future where trading between China and the United States can be on equal terms.

I also wish to salute the authors of this legislation because I think they have done a very good job. Senator BROWN, who is on the floor, Senator SCHUMER, Senator GRAHAM, and others have put forward, I think, a carefully worded bill which carries with it the real opportunity for change between the trading relationships of our two great countries. So I thank them, and I thank the Presiding Officer.

I yield the floor.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). 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 (Mr. BEGICH). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that at 6:45 tonight, the Senate proceed to votes in relation to motions to suspend rule XXII with respect to the following amendments: McConnell No. 735, dealing with the jobs act; Coburn No. 670, dealing with foreign aid; Paul No. 678, Federal funding audit; Barrasso No. 672, cement; Hatch No. 680, currency alternative; Cornyn No. 677, fighter planes to Taiwan; and DeMint No. 689, right to work; that upon disposition of the motions to suspend, the pending amendments be withdrawn; that there be no other amendments, points of order or motions in order other than budget points of order and the applicable motions to waive; that the bill be read a third time and the Senate proceed to vote on passage of the bill; finally, that the time until 6:45 be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. I wish to make sure I understand the amendment lineup. The majority leader has substituted, I would say to my friend, or has added a Paul amendment, and it is my understanding Senator PAUL is willing to stand down on that for the time being and offer it on some other occasion. The Senator has added in place of that——

Mr. REID. Mr. President, if I could respond to that. On the list we have, there were other amendments for Vitter, Brown, and Johanns. It is my understanding we have accepted a vote on all those, except those three. So that is a pretty good batting average.

Mr. MCCONNELL. Mr. President, if I may, I am still trying to get this correct. Let me just ask my friend, the majority leader, did his list include Coburn No. 670 on foreign aid?

Mr. REID. It included Coburn No. 670 on foreign aid, yes.

Mr. MCCONNELL. It included Barrasso 672 on cement regs?

Mr. REID. Yes, it did.

Mr. MCCONNELL. It included Hatch 680 On China?

Mr. REID. The minority leader is correct.

Mr. MCCONNELL. It included DeMint No. 689 on right to work?

Mr. REID. That is true. So I will go over this once again, Mr. President.

Mr. MCCONNELL. It included McConnell No. 735 on stimulus?

Mr. REID. Yes.

Mr. MCCONNELL. Cornyn 677 on Taiwan?

Mr. REID. Yes; that is right.

Mr. MCCONNELL. So the majority leader has substituted from the list I gave him a Paul amendment—the number of which I don't have——

Mr. REID. 678.

Mr. MCCONNELL. Instead of the Johanns amendment on farm dust.

Mr. REID. Yes. Mr. President, as I have said, the list we were given on the motions to waive that have been filed, we did not include on our list Vitter, Brown or Johanns.

Mr. MCCONNELL. Mr. President, I would like to try to modify the majority leader's list, not to expand the number because we agree on seven. But the list I submitted to the majority leader included the Johanns amendment No. 692 on farm dust, instead of

the Paul amendment, the number of which I do not have.

Mr. REID. Mr. President, I can't. We have tried, and I can't get consent from my side on that. So I can't do it.

But I have offered seven. The one Paul is taken off, and I am glad to hear that, but we will be glad to do his. We have offered seven, but it is not the seven the minority leader wants.

Mr. MCCONNELL. All I would say to my friend, the majority leader, is that we would sort of like to be able to pick our amendments and not have him pick them. We have worked hard to narrow down to a list of seven. Senator PAUL graciously decided he would step aside for the moment, and we had included the Johanns amendment on farm dust.

I would remind everyone the minority has not been able to offer any amendments prior to cloture, and now we are left with motions to suspend, at a 67-vote threshold, and all we are asking for is the right to pick our own amendments.

I appreciate the majority leader agreeing to seven. That is the number we had finally settled on. But I do think it would be fair to let the minority pick its amendments. We had hundreds of amendments that people would have liked to have had. We worked very hard to get it to a list of seven. I don't think it is unreasonable, not having any amendments prior to cloture, to at least be able to prioritize our seven.

Mr. REID. Mr. President, two things: First of all, the Hatch amendment, that has always been offerable. We would have voted on that, and everyone within the sound of my voice should know that.

We agreed to that—that he should be able to offer that amendment. We also talked about other amendments that could have been offered. We did not stop the amendments from being offered. My friend the Republican leader filled up the slot that was available, and he didn't want to take it down. We were willing, even though they were up there, to move other amendments. He didn't want to do that, for reasons I don't understand, but that is the way it was.

We have agreed to seven nongermane, nonrelevant amendments, and I think that is fair. I have worked a good share of this afternoon trying to clear some of these other amendments. We have gotten permission from the Democratic Senators to have votes on these matters I have listed. I cannot get consent on the Johanns amendment. I cannot get consent on the Brown amendment. I cannot get consent on the Vitter amendment. I can't do that. I have tried. I can't get it done. So these are the ones I can get.

On the Paul amendment, in my last conversation with the Republican leader he told me that Paul wasn't offered, and I appreciate that. But that is where we are. We could have six votes. We could complete this very quickly. I don't like this process, but I am going to go along with it. But that is my consent agreement. I can't do any more.

Mr. MCCONNELL. I might say to my friend, I may be confused from a parliamentary point of view, but, technically, I would ask the Parliamentarian, through the Chair, if it requires consent to offer motions to suspend at this point.

The PRESIDING OFFICER. The majority leader.

Mr. REID. There is a unanimous consent pending.

The PRESIDING OFFICER. If the Republican leader would restate the question.

Mr. MCCONNELL. At the end of cloture, would it require consent to offer motions to suspend?

The PRESIDING OFFICER. Once an amendment slot is available, the motion to suspend is in order.

Is there objection to the unanimous consent?

Mr. MCCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Let me just say, again, all we are asking is the opportunity to prioritize the seven that the minority would like to offer.

At the end of cloture, as I just heard the Parliamentarian say, we would be entitled to offer it anyway. We are trying to cooperate and get these motions lined up in a way that would give everybody an opportunity to vote shortly.

I just would say to my friend the majority leader, it doesn't seem to me unreasonable for the minority to be able to pick the minority's amendments. It was challenging enough for us to filter our way through the hundreds that my Members would have liked to have offered to get down to seven. It was particularly challenging since they were not allowed to offer any amendments prior to cloture on the bill, which would be the normal process around here.

Mr. REID. Mr. President, is there an objection to my consent?

The PRESIDING OFFICER. Unanimous consent is pending. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, on Tuesday, 79 Senators moved to invoke cloture on the motion to proceed to this bill, the China currency manipulation legislation. After the Senate decided it wanted to consider this bill, I spoke with the Republican leader about how the Senate could agree to consider a reasonable number of relevant amendments. The Republican leader responded with a patently nongermane amendment. That action pretty much froze the amendment process.

Notwithstanding that impasse, earlier today 62 Senators moved to invoke cloture on this bill. Manifestly, this is a measure that a supermajority of Senators wish to pass.

Now, since the Senate amended rule XXII in 1979, cloture has been a process to bring Senate consideration to a close. The fundamental nature of cloture is to make consideration of the pending measure finite.

The terms of rule XXII provide that the question is this, and I quote:

> It is the sense of the Senate that the debate shall be brought to a close.

Indeed, late this morning, the Republican leader stated, and I also quote what my friend the Republican leader said:

> If 60 Senators are in favor of bringing a matter to a conclusion, it will be brought to conclusion. That's just what happened a few minutes ago.

So I repeat, that is what the Republican leader said.

Now, notwithstanding the clear nature of the cloture rule to provide for finite consideration of a measure, a practice has begun in this Congress that has undermined the cloture rule. The practice has risen of Senators filing multiple motions to suspend the rules for the consideration of further amendments.

So on this measure, the Republican Senators have filed nine motions to suspend the rules to consider further amendments. But the same logic that allows for nine such motions could lead to the consideration of 99 such amendments. The logical extension of allowing for the consideration of further amendments, notwithstanding cloture, leads to a consideration of a potentially unending series of amendments. The logical extension of this practice is to lead to a potentially endless vote-arama at the end of cloture.

This potential for filibuster by amendment is exactly the circumstance that the Senate sought to end by its 1979 amendments. Plainly, Mr. President, this practice has gotten out of hand.

I see on the Senate floor the junior Senator from the State of Oregon. He and a number of other Senators worked very hard at the beginning of this Congress to kind of change what was going on around here, to make things move more quickly, to make things move more fairly. There was a lot of talk about we are going to try to move things along, we are not going to hold up motions to proceed, and all that. But that hasn't worked too well.

I say to my friend through the Chair, the Senator from Oregon, this is another example of how the rules have been abused this Congress. This didn't happen—it happened rarely last Congress, but this is standard procedure now, again, in an effort to avoid the rules.

This practice has gotten way out of hand. So notwithstanding this abuse, this morning I once again offered to work together with the Republican leader to come to a reasonable number of motions to suspend. The Republican leader and I discussed—we had a list of nine or ten motions to suspend on which he sought votes. I note that

would be more amendments than the motions already filed by Senators, but in good faith I counteroffered that I would be willing to schedule votes on seven of these Republican motions to suspend.

That was reasonable, I thought. The Republican leader rejected that offer. That is what has led us to where we are now. Unless the Senate votes to change its precedents today, we will be faced with a potentially endless series of motions to suspend the rules after the Senate has voted overwhelmingly to bring consideration to a close, and that is a result that a functioning democracy cannot tolerate.

I, Mr. President, withdraw my amendment No. 695.

The PRESIDING OFFICER. The Senator has that right.

MOTION TO SUSPEND RULE XXII, PARAGRAPH NO. 2, INCLUDING GERMANENESS REQUIREMENTS, FOR THE PURPOSE OF PROPOSING AND CONSIDERING AMENDMENT NO. 670

Mr. REID. I call up the motion to suspend rule XXII, including germaneness requirements, filed yesterday by Senator COBURN for the purpose of proposing and considering amendment No. 670.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. COBURN, moves to suspend rule XXII, paragraph No. 2, including germaneness requirements, for the purpose of proposing and considering amendment No. 670.

Mr. REID. Mr. President, I make a point of order that the motion to suspend is a dilatory motion under rule XXII.

The PRESIDING OFFICER. The point of order is not sustained.

Mr. REID. I appeal the ruling of the Chair and request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MCCONNELL. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. If I may make a brief observation. Listening carefully to the majority leader, he is suggesting the specter of filibustering by amendment when, in fact, we had already agreed to seven.

Having agreed to seven, it strikes me as very difficult to argue that we are establishing some precedent for filibustering by amendment because he and I had agreed to seven. The only place this ran aground was the majority leader trying to pick all seven of the minority's amendments.

So what we have is that no amendments have been considered other than those of a technical nature offered by the majority leader in order to fill up the tree. That was prior to cloture. So what is about to happen is that the majority is trying to set a new precedent on how the Senate operates.

For the record, my preference would have been to consider amendments on both sides under a regular process, which we could have done earlier this week. Instead, we have been locked out, and in a few moments the rules of the Senate will be effectively changed to lock out the minority party even more.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Is there a sufficient second?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—48

| | | |
|---|---|---|
| Alexander | Enzi | McConnell |
| Ayotte | Graham | Moran |
| Barrasso | Grassley | Murkowski |
| Blunt | Hatch | Nelson (NE) |
| Boozman | Heller | Paul |
| Brown (MA) | Hoeven | Portman |
| Burr | Hutchison | Risch |
| Chambliss | Inhofe | Roberts |
| Coats | Isakson | Rubio |
| Coburn | Johanns | Sessions |
| Cochran | Johnson (WI) | Shelby |
| Collins | Kirk | Snowe |
| Corker | Kyl | Thune |
| Cornyn | Lee | Toomey |
| Crapo | Lugar | Vitter |
| DeMint | McCain | Wicker |

NAYS—51

| | | |
|---|---|---|
| Akaka | Hagan | Murray |
| Baucus | Harkin | Nelson (FL) |
| Begich | Inouye | Pryor |
| Bennet | Johnson (SD) | Reed |
| Bingaman | Kerry | Reid |
| Blumenthal | Klobuchar | Rockefeller |
| Brown (OH) | Kohl | Sanders |
| Cantwell | Landrieu | Schumer |
| Cardin | Lautenberg | Shaheen |
| Carper | Leahy | Stabenow |
| Casey | Levin | Tester |
| Conrad | Lieberman | Udall (CO) |
| Coons | Manchin | Udall (NM) |
| Durbin | McCaskill | Warner |
| Feinstein | Menendez | Webb |
| Franken | Merkley | Whitehouse |
| Gillibrand | Mikulski | Wyden |

NOT VOTING—1

Boxer

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51. The decision of the Chair does not stand as the judgment of the Senate. Therefore, the point of order is sustained.

Mr. REID. Mr. President, I know there are some hurt feelings here, perhaps on both sides, because this hasn't been easy for me, either, but let's not dwell on that. But I want the record to reflect that the fact that we have to do things sometimes that are difficult doesn't mean Senator MCCONNELL and I have any problems with each other. I want to make sure the record is clear in that regard.

We will discuss later how we are going to move forward on other things. But here is my suggestion, unless someone has some objection. The time for cloture running out on this is sometime tomorrow afternoon. I don't know the exact time. I think it would be to everyone's interest that we would vote on this on Tuesday when we come back. We have a judge we could vote on who is already settled. We could vote on final passage on this, and then we will vote on the jobs bill that is up.

Then what we are going to do is that night we will work to have an agreement that is arranged, because we don't have the time worked out on this, as to how much time. Under the rule, there is 60 hours. We are not going to use 60 hours on these three trade agreements. But everyone should understand we are going to finish the trade agreements on Wednesday. If that means people want to spend 20 hours debating one of them, they may have to spend all night Tuesday doing that, because we have some things here that we have made commitments to do.

Mr. MCCONNELL. Mr. President, will the majority leader yield?

Mr. REID. Yes.

Mr. MCCONNELL. What I hear the majority leader saying is we are going to vote on the trade agreements on Wednesday. Is that what my friend is saying?

Mr. REID. That is what I said.

Mr. MCCONNELL. That means the President of South Korea will have the opportunity to address the joint session on Thursday, having, hopefully, seen the United States approve these long-awaited trade agreements.

Mr. REID. So unless someone has some objection, we will leave here for the evening and the staff will work out a proper unanimous consent agreement that I will announce at some subsequent time after conferring with the Republican leader.

Mr. WICKER. Mr. President, has a unanimous consent request been propounded, or was the majority leader simply stating that we would proceed to vote on Tuesday unless there was objection?

The PRESIDING OFFICER. The majority leader.

Mr. REID. What I said is that—my friend from Mississippi is right. Unless someone has an objection, we will set things up to vote Tuesday evening; otherwise, we would have to vote tomorrow afternoon.

Mr. WICKER. Mr. President, if I could reserve the right to object, and I may or may not object but——

The PRESIDING OFFICER. There is no unanimous consent at this time.

Mr. WICKER. I wish to be recognized to speak then.

The PRESIDING OFFICER. The majority leader still has the floor.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I wish to vitiate the quorum.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued the call of the roll.

Mr. WICKER. Mr. President, I reserve the right to object. If the Senator wishes to speak, I don't want to prevent him from speaking.

The PRESIDING OFFICER. The Senate is in a quorum call.

Mr. VITTER. Mr. President, I move to vitiate the quorum.

The PRESIDING OFFICER. Is there objection?

Mr. UDALL of New Mexico. I object.

The PRESIDING OFFICER. There is objection.

The clerk will continue to call the roll.

Mr. VITTER. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senate is in a quorum call.

Mr. VITTER. Mr. President, I move to vitiate the quorum.

The PRESIDING OFFICER. Is there objection?

Mr. UDALL of New Mexico. I object.

The PRESIDING OFFICER. There is objection.

The clerk will continue to call the roll.

The legislative clerk continued the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, thank you very much.

As I understand the rules, each Senator is entitled to 1 hour to speak postcloture if they care to. It is my understanding that Senators CORKER, WICKER, and VITTER wish to speak postcloture. It would be better for everyone here—and if they want to speak for an hour, that is fine; I have no place to go—but if we could all have an idea as to how long Senator CORKER, Senator WICKER, and Senator VITTER wish to speak, it may help us better manage what is going on here.

So if I could direct this question through the Chair to my friend, the Senator from Tennessee, Mr. CORKER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, thank you for recognizing me.

I really do not want to speak. Here is what I want to happen. I think Members on both sides of the aisle believe this institution has degraded into a place that is no longer a place of any deliberation at all. I would like for you and the minority leader to explain to us so that we have one story here in public as to what has happened this week to lead us to the place that we are. That is all I am asking. That is all I want to know. Explain how the greatest deliberative body, on a bill that many would say was a messaging bill in the first place, ended up having no amendments, and we are in this place that we are right now. I would just like to understand that.

Mr. REID. Mr. President, through the Chair to my friend from Tennessee and others who wish to listen, we moved to this legislation, the China currency, with a heavy vote. We had 79 Senators who wished to proceed to that. Once we were on the bill, I partially filled the tree.

Why did I do that? I have found over the last Congress and 9 months that when I try to have an open amendment process, it is a road to nowhere. It just has not worked. We have not been able to effectuate a single bill being passed that way. Regardless of whether that is right or wrong, that is what I did.

Senator MCCONNELL wanted to offer an amendment on the President's jobs bill. That, in effect, tied us down because he was unwilling to let us move to any other amendments. I was willing to move to other amendments. Specifically, everyone who was involved in this process thought that Senator HATCH was entitled to an amendment because his was clearly germane and relevant. But without going into ''he said, he said,'' the fact is no amendments were offered, even though I was happy to have some amendments offered.

Now, what has happened over the last 9 months is that—and even this went on last year, where we learned about this—when cloture was invoked, Senators—it was led by Senator DEMINT, and then Senator COBURN picked up on this quickly—as soon as cloture was invoked, motions to suspend the rules were filed.

Now, as I have said today, that was done in this instance. I know my Republican friends say: The reason we did that is because we could not offer amendments on the underlying bill. I disagree with that. I think people could have offered amendments. But we were at the point where we were. We had 9 or 10 motions to suspend the rules. I worked all day, much of the time later this afternoon with Senator MCCONNELL, trying to come up with a list of those motions to suspend. I had to get the approval of my caucus to move to all those amendments. I could not do it. I could not. I, in effect, made a number of my Senators very unhappy by moving to amendments that are extremely difficult.

The only amendment I am aware of that is germane to what we are working on is Senator HATCH's amendment. The rest of them are not germane. They may be good amendments, great message amendments, causing a lot of pain over here, but I agreed to do seven of the nine. Senator MCCONNELL said he needed at least one more. I could not get one more.

So what procedurally took place is this: I believe, as I indicated in my opening statement, that rule XXII dealing with cloture says that when cloture is invoked, it is finite—it is finite; it ends debate on that issue unless there are amendments that have been filed that can be dealt with during the 30 hours. There were not any in this instance.

So I have been here quite a while, and one of the most unpleasant things I have had to deal with over the years has been the vote-arama when we do the budget thing. We have had 60, 70, 80, 120 amendments filed. Under this procedure that has recently been adopted, by the minority in this instance, there is no limit to how many amendments could be filed. Today there were 9 or 10.

This has to come to an end. This is not a way to legislate. That is why the motion to overrule the ruling of the Chair—that is why I made that. I think this is something that was discussed in great detail at the beginning of this Congress. I have a number of Senators on my side who believe very strongly, as my friend from Tennessee has just described, that the Senate has become a place where it is very difficult to debate anything. So Senator MERKLEY and Senator UDALL, joined by others, wanted to change the rules.

At that time, we believed, and the Parliamentarian and all the law that we were familiar with said, a simple majority could change the rules dramatically as to how it relates to filibuster and all other things. I felt that certain changes were important and maybe we should ease into this. That is why we are not reading the amendments now, as we used to be forced to do on occasion, and we had a gentleman's agreement motions to proceed would be not opposed generally, and I would not fill the tree all the time.

As a result of that, Senators MERKLEY and UDALL, much to their consternation because I did not join with a majority of my caucus, opposed what they did because I was hopeful that we could get back to doing some legislating that we had done in the past.

Now, I feel very comfortable that what we are doing and what we did today is the right thing to do. My staff, this morning, when I talked about doing this—the first thing they said to me: Well, what if you are in the minority?

Let me tell everybody within the sound of my voice, if I were in the minority, I would not do this. I think it is dilatory and wrong, just as I have said when we were in the now famous debate dealing with the judges issue that we had, the nuclear option. I said if I were in a position to exert what I felt was the nuclear option on judges, I would not do it. And I would not. I think we have to do a better job of legislating under the rules.

So even though perhaps Senator MERKLEY and Senator UDALL were disappointed in my advocacy to not massively change these rules, I went along hoping things would work out better. What just took place is an effort to try to expedite what goes on around here. Am I 100 percent sure that I am right? No. But I feel pretty comfortable with what we have done. There has to be some end to these dilatory tactics to stop things. Cloture means end; it is over with.

Mr. MCCONNELL. Mr. President, who has the floor?

The PRESIDING OFFICER. The majority leader has the floor still.

Mr. MCCONNELL. I would like to also give my version, if I may, to the distinguished Senator from Tennessee.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. REID. I yield to my friend, the Republican leader, to respond to any questions that the Senator from Tennessee may have.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Yes. Let me, for the benefit of our colleagues, explain what, in fact, happened. It is not complicated.

It was pretty clear, whether you liked this bill or did not, it was going to pass. You could tell that by cloture on the motion to proceed with a very large majority. So I do not think my good friend the majority leader had to worry about whether his bill was ultimately going to pass. The question was whether there were going to be any amendments at any point to the bill. And my conference made a decision—actually against my best advice—to go on and invoke cloture on the bill after we had no amendments. The reason we had no amendments is because the majority leader used a device we have all become too familiar with called filling the tree, thereby allowing no amendments he does not approve. And he said that we are open for amendments, but what he means is this: We are open for any amendment I approve. So he filled the tree and, prior to cloture on the bill, controlled whether any amendments would be allowed and chose not to allow any, as a practical matter. So against my best advice, my conference decided to invoke cloture on the bill. So we were moving to approving the bill with no expression whatsoever.

So we have in the postcloture environment the motion to suspend, which has not been abused by this minority—not been abused by this minority. The majority leader, in effect, has overruled the Chair with a simple majority vote and established the precedent that even one single motion to suspend—even one—is dilatory, changing the rules of the Senate. And if you look back at his bill, what we have had, in effect, is no amendments before cloture, no motions to suspend after cloture, no expression on the part of the minority at all.

I do not know why anybody should act as though they were offended by nongermane amendments. This is the Senate. We do not have any rules of germaneness. No, we do not. Any subject on any bill can be offered as an amendment. We all know that.

The fundamental problem here is that the majority never likes to take votes. That is the core problem. And I can remember, when I was the whip in the majority, saying to my members over and over again, when they were whining about casting votes they did not want to vote, that the price of being in the majority is that you have to take bad votes because in the Senate, the minority is entitled to be heard—not entitled to win but entitled to be heard. So that is the core problem.

I would say to my friend the majority leader—and this is nothing personal about him; I like him, and we deal with each other every day—we are fundamentally turning the Senate into the House: no amendments before cloture, no motions to suspend after cloture, and the minority is out of business. And it is particularly bad on a bill that has the support of over 60 Members, as this one did. If you are not among those 60, you are out of luck.

Now, look, this is a bad mistake. The way you get business done in the Senate is to be prepared to take bad votes. At some point, if 60 Members of the Senate want a bill to pass, it will pass. If 60 Members of the Senate do not want a bill to pass, it will not pass. It is more time consuming. I assume that is why a lot of people ran for the Senate instead of the House—because they wanted to be able to express themselves. This is a free-wheeling body, and everybody is better off when we operate that way. Everybody is, whether you are in the majority or the minority, because today's minority may be tomorrow's majority, and the country is better off to have at least one place where there is extended debate and where you have to reach a supermajority to do things.

So I would say to my good friend the majority leader that I understand his frustration. But you were going to win on this bill. You did not need to jam us. You should not jam us on any bill, but on this bill you were going to win. Now, some of us think we were wasting our time because, as the Senator from Tennessee said, this was not going to become law anyway, and we are sitting around here when we ought to be passing trade bills.

The President has asked us to vote on his jobs bill. I wanted to give him an opportunity to have his vote the other day. You guys did not even want to vote on what the President was asking us to vote on without any changes. But you can prevent that, and you did.

Look, let's not change this place. America does not need less debate, it needs more debate. And when 60 Members of the Senate decide to pass something, it will pass.

I think we made a big mistake tonight. As soon as we all kind of cool off and think about it over the weekend, I hope we will undo what we did tonight because it is not in the best interests of this institution or the American people.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the Senate should function like the Senate. I acknowledge that. But we have major pieces of legislation that have been brought down as a result of not being able to have finality of that legislation, unending amendments that are not germane or relevant. The small business innovation bill that had passed in past years easily, we had the Economic Development Administration bill that passed easily in the past, job-creating bills on which we had an open amendment process—they were simply stopped.

There are rules of germaneness in the Senate. There are rules of germaneness in the Senate. Let's think about these amendments that I agreed to. There are others I did not agree to, but there are amendments that I agreed we should have a vote on, not that I wanted to have a vote on them because they had nothing to do with the underlying bill—nothing. There are rules of germaneness that that should be the case. DeMint amendment, right to work; Cornyn amendment, fighter planes to Taiwan—we already had a vote on that, but we agreed to have another one; Hatch amendment—that one is relevant and it is germane; Barrasso amendment, cement—not so; Paul, Federal funding; Coburn, foreign aid; McConnell, jobs act.

Part of cloture is enforcing germaneness. That is what it is all about. We are happy to do germane amendments. But the fact is, the Republican leader himself decided not to have amendments on this bill. I agreed to amendments on the bill prior to cloture. Everybody probably does not know that; they should because that is the way it is.

So we have to make the Senate a better place, and I think a better place is to do what was done tonight, to get rid of these dilatory amendments. I mean, we would be happy if poor Senator BINGAMAN could get some bills out of the Energy Committee. We could do something on cement. If we could get some bills out of the Foreign Relations Committee, we could maybe look at foreign aid.

These things are dilatory and only unnecessary, in an effort to divert from what we are really trying to do here; that is, legislate.

So the issue is this: I believe what we did at the beginning of this Congress was the right thing to do, but as the weeks and months have rolled on, wasting months of our time on a CR that was done—on a series of CRs—1 week, 2 weeks, 3 weeks—to fund the government until October, a few days ago—what a waste of time. We have

spent months—months—on raising the debt ceiling, making it nearly if not impossible to legislate on other matters. And when we get a chance to legislate, we should not be held up by these dilatory matters.

I am willing to legislate. I have taken a lot of hard votes in my career, and I would have been willing to vote on these. But there has to be an end to this.

I would be happy to yield to my friend.

Mr. MCCONNELL. Let me make sure we understand. There are not any rules of germaneness precloture in the Senate. There are not any. Any amendment can be offered on any subject. And that has been one of the great frustrations of every majority down through the years. We all know that. So my friend the majority leader, in order to prevent the votes on unpleasant amendments, fills up the tree and decides himself that he is going to confine the amendments to those that are either germane—relevant—or, put another way, of his choosing, whatever you want to allow.

My friend keeps talking about wasting time. Well, wasting time to him might not be wasting time to us. We might not think that offering an amendment on something we think is important for the country is a waste of the Senate's time.

So who gets to decide who is wasting time around here? None of us. None of us have that authority to decide who is wasting time. But the way you make things happen is you get 60 votes at some point, and you move a matter to conclusion, and the best way to do that is to have an open amendment process. That is the way this place used to operate.

I have been here a while. I know this is not the way it has always happened. This is not the way we always operated. And we did get things accomplished, not by trying to strangle everybody and shut everybody up but by allowing the process to work. And when the Senate gets tired of the process, 60 people shut it down, and you move to conclusion. That is how you move something ahead, not by preventing the voices.

I mean, we have sat around here 2 days in quorum calls. Have you all noticed that? We could have been voting on amendments. Sitting around in quorum calls—talk about a waste of time.

Mr. REID. I am going to respond to this. I don't know the exact number now, but almost 30 judges are waiting to be approved, people who are waiting to change their lives, doing their patriotic duty, public service. I can't file cloture on all of those. There are 29 of them.

We have been stymied here in this Congress in getting things done—holding up nominations for judges, holding up nominations—some people have been on the Executive Calendar for a long, long time. It is unfair. That is what is going on around here.

So we can do all of the make-believe that my friend the Republican leader is talking about, about what great things should happen around here. Well, I will tell you a few things that should happen: We should be able to move matters through here that have been happening since the beginning of this country—nominations, for example. We can't do that because my friend the Republican leader, as candid as he was, said his No. 1 goal is to defeat President Obama. That is what has been going on for 9 months here, and this issue relating to these dilatory tactics on these motions to suspend the rules is just part of that game that is being played. Let's get back—I agree. I agree. Let's get back to legislating as we did before the mantra around here was ''Defeat Obama.''

Mr. LEAHY. Would the majority leader yield for a question?

Mr. REID. I would be happy to yield.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I pose this question, and as I look around this floor, with the exception of Senator INOUYE, my dear friend from Hawaii, nobody has served in this body longer than I have—on the current membership—nobody. I keep hearing this talk about 60 votes. Most votes you win by 51 votes, and this constant mantra of 60 votes, 60 votes—this is some new invention, I tell my friends, based on my sense of history.

So my question to the majority leader, whether we were here with a Democratic majority or a Republican majority, does he remember a time when judges who were confirmed unanimously—every single Republican, every single Democrat voting for them out of committee—would then sit on the calendar for 3, 4, 5, sometimes 6 months because there was not an agreement to vote on them without a 60-vote supermajority? I cannot remember it at any time in 37 years. I do not know if the majority leader can recall such a time.

Mr. REID. The Senator from Vermont has been here longer than I have, but he is absolutely right.

I would also add this: that the Republican leader said—and I think this says it all—today, as an extemporaneous remark from his position here where he is now standing, and I quote:

> If 60 Senators are in favor of bringing a matter to conclusion, it will be brought to a conclusion.

That is what happened a few minutes ago, and that is what cloture is all about. That is what cloture is all about.

I believe in cloture. As I have indicated several times earlier, I was not in favor of changing the rules relating to cloture as some of my colleagues did. But I think this is a step forward. It will make this process work a lot better.

I want to yield for a question to my friend from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. I thank the distinguished majority leader for yielding. I will not take long.

I have been in the Senate 4 years now, and I think my colleagues know I do not come down to the floor and spout a lot of hot air. But I have to be heard tonight.

I will agree with my friend the majority leader on one thing: This is no way to legislate. He said those words a few moments ago, and I agree.

We have become accustomed to a procedure, and I have disagreed with that procedure, but it has been the regular order during the time I have been here; that is, the usual practice is a bill is brought to the floor, and the majority leader immediately offers every amendment that can possibly be offered in a parliamentary way, thus filling the amendment tree and preventing other Senators from offering amendments.

Then cloture is filed and we don't have an opportunity to have a full hearing. I am told this has not always been the practice, but we have been accustomed to that practice.

What happened tonight is far different from that. I think that is why my friend from Tennessee propounded the question to the majority leader. We had a bill—and it may be a messaging bill, but if it were passed, it would be a significant piece of legislation. I think both sides acknowledge that. No amendments were allowed precloture and no amendments have been allowed postcloture. The majority leader, this very day, after the cloture vote assured the Senate that we would be operating under an open process. He said those words. Not only that—and perhaps the majority leader, when I finish in a moment or two, could correct me—I believe I heard the majority leader say we would be allowed to offer motions to suspend the rules on a number of amendments, and debate would be allowed.

What occurred was that Senator COBURN offered his motion to suspend the rule on his amendment. We assumed we would be able to do this on at least a few amendments. But the very first amendment that was offered, the majority leader suggested to the Chair, and made the point of order to the Chair, that it was dilatory—one amendment. That was deemed dilatory by the majority leader, and the Parliamentarian correctly instructed the Chair to overrule that suggestion by the majority leader, upholding the precedent of the Senate. And one by one, Democratic Members of this body had to march down and vote to overrule the Parliamentarian of this Senate for the very purpose of shutting down the chance to offer one single amendment, when the majority leader well knew he had the votes to win. But our rules have, I thought, been designed—and I think our society is designed this way—around the concept that the minority has an opportunity to be protected; the minority has an

opportunity to be heard in this body, of all bodies.

What we have done tonight—unless we can remove that—is we have changed the rules of the Senate on a messaging bill, on a matter that the majority leader had the votes on. That is my objection. That is why I am so disturbed about the overreaction and heavyhandedness of this move.

This is not a matter of supporting the leader on one bill that he wants to get us out of town on. This is precedent. Unless we can change it, we have forever changed the right of the majority to be heard postcloture. I am saddened about that.

Mr. REID. Mr. President, first of all, amendments could have been offered precloture. My friend said he thought we were going to be able to offer some amendments postcloture with their motions to suspend the rules. That is what I said would happen, and I agreed to that—seven amendments. People are saying, you choose the amendments. I didn't choose the amendments. They came up with these amendments. These are the ones they gave me. I was supposed to select which ones, and that is what I did. I could not get agreement on some of these amendments. I have explained that previously.

Also, everyone should recognize that motions to suspend the rules are still available; they are just not available postcloture. Rule XXII provides:

> Is it the sense of the Senate that debate shall be brought to a close?

That is what it says. That rule has been in existence for a long time. I am sorry my friend is disappointed, but I think the playbook he is reading from is not accurate.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, the Senator from Mississippi is accurate. Until the vote we had just a few moments ago, motions to suspend postcloture were appropriate. No longer are they appropriate because, as my friend from Mississippi pointed out, we have in effect changed the rule.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. REID. Mr. President, I yield to my friend from Tennessee.

Mr. CORKER. Mr. President, I thank the leader for taking the time to explain from his perspective what has happened. I guess what I want to understand is, when amendments are offered, why don't we just go ahead and vote on them? If it is standard procedure——

Mr. REID. Can the Senator start over? I was preoccupied.

Mr. CORKER. First of all, I thank the leader for taking the time to explain from his perspective. Here is what I don't understand. We had a cloture motion to proceed on Monday. It is Thursday night. We have had no votes on anything other than a cloture vote. I guess what I would love to understand is, why don't we just immediately begin voting on amendments? We could have been done with this bill yesterday. Instead, everybody cools their heels, waits around, while some negotiation takes place—sort of a self-appointed rules committee. And at the end, something like this happens.

I wish to understand from the leader's perspective why we don't just vote on amendments? We could have been done yesterday.

Mr. REID. Mr. President, I will try to respond to my friend. People around here are talking as if this is something that never has happened before. This has happened—I don't remember all the times since I have been in the Senate that the Chair—as brilliant as our Parliamentarian is, and the Chair does its best to distinguish what the Parliamentarian wants, but he is not always sustained. I have been involved in a number of those examples. So it isn't as if this never happened before.

We did it with the understanding that what is going on here is dilatory, and that is what the majority felt.

Mr. SCHUMER. Will the majority leader yield for a question?

Mr. REID. Yes.

Mr. SCHUMER. Mr. President, in the form of a question to the majority leader and also the Republican leader—we are all frustrated. The Senator from Tennessee and I talked about that frustration at the beginning of the session, and it hasn't worked terribly well to try to straighten this out. You are frustrated, and we can talk about the specifics here.

The one point I make is that the majority leader, isn't it true, offered on the floor yesterday to allow amendments on this bill? And the only amendment that was sent to us was the amendment to have a vote on the President's budget, is that correct?

Mr. REID. That is right.

Mr. SCHUMER. But it was not widely known on this side. The majority leader had offered amendments on this bill. The question I ask is this—and I will make a statement and lead up to a question. You are frustrated because you feel the tree is filled all the time and you cannot make amendments. But we are frustrated because the 60-vote rule—which has always been used here—is now used routinely, which never has been done before. Judges—district court judges—I have been here in the Senate 13 years, and I was in the House 18 years and followed the Senate and cared about judges. It never happened before. Routine appointees—assistant secretaries of this, deputy secretaries of that—60 votes. And on bill after bill after bill, the procedure of this place works that somebody has to object. That is why you file cloture; otherwise, we could proceed.

In the past, the motion to proceed was not routinely blocked. And almost every single bill—important bills, obviously—and nobody thinks the health care bill should have passed by 51 votes. But on minor bills—we had a filibuster on technical corrections to the Transportation bill, where 287 was written down by mistake instead of 387. It was filibustered—60 votes. So our defense is to fill the tree.

But what we ought to try to do here—and, as I said, the Senator from Tennessee and I futilely tried earlier this year to maybe calm things down—is to maybe use this flashpoint to try to come together and work that out again. Maybe the minority would not routinely filibuster everything—appointments, judges, minor bills—and can save it for the major bills. In return—and I agree with the minority leader that the deal around this place is the majority sets the agenda and the minority gets to offer amendments. That has been the rule since I got here and one of the reasons—he is correct, I say to my friend from Kentucky—why I left the House to run for the Senate.

But it has gotten to the extreme. While my colleagues on the other side would say it got to the extreme because we always fill the tree, we would say it got to the extreme because you filibuster everything and require 60 votes on everything—we only have 53, we know that—including judges, appointments, and minor bills. If we are going to bring this place back to order, if we are going to bring this place back to a place where we can legislate, both sides have to back off, and we are going to have to figure out how to do that, which we haven't done adequately yet.

One other point before I ask my question. The Senator from West Virginia had a few of us on his boat this week. A number of the freshmen Senators from the other side of the aisle were on the boat, as I was. We began to talk, and they were asking, why is this place so mixed up? I explained that some of the greatest joys I have had in the Senate and the House were conference committees, and offering amendments, and things such as that. We all said, together, why can't we get back to that?

Let me say that it is not simply filling the tree and preventing amendments that caused this problem. It is routinely requiring 60 votes before the Senate can get a drink of water.

My question to the majority leader is this: Would he be willing—we need a little bit of a cooling-off period—to sit down with the minority leader and others in an effort to try to figure out how we can get back to somewhat more of a regular order in regard to what I said?

Mr. REID. Mr. President, I say this to my friend and others listening. I want everybody to understand a little bit of the frustration I have. We all went through the battle on the FEMA bill. Everyone remembers that. People in the dark bowels of this building someplace typed that bill up. They made a mistake and had a comma in the wrong place—a comma. I asked consent, because that was a technical correction, to get that corrected. There were press releases out already from my Republican friends: We are not going to agree to any consents on anything. You talk about frustration—there is plenty of it to go around.

I want to try to end this on a high note. I love this institution. I have devoted most of my life here in this building—not only as a long-time Member of the House and Senate, but I lived here while going to law school. I worked in this building. I was a cop here. I love this building and this institution. I don't want to do anything to denigrate the institution. Maybe there is blame to go around, and I think there probably is. But frustration builds upon frustration and, as a result of that, we have situations such as this.

So here is my suggestion. I think just as we had a cooling off period, as we indicated that we would on that FEMA CR—we had a cooling off period, and the Republican leader and I agreed that would be the right thing to do, and we then came back and worked something out. We did it very quickly. It wasn't to everybody's satisfaction. I had people upset and he had people upset, but we did that. So it would be my suggestion to do as I originally suggested. I think we should go ahead and do final passage on this matter on Tuesday night. Do the judge first, then vote on the jobs bill. Then we will deal with the trade stuff.

I am happy to not only sit down with the Republican leader, but I am sure we can all cinch up our belts and, as they say in the Old and New Testament, gird up our loins and try to do a better job of how we try to get along. I have talked to the Republican leader only briefly about this, but I had a discussion with my leadership today, and one of the things I was going to announce—and so here it is—one of the things I want to do is have a joint caucus. I want to have one with Democratic Senators and Republican Senators. At that time we can all talk about some of the frustrations we all have.

I wanted to do that the first week we got back after the last recess. All my people don't know about this, and certainly I haven't finalized this with the Republican leader, but I think that would be a good step forward; that Senator MCCONNELL and I could be there in front of everybody together, questions could be asked, statements could be made, and we could see if that would let a little air out of the tires.

I will be happy—next time we get cloture on an event sometime in the future—to sit down and find out what, if anything, we should do postcloture on matters relating to people who are frustrated.

So that is my statement, Mr. President. I am not asking consent on anything, but I would hope we could all leave, and Senator MCCONNELL and I would direct the staff to come up with something, an arrangement comparable to what I just suggested.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we will have no more votes, and I have confirmed that with the Republican leader.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO REVEREND FRED SHUTTLESWORTH

Mr. BROWN of Ohio. Mr. President, I rise today to honor Rev. Fred Lee Shuttlesworth, an American civil rights hero who lived much of his adult life in Cincinnati who passed away this week at the age of 89. I come to the floor in support of a resolution with Senator PORTMAN, my colleague from Cincinnati, where Reverend Shuttlesworth lived for many years, and also from Senator SHELBY and Senator SESSIONS, both representing Alabama, where Reverend Shuttlesworth lived his earliest several decades and then the end of his life.

Much is known about his life—the beatings, the bombings, the arrests and protests. He was born in 1922 in Alabama. He was a truckdriver who studied theology at night. He became an ordained minister in his twenties. By the 1950s, in his thirties, he was the pastor of Bethel Baptist Church in Birmingham, the pulpit from which he became the powerful, fiery, outspoken leader against racial discrimination and injustice.

When the Alabama NAACP was banned in the State, Reverend Shuttlesworth established the Alabama Christian Movement for Human Rights. Churches held weekly meetings, membership grew month by month—in large part because of Reverend Shuttlesworth's leadership skills—and the Alabama Christian Movement for Human Rights became the mass movement for Blacks in the South.

He fought Birmingham's racism in the courtroom, bringing suits to desegregate public recreation facilities. He protested segregation of buses in Birmingham. He was beaten with chains and brass knuckles when he tried to enroll his children in a Birmingham school, even though he was, of course, a taxpayer. He would lead Freedom Riders to safety—a critical voice imploring Attorney General Robert Kennedy and President John F. Kennedy to get the Federal Government to show leadership as Freedom Riders were jailed and attacked. Reverend Shuttlesworth was often jailed and later left bruised and bloodied from firehoses and police dogs, the brutal force of Bull Connor's lynch mob. His life and his family were threatened by Connor's ignorant hostility—or indifference more often than hostility.

His words:

> They would call me SOB, and they didn't mean ''sweet old boy. . . . '' [T]he first time I saw brass knuckles was when they struck me . . . they missed me with dynamite because God made me dynamite.

So his direct action campaigned continued. He mobilized students to boycott merchants with Jim Crow signs in their storefronts. He worked and he marched with Dr. King, affiliating the Alabama Christian Movement for Human Rights with the Southern Christian Leadership Conference, organizing bus boycotts and sit-ins and marches and acts of civil disobedience. He persuaded Dr. King to bring the civil rights movement to Birmingham, where Dr. King would write his famous ''Letter from a Birmingham Jail.'' In the letter, Dr. King writes of the necessity of Reverend Shuttlesworth's direct action campaign, fighting ''broken promises'' and ''blasted hopes.'' The two words ''broken'' and ''blasted'' meant so much to them personally because both were attacked so frequently.

In September 1963, the 16th Street Baptist Church was bombed, murdering four little girls, and the movement's grief and responsive resiliency helped pass the Civil Rights Act of 1964.

The next year, he helped organize the historic march from Selma to Montgomery, across the Edmund Pettus Bridge, to fight voting discrimination in Alabama and across the South, galvanizing meeting after meeting with his fiery words. He soon arrived in Cincinnati, coming across the Ohio River, as pastor of the Greater New Light Baptist Church in Avondale.

He trained Freedom Riders in nearby Oxford, OH, at the Western Campus for Women then, now affiliated or absorbed by Miami of Ohio, one of our great State universities. He trained those Freedom Riders, thousands of activists who would travel south to register Black voters.

Reverend Shuttlesworth fought for racial equality in Cincinnati schools, in city councils and police departments, empowering low-income families through education, jobs, and housing for decades to come.

I would like to read from and ask unanimous consent to have printed in the RECORD the editorial from the Cincinnati Inquirer from October 5, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWN of Ohio. I would like to share a couple of words from the Cincinnati Inquirer. This is the beautifully written Cincinnati Inquirer editorial about Reverend Shuttlesworth:

> He once told the Tampa Tribune it helped to have a ''little divine insanity—that's when you're willing to suffer and die for something.''

They also wrote:

Perhaps nowhere is his ultimate triumph more evident than in the renaming of the Birmingham airport to the Birmingham-Shuttlesworth International Airport—a public tribute in a city where once a Ku Klux Klan member who was a police officer warned him to get out of town as fast as he could.

Needless to say, the airport was named after Reverend Shuttlesworth, not after the KKK police officer.

It was an honor to get to know Reverend Shuttlesworth and to learn from him. In 1998, I first met this historic figure of the civil rights movement—unknown to far too many people—in Selma, AL, during a pilgrimage with Congressman JOHN LEWIS, who was beaten perhaps more than anybody in the civil rights movement. It was an opportunity to spend some time with Reverend Shuttlesworth in Selma in the late 1990s.

I visited his church in 2006. I heard him preach, and then, at his retirement party a while after that—not too many years ago—I heard him preach again and got the chance to get a tour at his retirement party, a tour of the small museum in his modest church celebrating his life but more set up to honor and commemorate the civil rights movement in the most personal kind of way. It is impossible for me to really describe the feelings I had as he talked to a small group—Connie, my wife, and me—a small group of us as we toured this very small museum in a room at the church. It was just packed with all kinds of mementoes and commemorations of the civil rights movement and Reverend Shuttlesworth's fight in those days in Alabama. From those pictures and his memory, you learn not just about a man's life but about our Nation's history.

The passage of the most basic civil rights laws would not have occurred without his vision and fortitude. We honor his legacy in his passing, but we are also charged with upholding a sacred duty to take his lead, and that is because progress in our Nation is never easy. Passage of voting rights or civil rights was not the result of one man's great speech in Washington or one famous march across the Edmund Pettus Bridge.

EXHIBIT 1

SHUTTLESWORTH 'TRULY A MAN OF COURAGE, CONVICTION AND INTEGRITY'

Cincinnati Enquirer Editorial, Oct. 5, 2011

In 1955, the Rev. Fred Shuttlesworth was a young pastor in Birmingham, Ala., preaching sermons on equality and working in his segregated city on the issues before him, such as adding street lights to African-American neighborhoods.

But after he petitioned the Birmingham City Council to hire African-American police officers, a larger calling took hold of him.

He saw his role as helping to lift African Americans—and the rest of his countrymen—from another sort of darkness: that of racial bigotry.

He became a restless, outspoken advocate for integration, a co-founder of the Alabama Christian Movement for Human Rights, and a leader of the Civil Rights movement.

His death Wednesday in Birmingham left a sense of national loss, strongly felt in Cincinnati, where he spent most of his adulthood and served as pastor of two churches.

We feel that sense of loss, recognize the depth of his accomplishment and give thanks for the example he set.

In Birmingham and Cincinnati, the eloquent Rev. Shuttlesworth appealed to moral conscience and championed everyday causes. He sat at lunch counters with young protesters in Birmingham, held ''wade-ins'' at segregated beaches in St. Augustine, Fla., and later in life established the Shuttlesworth Housing Foundation to help low-income Cincinnatians afford a home.

He was focused, undeterrable, bold. He challenged Birmingham's white power structure at every turn. He refused to flinch at bombings of his church and home. He urged civil rights leaders to be more assertive, labeling the 1963 campaign to desegregate Birmingham ''Project C''—for confrontational.

He once told the Tampa Tribune it helped to have ''a little divine insanity—that's when you're willing to suffer and die for something.''

But instead of becoming a martyr, the Rev. Shuttlesworth lived to become one of the movement's elder statesmen.

The sound of his name alone revived memories of Freedom Riders and police fire hoses, of the relentless drive of young civil rights leaders and the stubborn resistance of the Old South. Perhaps nowhere is his ultimate triumph more evident than in the renaming of the Birmingham airport to the Birmingham–Shuttlesworth International Airport—a public tribute in a city where once a Ku Klux Klan member who was also a police officer warned him to get out of town as fast as he could.

He replied that he didn't run. And, in Birmingham and Cincinnati, he never did. And he never stopped.

As the Rev. Martin Luther King Jr. once wrote to him, ''May God strengthen your spirit and uplift your heart that even your accusers will be forced to admit that truly you are a man of courage, conviction and integrity.''

Mr. BROWN of Ohio. The fight for women's rights and fair pay and protections for the disabled, none of those fights were easy, yet in the last few years, we celebrated the 90th anniversary of the 19th amendment, the 75th anniversary of Social Security, the 45th anniversary of the Voting Rights Act, the 20th anniversary of the Americans with Disabilities Act.

What have we done here this year? How will we show the march toward justice is the mark of our Nation's progress? We do so by marching with his spirit rather than standing in his shadow.

Dr. King said of Reverend Shuttlesworth, he ''proved to his people that he would not ask anyone to go where he was not willing to lead.'' That is a testament to his courage.

Four years ago, then a candidate for President, Senator Obama escorted a wheelchair-bound Reverend Shuttlesworth across the Edmund Pettus Bridge in Selma. It was symbolic. It showed yet again Reverend Shuttlesworth leading us across another bridge.

On behalf of a grateful State, Ohio, and in partnership with Senator PORTMAN from Ohio, Senator SHELBY from Alabama, and Senator SESSIONS from Alabama, I offer my deepest condolences to the Shuttlesworth family and to all of his friends and to all of his loved ones.

Mr. President, I will offer this resolution, and I think we will be looking at it later today, offered by Senators PORTMAN, SESSIONS, SHELBY, and myself. I will ask for passage later.

## TRIBUTE TO GARY BERMEOSOLO

Mr. REID. Mr. President, today I rise to congratulate Gary Bermeosolo who is retiring from his position as Administrator at the Nevada State Veterans Home in Boulder City. Gary dedicated more than 40 years of his life to serving our Nation's veterans and he touched many lives in the process. Nevada has been very fortunate to have a man like Gary working for our veterans, and I am privileged to recognize his accomplishments today.

After returning from service in the U.S. Navy, Gary began his career in Idaho. For more than 20 years, Gary worked as the director of Veterans Services in that State. The Idaho Statesman awarded Gary with the Distinguished Citizen's award. He was also invited as the Honor Marshall for the Fourth of July Parade in Boise.

Before my friend Chuck Fulkerson decided to retire from the Nevada Office of Veterans Services, he recruited Gary to come to Nevada. Gary took a position as the administrator of the Nevada State Veterans Home. This wasn't an easy task, and the new facility was facing many significant challenges. Gary worked diligently to address the concerns of the Veterans Affairs Administration and ensure that Nevada's facility complied with Federal regulations. Since Gary's arrival, the Nevada Veterans Home has provided first-class healthcare to Nevada's veterans and their family members. After a troubled start, the Nevada State Veterans home was recognized as one of the top 100 nursing homes in the Nation. That accomplishment would never have occurred without Gary's leadership and his dedicated staff.

Gary's commitment to service is evident in nearly all of Gary's pursuits. Not only did Nevada's veterans benefit from Gary's creative problem solving, but he also spearheaded improvements in Veteran care through his work with the National Association of State Veterans Homes. As a legislative officer, a regional director, and as the president of the organization, Gary used the lessons he learned in Nevada to help veterans throughout the Nation. Just last year, Gary testified before a House of Representatives Subcommittee in support of increased flexibility in Federal payments for State veterans homes. The lives of many veterans have been directly impacted by Gary's tireless legislative advocacy for improved care.

The mission of the Nevada State Veterans Home is Caring for America's Heroes. No one has embodied that spirit

of service better than Gary Bermeosolo. Over the past decade, I have had the opportunity to work with Gary on many occasions. He has been a pleasure to work with. I have always been impressed by Gary's ability to innovate and find solutions for our Nevada veterans.

Even in retirement, I am confident that Gary will continue to be a tireless advocate for those who have worn the uniform. On behalf of all Nevadans and all Americans, I am proud to thank Gary for his service to this Nation's veterans.

## TRIBUTE TO JOHN W. DEARMON

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a respectable and courageous Kentucky veteran, Mr. John W. Dearmon of Somerset, KY. John served his country for 28 years, from 1943 to 1971, as one of our country's very first Navy SEALs.

John moved to Burnside, KY with his family when he was a boy in 1936. During World War II John was chosen to be part of a class of 141 that produced the first 27 Navy SEALs from underwater demolition teams. During the war, John was in command of a 45-foot intercoastal patrol boat that navigated the harbor and coast of Guam in the Western Pacific.

SEAL training for John consisted of 16 weeks of basic training, with 6 weeks of underwater swimming school. In addition, John recalls parachuting from 30,000 feet during jump school—his team was capable of jumping from up to 43,000 feet but he never had to jump from that altitude.

John is very proud of his service to his country and claims the Navy made him tough. Being a Navy SEAL instilled in John the courage to feel like he can accomplish anything, a trait he takes great pride in. John's formal education ended after he finished the 8th grade, however, he believes he received a real education about how to succeed in life from the Navy.

John W. Dearmon is a true American hero and patriot who is an inspiration to the great people of Kentucky. In fact, when asked if he ever thought about quitting during his arduous assignment, he responded, ''No! Absolutely not! I'm an old Kentucky farm boy. I'm gung-ho. I never thought about quitting.''

John devoted his life to protecting the liberty and freedom our great country was founded upon, and I commend him for his bravery and honor. The Pulaski County Commonwealth Journal recently published an article to honor John's life and accomplishments. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Pulaski County Commonwealth Journal, Aug. 13, 2011]

LIFE OF A SEAL: JOHN DEARMON WAS ONE OF ORIGINAL 27 ELITE FORCES

(By Bill Mardis)

''It felt great! I would love to have been with them . . . I started and they finished it for me!''

A Pulaski County man can feel heartbeats of the U.S. Navy SEALs as they moved in and killed terrorist mastermind Osama Bin Laden in a firefight. John W. Dearmon knows their thoughts, their toughness and resolve. He was one of the original SEALs. In his mind, he will always be a SEAL.

Dearmon was in a class of 141 during early World War II that produced the first 27 SEALs. ''In my class, we ended up with 27 SEALs, originating from underwater demolition teams. The class was too tough for 114. They didn't make it. They dropped out.''

''I didn't join, I was picked. They picked the best men . . . I was one of them. I was proud to be a part,'' Dearmon said.

Dearmon cringed in sorrow a few days ago when a helicopter crashed in eastern Afghanistan and killed 22 Navy SEALs who were being flown in to assist an Army Rangers unit pinned down by enemy fire. The United States Navy's Sea, Air and Land Teams, commonly known as Navy SEALs, are the U.S. Navy's principal operation force and a part of the Naval Warfare Command.

SEALs are tough hombres. Few there are who can qualify.

''It just doesn't get any tougher. It's really tough. You don't make it if you don't have endurance,'' said Dearmon. ''Basic underwater demolition training . . . that's the hard part, getting through that.'' ''Basic training lasts 16 weeks, and there are six weeks in underwater swimming school.''

''Did you ever think about quitting?''

''No! Absolutely not! I'm an old Kentucky farm boy. I'm gung ho. I never thought about quitting.''

''Were you ever scared?''

''Well, I really don't know how to answer that. I was anxious a few times.''

Dearmon was in command of a 45-foot intercoastal patrol boat, patrolling the harbor and intercoastal areas around Guam in the western Pacific. The boat carried eight depth charges, anti-submarine warfare weapons intended to destroy or cripple a target submarine by the shock of exploding near it.

''We dropped depth charges,'' recalled Dearmon. ''I never knowingly got results, but more than likely we did (get results),'' he mused. Dearmon was quick to point out that he never engaged in hand-to-hand combat as did the SEALs who killed Bin Laden.

Dearmon parachuted from 30,000 feet. ''We could jump from up to 43,000 feet, but I never jumped that high.'' Dearmon pointed out that equipment available to his first unit of SEALs is ''like a caveman'' to what they have today. ''The electronic equipment, it's so advanced.''

''You're still tough,'' a reporter suggested to the young-looking 87-year-old.

''I still think I'm tough . . . at least for a little while,'' he grinned. Despite his age, Dearmon said he is in relatively good health and ''. . . I can take care of myself.''

His wife, the former Margaret Louise Bray, died July 21. They were married 57 years. ''I was devastated (when she died) but I'm getting so I can get along. I'm able to get around.''

He goes out for coffee with a group of friends every Thursday morning. It was a friend, Jim Cundiff, who called the Commonwealth Journal and asked: ''Do you know that one of the original Navy SEALs lives in Pulaski County?''

The suggestion led to a meeting with Dearmon and a story appropriate for the times, when Navy SEALs are again in the news.

Dearmon, a native of Tennessee, moved to Burnside with his family in 1936. He left in 1940, working with the Civilian Conservation Corps (CCC). He joined the Navy in June 1943 and served 28 years, retiring in 1971.

''Would he do it all over again?''

I loved every minute I was in the Navy. I'm proud of my life. I didn't have much (formal) education. I finished the 8th grade . . . but in the Navy I got a real education. I feel like I can do anything. I built this house (at 125 East Summit Drive, Somerset) in 1972. I had never built anything before, but I got a 'How To' manual and went to work.''

## TRIBUTE TO JENNY BOWLING

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a devoted mother, parent, and fixture of the Colony Elementary School lunchroom staff, Ms. Jenny Bowling of Laurel County, KY. Jenny's love for cooking and sharing great food with people led to a long and fulfilling 38-year career as a cook and lunchroom manager at Colony Elementary.

Jenny began her career as a lunchroom cook in May of 1959 so that she could be close to her three children, who were enrolled at Colony Elementary at the time. She grew close to the teachers and other school staff over the years. She also served as the lunchroom manager. This included cooking as well as running the cafeteria, keeping payroll records and processing the free lunch forms.

In addition, Jenny was an avid volunteer within the school. Jenny was a member of the PTO and rarely missed a meeting. The value and importance of school involvement to Jenny was irreplaceable, a tradition that is still very much alive within her today—Jenny still volunteers every year at Colony Elementary's annual Thanksgiving celebration by assisting in the lunchroom preparation of the traditional turkey and stuffing meals. Jenny passionately served the children and staff of Colony Elementary for almost four decades before she retired in 1997.

Ms. Jenny Bowling's lifetime commitment to serving Colony Elementary with smiles and home-style meals is truly admirable and an inspiration to the citizens of our great Commonwealth. The Laurel County Sentinel Echo published an article highlighting and thanking Jenny for her service to the people of Kentucky. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Laurel County Sentinel Echo, 2011]

HOMESTYLE TRADITIONS: JENNY BOWLING KEEPS CAFETERIA RECIPES ALIVE IN HER KITCHEN AT HOME

(By Magen McCrarey)

In May 1959, Jenny Bowling pulled a hairnet over her soft locks to prepare for 38 years working within school cafeterias.

''At the time we peeled our own potatoes,'' Bowling recalled.

Today, she observes that lunch is just not made like it used to be with instant boxed potatoes, nutritional charts to follow and new regulations. Bowling reminisced about the days she spent at Colony Elementary School with fellow cooks, Ada Clay and Thelma Lincks, and soon after, Opal Nicholson and Maggie Wilkerson, rolling out dough for yeast rolls, mixing cornmeal and flour for cornbread and putting their own personal touch on recipes.

Working at Colony in western Laurel County was ideal for Bowling, being a short distance away from her home while her three children were enrolled in classrooms just down the hall from the lunchroom.

Over the years, Bowling became close to the school staff and to the teachers especially. Her time was not always spent with her hands in the dough; she kept records of payroll, processed the free lunch forms and ensured that the cafeteria ran smoothly in her position as lunchroom manager.

''People who weren't in the lunchroom had no idea the bookwork involved,'' she said.

Children at the school who could not afford to pay for their lunch would be hired as help for the cafeteria, Bowling said, to help serve food, and, on occasion, wash dishes in exchange for payment.

Bowling made only $25 a week to help with the bills, while her husband, Oscar, was out on the road driving a truck to help support the four. Her youngest son at the time, Larry, had not started school yet and so $10 of her pay was handed to a babysitter.

Being involved with the school was very important to Bowling. As an avid PTO volunteer and member, she rarely missed a meeting. School involvement is still something she continues to value, even now that her children have graduated and have children of their own.

''My oldest, Charlotte, is 60 years old,'' she noted.

Bowling continues to volunteer at Colony Elementary's annual Thanksgiving celebration. Bowling assists in the lunchroom preparations for the traditional turkey and stuffing feast, although she's still adjusting to the new way of doing things which usually involves using up-to-date machines for mass meal production.

''The equipment is so new and different,'' she commented.

Instead of children dropping pocket change and crumpled dollar bills for the lunchroom staff to count and pencil in, computers are now used to calculate change and handle payments.

''The last year I was there they started using computers,'' Bowling said. She retired in 1997.

Even though the old homestyle recipes are no longer prepared at the school's cafeteria, Bowling still keeps the recipes alive in her own kitchen. Every Sunday, Bowling cooks for her family.

''I love to cook if people like to eat.''

## HONORING OUR ARMED FORCES

PETTY OFFICER 1ST CLASS CALEB A. NELSON

Mr. NELSON of Nebraska. Mr. President, I rise today to honor a true American hero, PO Caleb Nelson of Nebraska, who was tragically killed on October 1, 2011, in Zabul Province, Afghanistan.

Caleb graduated from Navy boot camp 6 years ago to become a machinist's mate. However, he aspired to be the best-of-the-best and, in November 2006, graduated from SEAL qualification training and became a member of Naval Special Warfare Group Two. Caleb has been described by his commander as a cherished teammate and a gifted SEAL operator. This is certainly illustrated by the numerous awards and decorations he amassed during his short time in the service, including the Bronze Star with Valor, Purple Heart, Navy and Marine Corps Achievement Medal, Expert Rifle ribbon and Expert Pistol ribbon. Before deploying to Afghanistan this past March, Caleb had deployed to Iraq in 2009.

Not only was Caleb a dedicated combat veteran, he was a loving husband, father, and son. His father, Reverend Larry Nelson, remembers his son as a go-getter and a truly good person. His friends and neighbors tell a similar tale. Karen Wagner, Caleb's neighbor, remembers him as a wonderful kid who was always willing to help out, even if it came down to mundane things such as cleaning out the gutters.

Caleb Nelson's life came to a cruel end when his vehicle hit an improvised explosive devise while his SEAL team was conducting mounted combat reconnaissance patrols. I pray that Caleb's family and friends find strength during this trying time and my condolences go out to them. Caleb's service and sacrifice, his heroism and selflessness will remain an inspiration for all of us.

## TAIWAN'S NATIONAL DAY

Mr. JOHNSON of South Dakota. Mr. President, I rise today to recognize Taiwan as it prepares to celebrate its National Day on Monday. Double Ten Day, as it is known, marks the anniversary of the uprising on October 10, 1911, that led to the collapse of imperial rule in China. This year's commemoration takes on special meaning as Taiwan celebrates the 100th anniversary of this historic day.

Over the years, we have seen Taiwan make a successful transition to democracy, holding elections and peacefully transferring power. As we look back on the achievements of the past century, we also look forward to a bright future for Taiwan. Taiwan is a valued ally of the United States. The United States has enjoyed a close friendship with Taiwan for many years, and I will continue working to strengthen this relationship.

I wish the people of Taiwan sincere congratulations and best wishes on the 100th anniversary of their National Day.

Mr. LIEBERMAN. Mr. President, I rise to draw the attention of my colleagues to the approach of a very special day in the history of our friend and partner, the Republic of China—ROC—on Taiwan. On October 10, 1911—precisely 100 years ago—the Republic of China was founded, and since then has celebrated October 10 as its National Day.

Over the course of this century, the Republic of China has been a firm friend of the United States—from World War II to the Cold War, up to the present day. More recently, the ROC on Taiwan has emerged as one of the great success stories of the past century—a free market democracy that is a model for the entire region.

I believe that it is especially appropriate to note this anniversary on the Senate floor because of the unique and important role that the U.S. Congress has played in supporting the U.S.-Taiwan relationship, by virtue of the Taiwan Relations Act. Unique among all of our international partnerships, the TRA established in law America's commitment to support the people of Taiwan as they seek a safe and secure place in the world.

I am grateful for the opportunity to wish the people of Taiwan my congratulations on this auspicious anniversary, and hope my colleagues will join me in celebrating a very special National Day.

## NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCAIN. Mr. President, I rise to continue the discussion that I began Monday with the majority leader, Senator REID, on the need to bring the national defense authorization bill to the floor of the Senate.

Since our colloquy Monday, Senator REID has sent a letter to the chairman of the Armed Services Committee, Senator CARL LEVIN, and me. I would like to have a copy of the letter printed in the RECORD.

In the letter, Senator REID lays out his concerns about some of the detainee provisions that were included in the Defense authorization bill as a result of a bipartisan compromise between Chairman LEVIN, myself, and Senator GRAHAM, and cosponsored by a large, bipartisan group of members of the Armed Services Committee. In fact, this compromise was so bipartisan that after extensive debate on many amendments and a number of votes during markup by the committee using the regular order of the Senate, the resulting package of detainee provisions was adopted and made part of the bill by an overwhelming vote of 25 to 1.

Now, I understand that the White House has some objections to these detainee provisions that were adopted by the Armed Services Committee, and Senator REID has essentially endorsed the White House position. In doing so, he is blocking the Defense authorization bill from coming to the floor, using his authority as majority leader to control the business of the Senate.

As I said Monday, I do not think that opposition to this particular provision outweighs the importance of this legislation to our national security mission, our troops, and their families. I stated on the floor Monday that I would work with Senator LEVIN and the administration to try to resolve their concerns about the detainee provisions in the bill. I stand by that commitment. But for the record, I want to address some of the issues raised by the majority leader.

The majority leader quotes White House Deputy National Security Adviser John Brennan from a recent speech he made at Harvard saying, ''Our counterterrorism professionals would be compelled to hold all terrorists in military custody, casting aside our most effective and time-tested tool for bringing suspected terrorists to justice—our federal courts.''

This statement is simply and completely untrue. It is a total mischaracterization of section 1032 of the bill.

The section of the bill dealing with military custody was extensively debated in committee and reflects the bipartisan compromise reached on all the detainee provisions. Section 1032 does not extend to all terrorists.

It applies, as Chairman LEVIN made clear in a public statement on Tuesday, only to members of al-Qaida and its affiliates, like al-Qaida in the Arabian Peninsula which launched the December 2009 attempt to bomb a civilian airliner over Detroit and which subsequently attempted an attack on the United States by using parcel bombs this time last year. And it only applies to members of al-Qaida and its affiliates who are captured in a very narrow set of circumstances: those captured attacking the United States or its coalition allies or attempting or planning such an attack.

This narrow focus is far from Mr. Brennan's claim that military custody would be required for all terrorists. That is simply wrong. It grossly distorts the scope of the provision.

The focus on al-Qaida and its affiliates was intentional. Al-Qaida is and has been for the last 10 years the focus of the Authorization for the Use of Military Force, AUMF, that Congress passed overwhelmingly after the attack on our country on September 11, 2001. We are at war with al-Qaida and its affiliates. The President has said so plainly.

In fact, it was just days ago that the Obama administration used the fact that we are at war with al-Qaida to kill an American citizen, Anwar al-Awlaki, in Yemen. That was a decision I fully support. Awlaki had become a leading operational planner for what administration officials now regard as the branch of al-Qaida that poses the most significant threat to the United States.

The inconsistency in Mr. Brennan's position and, to the extent he speaks for the White House, the administration's national security policy as a whole is that this administration asserts the right—correctly, in my view—to kill a member of al-Qaida or its affiliates through use of military force but would deny that the same individual should be held in military custody if captured. Instead, following Mr. Brennan's point of view, if we capture an al-Qaida terrorist in the very act of carrying out an attack on our homeland or U.S. interests elsewhere, we should revert to law enforcement methods and hold that al-Qaida terrorist under civilian law enforcement standards.

By insisting that law enforcement custody rather than military custody should apply, the administration has to contend with the requirement to provide Miranda warnings to criminal suspects and the Federal rules that require presentment before a Federal magistrate within a short period of time after arrest, normally within 24 to 48 hours, for a criminal suspect to be informed of the charges against them and to be assigned a lawyer.

I would also note that the detainee provision that Mr. Brennan and the majority leader now complain of contains a national security waiver that can be exercised to transfer even members of al-Qaida or its affiliates into civilian law enforcement custody if that is warranted by the circumstances and deemed the appropriate course of action.

I strongly believe the language adopted by the Senate Armed Services Committee is reasonable, fair, and most importantly constitutional. However, as I just stated, I will work with Chairman LEVIN and the administration to remedy any deficiencies in the language. However, I believe the administration must now present to the Senate and the Armed Services Committee its specific concerns. Absent this, I would hope the majority leader would move to this important legislation and let the Senate implement its prescribed duties.

I look forward to hearing from the majority leader and the administration so that the Senate may move forward on this vital and important legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, October 4, 2011.*

Hon. CARL LEVIN,
*Chairman, Senate Armed Services Committee, Washington, DC.*

Hon. JOHN MCCAIN,
*Ranking Member, Senate Armed Services Committee, Washington, DC.*

DEAR CHAIRMAN LEVIN AND RANKING MEMBER MCCAIN: I am writing to follow up on our conversations regarding the detainee provisions (Sections 1031–1036) included in the Armed Services Committee's reported version of the Fiscal Year 2012 National Defense Authorization Act.

As a whole, I strongly support the legislation your Committee has reported. Despite the widely varying views of the members on your committee on many critical issues, you have worked together to craft a bipartisan bill that once again will ensure strong and sustained support for the men and women that sacrifice so much in defense of our nation.

However, as you know, I do not intend to bring this bill to the floor until concerns regarding the bill's detainee provisions are resolved. The Obama Administration and several of our Senate colleagues have expressed serious concerns about the implications of the detainee provisions included in the legislation, particularly the authorization of indefinite detention in Section 1031, the requirement for mandatory military custody of terrorism suspects in Section 1032, and the stringent restrictions on transfer of detainees in Section 1033. As Deputy National Security Advisor John Brennan stated in a recent speech:

[S]ome—including some legislative proposals in Congress—are demanding that we pursue a radically different strategy. Under that approach, we would never be able to turn the page on Guantanamo. Our counterterrorism professionals would be compelled to hold all captured terrorists in military custody, casting aside our most effective and time-tested tool for bringing suspected terrorists to justice—our federal courts. . . . In sum, this approach would impose unprecedented restrictions on the ability of experienced professionals to combat terrorism, injecting legal and operational uncertainty into what is already enormously complicated work.

I share the concerns about these provisions. I strongly believe that we must maintain the capability and flexibility to effectively apply the full range of tools at our disposal to combat terrorism. This includes the use of our criminal justice system, which has accumulated an impressive record of success in bringing terrorists to justice. Limitations on that flexibility, or on the availability of critical counterterrorism tools, would significantly threaten our national security.

I have no doubt that you share my commitment to maintaining an effective counterterrorism policy, and you have a strong record demonstrating that commitment. As important as the broader bill is to sustaining the strength of our Armed Forces, I hope we will be able to resolve these concerns quickly so that the legislation can be passed expeditiously. To that end, I want to make my staff available to work with your staff on possible solutions to these concerns.

Thank you for your outstanding leadership on the Armed Services Committee. I look forward to working with you on this issue, and on maintaining the strength and superiority of our national defense.

Sincerely,

HARRY REID.

## FOREIGN AID FUNDING

Mr. LEAHY. Mr. President, as chairman of the Appropriations Subcommittee on the Department of State and Foreign Operations, I have strongly supported funding to protect U.S. interests around the world.

I am also fortunate to have Senator LINDSEY GRAHAM as a ranking member, who, like Senators Judd Gregg and MITCH MCCONNELL before him, is a strong supporter of these programs. We recognize, as does the Pentagon, that military power alone is not sufficient to protect our security. In fact, sending Americans into harm's way should be an absolute last resort. We also need to invest in international diplomacy and development.

Foreign aid today is an oft-maligned term that is widely misunderstood. It is viewed by many as a form of charity or a luxury we can do without, or as a sizable part of the Federal budget. It is none of those things.

This is not a Democrat or Republican issue. It is about whether the United States is going to remain the global leader it has been since World War Two. Three weeks ago, President George W. Bush said:

One of the lessons of September 11th . . . is that what happens overseas matters here at home We face an enemy that can only recruit when they find hopeless people, and there is nothing more hopeless to a child who loses a mom or dad to AIDS to watch the wealthy nations of the world sit back and do nothing.

Former Secretary of State Condoleezza Rice was equally blunt about the stakes involved. She said:

We don't have an option to retire, to take a sabbatical from leadership in the international community and the world. If we do, one of 2 things will happen. There will be chaos, because without leadership there will be chaos in the international community, and that is dangerous. But it's quite possible, that if we don't lead, somebody else will. And perhaps it will be someone who does not share our values of compassion, the rights of the individual, of liberty, and freedom.

I could not agree more, and I hope other Senators appreciate what is at stake. Just as past generations rallied to meet the formidable challenges of the Great Depression, the Nazis, and the Cold War, we will bear responsibility if we fail to meet the challenges of today.

The budget for diplomacy and development includes funding for our embassies and consulates that assist the millions of Americans who travel, study, work and serve overseas.

It pays our contributions to U.N. peacekeeping missions that do not require the costly deployment of U.S. troops, UNICEF, the World Health Organization, the International Atomic Energy Agency, the operations of our NATO security pact, aid for refugees who have fled wars or natural disasters, and to prevent the spread of AIDS, the Asian Flu, and other contagious diseases that threaten Americans and people everywhere.

There are many other programs that promote U.S. exports, support democratic elections, combat poverty, and help build alliances with countries whose support we need in countering terrorism, thwart drug trafficking, protect the environment, and stop cross-border crime.

We do this and a lot more with less than 1 percent of the Federal budget, yet it is a crucial investment in our national security.

It also is no wonder that other countries—our allies and our competitors—are spending more each year to project their influence around the world, and to compete in the global marketplace. Great Britain's conservative government is on a path to increase its international development assistance to .7 percent of its national budget, compared to .2 percent for the United States. Yet the Republican majority in the House of Representatives proposes to slash funding for these programs to pre-2008 levels.

Our leadership is being challenged unlike at any time since the Cold War. In Latin America, which is a larger market for U.S. exports than any other region except the European Union, our market share is shrinking while China's is growing. It is the same story everywhere.

There is simply no substitute for U.S. global leadership. The world is changing, and we cannot afford to retrench or to succumb to isolationism. Funding that enables us to engage with our allies, competitors, and adversaries, while an easy political target, helps us to meet growing threats to our struggling economy and our national security.

I strongly support this budget and have fought to protect it for years. I also know there are competing needs and that we have to eliminate waste.

We need to support what works, and stop funding what does not. Too often, government bureaucracies continue funding programs that fail, and that needs to stop. Billions of dollars provided to high priced contractors and consultants for poorly conceived, wildly extravagant, unsustainable efforts to rebuild Iraq and Afghanistan have been wasted or stolen. This has further damaged the public's opinion of foreign aid.

The bill that I and Senator GRAHAM recommended to the Appropriations Committee on September 21 and that was reported by a bipartisan vote of 28–2 is $6 billion below the President's budget request. It scales back most Department of State and U.S. Agency for International Development operations and programs and will force them to significantly curtail planned expenditures.

But the House bill cuts far deeper, and these are the cuts that President Bush and Secretary Rice warned about. There are unmistakable signs that our global influence is already eroding. It is not preordained that the United States will remain the world's dominant power. As former Secretary Rice said, ''if we don't lead, somebody else will.''

I doubt there is a single Member of Congress who, if asked, would say they don't care if the United States becomes a second or third rate power. They expect the United States to lead, to build alliances, to help American companies compete successfully, and to protect the interests and security of its citizens.

You can't have it both ways. You can't expect others to follow if you can't lead, and you can't lead if you don't pay your way. This budget is a fraction of the Federal budget, yet it is a far cry from what this country should be investing.

We need to wake up, to stop acting like these investments don't matter, that the State Department isn't important, that the United Nations isn't important, that what happens in Brazil, Russia, the Philippines, Somalia, or other countries doesn't matter, and that global threats to the environment, public health and safety will somehow be solved by others.

Our budget for foreign operations already has gone through deep budget cuts, with more to come. But the American people deserve to be told that slashing, disproportionate cuts to these programs would have no appreciable impact on the deficit, and it would end up costing our country far more in the future.

## 2011 DAVIDSON INSTITUTE FELLOWS

Mr. GRASSLEY. Mr. President, today, I have the great honor and pleasure to recognize this year's Fellows for the Davidson Institute for Talent Development. This year, 18 young people under the age of 18 have been awarded scholarships of $50,000, $25,000, or $10,000 for having demonstrated superior ability and achievement and having completed a significant piece of work in the areas of science, music, literature, mathematics, or technology. I would like to take this time to introduce each of these scholars and the various projects they have undertaken.

In the area of science, we have eight young students with remarkable projects that have contributed to scientific progress. Among this group of scholars is Shalini Ramanan. A 17-year-old young woman from Richland, WA, Shalini Ramanan worked with a natural dietary component of the spice turmeric called BC to test its effectiveness in treating cardiovascular diseases. Through cell migration assays and western blot techniques, she discovered that BC inhibited platelet-derived growth factor (PDGF)-induced vascular smooth muscle cell migration and signaling. Using bioinformatics, she identified target genes connected with signaling pathways. PDGF-stimulated cell-migration and proliferation are key pathological events in a variety of diseases including atherosclerosis and cancer. Her studies may help design and characterize novel drug molecules with clinical applications.

A 17-year-old young man from Mahopac, NY, Jayanth Krishnan developed an approach to infer regulatory mechanisms governing changes in gene expression and identified possible proteins that induce cancer. By creating a web interface that could predict transcription factors for dis-regulated genes, and mathematical models using MATLAB, he was able to predict proteins that are correlated with certain cancer families. Using this information, he calculated several combinations of drugs, for 60 different cancers, that have the potential to counteract the inducing agents and better guide therapeutics.

Lucy Wang, a 17-year-old young woman from Garnet Valley, PA, developed a predictive model to detect adolescent depression with an overall correct classification of 83.66 percent. Untreated depression is the No. 1 cause of suicide and the third leading cause of death among teenagers. Using factor analysis and logistic regression, she focused on quantifying variables that may lead to adolescent depression, including student self-reported experiences and demographics. Lucy's model

will offer a robust instrument for school psychologists to evaluate the risk of future depression.

A 17-year-old young man from Houston, TX, Sunil Pai constructed an inexpensive, nanotechnology-based system to determine quantum energies of superoxide. By examining oxygen in the liquid phase instead of the gas phase, his potentiostat system can determine the quantum structure for the electron attachment reaction of oxygen to superoxide. The determination of oxygen's physical properties is essential to fully understanding the role oxygen and many free radicals have in cell processes. This experimentation method may establish other molecular properties that will offer new insights into biological and environmental processes.

Caleb Kumar, a 15-year-old young man from Blaine, MN, developed an algorithm that automates the diagnosis of bladder cancer. Bladder cancer is on the rise with more than 71,000 new cases in 2009. By first identifying indicative bladder cancer cellular characteristics, Caleb programmed morphometric algorithms to quantitatively examine the bladder cell images, and then engineered a Java neural network that differentiates cancerous cells from normal cells based on shape, color and curvature. Caleb's software is accurate, quick and inexpensive compared to current methods, and has the potential to provide faster, cheaper and more precise diagnoses of cytological diseases.

A 17-year-old young man from Bloomfield Hills, MI, Siddhartha Jena demonstrated that the immediate effect of elevated cholesterol is dysfunction of active water, oxygen, and carbon dioxide transport by the red blood cells. Using a spectrofluorometer and Zeta Sizer, he showed that exposure of red blood cells to two compounds: ONO–RS–082 and glyburide, results in an amelioration of cholesterol's detrimental effects. Results from his work broaden the understanding of one of the most significant health risks facing our society, and the possible mechanism for its future treatment and management.

Benjamin Clark, a 15-year-old young man from Lancaster, PA, determined the frequency at which M stars form close binary star systems using spectroscopic data from over 39,000 M dwarf stars. Using the Sloan Digital Sky Survey, SDSS, Benjamin designed a methodology to use the extremely large, but low resolution and signal-to-noise ratio database, to calculate the close binary fraction. Star formation has long been an open question in astrophysics and this data can be used to test theories of how this process occurs.

A 16-year-old young woman from Lancaster, PA, Marian Bechtel designed a seismo-acoustic method for detecting landmines. Approximately 70 million landmines plague 80 countries worldwide, claiming one victim every 22 minutes. With Marian's method, two high-sensitivity, non-contact microphones are swept above buried landmines that resonate in response to a remote seismic source. The recorded sound is noise-cancelled in real-time, creating a characteristic, audible null in the noise-cancelled waveform that isolates the mine's location. This efficient and inexpensive method could make important contributions to humanitarian demining.

Raja Selvakumar, a 15-year-old young man from Alpharetta, GA, developed the gastro microbial fuel cell, GMFC. Based on the microbial fuel cell, the GMFC generates electricity using gastrobacteria, to be used to power capsular nanobots. Current lithium ion batteries in biomedical capsular nanobots are not able to sustain power for long periods of time; the GMFC has the potential to solve this problem. The GMFC-powered capsular nanobot can play an important role in treating gastrointestinal diseases through intracellular diagnosis and surgery.

In the area of mathematics, there are three young people who I would like to recognize at this time. Matthew Bauerle, a 16-year-old young man from Fenton, MI, outlined how the Newton direction can be computed by solving a weighted linear least squares problem. When fitting a model to data, such as a line to a set of points, the least squares method is currently the most popular technique. Matthew's work focused on minimizing the L1 norm of the error which is the sum of the absolute values of the individual errors. Matthew's work has potential in the medical imaging and scanning fields, as well as facial recognition and fluid dynamics simulations.

A 16-year-old young woman from Carmel, IN, Rebecca Chen studied a generalized version of the Yang-Baxter equation. The Yang-Baxter equation provides a systematic method for discovering braid group representations, important in topology and quantum information science. Using algebraic computations and computer numerical checking, she classified three families of 8x8 matrix solutions to the generalized Yang-Baxter equation. These solutions provide a way to generate braiding quantum gates needed in quantum computing, and contribute to the ongoing effort to build a large-scale quantum computer, bringing advances in fields as far ranging as materials sciences and cryptography.

Anirudh Prabhu, a 16-year-old young man from West Lafayette, IN, established the first nontrivial analytic lower bounds for odd perfect numbers. The search for odd perfect numbers is one of the oldest unsolved problems in mathematics. Many upper bounds for odd perfect numbers are established, however, no nontrivial analytic lower bounds had been reported prior to Anirudh's work. By narrowing the gap between analytic upper and lower bounds, his work suggests an approach for proving the nonexistence of odd perfect numbers and could contribute to data encryption technology.

Two remarkable young people received awards for their technology projects. A 16-year-old young man from Columbia, SC, Arjun Aggarwal created GNut-III, an anthropometric interactive robot with vision, intelligence and speech. He found the lack of an economically efficient and functional human robot has prohibited researchers from continuing to expand the field of robotics. To counter this, the GNut-III is economically efficient and functional for testing robotic algorithms. In addition to the GNut-III, Arjun has outlined a scattered open source community to work on a standardized platform that could transform robotics in the same way it has transformed computing.

A 16-year-old young woman from Rochester, MN, Cheenar Banerjee developed a method for emotion detection by computers. It remains a challenge for computers to recognize and respond correctly to the emotional states of an interactive user. After removing some facial detail by converting facial images to black-and-white sketches, Cheenar used fractal analyses to differentiate among emotions using the fractal dimensions. This process has the potential to be simpler, cheaper and more effective than current techniques of emotion detection by computers.

In the area of music, I would like to recognize three more scholars. A 14-year-old young woman from Seattle, WA, Simone Porter, in her violin portfolio, Performance as Soundtrack of Process and Identity, examines the progression of performance preparation, from the development of technique and interpretation, to the emergence of a professional identity. This process led her to comprehend the transformative, inspirational and transcendent potency music possesses. Through performance, Simone believes music has the potential to aid our society, and help achieve a kinder, more tolerant attitude toward ourselves and our natural environment. Simone was a featured performer on PBS' ''From the Top at Carnegie Hall.''

A 16-year-old young woman from Gates Mills, OH, Arianna Körting, in her portfolio, Celebration of Life through the Piano, showcased Haydn, Ginastera and Liszt. Through the piano, she hopes to bring audiences into the lives of the great composers to experience their humor, tenderness and brilliance. She believes music has the power to transform space and time because it has been a constant presence even through the most difficult moments in history. Arianna has been featured on NPR's ''From the Top,'' and started The Animato Project, an interactive program of classical music for elementary school children.

Reylon Yount, a 16-year-old young man from San Francisco, CA, created a yangqin, or Chinese hammered dulcimer, portfolio that has contributed

to the preservation of Chinese music, to the introduction of Chinese music to people in the United States, and to the overall interconnection of the music world. His work attempts to take people past the conventional shapes and forms of Western music, helping them appreciate the universality of art. He hopes that such cross-cultural music will build a deeper connection between the East and West, and inspire people to love all music.

And finally, I would like to introduce Bonnie Nortz, a 17-year old young woman with superior achievement in the area of literature. Bonnie's portfolio, Run and Run and Run, explores relationships, identity, materialism, oppression and emotion, and covers topics as broad as tourism, grammar, dreams, cartography, winter and even pre-calculus. Her goal was to find the extraordinary in the mundane, the pure in the imperfect, and to describe that moment of awakening when everything is just the way it should be. Bonnie hopes to teach others how to go through life with an everlasting energy and curiosity and to appreciate the fantastic emotional and intellectual complexity that comprises our human existence.

I have long said that America's gifted and talented students possess remarkable potential for our great Nation. These 18 young individuals have demonstrated more than potential. They have already made significant contributions to their fields and our society in their short lives and one can scarcely begin to imagine how much they will contribute to their fields and society in the years to come, thanks in no small part to the encouragement of the Davidson Institute as well as their, family, friends, and mentors. These young men and women are an inspiration and a reminder that if we fully support our most talented young people, we can look forward to a bright future.

## ADDITIONAL STATEMENTS

### RECOGNIZING MILLS AND MILLS LAW OFFICE

• Ms. SNOWE. Mr. President, today I recognize Mills and Mills Law Office, a small family-owned law firm that has provided vital legal services to the people of western Maine for 100 years.

The Mills family name has long been synonymous with the Farmington area. Sumner Mills began a small law firm there in May of 1911, after moving his family from the coastal town of Stonington, where he had previously opened a small law practice in 1904. Throughout the years, Mills and Mills has offered its customers a wide range of legal services, and at present primarily focuses on estate planning, business issues, and real estate. The company has previously offered fire and casualty insurance. The firm currently has nine staff members, including Paul Mills, the grandson of the founder, who joined the firm in 1977 and is now a senior attorney.

On August 26, 150 members of the Farmington community gathered at the law office to celebrate its 100th anniversary. The date was selected because it marked what would have been the 100th birthday of Peter Mills, Sumner's son and longtime attorney at Mills and Mills. Attendees reminisced about the law firm's storied history, and the event provided an opportunity to look forward to the office's future of helping the residents of western Maine.

Today, I also recognize the longstanding commitment and vast contributions of the Mills family to public service in the State of Maine. Peter, who joined Mills and Mills in 1940, was a member of the Maine House of Representatives for three terms, as well as the State senate for two terms. He also served as a municipal court judge, and was later U.S. attorney for Maine for 16 years under three Presidents. His father had been a State legislator in Hancock County before moving to Farmington.

Many of Peter's children have gone on to follow in their father's and grandfather's footsteps. Janet Mills served in the Maine House of Representatives, and later became our State's first female attorney general. Peter Mills III, a former State senator from Somerset County and twice a candidate for Governor, now serves as executive director of the Maine Turnpike Authority. And Doctor Dora Anne Mills is the former director of the Maine Center for Disease Control and Prevention.

Three generations of the Mills family have worked tirelessly to serve the community in Franklin County and throughout western Maine. With a passion for the law and a dedication to public service, the Mills family has left an indelible mark on Maine history. Mills and Mills remains a tribute to the critical work begun 100 years ago by Sumner Mills. I thank the entire Mills family for all of their efforts, and wish them and everyone at Mills and Mills success in their future endeavors.•

## MESSAGE FROM THE HOUSE

At 10:09 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. 1343. An act to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. INOUYE) announced that on today, October 6, 2011, he had signed the following enrolled bills, previously signed by the Speaker of the House:

H.R. 771. An act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the ''Schertz Veterans Post Office''.

H.R. 1632. An act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the ''Sergeant Chris Davis Post Office''.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1343. An act to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States; to the Committee on Commerce, Science, and Transportation.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1660. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

## 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–3438. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance license agreement for the export of defense articles, including, technical data, and defense services to Norway and Canada for the service life extension of the P-3 aircraft in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3439. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to Japan for the export and assembly of the Vertical Launch ASROC (Anti-Submarine Rocket) (VLA) system in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3440. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom for manufacture, assembly, modification, integration, repair and overhaul of Vertical Gyros, Rate Gyros, Attitude Heading Reference Systems, Compass Systems, Azimuth Gyros and Attitude Indicators; to the Committee on Foreign Relations.

EC–3441. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to Australia

to support the manufacture and sale of ammunition and ammunition components to domestic law enforcement and government agency customers in the approved sales territory in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3442. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are controlled under Category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–3443. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services to Russia for the RD-180 Liquid Propellant Rocket Engine Program in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3444. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Germany, France, Spain, the United Kingdom, Belgium and Turkey for the design, integration, and testing of the Video Distribution and Processing System for use on the A400M Aircraft in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3445. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, or defense services sold commercially under contract to Thailand and Spain to support the design, manufacturing and delivery phases of the Thaicom-6 Commercial Communications Satellite Program in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3446. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to India for the development, integration, certification, and testing of the GE F414-INS6 engine with the Light Combat Aircraft in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3447. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to South Korea for the manufacture and assembly related to MK 45 Mod 4 Naval Gun Mounts; to the Committee on Foreign Relations.

EC–3448. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, or defense services to Germany related to the manufacture of the GE38 engine Low Pressure Turbine Stage 3 Blade in support of the United States Government CH-53K Heavy Lift Helicopter program; to the Committee on Foreign Relations.

EC–3449. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services to Italy related to the manufacture of a Multimode Receiver (MMR); to the Committee on Foreign Relations.

EC–3450. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Certification to Permit U.S. Contribution of Fiscal Year 2010 Funds to the International Fund for Ireland''; to the Committee on Foreign Relations.

EC–3451. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011–0145—2011–0160); to the Committee on Foreign Relations.

EC–3452. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad involving the export of defense articles, including technical data, and defense services to the Republic of South Korea for the manufacture of the AN/APX–113 Combined Interrogator Transponder (CIT) for end use by the Republic of Korea Air Force on their F–16 aircraft; to the Committee on Foreign Relations.

EC–3453. 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 license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services for the manufacture in Mexico of the Common Range Integrated Instrumentation System for end use by the Government of the United States; to the Committee on Foreign Relations.

EC–3454. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the employment of an adequate number of Americans during 2010 by the United Nations; to the Committee on Foreign Relations.

EC–3455. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Early Intervention Program for Infants and Toddlers with Disabilities'' (RIN1820–AB59) received during recess of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3456. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3457. A communication from the Special Master, Civil Division, Office of Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''James Zadroga 9/11 Health and Compensation Act of 2010'' (RIN1105–AB39) received during adjournment of the Senate in the Office of the President of the Senate September 29, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3458. A communication from the Chairman of the National Health Care Workforce Commission, transmitting, pursuant to law, a report relative to the commission's various charges; to the Committee on Health, Education, Labor, and Pensions.

EC–3459. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Sentinel Initiative launched in May 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–3460. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled ''List of Goods Produced by Child Labor or Forced Labor''; to the Committee on Health, Education, Labor, and Pensions.

EC–3461. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled ''The Department of Labor's 2010 Findings on the Worst Forms of Child Labor''; to the Committee on Health, Education, Labor, and Pensions.

EC–3462. A communication from the Program Manager, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Regulations for the Enforcement of Federal Health Care Provider Conscience Protection Laws'' (RIN0991–AB76) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3463. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Wage Methodology for the Temporary Non-Agricultural Employment H–2B Program; Postponement of Effective Date'' (RIN1205–AB61) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3464. A communication from the Chairman of the National Council on Disability, transmitting, pursuant to law, the Council's five-year strategic plan for fiscal years 2012–2017; to the Committee on Health, Education, Labor, and Pensions.

EC–3465. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Isopyrazam; Pesticide Tolerances'' (FRL No. 8874–6) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3466. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prothioconazole; Pesticide Tolerances'' (FRL No. 8884–2) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3467. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State and Zone

Designations; New Mexico'' (Docket No. APHIS–2011–0093) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3468. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota'' (Docket No. APHIS–2011–0100) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3469. 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 ''Gypsy Moth Generally Infested Areas; Additions in Indiana, Maine, Ohio, Virginia, West Virginia, and Wisconsin'' (Docket No. APHIS–2010–0075) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3470. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report entitled ''Combating Terrorism Activities Fiscal Year 2012 Budget Estimates''; to the Committee on Armed Services.

EC–3471. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the continuation of the national emergency declared in Executive Order 13413 with respect to blocking the property of persons contributing to the conflict taking place in the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC–3472. A communication from the Deputy Assistant Secretary of Land and Minerals Management, Bureau of Ocean Energy Management, Regulation, and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Reorganization of Title 30'' (RIN1010–AD79) received in the Office of the President of the Senate on October 3, 2011; to the Committee on Energy and Natural Resources.

EC–3473. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina: Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision'' (FRL No. 9476–5) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Environment and Public Works.

EC–3474. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''California: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 9476–2) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Environment and Public Works.

EC–3475. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Determination of Attainment and Determination of Clean Data for the Annual 1997 Fine Particle Standard for the Charleston Area'' (FRL No. 9477–5) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Environment and Public Works.

EC–3476. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards'' (FRL No. 9477–6) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Environment and Public Works.

EC–3477. 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 ''Procedures for Section 2053 Protective Claims for Refund'' (Rev. Proc. 2011–48) received in the Office of the President of the Senate on October 8, 2011; to the Committee on Finance.

EC–3478. 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 ''Guidance on Electing Portability of Deceased Spousal Unused Exclusion Amount'' (Notice 2011–82) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC–3479. 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 ''Per Diem Rate Substantiation Procedures'' (Rev. Proc. 2011–47) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC–3480. 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 ''Deduction for Qualified Film and Television Production Costs'' (RIN1545–BF94) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC–3481. 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 ''2011–2012 Special Per Diem Rates'' (Notice No. 2011–81) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC–3482. 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 ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rul. 2011–21) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC–3483. 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 ''Nonaccrual-Experience Method of Accounting Book Safe Harbor'' (Rev. Proc. 2011–46) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC–3484. 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 ''Voluntary Classification Settlement Program'' (Rev. Proc. 2011–64) received in the Office of the President of the Senate on October 4, 2011; to the Committee on Finance.

EC–3485. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Approaches for Identifying, Collecting, and Evaluating Data on Health Care Disparities in Medicaid and CHIP''; to the Committee on Finance.

EC–3486. A communication from the Senior Procurement Executive, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Travel Regulation; Terms and Definitions for 'Dependent', 'Domestic Partner', 'Domestic Partnership', and 'Immediate Family'" (RIN3090–AJ06) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3487. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–97 ''Ward Redistricting Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3488. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–154 ''Income Tax Secured Bond Authorization Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3489. A communication from the Chair, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Interpretive Rule on When Certain Independent Expenditures are 'Publicly Disseminated' for Reporting Purposes'' (Notice 2011–13) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2011; to the Committee on Rules and Administration.

EC–3490. A communication from the Federal Register Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes To Implement the Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures Under the Leahy-Smith America Invents Act'' (RIN0651–AC62) received in the Office of the President of the Senate on September 23, 2011; to the Committee on the Judiciary.

EC–3491. A communication from the Federal Register Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision of Standard for Granting an Inter Partes Reexamination Request'' (RIN0651–AC61) received in the Office of the President of the Senate on September 23, 2011; to the Committee on the Judiciary.

EC–3492. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities regarding civil rights era homicides; to the Committee on the Judiciary.

EC–3493. A communication from the Office Chief, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Notice of Expired Temporary Rules Issued'' (Docket No. USCG–2011–0874) received in the Office of the President of the Senate on October 5, 2011; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2012'' (Rept. No. 112–87).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

David A. Montoya, of Texas, to be Inspector General, Department of Housing and Urban Development.

*Patricia M. Loui, of Hawaii, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2015.

*Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection for a term of five years.

*Larry W. Walther, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2013.

*Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers.

*Cyrus Amir-Mokri, of New York, to be an Assistant Secretary of the Treasury.

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*John Edgar Bryson, of California, to be Secretary of Commerce.

*Coast Guard nomination of Rdml David R. Callahan, to be Rear Admiral (Lower Half).

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nomination of Walter L. Ouzts, Jr., to be Lieutenant.

*Coast Guard nomination of Kathleen A. Duignan, to be Commander.

*National Oceanic and Atmospheric Administration nominations beginning with Richard R. Wingrove and ending with Linh K. Nguyen, which nominations were received by the Senate and appeared in the Congressional Record on June 30, 2011.

By Mr. LEAHY for the Committee on the Judiciary.

Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit.

Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana.

Cathy Ann Bencivengo, of California, to be United States District Judge for the Southern District of California.

Gina Marie Groh, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Margo Kitsy Brodie, of New York, to be United States District Judge for the Eastern District of New York.

*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.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 1661. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to reduce class size through the use of highly qualified teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself and Mr. CARDIN):

S. 1662. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology regulatory science program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH (for himself, Ms. KLOBUCHAR, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. PRYOR):

S. 1663. A bill to direct the Secretary of Commerce to establish a competitive grant program to promote domestic regional tourism; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 1664. A bill to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Mr. BEGICH (for himself, Mr. ROCKEFELLER, and Ms. SNOWE):

S. 1665. A bill to authorize appropriations for the Coast Guard for fiscal years 2012 and 2013, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THUNE:

S. 1666. A bill to prohibit the implementation of certain rules of the National Labor Relations Board relating to the posting of notices on unionization; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 1667. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. MORAN, Mr. TESTER, Mr. BEGICH, Mr. WYDEN, and Ms. MURKOWSKI):

S. 1668. A bill to provide that the Postal Service may not close any post office which results in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Mrs. BOXER, and Mr. REID):

S. 1669. A bill to authorize the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase the resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself, Mr. BLUMENTHAL, Mr. DURBIN, Mrs. GILLIBRAND, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MENENDEZ, Ms. MIKULSKI, and Ms. STABENOW):

S. 1670. A bill to eliminate racial profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

By Mrs. HAGAN (for herself, Mr. MCCAIN, Mrs. BOXER, Mr. BLUNT, Mr. GRAHAM, Mr. ISAKSON, Ms. MURKOWSKI, Mr. BROWN of Massachusetts, and Mr. MANCHIN):

S. 1671. A bill to amend the Internal Revenue Code of 1986 to allow a temporary dividends received deduction for dividends received from a controlled foreign corporation; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. SESSIONS):

S. 1672. A bill to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mrs. FEINSTEIN):

S. 1673. A bill to establish the Office of Agriculture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agriculture Inspection, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REED:

S. 1674. A bill to improve teacher quality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. FRANKEN, Mr. BEGICH, Mrs. GILLIBRAND, and Mr. CASEY):

S. 1675. A bill to improve student academic achievement in science, technology, engineering, and mathematics subjects; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE:

S. 1676. A bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt; to the Committee on Finance.

By Mr. WYDEN:

S.J. Res. 28. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COONS (for himself, Mr. SESSIONS, Mr. CARDIN, Mr. ALEXANDER, Mrs. MURRAY, Mr. LIEBERMAN, Mr. REED, Mr. WYDEN, Mr. BINGAMAN, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mr. BROWN of Massachusetts, Ms. COLLINS, Mr. COCHRAN, and Mr. MERKLEY):

S. Res. 288. A resolution designating the week beginning October 9, 2011, as ''National Wildlife Refuge Week''; considered and agreed to.

By Mr. BROWN of Ohio (for himself, Mr. SHELBY, Mr. SESSIONS, Mr. PORTMAN, Mr. LEVIN, Mr. MENENDEZ, Mr. CARDIN, Mr. LAUTENBERG, Mr. INHOFE, Ms. MIKULSKI, and Mr. REID):

S. Res. 289. A resolution celebrating the life and achievements of Reverend Fred Lee Shuttlesworth and honoring him for his tireless efforts in the fight against segregation

and his steadfast commitment to the civil rights of all people; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. ISAKSON, and Mr. BEGICH):

S. Res. 290. A resolution supporting the designation of October 6, 2011, as ''Jumpstart's Read for the Record Day''; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 164

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 202

At the request of Mr. PAUL, the names of the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), the Senator from Oklahoma (Mr. COBURN), the Senator from Missouri (Mr. BLUNT), the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), the Senator from South Dakota (Mr. THUNE), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 299

At the request of Mr. PAUL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 299, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 306

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 556

At the request of Mrs. HUTCHISON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 556, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 798

At the request of Mr. TESTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1061

At the request of Mr. BARRASSO, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1061, a bill to amend title 5 and 28, United States Code, with respect to the award of fees and other expenses in cases brought against agencies of the United States, to require the Administrative Conference of the United States to compile, and make publically available, certain data relating to the Equal Access to Justice Act, and for other purposes.

S. 1167

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1167, a bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes.

S. 1219

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1219, a bill to require Federal agencies to assess the impact of Federal action on jobs and job opportunities, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1392

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

At the request of Ms. COLLINS, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1392, supra.

S. 1438

At the request of Mr. JOHNSON of Wisconsin, the name of the Senator from Idaho (Mr. CRAPO), was added as a cosponsor of S. 1438, a bill to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 7.7 percent.

S. 1486

At the request of Mr. ROBERTS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1486, a bill to amend title XVIII of the Social Security Act to clarify and expand on criteria applicable to patient admission to and care furnished in long-term care hospitals participating in the Medicare program, and for other purposes.

S. 1508

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1508, a bill to extend loan limits for programs of the Federal Housing Administration, the government-sponsored enterprises, and the Department of Veterans Affairs, and for other purposes.

S. 1527

At the request of Mrs. HAGAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1538

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1538, a bill to provide for a time-out on certain regulations, and for other purposes.

S. 1541

At the request of Mr. BENNET, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1589

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1589, a bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey.

S. 1606

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1606, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

S. 1611

At the request of Mr. JOHNSON of Wisconsin, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Arizona (Mr. KYL), the Senator from Texas (Mr. CORNYN), the Senator from Alabama (Mr. SESSIONS), the Senator from Arizona (Mr. MCCAIN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. WICKER), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. RISCH), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. BARRASSO), the Senator from Louisiana (Mr. VITTER), the Senator from Florida (Mr. RUBIO), and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 1611, a bill to reduce the size of the Federal workforce through attrition, and for other purposes.

S. 1639

At the request of Mr. TESTER, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1639, a bill to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

S. 1653

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1653, a bill to make minor modifications to the procedures relating to the issuance of visas.

S. RES. 132

At the request of Mr. NELSON of Nebraska, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

AMENDMENT NO. 669

At the request of Mr. MERKLEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 669 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 671

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 671 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 672

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 672 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 680

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Texas (Mr. CORNYN), the Senator from Mississippi (Mr. WICKER) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 680 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 692

At the request of Mr. JOHANNS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of amendment No. 692 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 703

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 703 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 717

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 717 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 728

At the request of Mr. COONS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 728 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. CARDIN):

S. 1662. A bill to amend the Federal Food, Drug and Cosmetic Act to establish a nanotechnology regulatory science program; to the Committee on Health, Education, Labor, and Pensions.

Mr. PRYOR. Mr. President, I rise today with Senator CARDIN to introduce the Nanotechnology Regulatory Science Act of 2011 which will authorize a program of regulatory science by the U.S. Food and Drug Administration on nanotechnology-based medical and health products.

Nanotechnology holds great promise to revolutionize the development of new medicines, drug delivery, and orthopedic implants while holding down the cost of health care. However, Congress and the FDA must assure the public that nanotechnology-based products are both safe and efficacious. The Nanotechnology Regulatory Science Act of 2011 will enable the FDA to properly study how nanomaterials are absorbed by the human body, how nanomaterials designed to carry cancer fighting drugs target and kill tumors, and how nanoscale texturing of bone implants can make a stronger joint and reduce the threat of infection.

Nanotechnology, or the manipulation of material at dimensions between 1 and 100 nanometers, is a challenging scientific area. To put this size scale in perspective, a human hair is 80,000 nanometers thick.

Nanomaterials have different chemical, physical, electrical and biological characteristics than when used as larger, bulk materials. For example, nanoscale silver has exhibited unique antibacterial properties for treating infections and wounds. Nanomaterials have a much larger ratio of surface area to mass than ordinary materials do. It is at the surface of materials that biological and chemical reactions take place and so we would expect nanomaterials to be more reactive than bulk materials.

The novel characteristics of nanomaterials mean that risk assessments developed for ordinary materials may be of limited use in determining the health and public safety of products based on nanotechnology.

The FDA needs the tools and resources to assure the public that nanotechnology-based medical and health products are safe and effective. The development of a regulatory framework for the use of nanomaterials in drugs, medical devices, cosmetics, sunscreens and food additives must be based on scientific knowledge and data about each specific technology and product. Without a robust regulatory science framework there is no way to know what data to collect. More than a dozen material characteristics have been suggested even for relatively simple nanomaterials. Without better scientific knowledge of nanomaterials and their behavior in the human body, we do not know what data to collect and examine.

In 2007, the FDA Nanotechnology Task Force published a report analyzing the FDA's scientific program and regulatory authority for addressing nanotechnology in drugs, medical devices, biologics, and food supplements. A general finding of the report is that nanoscale materials present regulatory challenges similar to those posed by products using other emerging technologies. However, these challenges may be magnified because nanotechnology can be used to make almost any FDA-regulated product. Also, at the nanoscale, the properties of a material relevant to the safety and effectiveness of the FDA-regulated products might change.

The Task Force recommended that the FDA focus on improving its scientific knowledge of nanotechnology to help ensure the agency's regulatory effectiveness, particularly with regard to products not subject to premarket authorization requirements.

The FDA has already reviewed and approved some nanotechnology-based products. In the coming years, they expect a significant increase in the use of nanomaterials in drugs, devices, biologics, cosmetics, food, and over-the-counter products. This will require the FDA to devote more of its regulatory attention to nanotechnology based products.

The FDA has already begun to devote some resources to the understanding of the human health effects and safety of nanotechnology. The FDA has established a Nanotechnology Core Facility at the National Center for Toxicological Research in Jefferson Arkansas. In August, Arkansas Governor Beebe and FDA Commissioner Hamburg signed a memorandum understanding creating a Virtual Center of Excellence in regulatory science pertaining to nanotechnology. Under the agreement, the state's five research universities—the University of Arkansas, Fayetteville; the University of Arkansas for Medical Sciences; the University of Arkansas at Little Rock; the University of Arkansas at Pine Bluff, and Arkansas State University—will work with the NCTR to establish a nanotechnology collaborative research program dealing specifically with toxicity. In addition, UAMS will offer a Master's degree and a certification program in regulatory science.

Let me talk for a few minutes about two areas where nanotechnology is already being applied to health care, the early detection of cancer and multifunctional therapeutics.

The early detection of cancer can result in significant improvement in human health care and reduction in cost. Nanotechnology offers important new tools for detection where existing and more conventional technologies may be reaching their limits. The present obstacle to early detection of cancer lies in the inability of existing tools to detect these molecular level changes directly during early phases in the genesis of a cancer. Nanotechnology can provide smart contrast agents and tools for real time imaging of a single cell and tissues at the nanoscale.

Nanotechnology promises a host of minimally-invasive diagnostic techniques and much research is aimed at ultra-sensitive labeling and detection technologies. In the in vitro area, nanotechnology can help define cancers by molecular signatures denoting processes that reflect fundamental changes in cells and tissues that lead to cancer. Already, investigators have developed novel nanoscale in vitro techniques that can analyze genomic variations across different tumor types and distinguish normal from malignant cells.

In the in vivo area, one of the most pressing needs in clinical oncology is for imaging agents that can identify tumors that are far smaller than is possible with today's technology. Achieving this level of sensitivity requires better targeting of imaging agents and generation of a larger imaging signal, both of which nanoscale devices are capable of accomplishing.

Perhaps the greatest near-term impact of multifunctional therapeutic compounds will come in the area of tumor targeting and cancer therapies. Nanotechnology can be used to develop new methods of drug delivery that better target selected tissues and cells, and to improve on the efficiency of drug activity in the cytoplasm or nucleus. Drug delivery applications will provide a solution to solubility problems, as well as offer intracellular delivery possibilities.

The introduction of nanotechnology to multifunctional therapeutics is at an early stage of development. The delivery of nanoscale multifunctional therapeutics could permit very precise site specific targeting of cancer cells. More sophisticated ''smart'' systems for drug delivery still have to be developed that sense and respond to specific chemical agents and are tailored to each patient. Multifunctional therapeutic devices need to be developed that simultaneously detect, diagnose, treat and monitor response to the therapy. For example, various nanomaterials can be made to link with a drug, a targeting molecule and an imaging agent to seek out cancers and release their payload when required.

In conclusion, the Nanotechnology Regulatory Science Act of 2011 will provide the FDA the authority necessary to scientifically study the safety and effectiveness of nanotechnology-based drugs, delivery systems, medical devices, orthopedic implants, cosmetics, and food additives regulated by the agency. This bill is a sound investment on the promise of nanotechnology to improve human health and reduce costs in the 21st century.

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. 1662

*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 ''Nanotechnology Regulatory Science Act of 2011''.

**SEC. 2. NANOTECHNOLOGY PROGRAM.**

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

**''SEC. 1013. NANOTECHNOLOGY REGULATORY SCIENCE PROGRAM.**

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Nanotechnology Regulatory Science Act of 2011, the Secretary, in consultation with the Secretary of Agriculture, shall establish within the Food and Drug Administration a program for the scientific investigation of nanomaterials included or intended for inclusion in products regulated under this Act, to address the potential toxicology of such materials, the effects of such materials on biological systems, and interaction of such materials with biological systems.

''(b) PROGRAM PURPOSES.—The purposes of the program established under subsection (a) shall be to—

''(1) assess scientific literature and data on general nanomaterials interactions with biological systems and on specific nanomaterials of concern to Food and Drug Administration;

''(2) in cooperation with other Federal agencies, develop and organize information using databases and models that will facilitate the identification of generalized principles and characteristics regarding the behavior of classes of nanomaterials with biological systems;

''(3) promote intramural Food and Drug Administration programs and participate in collaborative efforts, to further the understanding of the science of novel properties at the nanoscale that might contribute to toxicity;

''(4) promote and participate in collaborative efforts to further the understanding of measurement and detection methods for nanomaterials;

''(5) collect, synthesize, interpret, and disseminate scientific information and data related to the interactions of nanomaterials with biological systems;

''(6) build scientific expertise on nanomaterials within such Administration, including field and laboratory expertise, for monitoring the production and presence of nanomaterials in domestic and imported products regulated under this Act;

''(7) ensure ongoing training, as well as dissemination of new information within the centers of such Administration, and more broadly across such Administration, to ensure timely, informed consideration of the most current science;

''(8) encourage such Administration to participate in international and national consensus standards activities; and

''(9) carry out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

''(c) PROGRAM ADMINISTRATION.—

''(1) PROGRAM MANAGER.—In carrying out the program under this section, the Secretary, acting through the Commissioner of Food and Drugs, shall designate a program manager who shall supervise the planning, management, and coordination of the program.

''(2) DUTIES.—The program manager shall—

''(A) develop a detailed strategic plan for achieving specific short- and long-term technical goals for the program;

''(B) coordinate and integrate the strategic plan with activities by the Food and Drug Administration and other departments and agencies participating in the National Nanotechnology Initiative; and

''(C) develop intramural Food and Drug Administration programs, contracts, memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals of the program.

''(d) REPORTS.—Not later than March 15, 2014, the Secretary shall submit to Congress a report on the program carried out under this section. Such report shall include—

''(1) a review of the specific short- and long-term goals of the program;

''(2) an assessment of current and proposed funding levels for the program, including an

assessment of the adequacy of such funding levels to support program activities; and

''(3) a review of the coordination of activities under the program with other departments and agencies participating in the National Nanotechnology Initiative.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2013, $16,000,000 for fiscal year 2014, and $17,000,000 for fiscal year 2015. Amounts appropriated pursuant to this subsection shall remain available until expended.''.

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By Mrs. FEINSTEIN:

S. 1664. A bill to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Equal Justice for Our Military Act of 2011. The act would eliminate inequities in current law by allowing court-martialed servicemembers who face dismissal, discharge or confinement for a year or more to seek review by the United States Supreme Court.

In our civilian courts today, all persons convicted of a crime, if they lose on appeal, have a right to petition the U.S. Supreme Court for discretionary review. Even enemy combatants have the right to direct appellate review in the Supreme Court.

In contrast, however, our men and women in uniform do not share this same right. Our military personnel have a limited right to appeal to the U.S. Supreme Court. They can appeal to the U.S. Supreme Court only if the U.S. Court of Appeals for the Armed Forces, CAAF, actually conducts a review of their case or grants a petition for extraordinary relief. In other words, if the CAAF refuses to take their case, or denies their extraordinary relief petition, the servicemember has no right to further review in the Supreme Court.

For fiscal years 2008 through 2010, the CAAF denied a total of 2230 petitions for review. The CAAF also averages about 20 denials of extraordinary relief petitions every year. Taken together, this means that there are more than 750 court-martial decisions per year in which servicemembers are denied the opportunity to seek certiorari from the Supreme Court.

In addition to this disparity between our civilian and military court systems, there is another disparity within the military court system itself. The government may petition the Supreme Court for review of adverse court-martial rulings in any case where the charges are severe enough to make a punitive discharge possible. But servicemembers do not have the same rights to petition the Supreme Court that the military prosecutors on the other side of the aisle have.

The bill I am introducing today is a simple one, which would correct these inequities. It would allow servicemembers whose appeals are denied review by the U.S. Court of Appeals for the Armed Forces, or who were denied extraordinary relief, the opportunity to seek review of those decisions by writ of certiorari to the U.S. Supreme Court.

While this legislation would provide a fairer legal process for servicemembers, it would not unduly burden the military or the Supreme Court. As noted in the 2010 House Judiciary Committee Report on the legislation, the expanded Supreme Court review of court-martial decisions authorized by the legislation would result in only about 80–120 additional petitions for certiorari each year. Additionally, the Congressional Budget Office has estimated that the increased workload for Department of Defense attorneys and Supreme Court clerks would cost less than $1 million each year.

Every day, our U.S. service personnel place their lives on the line in defense of American rights. It is unacceptable for us to continue to routinely deprive our men and women in uniform of one of those rights—the ability to petition their Nation's highest court for direct relief. It is a right given to common criminals in our civilian courts, to the Government, and even to some of the terrorists who we hope to prosecute as war criminals.

It is long past time we give them the same rights as the American citizens they fight, and sometimes die, to protect. I urge my colleagues to support this important legislation to give equal justice to our U.S. servicemembers.

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. 1664

*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 ''Equal Justice for Our Military Act of 2011''.

**SEC. 2. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.**

(a) IN GENERAL.—Section 1259 of title 28, United States Code, is amended

(1) in paragraph (3), by inserting ''or denied'' after ''granted''; and

(2) in paragraph (4), by inserting ''or denied'' after ''granted''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 10.—Section 867a(a) of title 10, United States Code, is amended by striking ''The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Appeals for the Armed Forces in refusing to grant a petition for review.''.

(2) TIME FOR APPLICATION FOR WRIT OF CERTIORARI.—Section 2101(g) of title 28, United States Code, is amended to read as follows:

''(g) The time for application for a writ of certiorari to review a decision of the United States Court of Appeals for the Armed Forces, or the decision of a Court of Criminal Appeals that the United States Court of Appeals for the Armed Forces refuses to grant a petition to review, shall be as prescribed by rules of the Supreme Court.''.

**SEC. 3. EFFECTIVE DATE.**

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this Act shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act and shall apply to any petition granted or denied by the United States Court of Appeals for the Armed Forces on or after that effective date.

(b) AUTHORITY TO PRESCRIBE RULES.—The authority of the Supreme Court to prescribe rules to carry out section 2101(g) of title 28, United States Code, as amended by section 2(b)(2) of this Act, shall take effect on the date of the enactment of this Act.

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By Mr. HARKIN:

S. 1667. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am delighted to introduce this bill today. This legislation will play a critical role in ensuring the safety of our Nation's youth who especially deserve to be safe and cared for when they are trying to get better in a residential treatment facility. This bill is a companion to The Stop Child Abuse in Residential Programs for Teens Act, which was introduced in the House today by Representative GEORGE MILLER. I commend Representative MILLER for his commitment to this important issue.

The emotional and mental well-being of our Nation's youth is of paramount importance. In recent years, the prevalence of child abuse in residential facilities has jeopardized the livelihood of our nation's next generation. In 2005, The Government Accountability Office reported over 1,500 incidences of abuse and neglect by facility staff in 34 States. These incidences included shocking cases in which youth were denied food and water or held in stress positions for extended periods of time. In 2006, 28 States reported at least one death in a residential facility. This includes my State of Iowa and this is simply unacceptable. These deaths were a result of accidents or suicides that, in some instances, may have been caused by a lack of supervision or neglect. In 2009, 1,770 children and youth died from maltreatment, which in some cases, may be attributed to the inexperienced staff members who lack the proper training or qualifications to serve in their roles.

This legislation will make significant strides in improving the quality of care in residential program facilities. This bill will make improvements in four key areas that will ensure that our children and youth our safe. First, it includes new national standards that will prevent residential facilities from physically, mentally, or sexually abusing children in their care. Second, this bill increases transparency on qualifications, roles, and responsibilities of all current staff members. Third, it increases restrictions that will hold residential programs accountable for violating the law. Lastly, this bill allows states the opportunity to step in to protect teens in residential programs.

I want to take a moment to acknowledge the youth who have lost their lives while in the care of a residential treatment facility and their parents and families. No child should be forced to suffer abuse, neglect, injury, or even death while they are trying to better themselves in a residential program.

I would also like to mention those who have worked so hard on my staff. I would like to thank Dan Smith and Pam Smith, who do a great job shepherding the undertakings of our committee. I would like to thank Bethany Little, David Johns, Ashley Eden and Michael Gamel-McCormick of my staff. This is a critical step forward to making sure that we ensure the safety of America's youth.

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. 1667

*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 ''Stop Child Abuse in Residential Programs for Teens Act of 2011''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary for Children and Families of the Department of Health and Human Services.

(2) CHILD.—The term ''child'' means an individual who has not attained the age of 18.

(3) CHILD ABUSE AND NEGLECT.—The term ''child abuse and neglect'' has the meaning given such term in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note).

(4) COVERED PROGRAM.—

(A) IN GENERAL.—The term ''covered program'' means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

(i) provides a residential environment, such as—

(I) a program with a wilderness or outdoor experience, expedition, or intervention;

(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

(III) a therapeutic boarding school; or

(IV) a behavioral modification program; and

(ii) operates with a focus on serving children with—

(I) emotional, behavioral, or mental health problems or disorders; or

(II) problems with alcohol or substance abuse.

(B) EXCLUSION.—The term ''covered program'' does not include—

(i) a hospital licensed by the State; or

(ii) a foster family home that provides 24-hour substitute care for children placed away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

(5) PROTECTION AND ADVOCACY SYSTEM.—The term ''protection and advocacy system'' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

(6) STATE.—The term ''State'' has the meaning given such term in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note).

**SEC. 3. STANDARDS AND ENFORCEMENT.**

(a) MINIMUM STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary for Children and Families of the Department of Health and Human Services shall require each covered program, in order to provide for the basic health and safety of children at such a program, to meet the following minimum standards:

(A) Child abuse and neglect shall be prohibited.

(B) Disciplinary techniques or other practices that involve the withholding of essential food, water, clothing, shelter, or medical care necessary to maintain physical health, mental health, and general safety, shall be prohibited.

(C) The protection and promotion of the right of each child at such a program to be free from physical, chemical, and mechanical restraints and seclusion (as such terms are defined in section 595 of the Public Health Service Act (42 U.S.C. 290jj)) to the same extent and in the same manner as a non-medical, community-based facility for children and youth is required to protect and promote the right of its residents to be free from such restraints and seclusion under such section 595, including the prohibitions and limitations described in subsection (b)(3) of such section.

(D) Acts of physical or mental abuse designed to humiliate, degrade, or undermine a child's self-respect shall be prohibited.

(E) Each child at such a program shall have reasonable access to a telephone, and be informed of their right to such access, for making and receiving phone calls with as much privacy as possible, and shall have access to the appropriate State or local child abuse reporting hotline number, and the national hotline number referred to in subsection (c)(2).

(F) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with what constitutes child abuse and neglect, as defined by State law.

(G) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with the requirements, including with State law relating to mandated reporters, and procedures for reporting child abuse and neglect in the State in which such a program is located.

(H) Full disclosure, in writing, of staff qualifications and their roles and responsibilities at such program, including medical, emergency response, and mental health training, to parents or legal guardians of children at such a program, including providing information on any staff changes, including changes to any staff member's qualifications, roles, or responsibilities, not later than 10 days after such changes occur.

(I) Each staff member at a covered program described in subclause (I) or (II) of section 2(4)(A)(i) shall be required, as a condition of employment, to be familiar with the signs, symptoms, and appropriate responses associated with heatstroke, dehydration, and hypothermia.

(J) Each staff member, including volunteers with unsupervised contact with children and youth, or more than 30 hours of supervised contact time per year, shall be required, as a condition of employment, to submit to a criminal history check, including a name-based search of the National Sex Offender Registry established pursuant to the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 42 U.S.C. 16901 et seq.), a search of the State criminal registry or repository in the State in which the covered program is operating, and a Federal Bureau of Investigation fingerprint check. An individual shall be ineligible to serve in a position with any contact with children at a covered program if any such record check reveals a felony conviction for child abuse or neglect, spousal abuse, a crime against children (including child pornography), or a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(K) Policies and procedures for the provision of emergency medical care, including policies for staff protocols for implementing emergency responses.

(L) All promotional and informational materials produced by such a program shall include a hyperlink to or the URL address of the website created by the Assistant Secretary pursuant to subsection (c)(1)(A).

(M) Policies to require parents or legal guardians of a child attending such a program—

(i) to notify, in writing, such program of any medication the child is taking;

(ii) to be notified within 24 hours of any changes to the child's medical treatment and the reason for such change; and

(iii) to be notified within 24 hours of any missed dosage of prescribed medication.

(N) Procedures for notifying immediately, to the maximum extent practicable, but not later than within 48 hours, parents or legal guardians with children at such a program of any—

(i) on-site investigation of a report of child abuse and neglect;

(ii) violation of the health and safety standards described in this paragraph; and

(iii) violation of State licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act.

(O) Other standards the Assistant Secretary determines appropriate to provide for the basic health and safety of children at such a program.

(2) REGULATIONS.—

(A) INTERIM REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate and enforce interim regulations to carry out paragraph (1).

(B) PUBLIC COMMENT.—The Assistant Secretary shall, for a 90-day period beginning on the date of the promulgation of interim regulations under subparagraph (A) of this paragraph, solicit and accept public comment concerning such regulations. Such public comment shall be submitted in written form.

(C) FINAL REGULATIONS.—Not later than 90 days after the conclusion of the 90-day period referred to in subparagraph (B) of this paragraph, the Assistant Secretary shall promulgate and enforce final regulations to carry out paragraph (1).

(b) MONITORING AND ENFORCEMENT.—

(1) ON-GOING REVIEW PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall implement an on-going review process for investigating and evaluating reports of child abuse and neglect at covered programs received by the Assistant Secretary from the appropriate State, in accordance with section 114(b)(3) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act. Such review process shall—

(A) include an investigation to determine if a violation of the standards required under subsection (a)(1) has occurred;

(B) include an assessment of the State's performance with respect to appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and appropriateness of legal action against responsible parties in such cases;

(C) be completed not later than 60 days after receipt by the Assistant Secretary of such a report;

(D) not interfere with an investigation by the State or a subdivision thereof; and

(E) be implemented in each State in which a covered program operates until such time as each such State has satisfied the requirements under section 114(c) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, as determined by the Assistant Secretary, or two years has elapsed from the date that such review process is implemented, whichever is later.

(2) CIVIL PENALTIES.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate regulations establishing civil penalties for violations of the standards required under subsection (a)(1). The regulations establishing such penalties shall incorporate the following:

(A) Any owner or operator of a covered program at which the Assistant Secretary has found a violation of the standards required under subsection (a)(1) may be assessed a civil penalty not to exceed $50,000 per violation.

(B) All penalties collected under this subsection shall be deposited in the appropriate account of the Treasury of the United States.

(c) DISSEMINATION OF INFORMATION.—The Assistant Secretary shall establish, maintain, and disseminate information about the following:

(1) Websites made available to the public that contain, at a minimum, the following:

(A) The name and each location of each covered program, and the name of each owner and operator of each such program, operating in each State, and information regarding—

(i) each such program's history of violations of—

(I) regulations promulgated pursuant to subsection (a); and

(II) section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(ii) each such program's current status with the State licensing requirements under section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(iii) any deaths that occurred to a child while under the care of such a program, including any such deaths that occurred in the five-year period immediately preceding the date of the enactment of this Act, and including the cause of each such death;

(iv) owners or operators of a covered program that was found to be in violation of the standards required under subsection (a)(1), or a violation of the licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, and who subsequently own or operate another covered program; and

(v) any penalties levied under subsection (b)(2) and any other penalties levied by the State, against each such program.

(B) Information on best practices for helping adolescents with mental health disorders, conditions, behavioral challenges, or alcohol or substance abuse, including information to help families access effective resources in their communities.

(2) A national toll-free telephone hotline to receive complaints of child abuse and neglect at covered programs and violations of the standards required under subsection (a)(1).

(d) ACTION.—The Assistant Secretary shall establish a process to—

(1) ensure complaints of child abuse and neglect received by the hotline established pursuant to subsection (c)(2) are promptly reviewed by persons with expertise in evaluating such types of complaints;

(2) immediately notify the State, appropriate local law enforcement, and the appropriate protection and advocacy system of any credible complaint of child abuse and neglect at a covered program received by the hotline;

(3) investigate any such credible complaint not later than 30 days after receiving such complaint to determine if a violation of the standards required under subsection (a)(1) has occurred; and

(4) ensure the collaboration and cooperation of the hotline established pursuant to subsection (c)(2) with other appropriate National, State, and regional hotlines, and, as appropriate and practicable, with other hotlines that might receive calls about child abuse and neglect at covered programs.

**SEC. 4. ENFORCEMENT BY THE ATTORNEY GENERAL.**

If the Assistant Secretary determines that a violation of subsection (a)(1) of section 3 has not been remedied through the enforcement process described in subsection (b)(2) of such section, the Assistant Secretary shall refer such violation to the Attorney General for appropriate action. Regardless of whether such a referral has been made, the Attorney General may, sua sponte, file a complaint in any court of competent jurisdiction seeking equitable relief or any other relief authorized by this Act for such violation.

**SEC. 5. REPORT.**

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services, in coordination with the Attorney General shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities carried out by the Assistant Secretary and the Attorney General under this Act, including—

(1) a summary of findings from on-going reviews conducted by the Assistant Secretary pursuant to section 3(b)(1), including a description of the number and types of covered programs investigated by the Assistant Secretary pursuant to such section;

(2) a description of types of violations of health and safety standards found by the Assistant Secretary and any penalties assessed;

(3) a summary of State progress in meeting the requirements of this Act, including the requirements under section 114 of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(4) a summary of the Secretary's oversight activities and findings conducted pursuant to subsection (d) of such section 114; and

(5) a description of the activities undertaken by the national toll-free telephone hotline established pursuant to section 3(c)(2).

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the Secretary of Health and Human Services $15,000,000 for each of fiscal years 2012 through 2016 to carry out this Act (excluding the amendment made by section 7 of this Act and section 8 of this Act).

**SEC. 7. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.**

(a) IN GENERAL.—Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

**"SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.**

''(a) DEFINITIONS.—In this section:

''(1) CHILD.—The term 'child' means an individual who has not attained the age of 18.

''(2) COVERED PROGRAM.—

''(A) IN GENERAL.—The term 'covered program' means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

''(i) provides a residential environment, such as—

''(I) a program with a wilderness or outdoor experience, expedition, or intervention;

''(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

''(III) a therapeutic boarding school; or

''(IV) a behavioral modification program; and

''(ii) operates with a focus on serving children with—

''(I) emotional, behavioral, or mental health problems or disorders; or

''(II) problems with alcohol or substance abuse.

''(B) EXCLUSION.—The term 'covered program' does not include—

''(i) a hospital licensed by the State; or

''(ii) a foster family home that provides 24-hour substitute care for children place away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

''(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

''(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under section 106, a State shall—

''(1) not later than three years after the date of the enactment of this section, develop policies and procedures to prevent child abuse and neglect at covered programs operating in such State, including having in effect health and safety licensing requirements applicable to and necessary for the operation of each location of such covered programs that include, at a minimum—

''(A) standards that meet or exceed the standards required under section 3(a)(1) of the Stop Child Abuse in Residential Programs for Teens Act of 2011;

''(B) the provision of essential food, water, clothing, shelter, and medical care necessary to maintain physical health, mental health, and general safety of children at such programs;

''(C) policies for emergency medical care preparedness and response, including minimum staff training and qualifications for such responses; and

''(D) notification to appropriate staff at covered programs if their position of employment meets the definition of mandated reporter, as defined by the State;

''(2) develop policies and procedures to monitor and enforce compliance with the licensing requirements developed in accordance with paragraph (1), including—

''(A) designating an agency to be responsible, in collaboration and consultation with

State agencies providing human services (including child protective services, and services to children with emotional, psychological, developmental, or behavioral dysfunctions, impairments, disorders, or alcohol or substance abuse), State law enforcement officials, the appropriate protection and advocacy system, and courts of competent jurisdiction, for monitoring and enforcing such compliance;

''(B) establishing a State licensing application process through which any individual seeking to operate a covered program would be required to disclose all previous substantiated reports of child abuse and neglect and all child deaths at any businesses previously or currently owned or operated by such individual, except that substantiated reports of child abuse and neglect may remain confidential and all reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect;

''(C) conducting unannounced site inspections not less often than once every two years at each location of a covered program;

''(D) creating a non-public database, to be integrated with the annual State data reports required under section 106(d), of reports of child abuse and neglect at covered programs operating in the State, except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect; and

''(E) implementing a policy of graduated sanctions, including fines and suspension and revocation of licences, against covered programs operating in the State that are out of compliance with such health and safety licensing requirements;

''(3) if the State is not yet satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary and the appropriate protection and advocacy system of any report of child abuse and neglect at a covered program operating in the State not later than 30 days after the appropriate State entity, or subdivision thereof, determines such report should be investigated and not later than 48 hours in the event of a fatality;

''(4) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary if—

''(A) the State determines there is evidence of a pattern of violations of the standards required under paragraph (1) at a covered program operating in the State or by an owner or operator of such a program; or

''(B) there is a child fatality at a covered program operating in the State;

''(5) develop policies and procedures for establishing and maintaining a publicly available database of all covered programs operating in the State, including the name and each location of each such program and the name of the owner and operator of each such program, information on reports of substantiated child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect and that such database shall include and provide the definition of 'substantiated' used in compiling the data in cases that have not been finally adjudicated), violations of standards required under paragraph (1), and all penalties levied against such programs;

''(6) annually submit to the Secretary a report that includes—

''(A) the name and each location of all covered programs, including the names of the owners and operators of such programs, operating in the State, and any violations of State licensing requirements developed pursuant to subsection (b)(1); and

''(B) a description of State activities to monitor and enforce such State licensing requirements, including the names of owners and operators of each covered program that underwent a site inspection by the State, and a summary of the results and any actions taken; and

''(7) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures to report to the appropriate protection and advocacy system any case of the death of an individual under the control or supervision of a covered program not later than 48 hours after the State is informed of such death.

''(c) SECRETARIAL DETERMINATION.—The Secretary shall not determine that a State's licensing requirements, monitoring, and enforcement of covered programs operating in the State satisfy the requirements of subsection (b) unless—

''(1) the State implements licensing requirements for such covered programs that meet or exceed the standards required under subsection (b)(1);

''(2) the State designates an agency to be responsible for monitoring and enforcing compliance with such licensing requirements;

''(3) the State conducts unannounced site inspections of each location of such covered programs not less often than once every two years;

''(4) the State creates a non-public database of such covered programs, to include information on reports of child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect);

''(5) the State implements a policy of graduated sanctions, including fines and suspension and revocation of licenses against such covered programs that are out of compliance with the health and safety licensing requirements under subsection (b)(1); and

''(6) after a review of assessments conducted under section 3(b)(1)(B) of the Stop Child Abuse in Residential Programs for Teens Act of 2011, the Secretary determines the State is appropriately investigating and responding to allegations of child abuse and neglect at such covered programs.

''(d) OVERSIGHT.—

''(1) IN GENERAL.—Beginning two years after the date of the enactment of the Stop Child Abuse in Residential Programs for Teens Act of 2011, the Secretary shall implement a process for continued monitoring of each State that is determined to be satisfying the licensing, monitoring, and enforcement requirements of subsection (b), in accordance with a determination made pursuant to subsection (c), with respect to the performance of each such State regarding—

''(A) preventing child abuse and neglect at covered programs operating in each such State; and

''(B) enforcing the licensing standards described in subsection (b)(1).

''(2) EVALUATIONS.—The process required under paragraph (1) shall include in each State, at a minimum—

''(A) an investigation not later than 60 days after receipt by the Secretary of a report from a State, or a subdivision thereof, of child abuse and neglect at a covered program operating in the State, and submission of findings to appropriate law enforcement or other local entity where necessary, if the report indicates—

''(i) a child fatality at such program; or

''(ii) there is evidence of a pattern of violations of the standards required under subsection (b)(1) at such program or by an owner or operator of such program;

''(B) an annual review by the Secretary of cases of reports of child abuse and neglect investigated at covered programs operating in the State to assess the State's performance with respect to the appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and the appropriateness of legal actions taken against responsible parties in such cases; and

''(C) unannounced site inspections of covered programs operating in the State to monitor compliance with the standards required under section 3(a) of the Stop Child Abuse in Residential Programs for Teens Act of 2011.

''(3) ENFORCEMENT.—If the Secretary determines, pursuant to an evaluation under this subsection, that a State is not adequately implementing, monitoring, and enforcing the licensing requirements of subsection (b)(1), the Secretary shall require, for a period of not less than one year, that—

''(A) the State shall inform the Secretary of each instance there is a report to be investigated of child abuse and neglect at a covered program operating in the State; and

''(B) the Secretary and the appropriate local agency shall jointly investigate such report.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended by striking ''$120,000,000'' and all that follows through the period and inserting ''$235,000,000 for each of fiscal years 2012 through 2016.''.

(c) CONFORMING AMENDMENTS.—

(1) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1)(D) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)(D)) is amended by inserting after ''specific'' the following: ''(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)''.

(2) FURTHER REQUIREMENT.—Section 106(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(1)) is amended by adding at the end the following new subparagraph:

''(D) FURTHER REQUIREMENT.—To be eligible to receive a grant under this section, a State shall comply with the requirements under section 114(b) and shall include in the State plan submitted pursuant to subparagraph (A) a description of the activities the State will carry out to comply with the requirements under such section 114(b).''.

(3) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(A) in paragraph (1), by inserting before the period at the end the following: ''(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)''; and

(B) in paragraph (6), by inserting before the period at the end the following: ''or who were in the care of a covered program, as such term is defined in section 114''.

(d) CLERICAL AMENDMENT.—Section 1(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by inserting after the item relating to section 113 the following new item:

''Sec. 114. Additional eligibility requirements for grants to States to prevent child abuse and neglect at residential programs.''.

**SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED PROGRAMS.**

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study, in consultation with relevant agencies and experts, to examine the outcomes for children in both private and public covered programs under this Act encompassing a broad representation of treatment facilities and geographic regions.

(b) REPORT.—The Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that contains the results of the study conducted under subsection (a).

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By Mr. CARDIN (for himself, Mrs. BOXER, and Mr. REID):

S. 1669. A bill to authorize the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase the resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am proud to introduce the Water Infrastructure Resiliency and Sustainability Act of 2011 along with my colleagues, Majority Leader REID and Senator BOXER. This legislation will allow local communities to improve their water infrastructure in the face of changing hydrological conditions.

Improving our water infrastructure is a major challenge to my constituents living in Maryland and to all Americans. It is no secret that America's current water infrastructure systems are in poor condition. Our water and wastewater systems have been given a D-, the lowest possible grade. In the United States, close to 250,000 water mains wasting 1.7 trillion gallons of water break each year.

Unfortunately, Marylanders have experienced this crisis first hand. In July of this year, a water main break in Cumberland, Maryland, caused close to $300,000 in damage to a local, family-owned business. Last January, a Prince George's County water main break shut down a portion of the Capital Beltway, closed local businesses and schools, and required 400,000 residents to boil their drinking water to ensure its safety.

The EPA has estimated that traditional necessary repairs and replacement costs over the next twenty years will cost over $600 billion.

We, as a Congress, have stepped up in the past to assist communities in fixing aging water infrastructure systems. The Safe Water Drinking Act Amendments of 1996 established the Drinking Water State Revolving Fund. The fund helps public water systems finance infrastructure projects needed to comply with Federal safe drinking water regulations.

But we need to do more. EPA Administrator Lisa Jackson told Congress that adapting to changing hydrological conditions is a ''significant issue'' that water and waste water systems must address soon. These hydrological changes will likely result in ''too little water in some places, too much water in other places, and degraded water quality'' in other areas across the country.

According to a recent study by the National Association of Clean Water Agencies and the Association of Metropolitan Water Agencies, the costs in dealing with this new recognized problem could approach $1 trillion through 2050.

The Water Infrastructure Resiliency and Sustainability Act aims to help local communities meet the challenges of upgrading water infrastructure systems to meet these hydrological changes. The bill directs the EPA to establish a Water Infrastructure Resiliency and Sustainability, WIRS, program. Grants will be awarded to eligible water systems to make the necessary upgrades. Communities across the country will be able to compete for federal matching funds, funds which in turn will help finance projects to help communities overcome these threats.

Improving water conservation, adjustments to current infrastructure systems, and funding programs to stabilize communities' existing water supply are all projects WIRS grants will fund. WIRS will never grant more than 50 percent of any project's cost, ensuring cooperation between local communities and the federal government. The EPA will try to award funds that use new and innovative ideas as often as possible.

A healthy water infrastructure is as important to America's economy as paved roads and sturdy bridges. Water and wastewater investment has been shown to spur economic growth. The U.S. Conference of Mayors has found that for every dollar invested in water infrastructure, the Gross Domestic Product is increased to more than $6. The Department of Commerce has found that that same dollar yields close to $3 worth of economic output in other industries. Every job created in local water and sewer industries creates close to four jobs elsewhere in the national economy.

This legislation would create jobs throughout the economy today, while helping water and wastewater systems make improvements to keep water clean and safe for tomorrow. I believe that by investing in water infrastructure, we can make progress for the American people on both jobs and clean, safe water.

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. 1669

*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 ''Water Infrastructure Resiliency and Sustainability Act of 2011''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) HYDROLOGIC CONDITION.—The term ''hydrologic condition'' means the quality, quantity, or reliability of the water resources of a region of the United States.

(3) OWNER OR OPERATOR OF A WATER SYSTEM.—

(A) IN GENERAL.—The term ''owner or operator of a water system'' means an entity (including a regional, State, tribal, local, municipal, or private entity) that owns or operates a water system.

(B) INCLUSIONS.—The term ''owner or operator of a water system'' includes—

(i) a non-Federal entity that has operational responsibilities for a federally-, tribally-, or State-owned water system; and

(ii) an entity established by an agreement between—

(I) an entity that owns or operates a water system; and

(II) at least 1 other entity.

(4) WATER SYSTEM.—The term ''water system'' means—

(A) a community water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f));

(B) a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), including a municipal separate storm sewer system (as such term is used in that Act (33 U.S.C. 1251 et seq.));

(C) a decentralized wastewater treatment system for domestic sewage;

(D) a groundwater storage and replenishment system;

(E) a system for transport and delivery of water for irrigation or conservation; or

(F) a natural or engineered system that manages floodwater.

**SEC. 3. WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY.**

(a) PROGRAM.—The Administrator shall establish and implement a program, to be known as the ''Water Infrastructure Resiliency and Sustainability Program'', under which the Administrator shall award grants for each of fiscal years 2012 through 2016 to owners or operators of water systems for the purpose of increasing the resiliency or adaptability of the water systems to any ongoing or forecasted changes (based on the best available research and data) to the hydrologic conditions of a region of the United States.

(b) USE OF FUNDS.—As a condition on receipt of a grant under this Act, an owner or operator of a water system shall agree to use the grant funds exclusively to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that meets the purpose described in subsection (a) by—

(1) conserving water or enhancing water use efficiency, including through the use of water metering and electronic sensing and control systems to measure the effectiveness of a water efficiency program;

(2) modifying or relocating existing water system infrastructure made or projected to

be significantly impaired by changing hydrologic conditions;

(3) preserving or improving water quality, including through measures to manage, reduce, treat, or reuse municipal stormwater, wastewater, or drinking water;

(4) investigating, designing, or constructing groundwater remediation, recycled water, or desalination facilities or systems to serve existing communities;

(5) enhancing water management by increasing watershed preservation and protection, such as through the use of natural or engineered green infrastructure in the management, conveyance, or treatment of water, wastewater, or stormwater;

(6) enhancing energy efficiency or the use and generation of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater;

(7) supporting the adoption and use of advanced water treatment, water supply management (such as reservoir reoperation and water banking), or water demand management technologies, projects, or processes (such as water reuse and recycling, adaptive conservation pricing, and groundwater banking) that maintain or increase water supply or improve water quality;

(8) modifying or replacing existing systems or constructing new systems for existing communities or land that is being used for agricultural production to improve water supply, reliability, storage, or conveyance in a manner that—

(A) promotes conservation or improves the efficiency of use of available water supplies; and

(B) does not further exacerbate stresses on ecosystems or cause redirected impacts by degrading water quality or increasing net greenhouse gas emissions;

(9) supporting practices and projects, such as improved irrigation systems, water banking and other forms of water transactions, groundwater recharge, stormwater capture, groundwater conjunctive use, and reuse or recycling of drainage water, to improve water quality or promote more efficient water use on land that is being used for agricultural production;

(10) reducing flood damage, risk, and vulnerability by—

(A) restoring floodplains, wetland, and upland integral to flood management, protection, prevention, and response;

(B) modifying levees, floodwalls, and other structures through setbacks, notches, gates, removal, or similar means to facilitate reconnection of rivers to floodplains, reduce flood stage height, and reduce damage to properties and populations;

(C) providing for acquisition and easement of flood-prone land and properties in order to reduce damage to property and risk to populations; or

(D) promoting land use planning that prevents future floodplain development;

(11) conducting and completing studies or assessments to project how changing hydrologic conditions may impact the future operations and sustainability of water systems; or

(12) developing and implementing measures to increase the resilience of water systems and regional and hydrological basins, including the Colorado River Basin, to rapid hydrologic change or a natural disaster (such as tsunami, earthquake, flood, or volcanic eruption).

(c) APPLICATION.—To seek a grant under this Act, the owner or operator of a water system shall submit to the Administrator an application that—

(1) includes a proposal for the program, strategy, or infrastructure improvement to be planned, designed, constructed, implemented, or maintained by the water system;

(2) provides the best available research or data that demonstrate—

(A) the risk to the water resources or infrastructure of the water system as a result of ongoing or forecasted changes to the hydrological system of a region, including rising sea levels and changes in precipitation patterns; and

(B) the manner in which the proposed program, strategy, or infrastructure improvement would perform under the anticipated hydrologic conditions;

(3) describes the manner in which the proposed program, strategy, or infrastructure improvement is expected—

(A) to enhance the resiliency of the water system, including source water protection for community water systems, to the anticipated hydrologic conditions; or

(B) to increase efficiency in the use of energy or water of the water system; and

(4) describes the manner in which the proposed program, strategy, or infrastructure improvement is consistent with an applicable State, tribal, or local climate adaptation plan, if any.

(d) PRIORITY.—

(1) WATER SYSTEMS AT GREATEST AND MOST IMMEDIATE RISK.—In selecting grantees under this Act, subject to section 4(b), the Administrator shall give priority to owners or operators of water systems that are, based on the best available research and data, at the greatest and most immediate risk of facing significant negative impacts due to changing hydrologic conditions.

(2) GOALS.—In selecting among applicants described in paragraph (1), the Administrator shall ensure that, to the maximum extent practicable, the final list of applications funded for each year includes a substantial number that propose to use innovative approaches to meet 1 or more of the following goals:

(A) Promoting more efficient water use, water conservation, water reuse, or recycling.

(B) Using decentralized, low-impact development technologies and nonstructural approaches, including practices that use, enhance, or mimic the natural hydrological cycle or protect natural flows.

(C) Reducing stormwater runoff or flooding by protecting or enhancing natural ecosystem functions.

(D) Modifying, upgrading, enhancing, or replacing existing water system infrastructure in response to changing hydrologic conditions.

(E) Improving water quality or quantity for agricultural and municipal uses, including through salinity reduction.

(F) Providing multiple benefits, including to water supply enhancement or demand reduction, water quality protection or improvement, increased flood protection, and ecosystem protection or improvement.

(e) COST-SHARING REQUIREMENT.—

(1) FEDERAL SHARE.—The share of the cost of any program, strategy, or infrastructure improvement that is the subject of a grant awarded by the Administrator to the owner or operator of a water system under subsection (a) paid through funds distributed under this Act shall not exceed 50 percent of the cost of the program, strategy, or infrastructure improvement.

(2) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of a program, strategy, or infrastructure improvement proposed by a water system in an application submitted under subsection (c), the Administrator shall—

(A) include the value of any in-kind services that are integral to the completion of the program, strategy, or infrastructure improvement, including reasonable administrative and overhead costs; and

(B) not include any other amount that the water system involved receives from the Federal Government.

(f) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Administrator shall submit to Congress a report that—

(1) describes the progress in implementing this Act; and

(2) includes information on project applications received and funded annually under this Act.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $50,000,000 for each of fiscal years 2012 through 2016.

(b) REDUCTION OF FLOOD DAMAGE, RISK, AND VULNERABILITY.—Of the amount made available to carry out this Act for a fiscal year, not more than 20 percent may be made available to grantees for activities described in subsection (b)(10).

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By Mr. CARDIN (for himself, Mr. BLUMENTHAL, Mr. DURBIN, Mrs. GILLIBRAND, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MENENDEZ, Ms. MIKULSKI, and Ms. STABENOW):

S. 1670. A bill to eliminate racial profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, today I am introducing legislation in the Senate that would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. The End Racial Profiling Act, ERPA, had been introduced in previous Congresses by former Senator Russ Feingold of Wisconsin and I am proud to follow his example. I want to thank Senators BLUMENTHAL, DURBIN, GILLIBRAND, KERRY, LAUTENBERG, LEVIN, MENENDEZ, MIKULSKI, and STABENOW for joining me as original co-sponsors of this legislation.

Racial profiling is ineffective. The more resources that are spent investigating individuals solely because of their race or religion, the fewer resources are being directed at suspects actually demonstrating illegal behavior. Former DHS Secretary Michael Chertoff stated in response to questions about the December 2001 bomb attempt by Richard Reid that ''the problem is that the profile many people think they have of what a terrorist is doesn't fit the reality . . . and in fact, one of the things the enemy does is to deliberately recruit people who are Western in background or in appearance, so that they can slip by people who might be stereotyping.''

Racial profiling diverts scarce resources from real law enforcement. In my own state of Maryland, in the 1990's, the ACLU brought a class-action lawsuit against the Maryland State Police for illegally targeting African-American motorists for stops and searches along Maryland's highways. The parties ultimately entered into a federal court consent decree in 2003 in which they made a joint statement that emphasized in part ''the need to treat motorists of all races with respect, dignity, and fairness under the

law is fundamental to good police work and a just society. The parties agree that racial profiling is unlawful and undermines public safety by alienating communities ''

Racial profiling demonizes entire communities and perpetuates negative stereotypes based on an individual's race, ethnicity, or religion. Earlier this year, I spoke out on the Senate floor and in the Senate Judiciary Committee to share my thoughts on the hearings held in the House of Representatives entitled ''The Extent of Radicalization in the American Muslim Community and that Community's Response'' chaired by Congressman PETER KING. This hearing served only to fan flames of fear and division. This spectacle crossed the line and chipped away at the religious freedoms and civil liberties we hold so dearly. Radicalization may be the appropriate subject of a Congressional hearing but not when it is limited to one religion. When that is done, it sends the wrong message to the public and casts a religion with unfounded suspicions.

I agree with Attorney General Holder's remarks to the American-Arab Anti-Discrimination Committee, where he stated that ''in this nation, security and liberty are—at their best—partners, not enemies, in ensuring safety and opportunity for all . . . I've spoken to Arab-Americans who feel that they have not been afforded the full rights—or, just as important, the full responsibilities—of their citizenship. They tell me that, too often, it feels like 'us versus them.' That is intolerable . . . In this Nation, the document that sets forth the supreme law of the land—the Constitution—is meant to empower, not exclude . . . Racial profiling is wrong. It can leave a lasting scar on communities and individuals. And it is, quite simply, bad policing—whatever city, whatever state.''

Using racial profiling makes it less likely that certain affected communities will voluntarily cooperate with law enforcement and community policing efforts. Minorities living and working in these communities may also feel discouraged from travelling freely, and it corrodes the public's trust in government.

The bill I am introducing today, the End Racial Profiling Act, would build on Department of Justice's current ''Guidance Regarding the Use of Race by Federal Law Enforcement Agencies'' issued in 2003. This official DOJ guidance certainly was a step forward, but it does not have adequate provisions for data collection and enforcement for state and local agencies. The DOJ guidance also does not have the force of law.

ERPA would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. The bill clearly defines racial profiling to include race, ethnicity, national origin, or religion as protected classes. It requires training of law enforcement officers to ensure that they understand the law and its prohibitions. It creates procedures for receiving, investigating, and resolving complaints about racial profiling. It would apply equally to Federal, State, and local law enforcement, which creates consistent standards at all levels of government.

The vast majority of our law enforcement officials that put their lives on the line every day handle their jobs with professionalism, diligence, and fidelity to the rule of law. However, Congress and the Justice Department can still take further steps to prohibit racial profiling and root out its use. I look forward to working with my colleagues to enact this legislation.

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By Mr. AKAKA (for himself and Mrs. FEINSTEIN):

S. 1673. A bill to establish the Office of Agriculture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agriculture Inspection, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Safeguarding American Agriculture Act of 2011, with Senator FEINSTEIN.

With the recent ten-year anniversary of the September 11 terrorist attacks, it is appropriate to reflect on the significant changes our country has undertaken to strengthen our homeland defenses. We must examine how well we are protecting the American people and our way of life today, and, where vulnerabilities remain, take decisive action to bolster our defenses. The act we introduce today does just this, by seeking to strengthen our Nation's agricultural import and entry inspection functions to better safeguard American agriculture and natural resources against foreign pests and disease.

Invasive species arrive at U.S. ports of entry every day, often hidden in the wooden crates, pallets, and shipping containers used to transport agricultural cargo, or concealed in the imported goods themselves. Failure to detect and intercept these non-native pests and diseases imposes serious economic and social costs on all Americans.

The U.S. Department of Agriculture estimates that foreign pests and disease already cost the U.S. economy tens of billions of dollars annually in lower crop values, eradication programs, emergency payments to farmers, and increased costs for food and other natural resources. The invasive asian stink bug, for example, is ravaging mid-Atlantic crops, often destroying significant portions of apple, peach, blackberry, raspberry, strawberry, tomato, pepper, sweet corn, and soybean harvests. The bug continues to spread despite ongoing Federal, State, and local eradication efforts. Invasive species threaten our competitiveness in international trade when trading partners decide to stop importing U.S. agricultural products due to the presence of an invasive pest or disease. For example, Japan continues to ban the importation of fresh potatoes from Idaho due to a 2006 outbreak of Potato Cyst Nematode in the State. A research team comprised of biologists and economists from U.S. and Canadian universities and the U.S. Forest Service published a study last month finding that invasive wood-boring pests, such as the emerald ash borer and the asian longhorned beetle, cost homeowners an estimated $830 million a year in lost property values and cost local governments an estimated $1.7 billion a year as a result of damaged trees and woodlands. Worst of all, according to the U.S. Government Accountability Office, the accidental or deliberate introduction of a foreign disease, such as avian influenza or foot-and-mouth disease, would likely result in catastrophic economic losses for our Nation and take lives.

In light of the current and potential staggering economic costs of invasive species—which fall on businesses, taxpayers, and local governments that have no way to avoid the harm it is clear that focusing on prevention, specifically improving agricultural import and entry inspection operations at our ports of entry, is a very cost-effective strategy.

Of course, economic costs are just one aspect of the severe consequences that can result from foreign pests and disease slipping through our ports. In my home State of Hawai'i, which is home to more endangered species per square mile than any other area on the planet, invasive species and disease could permanently devastate our fragile ecosystem. In many regions of the country, invasive species threaten native fish prized by fisherman, and destroy wetlands that support waterfowl hunting. Even an important part of our American tradition and pastime, baseball, is at stake. For the past 127 years in Kentucky, Louisville Slugger, the world's largest and oldest maker of baseball bats, has manufactured high quality baseball bats from northern white ash trees harvested in Pennsylvania and New York. However, the company is very concerned that the destructive emerald ash borer beetle, which has already destroyed millions of ash trees in several States, including Michigan, Wisconsin, Ohio, Pennsylvania, and New York, could lead to the extinction of northern white ash trees, preventing Louisville Slugger from providing future generations with the company's famous ash bats.

Following the attacks of September 11, Congress passed the Homeland Security Act of 2002, which unified Federal customs, immigration, and agriculture inspection officers under the new U.S. Department of Homeland Security. The decision to transfer frontline agricultural import and entry inspection functions from the Department of Agriculture's Animal and Plant Health Inspection Service, or APHIS, into the Department of Homeland Security's Customs and Border

Protection, or CBP, was a controversial decision.

I have long been concerned that the transfer resulted in significant disruptions to the agriculture mission and undermined the effectiveness of agricultural inspections. Other Members of Congress have expressed similar concerns, and there have even been efforts to remove agricultural inspection responsibilities from the Department of Homeland Security and return them to the Department of Agriculture.

While I understand these sentiments, as Chairman of the Subcommittee on Oversight of Government Management, I understand that such drastic reorganizations are often costly and disruptive. In light of our Nation's fiscal challenges, I have concluded it is most efficient and effective to focus on strengthening the agricultural inspection mission within CBP, which in recent years, has made meaningful progress in stabilizing the agency's agricultural import and entry inspection operations.

The Safeguarding American Agriculture Act seeks to build upon these gains and fully achieve important measures of success identified in the June 2007 Report of the APHIS-CBP Joint Task Force on Improved Agriculture Inspection, which stated ''Success will be accomplished when the agriculture function within CBP is positioned prominently throughout the organization. The potential introduction of plant and animal pest and diseases will be regarded with the same fervor as all other mission areas within CBP.''

The Act would enhance the priority of, and accountability for, the agriculture mission by establishing within CBP an Office of Agriculture Inspection led by an Assistant Commissioner responsible for improving agricultural inspections across the Nation. This provision would improve efficiency and coordination by unifying agriculture policy development with agriculture operations. An agricultural chain of command that extends from the Assistant Commissioner for Agriculture Inspection to frontline agriculture specialists at the ports would also effectively address a key issue the task force identified in its 2007 report: ''Management and leadership infrastructure supporting the agriculture mission in CBP should be staffed and empowered at levels equivalent to other functional mission areas in CBP.''

Under the present organizational structure, the Deputy Executive Director for CBP's office of Agriculture Operational Oversight within the office of Agriculture Programs and Trade Liaison, which falls under the Office of Field Operations, is responsible for improving oversight of the agricultural mission across all CBP field offices by ensuring a more consistent application of agriculture inspection policy. However, the Deputy Executive Director lacks operational authority over the agriculture mission. Moreover, the dissemination and implementation of agricultural policy at the ports is ultimately at the discretion of CBP Officers who typically do not have agriculture expertise and are primarily focused on the critical mission of preventing terrorists and terrorist weapons from entering the country.

To maintain a highly skilled and motivated agriculture specialist workforce, the Act would require CBP to create a comprehensive agriculture specialist career track that identifies appropriate career paths and ensures that agriculture specialists receive the training, experience, and assignments necessary for successful career. The bill also would require CBP to develop plans to improve agriculture specialist recruitment and retention and to make sure agriculture specialists have the necessary equipment and resources to effectively carry out their mission.

To strengthen critical working relationships and promote interagency experience, the Act would authorize the Secretary of Homeland Security and the Secretary of Agriculture to establish an interagency rotation program for CBP and APHIS personnel.

Taken together, the enhancements contained in the Safeguarding American Agriculture Act of 2011 would elevate the stature of the agriculture mission in CBP to match the magnitude of the challenge posed by invasive pests and disease. I strongly urge my colleagues to support 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. 1673

*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 ''Safeguarding American Agriculture Act of 2011''.

**SEC. 2. ESTABLISHMENT OF THE OFFICE OF AGRICULTURE INSPECTION.**

Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by inserting after section 421 the following:

**''SEC. 421a. OFFICE OF AGRICULTURE INSPECTION.**

''(a) ESTABLISHMENT.—There is established within U.S. Customs and Border Protection an Office of Agriculture Inspection, which shall be headed by an Assistant Commissioner.

''(b) AGRICULTURE SPECIALIST CAREER TRACK.—

''(1) IN GENERAL.—The Secretary, acting through the Commissioner of U.S. Customs and Border Protection, and in consultation with the Assistant Commissioner for Agriculture Inspection—

''(A) shall identify appropriate career paths for customs and border protection agriculture specialists, including the education, training, experience, and assignments necessary for career progression within U.S. Customs and Border Protection;

''(B) shall publish information on the career paths identified under paragraph (1); and

''(C) may establish criteria by which appropriately qualified customs and border protection technicians may be promoted to customs and border protection agriculture specialists.

''(c) EDUCATION, TRAINING, AND EXPERIENCE.—The Secretary, acting through the Commissioner of U.S. Customs and Border Protection, and in consultation with the Assistant Commissioner for Agriculture Inspection, shall provide customs and border protection agriculture specialists the opportunity to acquire the education, training, and experience necessary to qualify for promotion within U.S. Customs and Border Protection.

''(d) AGRICULTURE SPECIALIST RECRUITMENT AND RETENTION.—Not later than 270 days after the date of the enactment of the Safeguarding American Agriculture Act of 2011, the Secretary, acting through the Commissioner of U.S. Customs and Border Protection, and in consultation with the Assistant Commissioner for Agriculture Inspection, shall develop a plan to more effectively recruit and retain qualified customs and border protection agriculture specialists. The plan shall include—

''(1) numerical goals for recruitment and retention; and

''(2) the use of recruitment incentives, as appropriate and permissible under existing laws and regulations.

''(e) EQUIPMENT SUPPORT.—Not later than 270 days after the date of the enactment of the Safeguarding American Agriculture Act of 2011, the Commissioner of U.S. Customs and Border Protection, in consultation with the Assistant Commissioner for Agriculture Inspection, shall—

''(1) determine the minimum equipment and other resources that are necessary at U.S. Customs and Border Protection agriculture inspection stations and facilities to enable customs and border protection agriculture specialists to fully and effectively carry out their mission;

''(2) complete an inventory of the equipment and other resources available at each U.S. Customs and Border Protection agriculture inspection station and facility;

''(3) identify the necessary equipment and other resources that are not currently available at agriculture inspection stations and facilities; and

''(4) develop a plan to address any resource deficiencies identified under paragraph (3).

''(f) INTERAGENCY ROTATION PROGRAM.—The Secretary of Homeland Security and the Secretary of Agriculture are authorized to enter into an agreement that—

''(1) establishes an interagency rotation program; and

''(2) provides for personnel of the Animal and Plant Health Inspection Service of the Department of Agriculture to take rotational assignments within the Office of Agriculture Inspection and vice versa for the purposes of strengthening working relationships between agencies and promoting interagency experience.''.

**SEC. 3. REPORT.**

Not later than 270 days after the date of the enactment of this Act, the Secretary, acting through the Commissioner of U.S. Customs and Border Protection, and in consultation with the Assistant Commissioner for Agriculture Inspection, shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and that Committee on Homeland Security of the House of Representatives that describes—

(1) the status of the implementation of the action plans developed by the Animal and Plant Health Inspection Service-U.S. Customs and Border Protection Joint Task Force on Improved Agriculture Inspection;

(2) the findings of the Commissioner under paragraphs (1), (2), and (3) of section 421a(e)

of the Homeland Security Act of 2002, as added by section 2; and

(3) the plan described in paragraph (4) of such section 421a(e).

(4) the implementation of the remaining requirements under such section 421a; and

(5) any additional legal authority that the Secretary determines to be necessary to effectively carry out the agriculture inspection mission of the Department of Homeland Security.

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By Mr. REED:

S. 1674. A bill to improve teacher quality, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Effective Teaching and Leading Act to foster the development of highly skilled and effective educators.

We are working towards reauthorizing the Elementary and Secondary Education Act—ESEA—this Congress for the first time since 2001. One of my highest priorities for reauthorization is to build the capacity of our Nation's schools to enhance the effectiveness of teachers, principals, school librarians, and other school leaders.

Decades of research have demonstrated that improving educator and principal quality as well as greater family involvement are the keys to raising student achievement and turning around struggling schools. To strengthen teaching and school leadership, the Effective Teaching and Leading Act would amend Title II of the Elementary and Secondary Education Act, ESEA, to provide targeted assistance to schools to develop and support effective teachers, school librarians, principals, and school leaders through implementation of comprehensive induction, professional development, and evaluation systems.

Every year across the country thousands of teachers leave the profession—many within their first years of teaching. A report by the National Commission on Teaching and America's Future has estimated that the nationwide cost of replacing public school teachers who have dropped out of the profession is $7.3 billion annually.

Fortunately, we have some proven strategies to support teachers that will keep them in our schools. Evidence has shown that providing new teachers with comprehensive mentoring and support during their two years reduces teacher attrition by as much as half and increases student learning gains. The Effective Teaching and Leading Act would help schools implement the key elements of effective multi-year mentoring and induction for beginning teachers.

The bill also significantly revises ESEA's current definition of ''professional development'' to foster an ongoing culture of teacher, principal, school librarian, and staff collaboration throughout schools. All too often current professional development still consists of isolated, check-the-box activities instead of helping educators engage in sustained professional learning that is regularly evaluated for its impact on classroom practice and student achievement. Effective professional development is collaborative, job-embedded, and data-driven.

It is also clear that evaluation systems have an important role to play in teacher and principal development. Through Race to the Top and other initiatives many states and school systems are focusing on reforming their evaluation systems. When evaluation is done right, it provides teachers and principals with individualized ongoing feedback on their strengths and weaknesses and offers a path to improvement. The Effective Teaching and Leading Act would require school districts to establish rigorous, fair, and transparent evaluation systems that use multiple measures, including growth in student achievement.

Principals and school leaders also have a critical role to play in leading school improvement efforts and managing a collaborative culture of ongoing professional learning and development. Research has shown that leadership is second only to classroom instruction among school-related factors that influence student outcomes. As such, this bill would provide ongoing high-quality professional development to principals and school leaders, including multi-year induction and mentoring for new administrators.

Recognizing the importance of creating career advancement and leadership opportunities for teachers, the Effective Teaching and Leading Act supports opportunities for teachers to serve as mentors, instructional coaches, or master teachers, or take on increased responsibility for professional development, curriculum, or school improvement activities and calls for significant and sustainable stipends for teachers that take on these new roles and responsibilities.

The bill also addresses working conditions that are so critical for effective teaching. Under the legislation, districts would conduct surveys of the working and learning conditions educators face so this data could be used to better target investments and support.

Improving teaching and school leadership is not simply a matter of sorting the good teachers and principals from the bad. What is needed is a comprehensive and integrated approach that supports new teachers and leaders as they enter the profession; provides on-going professional development that helps them improve and their students to achieve; and that fairly assesses performance and provides feedback for improvement. This is the approach taken by the Effective Teaching and Leading Act.

I worked with a range of education organizations in developing this bill, including the American Federation of Teachers; American Association of Colleges for Teacher Education; Association for Supervision and Curriculum Development; National Association of Elementary School Principals; National Association of Secondary School Principals; National Board for Professional Teaching Standards; Learning Forward; and the New Teacher Center. I thank them for their input and support for the bill.

I urge my colleagues to cosponsor the Effective Teaching and Leading Act and work for its inclusion in the upcoming reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that this 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. 1674

*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 ''Effective Teaching and Leading Act''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) Teacher quality is the single most important in-school factor influencing student learning and achievement.

(2) A report by William L. Sanders and June C. Rivers showed that if 2 average 8-year-old students were given different teachers, 1 of them a high performer, the other a low performer, the students' performance diverged by more than 50 percentile points within 3 years.

(3) A similar study by Heather Jordan, Robert Mendro, and Dash Weerasinghe showed that the performance gap between students assigned 3 effective teachers in a row, and those assigned 3 ineffective teachers in a row, was 49 percentile points.

(4) In Boston, research has shown that students placed with high-performing mathematics teachers made substantial gains, while students placed with the least effective teachers regressed and their mathematics scores decreased.

(5) McKinsey & Company found that studies that take into account all of the available evidence on teacher effectiveness suggest that students placed with high-performing teachers will progress 3 times as fast as those placed with low-performing teachers.

(6) A 2003 study by Richard Ingersoll found that new teachers, not just those in hard-to-staff schools, face such challenging working conditions that nearly one-half leave the profession within their first 5 years, one-third leave within their first 3 years, and 14 percent leave by the end of their first year.

(7) A report by the National Commission on Teaching and America's Future estimated that the nationwide cost of replacing public school teachers who have dropped out of the profession is $7,300,000,000 annually.

(8) A randomized controlled trial of comprehensive teacher induction, sponsored by the Institute of Education Sciences found that beginning teachers who received 2 years of induction support produced greater student learning gains as a result, the equivalent of a student moving from the 50th to 58th percentile in mathematics achievement and from the 50th to 54th percentile in reading achievement.

(9) Research by Thomas Smith, Richard Ingersoll, Michael Strong, Anthony Villar, and

Jonah Rockoff has shown that comprehensive mentoring and induction reduces teacher attrition by as much as one-half and strengthens new teacher effectiveness.

(10) A recent School Redesign Network at Stanford University and National Staff Development Council report by Linda Darling-Hammond, Ruth Chung Wei, Alethea Andree, Nikole Richardson, and Stelios Orphanos found that—

(A) a set of programs that offered substantial contact hours of professional development (ranging from 30 to 100 hours in total) spread over 6 to 12 months showed a positive and significant effect on student achievement gains; and

(B) intensive professional development, especially when it includes applications of knowledge to teachers' planning and instruction, has a greater chance of influencing teacher practices, and in turn, leading to gains in student learning, and such intensive professional development has shown a positive and significant effect on student achievement gains, in some cases by approximately 21 percentile points.

(11) Teachers can acquire and use new knowledge and skills in their instruction when provided with adequate opportunities to learn, according to ''Student Achievement Through Staff Development'' published by ASCD, which found that more than 90 percent of participants attained skill proficiency if it includes theory presentation, demonstration, practice, and peer coaching.

(12) Recent reports from the Center for American Progress, Education Sector, Hope Street Group, and the New Teacher Project have collectively demonstrated the significant flaws in current teacher evaluation and implementation, and the necessity for redesigning these systems and linking such evaluation to individualized feedback and substantive targeted support in order to ensure effective teaching.

(13) Research by Kenneth Leithwood, Karen Seashore Louis, Stephen Anderson, and Kyla Wahlstrom found that—

(A) leadership is second only to classroom instruction among school-related factors that influence student outcomes; and

(B) direct and indirect leadership effects account for about one-quarter of total school effects on student learning.

(14) Research by Charles Clotfelter, Helen Ladd, Kenneth Leithwood, Anthony Milanowski, and the New Teacher Center has shown that the quality of working conditions, particularly supportive school leadership, impacts student academic achievement and teacher recruitment, retention, and effectiveness.

(15) Since 1965, more than 60 education and library studies have produced clear evidence that school libraries staffed by qualified librarians have a positive impact on student academic achievement, with a recent analysis of reading scores from 2004–2009 showing that fewer librarians translated to lower performance, or a slower rise in scores, on standardized tests.

(b) PURPOSES.—The purposes of this Act are to build capacity for developing effective teachers and principals in our Nation's schools through—

(1) the redesign of teacher and principal evaluation and assessment systems;

(2) comprehensive, high-quality, rigorous, multi-year induction and mentoring programs for beginning teachers, principals, and other school leaders;

(3) systematic, sustained, and coherent professional development for all teachers that is team-based and job-embedded;

(4) systematic, sustained, and coherent professional development for school principals, other school leaders, school librarians, paraprofessionals, and other staff; and

(5) increased teacher leadership opportunities, including compensation for teacher leaders who take on new roles in providing school-based professional development, mentoring, rigorous evaluation, and instructional coaching.

**SEC. 3. DEFINITIONS.**

Section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) is amended—

(1) by striking paragraph (34) and inserting the following:

''(34) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means comprehensive, sustained, and intensive support, provided for teachers, principals, school librarians, other school leaders, and other instructional staff, that—

''(A) fosters collective responsibility for improved student learning;

''(B) is designed and implemented in a manner that increases teacher, principal, school librarian, other school leader, paraprofessional, and other instructional staff effectiveness in improving student learning and strengthening classroom practice;

''(C) analyzes and uses—

''(i) real-time data and information collected from—

''(I) evidence of student learning;

''(II) evidence of classroom practice; and

''(III) the State's longitudinal data system; and

''(ii) other relevant data collected by the school or local educational agency;

''(D) is aligned with—

''(i) rigorous State student academic achievement standards developed under section 1111(b)(1);

''(ii) related academic and school improvement goals of the school, local educational agency, and statewide curriculum;

''(iii) statewide and local curricula; and

''(iv) rigorous standards of professional practice and development;

''(E) includes frequently scheduled, significant blocks of time during the regular school day among established collaborative teams of teachers, principals, school librarians, other school leaders, and other instructional staff, by grade level and content area (to the extent applicable and practicable), which teams engage in a continuous cycle of professional learning and improvement that—

''(i) identifies, reviews, and analyzes—

''(I) evidence of student learning; and

''(II) evidence of classroom practice;

''(ii) defines a clear set of educator learning goals to improve student learning and strengthen classroom practice based on the rigorous analysis of evidence of student learning and evidence of classroom practice;

''(iii) develops and implements coherent, sustained, and evidenced-based professional development strategies to meet such goals (including through instructional coaching, lesson study, and study groups organized at the school, team, or individual levels);

''(iv) provides learning opportunities for teachers to collectively develop and refine student learning goals and the teachers' instructional practices and the use of formative assessment;

''(v) provides an effective mechanism to support the transfer of new knowledge and skills to the classroom (including utilizing teacher leaders, instructional coaches, school librarians, and content experts to support such transfer); and

''(vi) provides opportunities for follow-up, observation, and formative feedback and assessment of the teacher's classroom practice, on a regular basis and in a manner that allows each such teacher to identify areas of classroom practice that need to be strengthened, refined, and improved;

''(F) regularly assesses the effectiveness of the support, and uses such assessments to inform ongoing improvements, in—

''(i) improving student learning; and

''(ii) strengthening classroom practice; and

''(G) supports the recruiting, hiring, and training of highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification or licensure.'';

(2) by adding at the end the following:

''(44) EVIDENCE OF CLASSROOM PRACTICE.—The term 'evidence of classroom practice' means evidence of practice gathered from a classroom through multiple formats and sources, including some or all of the following:

''(A) Demonstration of effective teaching skills.

''(B) Classroom observations based on rigorous teacher performance standards or rubrics.

''(C) Student work.

''(D) Teacher portfolios.

''(E) Videos of teacher practice.

''(F) Lesson plans.

''(G) Information on the extent to which the teacher collaborates and shares best practices with other teachers and instructional staff.

''(H) Information on the teacher's successful use of research and data.

''(I) Parent, student, and peer feedback.

''(45) EVIDENCE OF STUDENT LEARNING.—The term 'evidence of student learning' means—

''(A) valid and reliable data on student learning, which shall include data based on student learning gains on State student academic assessments under section 1111(b)(3) and other State student academic achievement assessments, where available; and

''(B) other evidence of student learning, including some or all of the following:

''(i) Student work, including measures of performance criteria and evidence of student growth.

''(ii) Teacher-generated information about student goals and growth.

''(iii) Parental feedback about student goals and growth.

''(iv) Formative assessments.

''(v) Summative assessments.

''(vi) Objective performance-based assessments.

''(vii) Assessments of affective engagement and self-efficacy.

''(46) LOWEST ACHIEVING SCHOOL.—The term 'lowest achieving school' means a school served by a local educational agency that—

''(A) is failing to make adequate yearly progress as described in section 1111(b)(2), for the greatest number of subgroups described in section 1111(b)(2)(C)(v) and by the greatest margins, as compared to the other schools served by the local educational agency; and

''(B) in the case of a secondary school, has a graduation rate of less than 65 percent.

''(47) SCHOOL LEADER.—The term 'school leader' means an individual who—

''(A) is an employee or officer of a school; and

''(B) is responsible for—

''(i) the school's performance; and

''(ii) the daily instructional and managerial operations of the school.

''(48) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

''(A) increase student learning, achievement, and the ability to apply knowledge;

''(B) effectively convey and explain academic subject matter;

''(C) actively engage students and personalize learning;

''(D) effectively teach higher-order analytical, evaluation, problem-solving, and communication skills;

''(E) develop and effectively apply new knowledge, skills, and practices;

''(F) employ strategies grounded in the disciplines of teaching and learning that—

''(i) are based on empirically based practice and scientifically valid research, where applicable, related to teaching and learning;

''(ii) are specific to academic subject matter;

''(iii) focus on the identification of students' specific learning needs, (including children with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels), and the tailoring of academic instruction to such needs; and

''(iv) enable effective inclusion of children with disabilities and English language learners, including the utilization of—

''(I) response to intervention;

''(II) positive behavioral supports;

''(III) differentiated instruction;

''(IV) universal design of learning;

''(V) appropriate accommodations for instruction and assessments;

''(VI) collaboration skills;

''(VII) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act; and

''(VIII) evidence-based strategies to meet the linguistic and academic needs of English language learners;

''(G) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measures higher-order thinking skills (including application, analysis, synthesis, and evaluation);

''(H) effectively manage a classroom, including the ability to implement positive behavioral support strategies;

''(I) communicate and work with parents, and involve parents in their children's education; and

''(J) use age-appropriate and developmentally appropriate strategies and practices.

''(49) FORMATIVE ASSESSMENT.—The term 'formative assessment' means a process used by teachers and students during instruction that provides feedback to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes.''.

(3) by redesignating paragraphs (1) through (39), the undesignated paragraph following paragraph (39), and paragraphs (41) through (49) (as amended by this section) as paragraphs (1) through (18), (21), (22), (24) through (29), (31) through (40), (42) through (47), (49), (19), (20), (30), (41), (48), and (23), respectively.

**SEC. 4. SCHOOL IMPROVEMENT.**

Section 1003(g)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6303(g)(5)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) permitted to be used to supplement the activities required under section 2502.''.

**SEC. 5. TEACHER AND PRINCIPAL PROFESSIONAL DEVELOPMENT AND SUPPORT.**

(a) IN GENERAL.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

**''PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING AND LEADERSHIP**

**''SEC. 2501. LOCAL SCHOOL IMPROVEMENT ACTIVITIES.**

''(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) GRANTS.—From amounts made available under section 2505, the Secretary shall award grants, through allotments under paragraph (3)(A), to States to enable the States to award subgrants to local educational agencies under this part.

''(2) RESERVATIONS.—A State that receives a grant under this part for a fiscal year shall—

''(A) reserve 95 percent of the funds made available through the grant to make subgrants, through allocations under paragraph (3)(B), to local educational agencies; and

''(B) use the remainder of the funds for—

''(i) administrative activities and technical assistance in helping local educational agencies carry out this part;

''(ii) statewide capacity building strategies to support local educational agencies in the implementation of the required activities under section 2502; and

''(iii) conducting the evaluation required under section 2504.

''(3) FORMULAS.—

''(A) ALLOTMENTS.—The allotment provided to a State under this section for a fiscal year shall bear the same relation to the total amount available under this part for such allotments for the fiscal year, as the allotment provided to the State under section 2111(b) for such year bears to the total amount available under such section 2111(b) for such allotments for such year.

''(B) ALLOCATIONS.—The allocation provided to a local educational agency under this section for a fiscal year shall bear the same relation to the total amount available under this part for such allocations for the fiscal year, as the allocation provided to the local educational agency under section 2121(a) for such year bears to the total amount available for such allocations for such year.

''(4) SCHOOLS FIRST SUPPORTED.—A local educational agency receiving a subgrant under this part shall first use such funds to carry out the activities described in section 2502(a) in each lowest achieving school served by the local educational agency—

''(A) that demonstrates the greatest need for subgrant funds based on the data analysis described in subsection (b)(3); and

''(B) in which not less than 40 percent of the students enrolled in the school are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(b) LOCAL EDUCATIONAL AGENCY APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a subgrant under this part, a local educational agency shall submit to the State educational agency an application described in paragraph (2), and a summary of the data analysis conducted under paragraph (3), at such time, in such manner, and containing such information as the State educational agency may reasonably require.

''(2) CONTENTS OF APPLICATION.—Each application submitted pursuant to paragraph (1) shall include—

''(A) a description of how the local educational agency will assist the lowest achieving schools served by the local educational agency in carrying out the requirements of section 2502, including—

''(i) developing and implementing the teacher and principal evaluation system pursuant to section 2502(a)(3);

''(ii) implementing teacher induction programs pursuant to section 2502(a)(1);

''(iii) providing effective professional development in accordance with section 2502(a)(2);

''(iv) implementing mentoring, coaching, and sustained professional development for school principals and other school leaders pursuant to section 2502(a)(4); and

''(v) providing significant and sustainable teacher stipends, pursuant to section 2502(a)(6);

''(B) a description of how the local educational agency will—

''(i) conduct and utilize valid and reliable surveys pursuant to section 2502(b); and

''(ii) ensure that such programs are integrated and aligned pursuant to section 2502(c);

''(C)(i) a description of how the local educational agency will use subgrant funds to target and support the lowest achieving schools described in subsection (a)(4) before using funds for other lowest achieving schools; and

''(ii) a list that identifies all of the lowest achieving schools that will be assisted under the subgrant;

''(D) a description of how the local educational agency will enable effective inclusion of children with disabilities and English language learners, including through utilization by the teachers, principals, and other school leaders of the local educational agency of—

''(i) response to intervention;

''(ii) positive behavioral supports;

''(iii) differentiated instruction;

''(iv) universal design of learning;

''(v) appropriate accommodations for instruction and assessments;

''(vi) collaboration skills;

''(vii) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act; and

''(viii) evidence-based strategies to meet the linguistic and academic needs of English language learners;

''(E) a description of how the local educational agency will assist the lowest achieving schools in utilizing real-time student learning data, based on evidence of student learning and evidence of classroom practice, to—

''(i) inform instruction; and

''(ii) inform professional development for teachers, mentors, principals, and other school leaders;

''(F) a description of how the programs and assistance provided under section 2502 will be managed and designed, including a description of the division of labor and different roles and responsibilities of local educational agency central office staff members, school leaders, teacher leaders, coaches, mentors, and evaluators; and

''(G) a description of how the local educational agency will work with institutions of higher education and local teacher and principal preparation programs to improve the performance of beginning teachers and principals, improve induction programs, and strengthen professional development.

''(3) DATA ANALYSIS.—A local educational agency desiring a subgrant under this part shall, prior to applying for the subgrant, conduct a data analysis of each school served by the local educational agency, based on data and information collected from evidence of student learning, evidence of classroom practice, and the State's longitudinal data system, in order to—

''(A) determine which schools have the most critical teacher, principal, school librarian, and other school leader quality, effectiveness, and professional development needs; and

''(B) allow the local educational agency to identify the specific needs regarding the quality, effectiveness, and professional development needs of the school's teachers, principals, librarians, and other school leaders, including with respect to instruction provided for individual student subgroups (including children with disabilities and

English language learners) and specific grade levels and content areas.

''(4) JOINT DEVELOPMENT AND SUBMISSION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall—

''(i) jointly develop the application and data analysis framework under this subsection with local organizations representing the teachers, principals, and other school leaders in the local educational agency; and

''(ii) submit the application and data analysis in partnership with such local teacher, principal, and school leader organizations.

''(B) EXCEPTION.—A State may, after consultation with the Secretary, consider an application from a local educational agency that is not jointly developed and submitted in accordance with subparagraph (A) if the application includes documentation of the local educational agency's extensive attempt to work jointly with local teacher, principal, and school leader organizations.

**''SEC. 2502. USE OF FUNDS.**

''(a) INDUCTION, PROFESSIONAL DEVELOPMENT, AND EVALUATION SYSTEM.—A local educational agency that receives a subgrant under this part shall use the subgrant funds to improve teaching and school leadership through a system of teacher and principal induction, professional development, and evaluation. Such system shall be developed, implemented, and evaluated in collaboration with local teacher, principal, and school leader organizations and local teacher, principal, and school leader preparation programs and shall provide assistance to each school that the local educational agency has identified under section 2501(b)(2)(C)(ii), to—

''(1) implement a comprehensive, coherent, high-quality formalized induction program for beginning teachers during not less than the teachers' first 2 years of full-time employment as teachers with the local educational agency, that shall include—

''(A) rigorous mentor selection by school or local educational agency leaders with mentoring and instructional expertise, including requirements that the mentor demonstrate—

''(i) a proven track record of improving student learning;

''(ii) strong interpersonal skills;

''(iii) exemplary teaching skills, particularly with diverse learners, including children with disabilities and English language learners;

''(iv) not less than 5 years teaching experience;

''(v) commitment to personal and professional growth and learning, such as National Board for Professional Teaching Standards certification;

''(vi) willingness and experience in using real-time data, as well as school and classroom level practices that have demonstrated the capacity to—

''(I) improve student learning and classroom practice; and

''(II) inform instruction and professional growth;

''(vii) a commitment to participate in professional development throughout the year to develop the knowledge and skills related to effective mentoring; and

''(viii) the ability to improve the effectiveness of the mentor's mentees, as assessed by the evaluation system described in paragraph (3);

''(B) a program of high-quality, intensive, and ongoing mentoring and mentor-teacher interactions that—

''(i) ensures that new teachers are supported in ways that help improve content-specific knowledge and pedagogy, including by matching mentors with beginning teachers by grade level and content area;

''(ii) assists each beginning teacher in—

''(I) analyzing data based on the beginning teacher's evidence of student learning and evidence of classroom practice, and utilizing research-based instructional strategies, including differentiated instruction, to inform and strengthen such practice;

''(II) developing and enhancing effective teaching skills;

''(III) enabling effective inclusion of children with disabilities and English language learners, including through the utilization of—

''(aa) response to intervention;

''(bb) positive behavioral supports;

''(cc) differentiated instruction;

''(dd) universal design of learning;

''(ee) appropriate accommodations for instruction and assessments;

''(ff) collaboration skills;

''(gg) skill in effectively participating in individualized education program meetings required under section 614 of the Individuals with Disabilities Education Act; and

''(hh) evidence-based strategies to meet the linguistic and academic needs of English language learners;

''(IV) using formative evaluations to—

''(aa) collect and analyze classroom-level data;

''(bb) foster evidence-based discussions;

''(cc) provide opportunities for self assessment;

''(dd) examine classroom practice; and

''(ee) establish goals for professional growth; and

''(V) achieving the goals of the school, district, and statewide curricula;

''(iii) provides regular and ongoing opportunities for beginning teachers to observe exemplary teaching in classroom settings during the school day;

''(iv) aligns with the mission and goals of the local educational agency and school;

''(v)(I) acts as a vehicle for a beginning teacher to establish short- and long-term planning and professional goals and to improve student learning and classroom practice; and

''(II) guides, monitors, and assesses the beginning teacher's progress toward such goals;

''(vi) assigns not more than 12 beginning teacher mentees to a mentor who is released full-time from classroom teaching, and reduces such maximum number of mentees proportionately for a mentor who works on a part-times basis;

''(vii) provides joint professional development opportunities for mentors and beginning teachers;

''(viii) may include the use of master teachers to support mentors or other teachers; and

''(ix) improves student learning and classroom practice, as measured by the evaluation system described in paragraph (3);

''(C) paid school release time that allows for at least weekly high-quality mentoring and mentor-teacher interactions;

''(D) foundational training and ongoing professional development for mentors that support the high-quality mentoring and mentor-teacher interactions described in subparagraph (B);

''(E) use of research-based teaching standards, formative assessments, teacher portfolio processes (such as the National Board for Professional Teaching Standards certification process), and teacher development protocols that support the high-quality mentoring and mentor-teacher interactions described in subparagraph (B); and

''(F) feedback on the performance of beginning teachers to local teacher preparation programs and recommendations for improving such programs;

''(2) implement high-quality effective professional development for teachers, principals, school librarians, and other school leaders serving the schools targeted for assistance under the subgrant;

''(3) develop and implement a rigorous, transparent, and equitable teacher and principal evaluation system for all schools served by the local educational agency that—

''(A)(i) provides formative individualized feedback to teachers and principals on areas for improvement;

''(ii) provides for substantive support and interventions targeted specifically on such areas of improvement; and

''(iii) results in summative evaluations;

''(B) differentiates the effectiveness of teachers and principals using multiple rating categories that take into account evidence of student learning;

''(C) shall be developed, implemented, and evaluated in partnership with local teacher and principal organizations; and

''(D) includes—

''(i) valid, clearly defined, and reliable performance standards and rubrics for teacher evaluation based on multiple performance measures, which shall include a combination of—

''(I) evidence of classroom practice; and

''(II) evidence of student learning as a significant factor;

''(ii) valid, clearly defined, and reliable performance standards and rubrics for principal evaluation based on multiple performance measures of student learning and leadership skills, which standards shall include—

''(I) planning and articulating a shared and coherent schoolwide direction and policy for achieving high standards of student performance;

''(II) identifying and implementing the activities and rigorous curriculum necessary for achieving such standards of student performance;

''(III) supporting a culture of learning, collaboration, and professional behavior and ensuring quality measures of instructional practice;

''(IV) communicating and engaging parents, families, and other external communities; and

''(V) collecting, analyzing, and utilizing data and other tangible evidence of student learning and evidence of classroom practice to guide decisions and actions for continuous improvement and to ensure performance accountability;

''(iii) multiple and distinct rating options that allow evaluators to—

''(I) conduct multiple classroom observations throughout the school year;

''(II) examine the impact of the teacher or principal on evidence of student learning and evidence of classroom practice;

''(III) specifically describe and compare differences in performance, growth, and development; and

''(IV) provide teachers or principals with detailed individualized feedback and evaluation in a manner that allows each teacher or principal to identify the areas of classroom practice that need to be strengthened, refined, and improved;

''(iv) implementing a formative and summative evaluation process based on the performance standards established under clauses (i) and (ii);

''(v) rigorous training for evaluators on the performance standards established under clauses (i) and (ii) and the process of conducting effective evaluations, including how to provide specific feedback and improve teaching and principal practice based on evaluation results;

''(vi) regular monitoring and assessment of the quality and fairness of the evaluation

system and the evaluators' judgements, including with respect to—

''(I) inter-rater reliability, including independent or third-party reviews;

''(II) student assessments used in the evaluation system;

''(III) the performance standards established under clauses (i) and (ii);

''(IV) training and qualifications of evaluators; and

''(V) timeliness of teacher and principal evaluations and feedback;

''(vii) a plan and substantive targeted support for teachers and principals who fail to meet the performance standards established under clauses (i) and (ii);

''(viii) a streamlined, transparent, fair, and objective due process for documentation and removal of teacher and principals who fail to meet such performance standards, as governed by any applicable collective bargaining agreement or State law and after substantive targeted and reasonable support has been provided to such teachers and principals; and

''(ix) in the case of a local educational agency in a State that has a State evaluation framework, the alignment of the local educational agency's evaluation system with, at a minimum, such framework and the requirements of this paragraph;

''(4) implement ongoing high-quality support, coaching, and professional development for principals and other school leaders serving the schools targeted for assistance under such subgrant, which shall—

''(A) include a comprehensive, coherent, high-quality formalized induction program outside the supervisory structure for beginning principals and other school leaders, during not less than the principals' and other school leaders' first 2 years of full-time employment as a principal or other school leader in the local educational agency, to develop and improve the knowledge and skills described in subparagraph (B), including—

''(i) a rigorous mentor or coach selection process based on exemplary administrative expertise and experience;

''(ii) a program of ongoing opportunities throughout the school year for the mentoring or coaching of beginning principals and other school leaders, including opportunities for regular observation and feedback;

''(iii) foundational training and ongoing professional development for mentors or coaches; and

''(iv) the use of research-based leadership standards, formative and summative assessments, or principal and other school leader protocols (such as the National Board for Professional Teaching Standards Certification for Educational Leaders program or the 2008 Interstate School Leaders Licensure Consortium Standards);

''(B) improve the knowledge and skills of school principals and other school leaders in—

''(i) planning and articulating a shared and clear schoolwide direction, vision, and strategy for achieving high standards of student performance;

''(ii) identifying and implementing the activities and rigorous student curriculum and assessments necessary for achieving such standards of performance;

''(iii) managing and supporting a collaborative culture of ongoing learning and professional development and ensuring quality evidence of classroom practice (including shared or distributive leadership and providing timely and constructive feedback to teachers to improve student learning and strengthen classroom practice);

''(iv) communicating and engaging parents, families, and local communities and organizations (including engaging in partnerships among elementary schools, secondary schools, and institutions of higher education to ensure the vertical alignment of student learning outcomes);

''(v) collecting, analyzing, and utilizing data and other tangible evidence of student learning and classroom practice (including the use of formative and summative assessments) to—

''(I) guide decisions and actions for continuous instructional improvement; and

''(II) ensure performance accountability;

''(vi) managing resources and school time to ensure a safe and effective student learning environment; and

''(vii) designing and implementing strategies for differentiated instruction and effectively identifying and educating diverse learners, including children with disabilities and English language learners; and

''(C) provide feedback on the performance of beginning principals and other school leaders to local principal and leader preparation programs and recommendations for improving such programs;

''(5)(A) create or enhance opportunities for teachers and school librarians to assume new school leadership roles and responsibilities, including—

''(i) serving as mentors, instructional coaches, or master teachers; or

''(ii) assuming increased responsibility for professional development activities, curriculum development, or school improvement and leadership activities; and

''(B) provide training for teachers who assume such school leadership roles and responsibilities; and

''(6) provide significant and sustainable stipends above a teacher's base salary for teachers that serve as mentors, instructional coaches, teacher leaders, or evaluators under the programs described in this subsection.

''(b) SURVEY.—A local educational agency receiving a subgrant under this part shall conduct a valid and reliable full population survey of teaching and learning, at the school and local educational agency level, and include, as topics in the survey, not less than the following elements essential to improving student learning and retaining effective teachers:

''(1) Instructional planning time.

''(2) School leadership.

''(3) Decisionmaking processes.

''(4) Professional development.

''(5) Facilities and resources, including the school library.

''(6) Beginning teacher induction.

''(7) School safety and environment.

''(c) INTEGRATION AND ALIGNMENT.—The system described in subsection (a) shall—

''(1) integrate and align all of the activities described in such subsection;

''(2) be informed by, and integrated with, the results of the survey described in subsection (b);

''(3) be aligned with the State's school improvement efforts under sections 1116 and 1117; and

''(4) be aligned with the programs funded under title II of the Higher Education Act of 1965 and other professional development programs authorized under this Act.

''(d) ELIGIBLE ENTITIES.—The assistance required to be provided under this section may be provided—

''(1) by the local educational agency; or

''(2) by the local educational agency, in collaboration with—

''(A) the State educational agency;

''(B) an institution of higher education;

''(C) a nonprofit organization;

''(D) a teacher organization;

''(E) a principal or school leader organization;

''(F) an educational service agency;

''(G) a teaching residency program; or

''(H) another nonprofit entity with experience in helping schools improve student achievement.

**"SEC. 2503. RULE OF CONSTRUCTION.**

''Nothing in this part shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

**"SEC. 2504. PROGRAM EVALUATION.**

''(a) IN GENERAL.—Each program required under section 2502(a) shall include a formal evaluation system to determine, at a minimum, the effectiveness of each such program on—

''(1) student learning;

''(2) retaining teachers and principals, including differentiating the retainment data by profession and by the level of performance of the teachers and principals, based on the evaluation system described in section 2502(a)(3);

''(3) teacher, principal, and other school leader practice, which shall include, for teachers and principals, practice measured by the teacher and principal evaluation system described in section 2502(a)(3);

''(4) student graduation rates, as applicable;

''(5) teaching, learning, and working conditions;

''(6) parent, family, and community involvement and satisfaction;

''(7) student attendance rates;

''(8) teacher and principal satisfaction; and

''(9) student behavior.

''(b) LOCAL EDUCATIONAL AGENCY AND SCHOOL EFFECTIVENESS.—The formal evaluation system described in subsection (a) shall also measure the effectiveness of the local educational agency and school in—

''(1) implementing the comprehensive induction program described in section 2502(a)(1);

''(2) implementing high-quality professional development described in section 2502(a)(2);

''(3) developing and implementing a rigorous, transparent, and equitable teacher and principal evaluation system described in section 2502(a)(3);

''(4) implementing mentoring, coaching, and professional development for school principals and other school leaders described in section 2502(a)(4);

''(5) ensuring that mentors, teachers, and schools are using data to inform instructional practices; and

''(6) ensuring that the comprehensive induction and high-quality mentoring required under section 2502(a)(1) and the high impact professional development required under section 2502(a)(2) are integrated and aligned with the State's school improvement efforts under sections 1116 and 1117.

''(c) CONDUCT OF EVALUATION.—The evaluation described in subsection (a) shall be—

''(1) conducted by the State, an institution of higher education, or an external agency that is experienced in conducting such evaluations; and

''(2) developed in collaboration with groups such as—

''(A) experienced educators with track records of success in the classroom;

''(B) institutions of higher education involved with teacher induction and professional development located within the State; and

''(C) local teacher, principal, and school leader organizations.

''(d) DISSEMINATION.—

''(1) IN GENERAL.—The results of the evaluation described in subsection (a) shall be submitted to the Secretary.

''(2) DISSEMINATION.—The Secretary shall make the results of each evaluation described in subsection (a) available to States, local educational agencies, and the public.

**''SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2012 and each succeeding fiscal year.''.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 2441 the following:

''PART E—BUILDING SCHOOL CAPACITY FOR EFFECTIVE TEACHING AND LEADERSHIP

''Sec. 2501. Local school improvement activities.
''Sec. 2502. Use of funds.
''Sec. 2503. Rule of Construction.
''Sec. 2504. Program evaluation.
''Sec. 2505. Authorization of appropriations.''.

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By Mr. WYDEN:

S.J. Res. 28. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain; to the Committee on Foreign Relations.

Mr. WYDEN. Mr. President, I rise today to introduce a Congressional Joint Resolution to prevent the sale of $53 million worth of arms to the Government of Bahrain.

As I witness the series of extraordinary events that are sweeping across the Arab world, I am reminded of our own history, and America's struggle that led to the ideas that are enshrined in our Constitution. Freedom of speech. Freedom of religion. The right of people to peaceably assemble, and to petition their government for a redress of grievances. The Arab Spring, reminds us that these freedoms are indeed universally sought.

The United States should stick up for individuals seeking such freedoms. not reward those who violently suppress such aspirations.

Selling weapons to the Government of Bahrain right now is about as backwards as a teacher giving the playground bully a pair of brass knuckles instead of putting him in detention. When the rulers of Bahrain are committing human right abuses against peaceful protesters, should we really be rewarding this type of behavior?

First, some context. Protests erupted in Bahrain on the heels of protests in neighboring Tunisia and Egypt, as part of what is being called the Arab Spring. For many years the Shiite majority of Bahrain has been ruled by a Sunni royal family that has excluded most Shiites from political power and economic opportunity. When the people of Bahrain went to the streets to protest, the government responded with crushing force. Police opened fire on unarmed demonstrators, killing seven and seriously wounding hundreds. Protestors and dissident leaders were rounded up and arrested.

It is estimated that 30 people have been killed by government security forces since the start of these largely peaceful protests. Government agencies also fired more than 2,500 people suspected of sympathizing with the protestors and their democratic demands. A special military court was established by decree and has convicted over 100 people on dubious grounds.

Recently, 20 doctors who were caught treating wounded protestors were sentenced to prison terms as long as 15 years. One of the doctors said she was tortured and threatened with rape while in custody. In explaining the reason for her offense, the doctor said ''My only crime is I did my job; I helped people.'' Amnesty International has pointed out that an increasing number of cases involving civilians arrested are now being primarily tried in military court, without due process.

Human Rights Watch also reports that four people have died in custody. Their suspected cause of death is torture, and medical neglect. Leading political opposition figures who are demanding democratic reforms have been sentenced, in some cases, to life in prison, solely for their role in organizing peaceful protests.

Life in prison just for trying to hold their government democratically accountable. Just because they want the same opportunities as their Sunni neighbors. Just because they want to petition their government for a redress of grievances. I read these reports and I ask myself what our own constitutional framers would have to say about such actions.

So what's the Administration's response to Bahrain's actions? What's our government's response to these human rights violations? Well, Mr. President, the Administration has publicly called for an end to the violence. Secretary Clinton has said that the murder of unarmed protesters must stop.

However, at the same time, the Administration formally notified Congress on September 14 of its plans to sell the ruling regime of Bahrain 44 Armored High Mobility Multipurpose Wheeled Vehicles, over 200 anti-tank missiles and 50 bunker buster missiles, 48 missile launchers, spare parts, support and test equipment, personnel training and training equipment, technical and logistics support services, among other things, all for 53 million dollars. The State Department also notified Congress that it is preparing to send $15.5 million in Foreign Military Financing to Bahrain.

Like I said we are giving the bully brass knuckles—and then some.

Should our country really reward a regime that has stifled its citizen's freedom of speech; a regime that has openly fired on peacefully assembled protestors; a regime who has tortured doctors for simply treating their fellow citizens?

I cannot support this sale while these abuses continue. That is why I, along with my colleague Congressman MCGOVERN in the House of Representatives, am introducing this Congressional joint resolution. I hope my colleagues will join me in sending a message to Bahrain that we will not reward human rights abuses.

To quote from the President's address to the United Nations General Assembly last month: ''Something is happening in our world. The way things have been is not the way they will be. The humiliating grip of corruption and tyranny is being pried open. Technology is putting power in the hands of the people. The youth are delivering a powerful rebuke to dictatorship, and rejecting the lie that some races, religions and ethnicities do not desire democracy.'' Well it is clear that the people of Bahrain desire greater democracy and opportunity and we should not be rewarding their oppressors with an arms sale at this time. Colleagues, please join me in cosponsoring this Congressional joint resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 28

Whereas the Kingdom of Bahrain is a party to several international human rights instruments, including the International Covenant on Civil and Political Rights, adopted December 16, 1966, and entered into force March 23, 1976, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984;

Whereas the Government of Bahrain had made several notable human rights reforms during the 2000s;

Whereas, despite those reforms, significant human rights concerns remained in early 2011, including the alleged mistreatment of detained persons and the discrimination against certain Bahraini citizens in the political, economic, and professional spheres of Bahrain;

Whereas this discrimination has included the banning of particular religious groups from holding specific government positions, including the military and security services, without reasonable justification;

Whereas hundreds of thousands of protesters in the Kingdom of Bahrain have significantly intensified their calls for government reform and respect for human rights starting in February 2011;

Whereas independent observers, including the Department of State, Human Rights Watch, Human Rights First, Amnesty International, and Freedom House, found that the majority of protesters have been peaceful in their demands, and that acts of violence by protesters have been rare;

Whereas the Government of Bahrain has systematically suppressed the protests through a wide range of acts constituting serious and grave violations of human rights;

Whereas, according to the Project of Middle East Democracy, at least 32 people have been killed by the Government of Bahrain's security forces since February 2011;

Whereas at least three deaths occurred while the individuals were in detention, according to the Ministry of Interior of the Government of Bahrain;

Whereas there have been credible reports from Human Rights Watch, Human Rights

First, Physicians for Human Rights, and the Bahrain Center for Human Rights of severe mistreatment of detainees, including acts rising to the level of torture;

Whereas the Government of Bahrain has investigated and prosecuted individuals who were only peacefully exercising their rights to freedom of expression, political opinion, and assembly;

Whereas the Government of Bahrain has continued to prosecute civilians, including medical professionals, in military-security courts;

Whereas cases continued to be tried in the military-security courts despite promises by the Government of Bahrain to transfer those cases to civilian venues;

Whereas the military-security courts' procedures and actions severely limited due process rights or complied with due process formally rather than substantively;

Whereas the Government of Bahrain's recent promises to have civilian courts hear the appeals from military-security courts are insufficient to rectify the due process violations that occurred at the trial stage;

Whereas the Government of Bahrain has moved quickly to prosecute and sentence political opponents to lengthy prison terms, while at the same time slowly investigating, or failing to investigate at all, government and security officials who appear to have committed or assisted in human rights violations against political opponents;

Whereas Physicians for Human Rights has documented that the Government of Bahrain's security forces have targeted medical personnel by abducting medical workers, abusing patients, intimidating wounded protesters from accessing medical treatment, and sentencing medical professionals to lengthy prison terms in the military-security courts for protesting the government's interference in treating injured protesters;

Whereas the Government of Bahrain has destroyed more than 40 Shi'a mosques and religious sites throughout Bahrain since February 2011;

Whereas Bahrain's legislative lower house, the Council of Representatives (Majlis an-nuwab) is constituted of disproportionately drawn districts that violates the principle of equal suffrage for Bahraini citizens, particularly the Shi'a community;

Whereas the Government of Bahrain employed tactics of retribution against perceived political opponents, dismissing more than 2,500 workers, academics, medics, and other professionals from their places of employment;

Whereas the Government of Bahrain has violated international labor standards through the dismissals of the aforementioned citizens;

Whereas the Department of Labor has received an official complaint regarding the failure of the Government of Bahrain to live up to its commitments with respect to workers' rights under its Free Trade Agreement with the United States;

Whereas the state-run media of Bahrain have gone beyond legitimate criticism of political opponents towards explicitly and implicitly threatening the physical safety and integrity of those opponents specifically and the Shi'a community generally, creating greater animosity amongst the entire population and making reconciliation of all Bahraini citizens more difficult;

Whereas the Government of Bahrain has expelled international journalists and stopped issuing visas to journalists on grounds that do not appear to be justified by legitimate safety or security concerns;

Whereas the Department of State included Bahrain among a list of countries necessitating additional human rights scrutiny in a June 15, 2011, submission to the United Nations Human Rights Council;

Whereas the Government of Bahrain has taken limited positive measures in recent months, including agreeing to allow the establishment of the Bahrain Independent Commission of Inquiry (BICI) composed of well-renowned international human rights experts who are authorized to investigate human rights violations and recommend measures for accountability;

Whereas the BICI human rights report is due to be submitted to the Government of Bahrain on October 30, 2011;

Whereas the Department of Defense notified Congress on September 14, 2011, of a proposed military arms sale to Bahrain worth approximately $53,000,000;

Whereas the Department of State notified Congress on September 13, 2011, of a proposed obligation of Foreign Military Funds in the amount of $15,461,000 for the upgrading and maintenance of certain military equipment;

Whereas other military allies of the United States, including the United Kingdom, France, Spain, and Belgium, have suspended or limited certain licenses and arms sales to Bahrain since February 2011;

Whereas evidence gathered from protesters by the Bahrain Center for Human Rights indicated that tear gas canisters used against peaceful protesters contained markings which showed they were manufactured in the United States; and

Whereas providing military equipment and provisions for upgrades to a government that commits human rights violations and that has undertaken insufficient measures to seek reform and accountability is at odds with United States foreign policy goals of promoting democracy, human rights, accountability, and stability: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LIMITATION ON CERTAIN PROPOSED SALES OF DEFENSE ARTICLES AND DEFENSE SERVICES TO THE KINGDOM OF BAHRAIN.**

(a) LIMITATION.—The issuance of a letter of offer with respect to each proposed sale of defense articles and defense services to the Kingdom of Bahrain referred to in subsection (b) is hereby prohibited unless the Secretary of State certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(1) the Government of Bahrain is conducting good faith investigations and prosecutions of alleged perpetrators responsible for the killing, torture, arbitrary detention, and other human rights violations committed since February 2011;

(2) the prosecutions of alleged perpetrators in paragraph (1) is being carried out in transparent judicial proceedings conducted in full accordance with Bahrain's international legal obligations;

(3) the Government of Bahrain has ceased all acts of torture and other inhumane treatment in its detention facilities;

(4) the Government of Bahrain has released and withdrawn criminal charges against all individuals who were peacefully exercising their right to freedom of expression, political opinion, and assembly;

(5) the Government of Bahrain is permitting nondiscriminatory medical treatment of the sick and injured, and is ensuring unhindered access to medical care and treatment for all patients;

(6) the Government of Bahrain is protecting all Shi'a mosques and religious sites and is rebuilding all Shi'a mosques and religious sites destroyed since February 2011;

(7) the Government of Bahrain has redrawn the districts of the Council of Representatives (Majlis an-nuwab) in a proportional manner that allots the same number of residents, or reasonably nearly the same number of residents with minimal variation, for each district;

(8) the Government of Bahrain has lifted restrictions on government employment, including in the military and security forces, based on discriminatory grounds such as religion and political opinion;

(9) the Government of Bahrain has reinstated all public and government-invested enterprises' employees who were dismissed from their workplace for peacefully exercising their right to freedom of expression, political opinion, and assembly;

(10) the Government of Bahrain has set standards for private sector compliance covering the reinstatement of its employees who were dismissed from their workplace for peacefully exercising their right to freedom of expression, political opinion, and assembly;

(11) the Government of Bahrain is protecting the right of all individuals, including political opponents of the Government, to peacefully exercise their right to freedom of expression, political opinion, and assembly without fear of retribution;

(12) the Government of Bahrain has ceased using the media under its control to threaten the physical safety and integrity of political opponents and other Bahraini citizens, particularly those in the Shi'a community;

(13) the Government of Bahrain is permitting the entry of international journalists to Bahrain except in extremely exceptional cases where the Government clearly shows with evidence and in good faith that the entry of an international journalist is a legitimate safety or security concern;

(14) the Bahrain Commission of Inquiry (BICI) has submitted its final report to the Government of Bahrain;

(15) the BICI's final report's factual findings and conclusions are consistent with information known to the Secretary of State about the human rights violations occurring in Bahrain since February 2011;

(16) the Government of Bahrain is undertaking good faith implementation of all recommendations from the BICI's final report that address alleged human rights violations by the Government of Bahrain since February 2011; and

(17) the Government of Bahrain has undertaken a good faith dialogue among all key stakeholders in Bahrain which is producing substantive recommendations for genuine reforms that meet the reasonable democratic aspirations of Bahrain's citizens and comply with universal human rights standards.

(b) PROPOSED SALES OF DEFENSE ARTICLES AND DEFENSE SERVICES.—The proposed sales of defense articles and defense services to the Government of Bahrain referred to in this subsection are those specified in the certifications transmitted to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate pursuant to section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) on September 14, 2011 (Transmittal Number 10–71).

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 288—DESIGNATING THE WEEK BEGINNING OCTOBER 9, 2011, AS ''NATIONAL WILDLIFE REFUGE WEEK''

Mr. COONS (for himself, Mr. SESSIONS, Mr. CARDIN, Mr. ALEXANDER, Mrs. MURRAY, Mr. LIEBERMAN, Mr.

REED, Mr. WYDEN, Mr. BINGAMAN, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mr. BROWN of Massachusetts, Ms. COLLINS, Mr. COCHRAN, and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 288

Whereas in 1903, President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island;

Whereas in 2011, the National Wildlife Refuge System, administered by the Fish and Wildlife Service, is the premier system of lands and waters to conserve wildlife in the world, and has grown to more than 150,000,000 acres, 553 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the Nation, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas more than 370 units of the National Wildlife Refuge System have hunting programs and more than 350 units of the National Wildlife Refuge System have fishing programs, averaging more than 2,500,000 hunting visits and more than 7,100,000 fishing visits;

Whereas the National Wildlife Refuge System experiences 28,200,000 wildlife observation visits annually;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas for every $1 appropriated, national wildlife refuges generate $4 in economic activity;

Whereas the National Wildlife Refuge System experiences approximately 45,700,000 visits every year, generating nearly $1,700,000,000 and 27,000 jobs in local economies;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas national wildlife refuges are the primary Federal lands that foster production, migration, and wintering habitat for waterfowl;

Whereas since 1934, more than $750,000,000 in funds, from the sale of the Federal Duck Stamp to outdoor enthusiasts, has enabled the purchase or lease of more than 5,300,000 acres of waterfowl habitat in the National Wildlife Refuge System;

Whereas 59 refuges were established specifically to protect imperiled species, and of the more than 1,300 federally listed threatened and endangered species in the United States, 280 species are found on units of the National Wildlife Refuge System;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas 39,000 volunteers and more than 220 national wildlife refuge ''Friends'' organizations contribute nearly 1,400,000 hours annually, the equivalent of 665 full-time employees, and provide an important link with local communities;

Whereas national wildlife refuges provide an important opportunity for children to discover and gain a greater appreciation for the natural world;

Whereas because there are national wildlife refuges located in several urban and suburban areas and 1 refuge located within an hour's drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the Nation;

Whereas since 1995, refuges across the Nation have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the Fish and Wildlife Service will continue to seek stakeholder input on the implementation of the recommendations in the document entitled ''Conserving the Future: Wildlife Refuges and the Next Generation'', which is an update to the strategic plan of the Fish and Wildlife Service for the future of the National Wildlife Refuge System;

Whereas the week beginning on October 9, 2011, has been designated as ''National Wildlife Refuge Week'' by the Fish and Wildlife Service;

Whereas in 2011, the designation of National Wildlife Refuge Week would recognize more than a century of conservation in the United States and would serve to raise awareness about the importance of wildlife and the National Wildlife Refuge System and to celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the week beginning on October 9, 2011, as ''National Wildlife Refuge Week'';

(2) encourages the observance of National Wildlife Refuge Week with appropriate events and activities;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) identifies the significance of national wildlife refuges in advancing the traditions of wildlife observation, photography, environmental education, and interpretation;

(6) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems, as well as compatible uses;

(7) acknowledges the role of national wildlife refuges in conserving waterfowl and waterfowl habitat pursuant to the Migratory Bird Treaty Act (40 Stat. 755, chapter 128);

(8) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(9) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

## SENATE RESOLUTION 289—CELEBRATING THE LIFE AND ACHIEVEMENTS OF REVEREND FRED LEE SHUTTLESWORTH AND HONORING HIM FOR HIS TIRELESS EFFORTS IN THE FIGHT AGAINST SEGREGATION AND HIS STEADFAST COMMITMENT TO THE CIVIL RIGHTS OF ALL PEOPLE

Mr. BROWN of Ohio (for himself, Mr. SHELBY, Mr. SESSIONS, Mr. PORTMAN, Mr. LEVIN, Mr. MENENDEZ, Mr. CARDIN, Mr. LAUTENBERG, Mr. INHOFE, Ms. MIKULSKI, and Mr. REID of Nevada) submitted the following resolution; which was considered and agreed to:

S. RES. 289

Whereas the Reverend Fred Lee Shuttlesworth was born on March 18, 1922, in Mount Meigs, Alabama;

Whereas Reverend Shuttlesworth, a former truck driver who studied theology at night, was ordained in 1948;

Whereas Reverend Shuttlesworth became pastor of Bethel Baptist Church in Birmingham, Alabama, in 1953, and was an outspoken leader in the fight for racial equality;

Whereas Reverend Shuttlesworth worked alongside Dr. Martin Luther King, Jr. and was hailed by Dr. King for his courage and energy in the fight for civil rights;

Whereas, in May 1956, Reverend Shuttlesworth established the Alabama Christian Movement for Human Rights when the National Association for the Advancement of Colored People was banned from Alabama by court injunction;

Whereas, in a brazen attempt to threaten Reverend Shuttleworth's resolve and commitment to the fight for equality and justice, 6 sticks of dynamite were detonated outside Reverend Shuttlesworth's bedroom window on Christmas Day, 1956;

Whereas, on the day after the attack on his home, on December 26, 1956, an undeterred Reverend Shuttlesworth courageously continued the fight for equal rights, leading 250 people in a protest of segregated buses in Birmingham;

Whereas Reverend Shuttlesworth was beaten with chains and brass knuckles by a mob of Ku Klux Klansmen in 1957 when he tried to enroll his children in a segregated school in Birmingham;

Whereas Reverend Shuttlesworth co-founded the Southern Christian Leadership Conference in 1957, serving as the first secretary of the organization from 1958 to 1970 and as its president in 2004;

Whereas Reverend Shuttlesworth participated in protesting segregated lunch counters and helped lead sit-ins in 1960;

Whereas Reverend Shuttlesworth worked with the Congress of Racial Equality to organize the Freedom Rides against segregated interstate buses in the South in 1961;

Whereas it was Reverend Shuttlesworth who called upon Attorney General Robert Kennedy to protect the Freedom Riders;

Whereas Reverend Shuttlesworth freed a group of Freedom Riders from jail and drove them to the Tennessee State line to safety;

Whereas, in 1963, Reverend Shuttlesworth persuaded Dr. King to bring the civil rights movement to Birmingham;

Whereas, in the spring of 1963, Reverend Shuttlesworth designed a mass campaign that included a series of nonviolent sit-ins and marches against illegal segregation by Black children, students, clergymen, and others;

Whereas, in 1963, while leading a nonviolent protest against segregation in Birmingham, Reverend Shuttlesworth was

slammed against a wall and knocked unconscious by the force of the water pressure from fire hoses turned on demonstrators at the order of Bull Connor, the Commissioner of Public Safety;

Whereas the televised images of Connor directing the use of firefighters' hoses and police dogs to attack nonviolent demonstrators, and to arrest those undeterred by violence, had a profound effect on the view of the civil rights struggle by citizens of the United States;

Whereas as a result of those violent images, President John Fitzgerald Kennedy called the fight for equality a moral issue;

Whereas those violent images helped lead to the passage of the Civil Rights Act of 1964 (Public Law 88-352; 78 Stat. 241);

Whereas, in his 1963 book ''Why We Can't Wait'', Dr. King called Reverend Shuttlesworth ''one of the nation's most courageous freedom fighters . . . a wiry, energetic, and indomitable man'';

Whereas, in March 1965, Reverend Shuttlesworth helped organize the historic march from Selma to Montgomery to protest voting discrimination in Alabama;

Whereas Reverend Shuttlesworth became pastor of the Greater New Light Baptist Church in Cincinnati, Ohio, in 1966 and served as pastor until his retirement in 2006;

Whereas Reverend Shuttlesworth advocated for racial justice in Cincinnati and for increased minority representation in the public institutions of Cincinnati, including the police department and city council;

Whereas, in the 1980s, Reverend Shuttlesworth established the Shuttlesworth Housing Foundation in Cincinnati, which helped low-income families in Cincinnati become homeowners;

Whereas, in 2001, President William Jefferson Clinton awarded Reverend Shuttlesworth a Presidential Citizens Medal for his leadership in the ''nonviolent civil rights movement of the 1950s and 60s, leading efforts to integrate Birmingham, Alabama's schools, buses, and recreational facilities'';

Whereas the Birmingham international airport was named for Reverend Shuttlesworth in 2008, and is now known as the Birmingham-Shuttlesworth International Airport;

Whereas Reverend Shuttlesworth was inducted into the Ohio Civil Rights Commission Hall of Fame in 2009;

Whereas in Reverend Shuttlesworth's final sermon he said ''the best thing we can do is be a servant of God . . . it does good to stand up and serve others''; and

Whereas upon the death of Reverend Shuttlesworth, President Barack Hussein Obama said of Reverend Shuttlesworth that he ''dedicated his life to advancing the cause of justice for all Americans. He was a testament to the strength of the human spirit. And today we stand on his shoulders, and the shoulders of all those who marched and sat and lifted their voices to help perfect our union'': Now, therefore, be it

*Resolved*, That the Senate celebrates the life and achievements of Reverend Fred Lee Shuttlesworth and honors him for his tireless efforts in the fight against segregation and his steadfast commitment to the civil rights of all people.

## SENATE RESOLUTION 290—SUPPORTING THE DESIGNATION OF OCTOBER 6, 2011, AS ''JUMPSTART'S READ FOR THE RECORD DAY''

Mrs. MURRAY (for herself, Mr. ISAKSON, and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

S. RES. 290

Whereas Jumpstart, a national early education organization, is working to ensure that all children in the United States enter school prepared to succeed;

Whereas, year-round, Jumpstart recruits and trains college students and community members to serve preschool children in low-income neighborhoods, helping them to develop the key language and literacy skills necessary to succeed in school and in life;

Whereas, since 1993, Jumpstart has engaged more than 20,000 adults in service to more than 90,000 young children in communities across the United States;

Whereas Jumpstart's Read for the Record, presented in partnership with the Pearson Foundation, is a national campaign that mobilizes adults and children in an effort to close the early education achievement gap in the United States by setting a reading world record;

Whereas the goals of the campaign are to raise awareness in the United States of the importance of early education, provide books to children in low-income households through donations and sponsorship, and celebrate the commencement of Jumpstart's program year;

Whereas October 6, 2011, would be an appropriate date to designate as ''Jumpstart's Read for the Record Day'' because it is the date Jumpstart aims to set the world record for the largest shared reading experience; and

Whereas Jumpstart hopes to engage more than 2,100,000 children in reading Anna Dewdney's ''Llama Llama Red Pajama'' during this record-breaking celebration of reading, service, and fun, all in support of preschool children in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of October 6, 2011, as ''Jumpstart's Read for the Record Day'';

(2) commends Jumpstart's Read for the Record in its sixth year;

(3) encourages adults, including grandparents, parents, teachers, and college students—

(A) to join children in creating the world's largest shared reading experience; and

(B) to show their support for early literacy and Jumpstart's early education programming for young children in low-income communities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Jumpstart, one of the leading nonprofit organizations in the United States in the field of early education.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 736. Mr. REID (for Mr. COBURN) proposed an amendment to the bill H.R. 2944, to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

SA 737. Mr. REID (for Mr. BROWN of Massachusetts) proposed an amendment to the resolution S. Res. 201, expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act.

## TEXT OF AMENDMENTS

**SA 736.** Mr. REID (for Mr. COBURN) proposed an amendment to the bill H.R. 2944, to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes; as follows:

On page 2, line 12, strike ''27 years' or '27-year period'' and insert ''26 years' or '26-year period''.

**SA 737.** Mr. REID (for Mr. BROWN of Massachusetts) proposed an amendment to the resolution S. Res. 201, expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act; as follows:

On page 9, line 1, strike ''That the Senate—''.

On page 9, between lines 1 and 2, insert the following:

**SECTION 1. ACKNOWLEDGMENT AND EXPRESSION OF REGRET.**

The Senate—

On page 10, strike line 1 and all that follows through ''(3)'' on line 5, and insert ''(2)''.

On page 10, line 11, strike ''(4)'' and insert ''(3)''.

On page 10, after line 15, add the following:

**SEC. 2. DISCLAIMER.**

Nothing in this resolution may be construed—

(1) to authorize or support any claim against the United States; or

(2) to serve as a settlement of any claim against the United States.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on October 6, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SCHUMER. 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 October 6, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 6, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax Reform Options: Incentives for Homeownership.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on October 6, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled ''Internet Infrastructure in Native Communities: Equal Access to E-Commerce, Jobs and the Global Marketplace.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 6, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct and executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 6, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN'S HEALTH AND ENVIRONMENTAL RESPONSIBILITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Children's Health and Environmental Responsibility of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on October 6, 2011, in Dirksen 406 to conduct a hearing entitled, ''Oversight Hearing on Federal Actions to Clean Up Contamination from Legacy Uranium Mining and Milling Operations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS AFFAIRS SUBCOMMITTEE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 6, 2011, at 10:30 a.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics Affairs subcommittee hearing entitled, ''Peace Corps, the Next 50 Years.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. RUBIO. Mr. President, I ask unanimous consent that Viviano Bovo, a member of my staff, be granted the privilege of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMERICAN JOBS ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I now ask unanimous consent that notwithstanding the provisions of rule XXII, I move to proceed to Calendar No. 187, S. 1660.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1660) to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 187, S. 1660, the American Jobs Act of 2011.

Harry Reid, Richard J. Durbin, Charles E. Schumer, Sherrod Brown, Robert Menendez, Mark Begich, Barbara Boxer, Debbie Stabenow, Richard Blumenthal, Sheldon Whitehouse, Bernard Sanders, John F. Kerry, Frank R. Lautenberg, Jeff Merkley, Barbara A. Mikulski, Benjamin L. Cardin, Patrick J. Leahy.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived; further that following the vote on passage of S. 1619 on Tuesday, October 11, there be up to 5 minutes equally divided between the two leaders or their designees prior to a vote on the motion to invoke cloture on the motion to proceed to S. 1660.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw my motion to proceed.

## UNANIMOUS CONSENT AGREEMENT—H.R. 3080, H.R. 3079, H.R. 3078

Mr. REID. I ask unanimous consent that notwithstanding not having received the following bills from the House: H.R. 3080, H.R. 3079, H.R. 3078, the Senate proceed to their consideration en bloc at a time to be determined by the majority leader after consultation with the Republican leader; that there be up to 12 hours of debate equally divided between the two leaders or their designees; that upon the use or yielding back of that time and the receipt of the papers from the House, the Senate proceed to votes on passage of the bills in the order listed above; finally, that there be no amendments, points of order, or motions in order to any of the bills other than budget points of order and the applicable motions to waive.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that this agreement be modified to ensure that Senator BAUCUS has 20 minutes, that Senator BROWN of Ohio has 1 hour, and that Senator SANDERS has 1 hour.

If the Republicans wish additional time, they can request that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, so that everyone understands, there was some discussion in my caucus on Tuesday, and I have spoken with the House. I have been given a guarantee from the Speaker that the trade adjustment assistance bill will pass there next week.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, October 11, 2011, at 5:30 p.m., the Senate proceed to executive session to consider Calendar No. 250; that there be 2 minutes for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to a vote, with no intervening action or debate, on Calendar No. 250; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the consent agreement entered into on September 26, 2011, remain in effect and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNITED STATES PAROLE COMMISSION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2944, which was received from the House and is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2944) to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that Members of the House from both parties acted quickly to reauthorize the U.S. Parole Commission. I was glad to help move this important measure in the Senate, and am disappointed that we were forced to accept this unnecessary amendment to shorten the bipartisan House bill. Today's amendment wastes valuable time and resources by forcing Congress to reauthorize the Commission again in another 2 years, instead of working toward a more permanent solution.

Although Federal parole was abolished decades ago, the U.S. Parole Commission still has jurisdiction over thousands of offenders in the District of Columbia, as well as some in other parts of the country. Without reauthorization, we faced the risk that offenders would be released early without the proper public safety assessment. I believe that passing this bill promotes public safety and fairness.

I would like to commend Chairman LAMAR SMITH and Ranking Member JOHN CONYERS of the House Judiciary

Committee and Representative BOBBY SCOTT of Virginia and Representative JIM SENSENBRENNER of Wisconsin for joining together to originate this bill and move it through the House Judiciary Committee and the House.

AMENDMENT NO. 736

Mr. REID. Mr. President, I ask unanimous consent that a Coburn amendment, which is at the desk, be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 736) was agreed to, as follows:

(Purpose: To authorize a 2 year extension of the Parole Commission)

On page 2, line 12, strike ''27 years' or '27-year period'" and insert ''26 years' or '26-year period'".

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

The bill (H.R. 2944), as amended, was read the third time and passed.

## AMERICAN LEGION AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1639.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1639) to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1639) was read the third time and passed, as follows:

S. 1639

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADDITIONAL POWER OF AMERICAN LEGION UNDER FEDERAL CHARTER.**

Section 21704 of title 36, United States Code, is amended—

(1) by redesignating paragraph (5) through (8) as paragraphs (6) through (9), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) provide guidance and leadership to organizations and local chapters established under paragraph (4), but may not control or otherwise influence the specific activities and conduct of such organizations and local chapters;''.

## EXPRESSING SENATE REGRET

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate proceed to S. Res. 201.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 201) expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, beginning more than 140 years ago, Congress enacted a series of racist and discriminatory laws directed specifically at persons of Chinese descent. Collectively known as the Chinese Exclusion Laws, these laws remained in force for more than 60 years, and were repealed only as a matter of wartime expediency during World War II. These laws conflicted directly with the fundamental principles of equality and justice upon which our Nation was founded. It is long past time for Congress to affirmatively reject the ignorance and hate that spurred passage of those laws.

S. Res. 201 reflects the Senate's regret for the passage of those unjust laws, but also affirms our commitment to ensuring that such policies never become law again. I commend the individuals and organizations that have advocated for this important resolution.

The Chinese Exclusion Laws reflected a climate of intolerance and xenophobia that viewed immigrants of Chinese descent as inferior and incapable of assimilating as loyal Americans. Fueled in large part by an economic crisis and fears that Chinese immigrants would take jobs away from other workers, the hostility against Chinese immigrants sometimes turned violent. Through a number of state laws and ordinances in many Western states and several questionable court rulings, Chinese immigrants were systematically deprived of fundamental civil rights and privileges, rights that should be guaranteed to all by our Constitution.

Eventually, political pressure led Congress to prohibit the immigration of all Chinese persons into the United States. The Chinese Exclusion Act of 1882 explicitly banned Chinese immigrants from entering the United States for 10 years, and this ban was renewed and ultimately made permanent by Congress through subsequent enactments. In passing these laws, Congress failed to adhere to our Nation's basic founding principles that all are created equal, and that all persons deserve basic human and civil rights. Instead, Congress allowed fear and ignorance to drive our Nation's immigration policy and, for the first time, to exclude from our country a single group of people based solely on their race.

That was wrong. Ours in a Nation of immigrants and of equality and these laws offended both of those fundamental precepts of America.

While Congress was right to repeal the Chinese Exclusions Laws in 1943, it is important to note that Congress was motivated primarily by the fear that the Japanese would use the racist laws as part of its propaganda campaign to drive a wedge between the U.S. and its Chinese allies. The repeal of the Chinese Exclusions Laws was not accompanied by any genuine sense of regret for the decades of discriminatory policies, or any proclamation by the Congress that it would guard in the future against the type of racism and xenophobia that allowed such laws to pass in the first place. Instead, the exclusion laws were simply supplanted by application of strict race-based quotas that remained in place for more than 20 years. Let us not forget that at the same time that Congress was repealing the Chinese Exclusion Laws, the U.S. Government was imprisoning thousands of loyal Americans of Japanese descent in internment camps throughout the West. Thus, the repeal of the exclusion laws in 1943 can hardly be viewed as a genuine acknowledgement by Congress of the racist nature of its actions. In order to close the book on this series of unjust laws, I urge support of this resolution to express the Senate's regret, albeit belatedly, for these shameful pieces of legislation.

Going forward, this resolution also reaffirms our commitment to the principles of equality and justice upon which our Nation was founded. I was disappointed that, at the insistence of some anonymous Republicans, the resolution is being stripped by amendment of any reference to the Constitution of the United States. That is inexplicable to me. No one has anyone come forward to take responsibility for this change. It is being done in the shadows, without accountability. I believe that the Chinese Exclusion Laws were incompatible with the spirit, and indeed the text, of our Constitution, our fundamental charter. I challenge whoever felt it necessary to remove the original reference in our resolution to the affront to the Constitution to come forward and explain why they were blocking this resolution unless that change was made.

Contrary to the claims in the 1880s that Chinese immigrants looked, acted, and sounded too different—too foreign—to ever become loyal Americans, we have all witnessed the incredible contributions that Chinese Americans have made to our country. America has come a long way since the days of the Chinese Exclusion Laws. I hope that we all appreciate how our Nation's diversity makes America better and stronger.

As Chairman of the Judiciary Committee, I have supported the nominations and recognized the service of many Americans of Chinese descent serving as attorneys and judges throughout the country, such as former Assistant Attorney General for Civil Rights Bill Lann Lee, and Federal Judges Denny Chin, Edmond Chang, Ed Chen, and Dolly Gee. I am also mindful of the service of the late Thomas Tang, a Chinese American trailblazer on the Federal judiciary.

I hope that passage of S. Res. 201 will mark a step in the Senate's progress toward greater commitment to protecting the civil and constitutional rights of all Americans, regardless of race or ethnicity. Unfortunately, in these tough economic times, it is not difficult to hear echoes of the intolerance that led to the Chinese Exclusion Laws in some of the rhetoric of recent immigration debates. Congress should not legislate out of fear and intolerance, and we must not allow laws like the Chinese Exclusions Laws ever to pass again.

Mr. REID. I ask unanimous consent that the Brown of Massachusetts amendment, which is at the desk, be agreed to; the resolution, as amended, 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 amendment (No. 737) was agreed to, as follows:

On page 9, line 1, strike ''That the Senate—''.

On page 9, between lines 1 and 2, insert the following:

**SECTION 1. ACKNOWLEDGMENT AND EXPRESSION OF REGRET.**

The Senate—

On page 10, strike line 1 and all that follows through ''(3)'' on line 5, and insert ''(2)''.

On page 10, line 11, strike ''(4)'' and insert ''(3)''.

On page 10, after line 15, add the following:

**SEC. 2. DISCLAIMER.**

Nothing in this resolution may be construed—

(1) to authorize or support any claim against the United States; or

(2) to serve as a settlement of any claim against the United States.

The resolution (S. Res. 201), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 201

Whereas many Chinese came to the United States in the 19th and 20th centuries, as did people from other countries, in search of the opportunity to create a better life for themselves and their families;

Whereas the contributions of persons of Chinese descent in the agriculture, mining, manufacturing, construction, fishing, and canning industries were critical to establishing the foundations for economic growth in the Nation, particularly in the western United States;

Whereas United States industrialists recruited thousands of Chinese workers to assist in the construction of the Nation's first major national transportation infrastructure, the Transcontinental Railroad;

Whereas Chinese laborers, who made up the majority of the western portion of the railroad workforce, faced grueling hours and extremely harsh conditions in order to lay hundreds of miles of track and were paid substandard wages;

Whereas without the tremendous efforts and technical contributions of these Chinese immigrants, the completion of this vital national infrastructure would have been seriously impeded;

Whereas from the middle of the 19th century through the early 20th century, Chinese immigrants faced racial ostracism and violent assaults, including—

(1) the 1887 Snake River Massacre in Oregon, at which 31 Chinese miners were killed; and

(2) numerous other incidents, including attacks on Chinese immigrants in Rock Springs, San Francisco, Tacoma, and Los Angeles;

Whereas the United States instigated the negotiation of the Burlingame Treaty, ratified by the Senate on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and accorded to China the status of ''most favored nation'';

Whereas before consenting to the ratification of the Burlingame Treaty, the Senate required that the Treaty would not permit Chinese immigrants in the United States to be naturalized United States citizens;

Whereas on July 14, 1870, Congress approved An Act to Amend the Naturalization Laws and to Punish Crimes against the Same, and for other Purposes, and during consideration of such Act, the Senate expressly rejected an amendment to allow Chinese immigrants to naturalize;

Whereas Chinese immigrants were subject to the overzealous implementation of the Page Act of 1875 (18 Stat. 477), which—

(1) ostensibly barred the importation of women from ''China, Japan, or any Oriental country'' for purposes of prostitution;

(2) was disproportionately enforced against Chinese women, effectively preventing the formation of Chinese families in the United States and limiting the number of native-born Chinese citizens;

Whereas, on February 15, 1879, the Senate passed ''the Fifteen Passenger Bill,'' which would have limited the number of Chinese passengers permitted on any ship coming to the United States to 15, with proponents of the bill expressing that the Chinese were ''an indigestible element in our midst . . . without any adaptability to become citizens'';

Whereas, on March 1, 1879, President Hayes vetoed the Fifteen Passenger Bill as being incompatible with the Burlingame Treaty, which declared that ''Chinese subjects visiting or residing in the United States, shall enjoy the same privileges . . . in respect to travel or residence, as may there be enjoyed by the citizens and subjects of the most favored nation'';

Whereas in the aftermath of the veto of the Fifteen Passenger Bill, President Hayes initiated the renegotiation of the Burlingame Treaty, requesting that the Chinese government consent to restrictions on the immigration of Chinese persons to the United States;

Whereas these negotiations culminated in the Angell Treaty, ratified by the Senate on May 9, 1881, which—

(1) allowed the United States to suspend, but not to prohibit, the immigration of Chinese laborers;

(2) declared that ''Chinese laborers who are now in the United States shall be allowed to go and come of their own free will''; and

(3) reaffirmed that Chinese persons possessed ''all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation'';

Whereas, on March 9, 1882, the Senate passed the first Chinese Exclusion Act, which purported to implement the Angell Treaty but instead excluded for 20 years both skilled and unskilled Chinese laborers, rejected an amendment that would have permitted the naturalization of Chinese persons, and instead expressly denied Chinese persons the right to be naturalized as American citizens;

Whereas, on April 4, 1882, President Chester A. Arthur vetoed the first Chinese Exclusion Act as being incompatible with the terms and spirit of the Angell Treaty;

Whereas, on May 6, 1882, Congress passed the second Chinese Exclusion Act, which—

(1) prohibited skilled and unskilled Chinese laborers from entering the United States for 10 years;

(2) was the first Federal law that excluded a single group of people on the basis of race; and

(3) required certain Chinese laborers already legally present in the United States who later wished to reenter to obtain ''certificates of return'', an unprecedented requirement that applied only to Chinese residents;

Whereas in response to reports that courts were bestowing United States citizenship on persons of Chinese descent, the Chinese Exclusion Act of 1882 explicitly prohibited all State and Federal courts from naturalizing Chinese persons;

Whereas the Chinese Exclusion Act of 1882 underscored the belief of some Senators at that time that—

(1) the Chinese people were unfit to be naturalized;

(2) the social characteristics of the Chinese were ''revolting'';

(3) Chinese immigrants were ''like parasites''; and

(4) the United States ''is under God a country of Caucasians, a country of white men, a country to be governed by white men'';

Whereas, on July 3, 1884, notwithstanding United States treaty obligations with China and other nations, Congress broadened the scope of the Chinese Exclusion Act—

(1) to apply to all persons of Chinese descent, ''whether subjects of China or any other foreign power''; and

(2) to provide more stringent requirements restricting Chinese immigration;

Whereas, on October 1, 1888, the Scott Act was enacted into law, which—

(1) prohibited all Chinese laborers who would choose or had chosen to leave the United States from reentering;

(2) cancelled all previously issued ''certificates of return'', which prevented approximately 20,000 Chinese laborers abroad, including 600 individuals who were en route to the United States, from returning to their families or their homes; and

(3) was later determined by the Supreme Court to have abrogated the Angell Treaty;

Whereas, on May 5, 1892, the Geary Act was enacted into law, which—

(1) extended the Chinese Exclusion Act for 10 years;

(2) required all Chinese persons in the United States, but no other race of people, to register with the Federal Government in order to obtain ''certificates of residence''; and

(3) denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus;

Whereas on an explicitly racial basis, the Geary Act deemed the testimony of Chinese persons, including American citizens of Chinese descent, per se insufficient to establish the residency of a Chinese person subject to deportation, mandating that such residence

be established through the testimony of ''at least one credible white witness'';

Whereas in the 1894 Gresham-Yang Treaty, the Chinese government consented to a prohibition of Chinese immigration and the enforcement of the Geary Act in exchange for the readmission of previous Chinese residents;

Whereas in 1898, the United States—

(1) annexed Hawaii;

(2) took control of the Philippines; and

(3) excluded thousands of racially Chinese residents of Hawaii and of the Philippines from entering the United States mainland;

Whereas on April 29, 1902, Congress—

(1) indefinitely extended all laws regulating and restricting Chinese immigration and residence; and

(2) expressly applied such laws to United States insular territories, including the Philippines;

Whereas in 1904, after the Chinese government exercised its unilateral right to withdraw from the Gresham-Yang Treaty, Congress permanently extended, ''without modification, limitation, or condition'', all restrictions on Chinese immigration and naturalization, making the Chinese the only racial group explicitly singled out for immigration exclusion and permanently ineligible for American citizenship;

Whereas between 1910 and 1940, the Angel Island Immigration Station implemented the Chinese exclusion laws by—

(1) confining Chinese persons for up to nearly 2 years;

(2) interrogating Chinese persons; and

(3) providing a model for similar immigration stations at other locations on the Pacific coast and in Hawaii;

Whereas each of the congressional debates concerning issues of Chinese civil rights, naturalization, and immigration involved intensely racial rhetoric, with many Members of Congress claiming that all persons of Chinese descent were—

(1) unworthy of American citizenship;

(2) incapable of assimilation into American society; and

(3) dangerous to the political and social integrity of the United States;

Whereas the express discrimination in these Federal statutes politically and racially stigmatized Chinese immigration into the United States, enshrining in law the exclusion of the Chinese from the political process and the promise of American freedom;

Whereas wartime enemy forces used the anti-Chinese legislation passed in Congress as evidence of American racism against the Chinese, attempting to undermine the Chinese-American alliance and allied military efforts;

Whereas, in 1943, at the urging of President Franklin D. Roosevelt, and over 60 years after the enactment of the first discriminatory laws against Chinese immigrants, Congress—

(1) repealed previously enacted anti-Chinese legislation; and

(2) permitted Chinese immigrants to become naturalized United States citizens;

Whereas despite facing decades of systematic, pervasive, and sustained discrimination, Chinese immigrants and Chinese-Americans persevered and have continued to play a significant role in the growth and success of the United States;

Whereas 6 decades of Federal legislation deliberately targeting Chinese by race—

(1) restricted the capacity of generations of individuals and families to openly pursue the American dream without fear; and

(2) fostered an atmosphere of racial discrimination that deeply prejudiced the civil rights of Chinese immigrants;

Whereas diversity is one of our Nation's greatest strengths, and, while this Nation was founded on the principle that all persons are created equal, the laws enacted by Congress in the late 19th and early 20th centuries that restricted the political and civil rights of persons of Chinese descent violated that principle;

Whereas although an acknowledgment of the Senate's actions that contributed to discrimination against persons of Chinese descent will not erase the past, such an expression will acknowledge and illuminate the injustices in our national experience and help to build a better and stronger Nation;

Whereas the Senate recognizes the importance of addressing this unique framework of discriminatory laws in order to educate the public and future generations regarding the impact of these laws on Chinese and other Asian persons and their implications to all Americans; and

Whereas the Senate deeply regrets the enactment of the Chinese Exclusion Act and related discriminatory laws that—

(1) resulted in the persecution and political alienation of persons of Chinese descent;

(2) unfairly limited their civil rights;

(3) legitimized racial discrimination; and

(4) induced trauma that persists within the Chinese community: Now, therefore, be it

*Resolved,*

**SECTION 1. ACKNOWLEDGMENT AND EXPRESSION OF REGRET.**

The Senate—

(1) acknowledges that this framework of anti-Chinese legislation, including the Chinese Exclusion Act, is incompatible with the basic founding principles recognized in the Declaration of Independence that all persons are created equal;

(2) deeply regrets passing 6 decades of legislation directly targeting the Chinese people for physical and political exclusion and the wrongs committed against Chinese and American citizens of Chinese descent who suffered under these discriminatory laws; and

(3) reaffirms its commitment to preserving the same civil rights and constitutional protections for people of Chinese or other Asian descent in the United States accorded to all others, regardless of their race or ethnicity.

**SEC. 2. DISCLAIMER.**

Nothing in this resolution may be construed—

(1) to authorize or support any claim against the United States; or

(2) to serve as a settlement of any claim against the United States.

## RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 288, S. Res. 289, and S. Res. 290.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 288

Designating the week beginning October 9, 2011, as ''National Wildlife Refuge Week''

Whereas in 1903, President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island;

Whereas in 2011, the National Wildlife Refuge System, administered by the Fish and Wildlife Service, is the premier system of lands and waters to conserve wildlife in the world, and has grown to more than 150,000,000 acres, 553 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the Nation, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas more than 370 units of the National Wildlife Refuge System have hunting programs and more than 350 units of the National Wildlife Refuge System have fishing programs, averaging more than 2,500,000 hunting visits and more than 7,100,000 fishing visits;

Whereas the National Wildlife Refuge System experiences 28,200,000 wildlife observation visits annually;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas for every $1 appropriated, national wildlife refuges generate $4 in economic activity;

Whereas the National Wildlife Refuge System experiences approximately 45,700,000 visits every year, generating nearly $1,700,000,000 and 27,000 jobs in local economies;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas national wildlife refuges are the primary Federal lands that foster production, migration, and wintering habitat for waterfowl;

Whereas since 1934, more than $750,000,000 in funds, from the sale of the Federal Duck Stamp to outdoor enthusiasts, has enabled the purchase or lease of more than 5,300,000 acres of waterfowl habitat in the National Wildlife Refuge System;

Whereas 59 refuges were established specifically to protect imperiled species, and of the more than 1,300 federally listed threatened and endangered species in the United States, 280 species are found on units of the National Wildlife Refuge System;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas 39,000 volunteers and more than 220 national wildlife refuge ''Friends'' organizations contribute nearly 1,400,000 hours annually, the equivalent of 665 full-time employees, and provide an important link with local communities;

Whereas national wildlife refuges provide an important opportunity for children to discover and gain a greater appreciation for the natural world;

Whereas because there are national wildlife refuges located in several urban and suburban areas and 1 refuge located within an hour's drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the Nation;

Whereas since 1995, refuges across the Nation have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the Fish and Wildlife Service will continue to seek stakeholder input on the implementation of the recommendations in the document entitled ''Conserving the Future: Wildlife Refuges and the Next Generation'', which is an update to the strategic plan of the Fish and Wildlife Service for the future of the National Wildlife Refuge System;

Whereas the week beginning on October 9, 2011, has been designated as ''National Wildlife Refuge Week'' by the Fish and Wildlife Service;

Whereas in 2011, the designation of National Wildlife Refuge Week would recognize more than a century of conservation in the United States and would serve to raise awareness about the importance of wildlife and the National Wildlife Refuge System and to celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on October 9, 2011, as ''National Wildlife Refuge Week'';

(2) encourages the observance of National Wildlife Refuge Week with appropriate events and activities;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) identifies the significance of national wildlife refuges in advancing the traditions of wildlife observation, photography, environmental education, and interpretation;

(6) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems, as well as compatible uses;

(7) acknowledges the role of national wildlife refuges in conserving waterfowl and waterfowl habitat pursuant to the Migratory Bird Treaty Act (40 Stat. 755, chapter 128);

(8) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(9) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

S. RES. 289

Celebrating the life and achievements of Reverend Fred Lee Shuttlesworth

Whereas the Reverend Fred Lee Shuttlesworth was born on March 18, 1922, in Mount Meigs, Alabama;

Whereas Reverend Shuttlesworth, a former truck driver who studied theology at night, was ordained in 1948;

Whereas Reverend Shuttlesworth became pastor of Bethel Baptist Church in Birmingham, Alabama, in 1953, and was an outspoken leader in the fight for racial equality;

Whereas Reverend Shuttlesworth worked alongside Dr. Martin Luther King, Jr. and was hailed by Dr. King for his courage and energy in the fight for civil rights;

Whereas, in May 1956, Reverend Shuttlesworth established the Alabama Christian Movement for Human Rights when the National Association for the Advancement of Colored People was banned from Alabama by court injunction;

Whereas, in a brazen attempt to threaten Reverend Shuttleworth's resolve and commitment to the fight for equality and justice, 6 sticks of dynamite were detonated outside Reverend Shuttlesworth's bedroom window on Christmas Day, 1956;

Whereas, on the day after the attack on his home, on December 26, 1956, an undeterred Reverend Shuttlesworth courageously continued the fight for equal rights, leading 250 people in a protest of segregated buses in Birmingham;

Whereas Reverend Shuttlesworth was beaten with chains and brass knuckles by a mob of Ku Klux Klansmen in 1957 when he tried to enroll his children in a segregated school in Birmingham;

Whereas Reverend Shuttlesworth co-founded the Southern Christian Leadership Conference in 1957, serving as the first secretary of the organization from 1958 to 1970 and as its president in 2004;

Whereas Reverend Shuttlesworth participated in protesting segregated lunch counters and helped lead sit-ins in 1960;

Whereas Reverend Shuttlesworth worked with the Congress of Racial Equality to organize the Freedom Rides against segregated interstate buses in the South in 1961;

Whereas it was Reverend Shuttlesworth who called upon Attorney General Robert Kennedy to protect the Freedom Riders;

Whereas Reverend Shuttlesworth freed a group of Freedom Riders from jail and drove them to the Tennessee State line to safety;

Whereas, in 1963, Reverend Shuttlesworth persuaded Dr. King to bring the civil rights movement to Birmingham;

Whereas, in the spring of 1963, Reverend Shuttlesworth designed a mass campaign that included a series of nonviolent sit-ins and marches against illegal segregation by Black children, students, clergymen, and others;

Whereas, in 1963, while leading a nonviolent protest against segregation in Birmingham, Reverend Shuttlesworth was slammed against a wall and knocked unconscious by the force of the water pressure from fire hoses turned on demonstrators at the order of Bull Connor, the Commissioner of Public Safety;

Whereas the televised images of Connor directing the use of firefighters' hoses and police dogs to attack nonviolent demonstrators, and to arrest those undeterred by violence, had a profound effect on the view of the civil rights struggle by citizens of the United States;

Whereas as a result of those violent images, President John Fitzgerald Kennedy called the fight for equality a moral issue;

Whereas those violent images helped lead to the passage of the Civil Rights Act of 1964 (Public Law 88-352; 78 Stat. 241);

Whereas, in his 1963 book ''Why We Can't Wait'', Dr. King called Reverend Shuttlesworth ''one of the nation's most courageous freedom fighters . . . a wiry, energetic, and indomitable man'';

Whereas, in March 1965, Reverend Shuttlesworth helped organize the historic march from Selma to Montgomery to protest voting discrimination in Alabama;

Whereas Reverend Shuttlesworth became pastor of the Greater New Light Baptist Church in Cincinnati, Ohio, in 1966 and served as pastor until his retirement in 2006;

Whereas Reverend Shuttlesworth advocated for racial justice in Cincinnati and for increased minority representation in the public institutions of Cincinnati, including the police department and city council;

Whereas, in the 1980s, Reverend Shuttlesworth established the Shuttlesworth Housing Foundation in Cincinnati, which helped low-income families in Cincinnati become homeowners;

Whereas, in 2001, President William Jefferson Clinton awarded Reverend Shuttlesworth a Presidential Citizens Medal for his leadership in the ''nonviolent civil rights movement of the 1950s and 60s, leading efforts to integrate Birmingham, Alabama's schools, buses, and recreational facilities'';

Whereas the Birmingham international airport was named for Reverend Shuttlesworth in 2008, and is now known as the Birmingham-Shuttlesworth International Airport;

Whereas Reverend Shuttlesworth was inducted into the Ohio Civil Rights Commission Hall of Fame in 2009;

Whereas in Reverend Shuttlesworth's final sermon he said ''the best thing we can do is be a servant of God . . . it does good to stand up and serve others''; and

Whereas upon the death of Reverend Shuttlesworth, President Barack Hussein Obama said of Reverend Shuttlesworth that he ''dedicated his life to advancing the cause of justice for all Americans. He was a testament to the strength of the human spirit. And today we stand on his shoulders, and the shoulders of all those who marched and sat and lifted their voices to help perfect our union'': Now, therefore, be it

*Resolved*, That the Senate celebrates the life and achievements of Reverend Fred Lee Shuttlesworth and honors him for his tireless efforts in the fight against segregation and his steadfast commitment to the civil rights of all people.

S. RES. 290

Supporting the designation of October 6, 2011, as ''Jumpstart's Read for the Record Day''

Whereas Jumpstart, a national early education organization, is working to ensure that all children in the United States enter school prepared to succeed;

Whereas, year-round, Jumpstart recruits and trains college students and community members to serve preschool children in low-income neighborhoods, helping them to develop the key language and literacy skills necessary to succeed in school and in life;

Whereas, since 1993, Jumpstart has engaged more than 20,000 adults in service to more than 90,000 young children in communities across the United States;

Whereas Jumpstart's Read for the Record, presented in partnership with the Pearson Foundation, is a national campaign that mobilizes adults and children in an effort to close the early education achievement gap in the United States by setting a reading world record;

Whereas the goals of the campaign are to raise awareness in the United States of the importance of early education, provide books to children in low-income households through donations and sponsorship, and celebrate the commencement of Jumpstart's program year;

Whereas October 6, 2011, would be an appropriate date to designate as ''Jumpstart's Read for the Record Day'' because it is the date Jumpstart aims to set the world record for the largest shared reading experience; and

Whereas Jumpstart hopes to engage more than 2,100,000 children in reading Anna

Dewdney's ''Llama Llama Red Pajama'' during this record-breaking celebration of reading, service, and fun, all in support of preschool children in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of October 6, 2011, as ''Jumpstart's Read for the Record Day'';

(2) commends Jumpstart's Read for the Record in its sixth year;

(3) encourages adults, including grandparents, parents, teachers, and college students—

(A) to join children in creating the world's largest shared reading experience; and

(B) to show their support for early literacy and Jumpstart's early education programming for young children in low-income communities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Jumpstart, one of the leading nonprofit organizations in the United States in the field of early education.

## ORDERS FOR FRIDAY, OCTOBER 7 THROUGH TUESDAY, OCTOBER 11, 2011

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 12:00 p.m. on Friday, October 7, 2011, for a pro forma session only, with no business conducted, and that following the pro forma session, the Senate adjourn until 2 p.m. on Tuesday, October 11, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate proceed to executive session under the previous order; further, following the vote on confirmation of the Triche-Milazzo nomination, the Senate resume legislative session and consideration of S. 1619, and the Senate immediately vote on passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. There will be three votes starting at 5:30 p.m. on Tuesday. The first vote will be on confirmation of the judge I previously mentioned. The second vote will be on the passage of S. 1619, the China currency bill. Finally, there will be a cloture vote on the motion to proceed to S. 1660.

## ADJOURNMENT UNTIL TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 10 p.m., adjourned until Friday, October 7, 2011, at 12 noon.

# EXTENSIONS OF REMARKS

## RECOGNIZING THE CONTRIBUTIONS OF THE JUVENILE DIABETES RESEARCH FUND

### HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. ROSKAM. Mr. Speaker, today I rise to highlight the good work of the Juvenile Diabetes Research Fund.

The Juvenile Diabetes Research Fund began in 1970 from a parent's idea to begin a fundraising effort with the aim to promote the research of a cure for juvenile diabetes. To date, the organization has raised more than $1.5 billion, including $107 million last year alone. More than 80 percent of those funds go directly to support research and research-related education.

JDRF now has over 100 locations around the world and currently funds research in 19 countries.

Diabetes and its complications cost the United States more than $174 billion a year and it is a growing epidemic. Every year, there are roughly 30,000 new cases of Type-1 diabetes discovered in America and more than 1.6 million cases of diabetes are diagnosed every year. That's one every 30 seconds.

Type-1 Diabetes typically affects young adults and children. They are forced at a young age to learn how to monitor their blood levels and inject insulin when it's low. This can also be a worrisome and anxious experience.

This is why we must encourage the Food and Drug Administration to continue in its approval process for the artificial pancreas. Earlier this year, 60 Senators and 250 Representatives sent a letter to the FDA Commissioner Margaret Hamburg expressing their support for the artificial pancreas.

This new device will allow children to return to their lives and give parents the peace of mind in knowing that their children will not forget to check their insulin levels. The artificial pancreas is a device that can automatically monitor and regulate glucose levels without requiring blood to be drawn.

Jeffrey Brewer, President and CEO of JDRF, said, "An artificial pancreas, which would automatically monitor and regulate glucose levels, has the potential to transform the care of people with type 1 diabetes." It estimated the artificial pancreas could save Medicare $23 million over 10 years and $1.9 billion over 25 years by lowering the number of complications associated with the disease.

I am hopeful that the FDA will stick to its publicly announced December 2011 draft guidance deadline. This will allow us to move into the crucial next phase of real world testing of this potentially life saving device. I would urge my colleagues to continue to monitor this situation and ensure that the FDA stays true to their word on the guidance.

There may not be a cure for diabetes yet but with organizations like the JDRF leading the way in encouraging research and funding grant programs we are getting closer to a cure each day.

## RECOGNIZING THE 446TH AIRLIFT WING FOR EARNING THE AIR FORCE MERITORIOUS UNIT AWARD

### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. SMITH of Washington. Mr. Speaker, I rise today to recognize the 446th Airlift Wing for earning the Air Force Meritorious Unit Award. The award reflects the wing's outstanding performance flying combat and peacetime missions between 2008 and 2010.

The 446th Airlift Wing is Washington State's only Air Force Reserve flying unit and performs roughly 44 percent of all C–17 missions leaving McChord Field located on Joint Base Lewis-McChord. Having won this accolade in 2007, this honor marks the second time the 446th Airlift Wing has earned the Meritorious Unit Award.

The Meritorious Unit Award was established in 2004 to recognize organizations for exceptional achievement or service in direct support of combat operations. The 2,100 airmen who make up the 446th Airlift Wing are honored for contributing directly to national objectives and continuously demonstrating their combat readiness as they fulfilled global peacetime and wartime operations. Flying more than 9,700 missions in more than 42,000 flying hours averaging 2,000 missions every four months to 11 different Iraqi airfields proves that this unit is nothing short of exemplary.

Mr. Speaker, it is an honor to recognize the 446th for its performance and its commitment to serving the United States. I ask that my colleagues in the House of Representatives please join me in congratulating the 446th Airlift Wing for receiving the Air Force Meritorious Unit Award.

## IN RECOGNITION OF REVEREND FRED L. SHUTTLESWORTH

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the life of an instrumental figure in the Civil Rights Movement, Reverend Fred L. Shuttlesworth. Reverend Shuttlesworth passed away at the age of 89.

Born in Montgomery County, Alabama, Reverend Shuttlesworth was no stranger to frequent discrimination and violence as he lived out his life. Having endured countless beatings, bombings, and arrests, Reverend Shuttlesworth would become a leading force in the historic fight for equal rights.

Reverend Shuttlesworth was one of the primary pillars of the iconic "Big Three," founded conjointly with Rev. Dr. Martin Luther King, Jr. and Rev. Ralph D. Abernathy, and others. While Reverend Shuttlesworth may not have been as much of a household name as Dr. King, for example, his contributions to the Movement were irrefutably just as pivotal to its success.

Reverend Shuttlesworth was a major actor in the formation of the Southern Christian Leadership Conference, SCLC, a civil rights organization that helped to mobilize thousands of people during rallies and protests in the name of equality. He also helped to organize the Freedom Rides through his work with the Congress on Racial Equality, CORE. Also known for his outspoken and aggressive advocacy, Reverend Shuttlesworth worked closely with Dr. King to maintain momentum behind the Movement whenever Dr. King's conciliatory approach may have failed. Today, his contributions remain clear and his personal sacrifices revered.

Mr. Speaker, I am deeply saddened by this tremendous loss. Reverend Shuttlesworth was a well-respected and principled individual who was fearless even in the face of insurmountable odds. Reverend Shuttlesworth selflessly endured great personal sacrifice so that he could perpetuate a movement that went well beyond his own life. For that I rise to honor his lasting contributions to this nation.

## A COMPREHENSIVE ASSESSMENT OF U.S. POLICY TOWARD SUDAN

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. SMITH of New Jersey. Mr. Speaker, earlier this week, the Subcommittee on Africa, Global Health, and Human Rights, which I chair, held a hearing that examined a wide range of issues involving U.S. policy toward Sudan, including the ongoing attacks on Southern Kordofan and Blue Nile states, the continuing negotiations with the Republic of South Sudan on challenges such as the demarcation of the border, the fate of the Abyei region, citizenship in both countries and oil revenue sharing. Additionally, this hearing provided opportunities to receive an update on the U.S. response to the enduring stalemate on Darfur and to examine U.S. policy on the release of Sudanese still held in bondage throughout Sudan.

Two months ago, the Subcommittee on Africa, Global Health, and Human Rights held an emergency hearing on the attacks by the Republic of the Sudan on its own Southern Kordofan state. The crisis first arose in June, shortly after the military forces of the Khartoum government attacked the disputed Abyei area. This was apparently a provocation to the Sudanese People's Liberation Movement, or SPLM, government in what is now South

Sudan just before that new country's independence.

This vicious attack didn't provoke the SPLM into retaliation, which could have derailed its independence. Nevertheless, dozens of people were killed and more than 200,000 were displaced in the immediate aftermath of the northern attack on its own territory. This violence was a tragic resumption of a prior war by the Khartoum government on the Nuba of Southern Kordofan. Beginning in the 1980s, Islamist elements in the North began an eradication campaign against the Nuba—pitting Northern Arabs against Africans to the South.

Earlier this month, the Sudanese military bombed its own Blue Nile state, including attacks on the governor's residence. Nearly half a million people were affected by the air and ground assault on Blue Nile. It seems the so-called cease-fire in Southern Kordofan was only a pretext to facilitate preparations for the assault on Blue Nile.

The Comprehensive Peace Agreement that ended the North-South civil war was supposed to provide for consultations for both states so residents could determine their political future. However, Khartoum didn't want to risk their desire to break away and lose them as it has South Sudan. The promised consultations were held in Blue Nile, but postponed in Southern Kordofan.

When the SPLM-North members in Southern Kordofan and Blue Nile didn't lay down their arms in advance of South Sudan's independence, Khartoum used that as an excuse to eliminate those who had supported the South in the long civil war. A preemptive strike in Southern Kordofan evidently was meant to chase out those who had opposed Khartoum. Members of SPLM-North were stalked by the Sudanese military, who went door-to-door to eliminate them. The similar attack in Blue Nile was intended to purge that state of the supposed opponents of the Khartoum government living there as well. In fact, the Sudan People's Liberation Army—North governor of Blue Nile has been chased out of the capital by northern military forces.

As the world was focused on the January referendum in which Southerners voted for an independent South Sudan, human right organizations reported rising violence in Darfur. There was a resumption of conflict in several locations in North and South Darfur between Sudanese government military forces and Sudan Liberation Army rebels loyal to Mini Minawi, a signatory of the now-defunct 2006 Darfur Peace Agreement. Recently, the Sudanese army clashed with the rebel Justice and Equality Movement in the remote area of North Darfur near Sudan's triangle border with Chad and Libya. Darfur rebels had attacked Omdurman and Khartoum in northern Sudan in 2008, which resulted in a massive crackdown on dissidents.

The brutality by the Sudanese military will not crush the desire for freedom in Abyei, Southern Kordofan, Blue Nile or Darfur. In seeking to prevent the secession of these states and the special administrative area of Abyei, Bashir's government may be sowing the seeds for Sudan's eventual dissolution. Until that time, however, the international community must continue to press for an end to the attacks on Sudanese, using all of our available diplomatic and economic resources. The human rights of people in the North must be every bit as important to us as the rights of those in the South have been.

Meanwhile, we have known that raiders from the North were killing southern men and taking women and children into slavery for decades. Reports from human rights groups and the U.S. Department of State on Sudanese slavery gained the attention of Members of Congress such as myself as early as the 1980s because of the serious human rights implications of modern-day slavery.

I chaired the first Congressional hearing on slavery in Sudan on March 13, 1996. Our witnesses included then-Deputy Assistant Secretary of State for African Affairs William Twadell; Samuel Cotton of the Coalition Against Slavery in Mauritania and Sudan; Dr. Charles Jacobs of the American Anti-Slavery Group; Baroness Caroline Cox, the Deputy Speaker of the British House of Lords, testifying on behalf of Christian Solidarity International, and Dr. Gaspar Biro, Human Rights Rapporteur of the United Nations. Fifteen years ago, these witnesses cited the gross human rights violations committed by the Government of the Sudan and their failure to cooperate in addressing slavery. Special Rapporteur Biro referred to it as the "manifest passivity of the government of Sudan." Deputy Assistant Secretary Twadell said the Clinton Administration acknowledged then that slavery was an ugly reality in Sudan.

Following a visit to the Sudan People's Liberation Army-held portion of Sudan in November 2000, then-Assistant Secretary of State for African Affairs Susan Rice said that neither the Clinton Administration nor its successor would cease working to end slavery in Sudan. Why have we not kept that promise?

When former Assistant Secretary Rice made that pledge, the United Nations estimated that there were as many as 15,000 southern Sudanese held in bondage after being abducted in raids by Arab militiamen on southern villages. While the current exact number of Sudanese slaves is unknown, too many people remain in slavery in Sudan and more continue to join them each day. The State Department's 2011 Trafficking in Persons report lists Sudan as a Tier III country that is a continuing source, transit and destination country for men, women and children subjected to forced labor and sex trafficking. Slavery remains a pervasive and deeply disturbing reality in Sudan, and we cannot in good conscience allow this to continue.

We have had active campaigns to end Sudanese slavery, to end genocide in Darfur, to end the north-South civil war and now to end to the attacks on Abyei, Southern Kordofan and Blue Nile. Unfortunately, these campaigns have been conducted in isolation from one another. If we are to have a successful policy to stop the suffering of Sudan's people, our government must devise a comprehensive policy for addressing all of Sudan's challenges. To facilitate such a policy consolidation, civil society also must support a coordinated policy no matter their particular area of concern. Therefore, I call on our civil society organizations concerned about the people of Sudan to work together and demonstrate to our government the wisdom and effectiveness of a coordinated American policy on Sudan.

## URGING THE SECRETARY OF STATE TO REMOVE THE PEOPLE'S MOJAHEDIN ORGANIZATION OF IRAN FROM DEPARTMENT OF STATE'S LIST OF FOREIGN TERRORIST ORGANIZATIONS

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, perhaps the most important element of our democracy is the reverence our people and government have for the rule of law. I stand here today because I am dismayed at the State Department's inaction in response to a Federal court ruling stating the DoS was incorrect in placing the MEK on the terrorist watch list. This inaction damages the credibility of our executive branch as well its ability to faithfully execute the laws of this land.

More than 10 years ago, the State Department put Iran's most organized opposition on the list of Foreign Terrorist Organizations, FTO, in order to get the Iranian mullahs to cooperate with us. Not only has this policy failed to temper Iran's aggressive behavior, it has actually emboldened them. More importantly, the terror listing of the Iranian opposition has robbed people of Iran of the political space needed to effectively oppose the regime within Iran and in the global arena.

Our allies in the UK and EU have removed the MEK from their banned organizations list. The DC Circuit Federal Appeals Court has also ordered our government to reexamine its evidence on the MEK and undertake a fresh review of their case. The 10th Circuit stated that the State Department had not shown that the MEK had been engaged or had the intent to engage in terrorist activities which is a requirement to being designated as an FTO. Ninety-five Members of Congress and I have agreed with the court decision and co-sponsored H. Res. 60 to urge the Secretary of State to remove the MEK as an FTO and lift all restrictions.

As such, I would therefore like to ask the folks in State Department a simple question: Why has the department, after more than 500 days of deliberation failed to faithfully comply with the Federal court order?

## CEMENT SECTOR REGULATORY RELIEF ACT (H.R. 2681) AND THE EPA REGULATORY RELIEF ACT (H.R. 2250)

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. HOLT. Mr. Speaker this week the House of Representatives considered two bills that continue the Majority's assault on public health and the environment. The so-called "Cement Sector Regulatory Relief Act" and the "EPA Regulatory Relief Act" would delay or eliminate air pollution safeguards for industrial incinerators, boilers, and cement plans. Should these dangerous bills become law, the air we breathe would contain more mercury, arsenic, lead, and acid gas.

These misguided pieces of legislation would undermine the Environmental Protection Agency's ability to enforce the Clean Air Act and significantly limit the federal government's ability to ensure that the air we breathe is safe and pollution-free.

Sadly, these bills are just the latest in a long line of bills from the majority that put big polluter profits before the health and safety of the American people. From the Dirty Air Act that would remove EPA's statutory authority to regulate carbon pollution to legislation that exempts offshore drilling operations from having to control their pollution emissions and legislation that would allow power plants to emit more and more toxic air pollution, the majority seems intent on rolling back programs that preserve our environment, protect our public health, and grow our economy.

For forty years the Clean Air Act has been successful in protecting public health and preventing deaths from respiratory disease because it was written to follow science as science evolved. The success of the Clean Air Act is because its regulations are based in science. Legislators shouldn't pretend to be scientists.

I urge my colleagues to vote no on these dangerous bills.

## IN RECOGNITION OF THE ASSOCIATION OF INDIANS IN AMERICA AND ITS PRESIDENT, RANJU BATRA

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the Association of Indians in America and its President, my good friend Ms. Ranju Batra, on the occasion of its 24th annual celebration of the festival of Diwali at the historic South Street Seaport in lower Manhattan.

The theme of the Association's celebration this year, ''Non-Violence in Today's World,'' is more salient than ever. Most fittingly, it takes place on the birthday of Mahatma Gandhi. With more than a thousand attendees expected from all across the greater New York metropolitan region, this year's Diwali celebration will be a highlight of the year for AIA and its distinguished new President, Ms. Ranju Batra.

Founded in 1967, the Association of Indians in America is the oldest association of Indians in America. The New York chapter includes members from across the tri-state region, and prides itself on its tradition of openness and respect for persons of all religious faiths. Its membership is a microcosm of the extraordinary diversity of the Indian community in the New York area, with all regions and religions of India represented, as well as a wide range of professions, backgrounds and occupations. AIA's New York chapter performs countless acts of public service and philanthropy, reflecting its motto, ''Indian Heritage and American commitment.''

Diwali is a holiday that celebrates the victory of good over evil and awareness of one's inner light, the dispelling of ignorance, and the realization of knowledge of and insight. Through intriguing exhibits, stirring music and dance performances, fine cuisine, inspirational oratory from featured speakers, and a dazzling fireworks display over the East River, this year's festival is helping to educate New Yorkers about Diwali and its celebration by adherents of Hinduism, Jainism and Sikhism, and thereby promoting awareness and appreciation of South Asian culture and its amazing richness and diversity.

I am proud to salute my good friend Ranju Batra on her election as President of AIA, a recognition by her peers in the Indian-American community of her leadership abilities and passion for serving others. In addition to AIA, which she has served as Cultural Chair for several years, Ranju Batra has demonstrated her commitment to numerous worthwhile charitable organizations, including the Hindu Center; Arya Samaj of Westchester County, New York; and Children's Hope. A loving wife to her husband, Ravi, and a caring mother to their children, she is deservedly a widely respected leader of the South Asian community in the nation's largest metropolitan area.

Mr. Speaker, I request that my colleagues join me in paying tribute to the Association of Indians in America and its President, Ms. Ranju Batra, for their extraordinary contributions to the civic life of our nation.

## CONGRATULATING WEIRS BEACH RESIDENT ROBERT LAWTON ON THE 20TH YEAR OF THE WEIRS TIMES AND TOURISTS' GAZETTE

### HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. GUINTA. Mr. Speaker, on September 21, 2011 I had the privilege of nominating Robert Lawton of Weirs Beach, New Hampshire to be a recipient of the prestigious Nackey S. Loeb School of Communications First Amendment Award. After a lifetime of giving to his community as an entrepreneur, New Hampshire historian and Representative to the General Court, Bob re-launched the 19th Century newspaper The Weirs Times and Tourists' Gazette in 1992. Now in its 20th year, the newspaper started with an initial run of only 2,000 copies distributed in the Laconia area each week. Bob and his son David have since grown circulation to almost 30,000 copies across the state.

At age 80, retirement is not an issue for Bob. Opening his businesses at eight o'clock in the morning he demonstrates the true spirit of the Greatest Generation—its exemplary work ethic. Bob often says, ''I like to be busy, I like to be working, I like to keep moving, I like to be thinking of new things all the time.''

His thoughtful respect for New Hampshire history, and interest in the community, has successfully resurrected a Lakes Region icon—The Weirs Times. By spreading his opinion and stories about current events and bringing to light our state's historical backdrop, all Granite Staters are in debt to him for continuing to ''think of new things all the time.''

I commend the work of Mr. Lawton and for his outstanding support of the community. I wish him the very best and many more years of success ahead.

## HONORING NICHOLAS STALLWORTH HARE ON HIS 100TH BIRTHDAY

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. BONNER. Mr. Speaker, I rise to extend very special birthday greetings to an honored member of the South Alabama legal community. Next week, Nick Hare will celebrate his 100th birthday among the company of a proud family and many loyal friends in his hometown of Monroeville.

Born on October 11, 1911, ''Mr. Nick'' graduated from Northwood School, Lake Placid, New York, in 1930. He received his college undergraduate degree with honors from Auburn University (Alabama Polytechnic Institute) in 1932, and three years later earned his law degree from the University of Alabama.

After completing his education, Nick joined his cousin, Francis Hare, in the practice of law in Birmingham. Soon after, World War II intervened and his country called. Nick was inducted into the Army Air Corps where he honorably served America, including working on the famous Manhattan Project to produce the atomic bomb.

After his distinguished military service, Nick returned to Alabama and opened his law office in Monroeville. He soon entered politics, being elected to the Alabama legislature in 1954. During his tenure in Montgomery, Nick served as chair of the Judiciary Advisory Council. He left office in 1959 assuming the role of Assistant Attorney General under Alabama Attorney General MacDonald Gallion. While on the Attorney General's staff, Nick worked with Governor John Patterson to combat loan sharks victimizing Alabamians.

In 1960, Nick turned his gaze to Mobile after he was appointed chief legal counsel for the Alabama State Docks under director Earl McGowan. Later, during the Reagan administration, he served the federal government as an appointee to represent the United States in legal seminars with the People's Republic of China.

Nick Hare has accomplished much in his 100 years. He's been an Army Air Corpsman, a legislator, a state official, federal appointee and a lifelong attorney representing the best interests of the people of Alabama.

Mr. Speaker, it is not uncommon to laud someone you respect with the compliment ''they're a gentleman and a scholar''. In ''Mr. Nick's'' case, he truly is both. A nationally recognized legal mind, an inventor holding eight patents, and an active member of his community, Nicolas Stallworth Hare is a true gentleman and a scholar and a very dear friend to many, many people.

On behalf of the people of Alabama and this House, I am pleased to offer Nick our very best wishes on his 100th birthday. May he continue to have a long, happy and healthy life for many years to come.

## RECOGNIZING EIGHT NIGHT STALKERS OF THE 4TH BATTALION, 160TH SPECIAL OPERATIONS AVIATION REGIMENT, RECIPIENTS OF THE DISTINGUISHED FLYING CROSS

### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. SMITH of Washington. Mr. Speaker, I rise today to honor CWO–4 Bernard Litaker, Jr., CWO–3 Maciek Mankowski, CWO–3 Todd Peterson, Staff Sgt. Benjamin Tate, Staff Sgt. Stanley Yeadon, Sgt. Jason Brown, Sgt. Jeremy Gribble, and Spc. Matthew Jones who received the Distinguished Flying Cross for their extraordinary service and valor. I recently had the privilege to meet with the leadership of these eight brave servicemen of the 4th Battalion, 160th Special Operations Aviation Regiment (Airborne) located at Joint Base Lewis-McChord, and believe that they have achieved the pinnacle of military excellence.

The Distinguished Flying Cross is awarded to members of the Armed Forces of the United States who distinguish themselves through heroism above and beyond the call of duty while participating in aerial flight, an award which these men have undoubtedly earned.

On a late September 2009 evening in Afghanistan, these men embarked on a high-priority, high-risk mission that would necessitate that they put their lives at risk to protect other forces. The unexpected call required them to quickly develop and execute a plan, but the ensuing enemy fire would force them to adapt to the increasingly dangerous situation. The pilots gave heroic flying performances, expertly navigating their helicopters while calling out enemy threats to their gunners.

Upon completing their objective and reaching safety, they learned they would need to return for a casualty evacuation. Once again landing their aircraft mere meters from their target, the men held off enemy fire and successfully flew the target to safety. Facing seemingly insurmountable odds, not once but twice, these eight brave Night Stalkers demonstrated skillful flying and venerable courage in the face of danger.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in congratulating these eight brave men for their commendable service and thanking them for the sacrifices they have made for their country.

## IN TRIBUTE TO THE ELEVEN EXTRAORDINARY 2011 INDUCTEES TO THE NATIONAL WOMEN'S HALL OF FAME

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mrs. MALONEY. Mr. Speaker, I rise to recognize the National Women's Hall of Fame and the eleven women who were formally inducted into the National Women's Hall of Fame on September 30 and October 1, 2011 in Seneca Falls, New York.

Since 1969, the National Women's Hall of Fame has showcased great American women who have demonstrated an ability to inspire, lead and innovate. Fittingly, the Hall is located in Seneca Falls, the site of the 1848 Women's Rights Convention which adopted the Declaration of Sentiments demanding that women ''have immediate admission to all the rights and privileges which belong to them as citizens of these United States.''

Nearly 250 women have been honored by induction into the National Women's Hall of Fame. They come from many fields—they are educators, actors, writers, politicians, visionaries, philanthropists, athletes and scientists—but they share a talent for making a difference and inspiring us all. The eleven women who were inducted into the National Women's Hall of Fame this past weekend have truly made their mark on this country and on our history.

St. Katharine Drexel (1858–1955), a missionary who dedicated her life and fortunate to help native Americans and African Americans, is the second American-born person to be recognized as a saint. St. Katharine founded the Sisters of the Blessed Sacrament. During her lifetime, she and her order founded more than sixty missions and schools, including Xavier University in Louisiana.

Dorothy Harrison Eustis (1886–1946) cofounded the nation's first dog guide school, The Seeing Eye. Born in Switzerland, Eustis started breeding German Shepherds for civic duty. Morris Frank, a blind American man, contacted her for help in acquiring a guide dog. She moved to America and, together with Frank, established The Seeing Eye, which has trained 15,000 dogs to assist nearly 6,000 individuals.

Loretta C. Ford (1920–) is a international leader in nursing who is best known for cofounding the nurse practitioner model, which expanded nurse's scope of practice and allowed them to perform a broader range of duties.

Abby Kelley Foster (1811–1887) was a major figure in the anti-slavery and women's rights movements. An organizer, lecturer and fundraiser, she worked tirelessly for the ratification of the 14th and 15th amendments and helped lay the groundwork for the 19th amendment granting women suffrage.

Helen Murray Free (1923–) is a pioneering chemist who conducted research that revolutionized diagnostic testing in the laboratory and at home. Her work on dip-and-read strips has made it easier and cheaper to test for diabetes, pregnancy and other conditions.

Billie Holiday (1915–1959) is one of the greatest jazz vocalists of all time. Her unique style continues to influence jazz and pop vocalists more than fifty years after her death.

Coretta Scott King (1927–2006) was a celebrated champion of human and civil rights through non-violent means, in partnership with her husband, Dr. Martin Luther King, Jr., and following his death.

Lily Ledbetter (1938–) is best known for her fight to achieve pay equity. As she was retiring from her position as a manager with the Goodyear Tire and Rubber Company, Ledbetter was advised anonymously that she had been paid considerably less than her male colleagues. She subsequently initiated a lawsuit against Goodyear. She won in trial court, but the Supreme Court later overturned the verdict because she had not filed within 180 days of the discriminatory act even though she was unaware of the discrimination at the time. Thanks in part to her advocacy, Congress reinstated the right to sue, and President Obama signed into law, the Lily Ledbetter Fair Pay Act in 2009.

BARBARA MIKULSKI (1936–) is the first female Democratic Senator elected in her own right. During her more than 30 years in the Senate, she has worked on legislation promoting equal health care for American women, Medicare reform, better care for veterans, greater student access to quality education and much more. This year she became the longest serving female Senator in U.S. history.

Dr. Donna Shalala (1941–) is an educator, scholar and politician who was the longest serving Secretary of Health and Human Services (1993–2001). She has been president of Hunter College which is located in my district, chancellor of the University of Wisconsin-Madison and is currently President of the University of Miami.

Kathrine Switzer (1947–) broke the gender barrier in 1967 when she was the first woman to officially enter the Boston Marathon. She has completed over 37 marathons and has dedicated her career to creating Opportunities and equal sports status for women. In 1977, she founded the Avon International Running Circuit and in 1984 she was a leader in making the women's marathon an official event in the Olympic Games. She is an Emmy Award-winning sports commentator.

Mr. Speaker, I ask my colleagues to join me in rising to celebrate the National Women's Hall of Fame and its eleven remarkable 2011 inductees.

## IN RECOGNITION OF DR. BRUCE A. BEUTLER, RECIPIENT OF THE 2011 NOBEL PRIZE IN PHYSIOLOGY OR MEDICINE

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Dr. Bruce A. Beutler for winning the Nobel Prize in Physiology or Medicine, alongside two other scientists, for discoveries in how the immune system functions.

Initially, Dr. Beutler began searching for a receptor with the ability to bind lipopolysaccharide (LPS). After devoting a great deal of time cloning LPS receptor genes, Dr. Beutler and his colleagues made an important discovery in 1998—a Toll-like receptor (TLR) that activates signals when bound with LPS. This discovery spurred further research in innate immunity and now, over a dozen of different TLRs have been identified. I applaud Dr. Beutler's dedicated efforts and know that this finding will provide our medical community with greater understanding about how immune systems respond to diseases, keeping us on the forefront of medical research.

In 2008, he was elected to the National Academy of Sciences. He currently serves as the Director of the Center for the Genetics of Host Defense at UT Southwestern Medical Center. Dr. Beutler is the fifth faculty member from UT Southwestern Medical Center to be awarded a Nobel Prize since 1985.

Mr. Speaker, I ask my esteemed colleagues to join me in congratulating Dr. Beutler on receiving this prestigious award.

PERSONAL EXPLANATION

## HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. ANDREWS. Mr. Speaker, on rollcall No. 746 for H. Res. 419, I am not recorded because I was absent. Had I been present, I would have voted ''no.''

HONORING FIRST UNION BAPTIST CHURCH

## HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. KILDEE. Mr. Speaker, the month of October marks the 50th anniversary of First Union Baptist Church's Christian service in my hometown of Flint, Michigan, which they are commemorating with a celebration: ''Honoring our Past, Fulfilling the Present, Preparing for the Future.''

Under the faithful stewardship of Rev. Archie Powell, Sr., Union Baptist opened its doors in a storefront on North Street. At this location, Pastor Archie Powell, Sr., Deacon David Sawyer, Mother Tennesee Sawyer, Mother Loread Perry, Mother Lela Lee, Sister Gertha McGhee, and Sister Mary Ann Sawyer Jones met for the first time.

After 25 years of steadfast leadership, Rev. Archie Powell, Sr. was called to rest on November 2, 1986. In the following months, the Rev. Archie Powell, Jr. was installed by Rev. Grandville Smith of Mt. Calvary Baptist Church Flint, Michigan. Like his father, Rev. Archie Powell, Jr. is a dedicated servant to the Lord and recently celebrated 24 years of pastoral care to the congregation of First Union Baptist Church.

In 1996, the First Union congregation had grown too big for the building it occupied at the time and decided to break ground on a new place of worship with room for 450 people at 7004 Fleming Rd., Flint, Michigan. The congregation moved in on April 20, 1997. Under the careful stewardship of Rev. Archie Powell, Jr. the congregation was able to pay off the mortgage in December of 2010.

Mr. Speaker, please join me in congratulating First Union Baptist Church on their success and dedication to the Flint community. I pray that the ministers, staff, and congregation of First Union will continue their work and spread the Gospel of Jesus Christ for many, many years to come.

PERSONAL EXPLANATION

## HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mrs. LOWEY. Mr. Speaker, I regrettably missed Rollcall votes on October 5. Had I been present, I would have voted in the following manner:

Rollcall No. 747: ''yea.''

Rollcall No. 748: ''yea.''

Rollcall No. 749: ''yea.''

WITH CONGRATULATIONS FOR FRANCIS HALL INSURANCE SERVICES

## HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Francis Hall Insurance Services of Chester County, Pennsylvania on its 65th anniversary as a continuously family-owned and operated business.

The history of Francis Hall Insurance Services is a long and storied one, extending back to 1946 when Francis A. Hall founded the agency on South High Street in West Chester Borough. In 1947, Francis became licensed to sell real estate and, by 1960, the agency was a prosperous insurance and real estate firm with the top Chester County realtor, Mrs. M.L. Hughes, who had the highest sales record in the County for five straight years.

Over the years, Francis' sons Richard and Robert would join the agency. Upon Francis' retirement in 1962, his sons took up his mantle and maintained a proudly family-owned and operated Chester County business. Today, Francis Hall Insurance Services offers personal, commercial, and financial insurance coverages and custom risk management programs. Through its subsidiaries, it is the leading insurer of fire/EMS services in Southeast Pennsylvania, the second largest writer for municipalities in the Brandywine Valley, and the risk management provider to dozens of municipalities, businesses and manufacturers.

Mr. Speaker, I ask that my colleagues join me today in congratulating Francis Hall Insurance Services on the occasion of its 65th anniversary and to extend best wishes for the agency's continuing work to meet the needs of the community throughout the 21st century and beyond.

HONORING KEN ESPOSITO

## HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the life of Ken Esposito of Bridgewater, Connecticut. Mr. Esposito passed away on September 30, 2011 after a year-long battle with pancreatic cancer. Ken put up a courageous fight with the support of his wife Ann and his family, including his son Eliot and his mother Catherine.

Mr. Esposito was a lifelong advocate for the disadvantaged and those less fortunate. He got his start as a community organizer in Cleveland, Ohio—where he successfully secured millions of dollars for community development projects. In Connecticut, he worked with the United Church of Christ and with the Universal Health Care Foundation. While at the Universal Health Care Foundation, he played a critical role in the effort to pass Sustinet—the ground-breaking legislation which will increase access to affordable health insurance for everyone. Ken worked diligently for years to see this law pass because he believed that providing universal health care was a moral imperative. Additionally, Ken served as an invaluable resource for me and other members of the Connecticut delegation during the recent health care reform debate.

An avid bicyclist, Mr. Esposito enjoyed biking through the bucolic hills of New England. His family noted recently that he was always proud when he could ride past younger bikers who were struggling on Connecticut's hills.

Sadly, the survival rate of pancreatic cancer is incredibly low. According to the American Cancer Society and the National Cancer Institute, nearly 75 percent of pancreatic cancer patients die within one year and nearly 95 percent succumb to the disease within 5 years. Ken's passing reminds us that we have an obligation to stand up for the most vulnerable in society and that much more work must be done to combat devastating diseases, such as pancreatic cancer.

Mr. Speaker, I ask that all of my colleagues join me in celebrating the life of Ken Esposito and the contributions he made to the people of Connecticut.

HONORING STEVE JOBS

## HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. STARK. Mr. Speaker, I rise today to honor Steve Jobs, Apple's co-founder, who passed away yesterday after a lengthy battle with cancer.

In his short 56 years on this planet, Jobs fundamentally changed the way the world communicates, learns, transacts and gets its entertainment. He also managed to make technology fun and widely accessible.

In the early 1980s, I had the pleasure of collaborating with this once-in-a-generation innovator. At the time he was just a young guy. We met on an airplane and got to talking about a shared interest: getting computers, which were then cutting-edge technology, into classrooms.

Job's vision was for Apple to give a computer to every school in the country. I had been interested in projects to improve kids' computer literacy in a world that was becoming ever more technologically sophisticated. At issue was our children's lack of access to that technology.

On our cross-country flight, Jobs explained that he was bumping up against a tax hurdle in his effort to give Apple computers to schools. Donating goods to a school, he found, was not viable for a business because they could only write off the very minimal production cost of the item. This limitation made it financially untenable for Apple, or any other manufacturer, to donate computers to schools. Somewhere over the Midwest, Jobs and I agreed to work together to remove this barrier.

In the months that followed, Jobs came out to Washington and helped me and my staff write legislation to create a charitable deduction allowance for computer donations to elementary, middle and high schools. Senator John Danforth, a Missouri Republican, picked up the torch and introduced the legislation in the Senate.

Our original bill passed the House with flying colors but died in the Senate. In the next Congress, Rep. Bill Archer, a Texas Republican, joined me in the House to champion the

bill that became law in 1984. Passage paved the way for the broad distribution of donated computers to our kids' schools.

Critics questioned whether the donated computers would ever make it out of the boxes they came in because not every teacher was technologically minded. Others called the federal tax credit a waste of money. How wrong they were.

Steve Jobs made technology accessible the world over by putting computers into our classrooms, our homes, and our pockets. In honoring his life, we must remember naysayers' initial doubts about whether computer technology was worth federal investment. As we consider our federal deficit and ways to shrink it, we must not become so rigid as to fail to support innovation. Had we not taken that risk decades ago, our educational system, our communities and our world would be a drastically different place.

## TRIBUTE TO MR. GEORGE TIMOTHY EVANS, OF CHICAGO, ILLINOIS

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. RUSH. Mr. Speaker, I rise today to recognize and honor the life and labor of Mr. George Timothy Evans who made his heavenly transition on Sunday, October 2, 2011 at the age of 92. For 27 years, Mr. Evans served admirably as a Court Bailiff for the Illinois Appellate Court and the Illinois Supreme Court. A native of Arkansas, Mr. Evans attended Langston High School in Hot Springs, Arkansas, where he played football with former Illinois Appellate Court Justice Glenn T. Johnson, the second African-American to serve on the Illinois Appellate Court, sparking a close friendship that would be rekindled when they both ultimately moved to Chicago.

Mr. Evans met his wife of more than 60 years, Tiny Marie Evans, who preceded him in death, at the Bethel AME Church in Malvern, Arkansas and was united in holy matrimony on June 2, 1942. To this union was born a son, Timothy C. Evans, the Chief Judge of the Circuit Court of Cook County, and the first African-American to hold this office and a daughter, Sandra Marie (Evans) Johnson. They relocated to Chicago in 1957, at a time when Arkansas was the epicenter of bitter school integration battles, to seek better opportunities in the North.

Mr. Evans served faithfully as a member of the Greater Institutional AME Church on the south side of Chicago. He was an outstanding and devoted servant of God, who dedicated his life towards making a difference in the lives of all people. Mr. Evans was a shining example of how God can use us to help make this world a better place.

Mr. Speaker, I am appreciative of the life and legacy of Mr. George T. Evans and I want to encourage his family, his sons Chief Judge Timothy Evans and George Evans, daughter Sandra Johnson, sister-in-law Hazel Bailey, his grandchildren and great-grandchildren and his many friends to always remember to look to the hills from which comes all of their help. I am honored to pay tribute to this dedicated public servant and am privileged to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

## HONORING DR. WILTON CORKERN

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Dr. Wilton Corkern, a good friend, environmental steward, and community leader who, at the end of last month, retired after serving for 21 years as President and CEO of the Accokeek Foundation. This weekend Wilt will be honored by his family, friends, and colleagues at the Foundation's annual Leadership Salute with its National Conservation Leadership Award.

The Accokeek Foundation, headquartered in my district, is devoted to the interaction between people and the landscape over time. The Foundation stewards 200 acres of the National Park Service's Piscataway Park, along the Potomac River in Prince George's and Charles Counties. The park was established to preserve the viewshed from George Washington's historic Mount Vernon estate.

The Foundation's programs include the National Colonial Farm, a living history museum that preserves heirloom plants, heritage breeds of livestock, and historic buildings of the Chesapeake Tidewater; the Ecosystem Farm, a demonstration of sustainable agriculture; and a number of training programs in organic farming, museum theatre, and related fields. The success and continued growth of these programs are a testament to Wilt's dedication and that of his talented staff and volunteers.

Mr. Speaker, Wilt's accomplishments at the Accokeek Foundation are many and lasting. Through the years, Wilt:

Established the modern organic Ecosystem Farm, with its innovative new farmer training program, and established what is now the Center for Agricultural and Environmental Stewardship as "a national model for research, scholarship, education, and public information about sustainability in general and sustainable agriculture in particular."

Helped to organize and launch the Friends of the Potomac and to secure designation of the Potomac as one of the first "American Heritage Rivers."

Relocated and reconstructed the Laurel Branch farmhouse, constructed the colonial outkitchen, and replaced the Saylor Grove fishing pier.

Constructed a "green" Education Center and demonstration stewardship areas.

Installed "The View from Here: Preservation, Development, and Community in Accokeek, Maryland" interpretive signage for the Foundation's fiftieth anniversary.

Secured Standards of Excellence certification from the Maryland Association of Nonprofits.

Reenergized the Foundation's land conservation initiative to focus on the Mount Vernon viewshed, preservation of working landscapes, and stewardship of easements.

Launched the Foundation's Piscataway Cultural Landscape Initiative, an effort to transform the concept of "indigenous cultural landscape" into a concrete interpretive experience for the public.

Wilt has made a real and enduring impact on our community—helping us improve our appreciation of the environment, recognize our role in preserving it, and understanding and experiencing our shared heritage as Americans. On a personal note, I have greatly appreciated his friendship and counsel over the years. I wish him the best in his retirement and ask all of my colleagues to join me in congratulating him on a job well done.

## COMMENDING MSGT. TODD EIPPERLE

### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to honor Master Sergeant Todd Eipperle of Marshalltown, IA. On September 20, 2011, MSgt. Eipperle received the Bronze Star from the Army for his actions in July 2011 which are credited with saving the lives of members of his team following an attack from a rogue security officer from the Afghan National Directorate of Security. A proud member of the Iowa National Guard, MSgt. Eipperle was previously awarded the Purple Heart for wounds he received during the attack. MSgt. Eipperle exemplifies the best of our Iowa Guardsmen and the good work they did during their recent deployment to Afghanistan.

In July of this year, only a week before he was scheduled to return home with the 2,800 other Iowa Guardsmen he'd deployed with, MSgt. Eipperle was wounded in the process of engaging a rogue Afghan security officer who had shot and killed two of his comrades, fellow Guardsman Sgt. 1st Class Terryl Pasker of Cedar Rapids, IA and retired Connecticut State Trooper Paul Protzenko of Enfield, CT. Passing through a checkpoint in Panjshir province, the rogue Afghan officer unexpectedly fired at the Iowa Guardsmen. MSgt. Eipperle's quick action in engaging the attacker, despite gunshot wounds to his own hip and shoulder, is credited with saving a number of his colleagues and his own life.

MSgt. Eipperle is home once again, having received the Bronze Star in Marshalltown before members of his community, and being honored with a parade and town proclamation in his honor on September 20. While he's left the war, MSgt. Eipperle is still on active duty, recovering from the wounds he sustained in July. I commend MSgt. Eipperle on his heroism, for a job well done on deployment, and wish him well on his recovery.

## CELEBRATING THE LIFE OF MRS. FRANCES REEVES JOLLIVETTE CHAMBERS AND RECOGNIZING HER CONTRIBUTIONS TO MIAMI'S AFRICAN AMERICAN COMMUNITY

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to celebrate the life of Mrs. Frances

Reeves Jollivette Chambers, a great educator, historian, and civil rights activist in Miami's African American community. Fran passed away at the age of 89 after a lengthy struggle with Alzheimer's disease. My thoughts and prayers go out to her family and friends at this most difficult time. She is survived by her daughters, Regina Jollivette Frazier and Cleo Leontine Jollivette; son, Cyrus M. Jollivette; her brother, Garth C. Reeves; four grandchildren; and three great-grandchildren. Tragically, Fran lost her first husband, Cyrus M. Jollivette, Sr., to a storm in January 1960. In July 1963, she married James R. Chambers, who passed away in June 2000.

Fran was born on November 13, 1921, in Overtown, Miami's historic African American neighborhood. She was the sixth of five surviving children born to the late Henry E.S. Reeves and Rachel Jane Cooper Reeves, who had emigrated from Nassau, Bahamas to Miami in April 1919 and founded The Miami Times, Florida's oldest Black newspaper. Fran graduated from Booker T. Washington High School in 1938 before receiving a Bachelor of Arts degree summa cum laude from Bennett College in 1942 and a Master of Arts degree from New York University in 1959. In addition, she later studied at the University of Miami, University of Florida, Florida Agricultural and Mechanical (A&M) University, Florida Atlantic University, and Barry University, earning more graduate credits than required for her doctorate.

Fran was a true educator. For more than 37 years, she taught and guided students at Dunbar Elementary School, Miami Jackson Senior High School, Continuing Opportunities for Purposeful Education (COPE) Center North, and Holmes Elementary School as a teacher, reading specialist, counselor, and principal. During this time, Fran also dedicated her time and energy to numerous causes as a volunteer for the March of Dimes and the American Heart Association, JESCA board chair, a board member of Senior Centers of Dade County, and a member of the American Association of University Women. In the 1970s and 1980s, she was a member of the Florida State Board of Optometry and the League of Women Voters.

After retiring from the Dade County Public Schools in July 1979, Fran continued giving back to her community and traveled the world, visiting over 50 countries and six continents. She was a lifelong member of Alpha Kappa Alpha Sorority and the National Association for the Advancement of Colored People (NAACP), a platinum member of The Links, Inc., and a charter member and past president of the MRS Club, a six-decades-old group of friends. Fran was also a member of the Daughters of the King at Incarnation Episcopal Church.

Almost 30 years ago, Fran first dreamed of publishing a book that would preserve and share the history of Miami's Black pioneers. Her vision was realized in Linkages and Legacies, a 120-page, hardbound coffee table book chronicling the works, deeds, and experiences of Miami's Black pioneers. Published in March 2010 by The Links, Inc., Greater Miami Chapter, through the non-profit Linkages and Legacies, Inc., this publication was distributed for free as a gift to the community. Furthermore, Fran's concept served as the inspiration for the AT&T African American History Calendar, which was created 17 years ago. These important works would not have been possible without the efforts of individuals like Fran, who have dedicated their lives to serving their communities.

Mr. Speaker, I have had the privilege and pleasure of knowing Fran and her family personally. The Miami community has lost one of its great pioneers, and she will be dearly missed. Thanks to Fran's many contributions, however, her legacy of education, compassion, and love will live on for generations to come.

## IN MEMORY OF VIRGIL SCHEIDT

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. PENCE. Mr. Speaker, I rise with a heavy heart to honor the tremendous life and legacy of Virgil Scheidt from my hometown of Columbus, Indiana.

Mr. Scheidt lived a long and blessed life full of family, hard work, and community service. On February 20, 1949, he married the love of his life, Bettie. He began his career as a farmer, and he and Bettie owned and operated their own farm for more than thirty years. But as much as he loved farming, Mr. Scheidt felt called to do more for his community, and in 1960, he was elected Bartholomew County Treasurer. After winning re-election four years later, he was also elected President of the Association of Indiana County Officials, and went on to be elected as a national director of the National County Officials in 1967.

Mr. Scheidt was elected chairman of the Bartholomew County Republican Party in 1965, where he served for 33 years. After serving as district chairman for several years, he was ultimately elected chairman of the Indiana State Republican Party in 1989. His involvement in local, state, and national politics spanned decades and included such honors as serving as an elector of the Indiana Electoral College in the 2000 presidential election, and attending and serving as a delegate for numerous national Republican conventions.

Virgil Scheidt was also an entrepreneur and businessman. Besides his life on the farm, he founded a real estate brokerage firm, and in 1974, was appointed to the Indiana Real Estate Commission where he served as a member for fifteen years and as its chairman from 1983 to 1985. He was named Realtor of the Year in 1987 by the Columbus Board of Realtors and was awarded the Lifetime Achievement Award by them in 1999.

Despite his many business and political activities, Mr. Scheidt was still a dedicated and active member of his community. He was a member of the Columbus Rotary Club, Harrison Lake Country Club, the Columbus Area Chamber of Commerce, and the Columbia Club. He was also an active and lifelong member of St. Paul Lutheran Church in Columbus. His legacy of service was honored by three different governors when each of them gave him the prestigious Sagamore of the Wabash Award, and additionally he received the Distinguished Hoosier Award in 1985 from Governor Robert Orr.

While his loss will be deeply felt, we find hope in the Good Book which tells us that "the Lord is close to the brokenhearted." I offer my deepest condolences, to Mr. Scheidt's beloved family: wife Bettie; sons Randy and Warren; daughters Deborah and Christie; grandchildren Matthew, Leslie, Travis, Zachary, Allison, Katie, Todd, Emily, Nicholas, Olivia, and Madeleine; great-grandson Harrison; as well as his numerous nieces, nephews, and cousins. May you find comfort in the eternal hope we find in our faith, and encouragement that Virgil Scheidt will be remembered and honored in the hearts of Hoosiers for his life of service for years to come.

## CELEBRATING MEXICAN INDEPENDENCE DAY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. RANGEL. Mr. Speaker, today, I rise to commemorate the Bicentennial and 201st anniversary of Mexican Independence Day, which occurred on September 16, 2011. As Mexicans everywhere celebrate the historic independence of Mexico from Spanish rule, this momentous day is significant because it represents a sign of justice and equality—rights valued and protected in our great country of the United States. It also represents the day when Mexico was able to begin its quest for freedom for the people of that beautiful and spirited country. Our two countries will continue to make sure that the rights of the people come first.

Mexican Independence Day is celebrated on the date that Father Miguel Hidalgo y Castillo, a priest in Dolores, Guanajuato, frustrated with Spanish rule, rang the church bell to gather the people of the town. Hidalgo ignited a fire among the listeners, requesting that the people of Mexico join him in rising up against Spanish rule. Just as the soldiers in the American Revolutionary War fought on behalf of our country, these courageous, patriotic men fought to gain the independence of their beloved Mexico. This event known today as Grito de Delores or "Cry of Delores" is joyfully celebrated every year on September 16 by Mexicans all over the world. The red, white, and green flag is proudly displayed on this day during festivities.

El Centro Comunitario Mexicano, or as it is popularly known, CECOMEX, is one of the oldest active, not-for-profit organizations for Mexican Americans in my Congressional District and the City of New York. Under the leadership of Executive Director, Sandra Perez, it has worked independently as a community organization in my beloved East Harlem community, catering to the needs of our newcomers. I want to publicly thank them for all their work. I would also like to commend Carlos M. Sada, Consul General of Mexico in New York for all his hard work on behalf of Mexico. He continues to assist and protect the citizens of Mexico while facilitating trade and extending a cordial friendship with New York.

The model of Father Miguel Hidalgo-Costilla's resolve and sacrifice for independence and liberty makes him an icon for what beleaguered peoples of the world need most today in their leaders. His martyrdom for Mexico and for the future of their republic can provide light upon all communities. Let's pay respects to those courageous men who fought on behalf of Mexico to help position the country where it is today.

Mr. Speaker, let me conclude on this, Mexico's two hundred and first anniversary of independence, by vowing a renewed commitment between the United States and Mexico as both of our nations continue to confront the global issues of our time. I call upon my fellow Members of Congress to join me in celebrating Mexican Independence Day in honor of all the Mexican immigrants and descendents, not only in my district, but throughout this great nation and the world. Viva Mexico and may God and the Virgin of Guadalupe bless The United Mexican States and the United States of America.

## TAIWAN'S 100TH ANNIVERSARY OF ITS FOUNDING

### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. SIMPSON. Mr. Speaker, October 10th of this year marks the 100th anniversary of Taiwan, the Republic of China. Taiwan has been an important contributor towards economic and political security in Asia for decades, and continues to be a major trading partner with the United States. Indeed, Taiwan is the ninth largest trading partner of the United States and the sixth largest agricultural market for products grown and produced here in the United States.

Taiwan continues to benefit from self-governance and free-elections, and its open society and democracy allows for innovation and growth that puts it on a competitive footing with the most powerful and largest countries in the world.

Taiwan and the United States uphold a peaceful affiliation through trade agreements and meaningful personal relationships. I enjoyed a trip to Taiwan when I was a state legislator, and it is a beautiful country with a vibrant culture.

Congratulations to the people of Taiwan and President Ma Ying-jeou on its 100th anniversary.

## IN RECOGNITION OF THE ACHIEVEMENTS AND GENEROSITY OF LEROY AND TERESA ROBINSON

### HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. KISSELL. Mr. Speaker, I rise today to honor a true, dedicated leader in my state and in my local community of Montgomery County, North Carolina. Leroy Robinson grew up in Candor, North Carolina, just miles from my home. He graduated from what was then-known as Candor High School in 1939, and went on to my alma mater of Wake Forest University. After proudly serving our nation in World War II, Robinson returned home to North Carolina and began working for Belk, a local family owned department store that began in my district in Monroe, North Carolina. After years as a local business and community leader, Robinson officially retired from Belk in 1988 after 37 years of service with the company, only to continue on as an advisor and counsel through 1995.

In 1995, Robinson and his late wife Teresa reached out to Wake Forest with hopes of setting up a scholarship fund for local students to attend Wake Forest, which is ranked 25th best university in the nation by US News and World Report. Through his hard work to open new doors to his own success in life, he now wanted to help pave a path for others just like him to achieve all that they can, with help from the community that raised them. It was Robinson's belief that if children had the opportunity to get a good education, they'd return home to Montgomery County and make their community a better place.

After my time at Wake Forest, I too returned home, working in textiles for over 27 years before I began teaching high school social studies at both West and East Montgomery High Schools. I have seen first-hand the benefits that the Robinson Scholarship has provided for both Montgomery County and Wake Forest University. The generosity of Leroy Robinson has continued to open new doors of opportunity for students throughout my community, and on behalf of the people of Montgomery County, I know that we will never have the proper words to adequately thank Leroy for all he has done, and continues to do.

Mr. Speaker, it is with complete admiration and appreciation that I rise today to speak of the kindness and generosity with which Leroy and Teresa Robinson have continued to bless our part of the world. His selflessness and dedication to helping those who come after him is a testament to the promise and goal that many of us embrace: to leave the world a better place than it was when we arrived. Leroy Robinson has served as a shining example of this generosity, and his gift continues to give to the students of my community.

Today, I ask all Members of Congress to join me in prayer for the health and well-being of Leroy Robinson, an asset to the people of Montgomery County, of North Carolina, and of our nation. Although sadly she is no longer with us, I also ask that we remember Teresa Robinson and her generous contributions as well.

## HONORING U.S. MARINE LANCE CORPORAL GIUSEPPE ''JOE'' LETO

### HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to honor the memory of U.S. Marine Lance Corporal Giuseppe ''Joe'' Leto.

Joe was a resident of New Milford, Connecticut, where he attended Canterbury High School for four years. As his family and friends describe him, Joe was a passionate member of the school wrestling team who enjoyed spending time with his friends. Following his graduation, he went on to attend Western New England College in Springfield, Massachusetts to study business. In 1998, he decided to serve his country by joining the U.S. Marine Corps. After going through boot camp on Paris Island, he reported to Camp Lejeune in North Carolina for 16 weeks of training. Tragically, Joe died during a conditioning hike in his third week at Camp Lejeune at the age of 21.

Following Joe's death, his mother, Mrs. Mimi Leto established the Joe Leto Scholarship for the students at Canterbury High School. When community support for the Leto family was expressed in an outpouring of flowers, Joe's former wrestling coach, Joe Wilson suggested that Mrs. Leto ask the community to participate in a fundraiser to support a scholarship in Joe's memory.

The community's response was enthusiastic. Though originally intended to be a one-time event, the ''Run for Joe'' has become a tradition in New Milford. Participants have raised a total of over $150,000 in support of Joe's scholarship since the very first run. October 9, 2011 marks the 13th Annual ''Run for Joe'' to raise money for the Joe Leto Scholarship Fund. This year, in honor of the ''Run for Joe'' and in honor of Joe's memory, a flag will be flown at half staff on the day of the event at the Connecticut state Capitol.

In reflection of the premature loss of a young, promising U.S. Marine and the sense of community he has inspired in the town of New Milford, I ask my colleagues to join me in recognizing and honoring the life of Lance Corporal Giuseppe Leto, and the contributions his family and community have made in his memory to the students at Canterbury High School.

## PALESTINIAN BID FOR U.N. RECOGNITION

### HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. SARBANES. Mr. Speaker, to those who question the United States' expression of solidarity with Israel in the face of the recent Palestinian bid for U.N. recognition, the answer is that it is in America's interest to stand strong with its friend and ally.

There is a chorus of political interests arguing that U.N. recognition is precisely the game-changing move needed to push forward stalled Mid-East talks. But completely up-ending the long agreed-upon structure of direct negotiations would defeat all interests. For those Palestinians who desire peace, it would unfairly heighten expectations that the United Nations offers some new path to an independent state with defined territorial borders. Most alarmingly, U.N. recognition of Palestinian statehood would encourage Israel's traditional foes, as well as emerging new ones, to abandon their grudging acceptance of the direct negotiation paradigm in favor of a coordinated assault on Israel's interests and security. That, in turn, will put America's interests at risk.

U.S. support for Israel has never been more important than it is now. The winds of the Arab Spring blowing from Tunisia to Syria are dramatically altering the dynamics of the Israeli-Palestinian conflict and the wider region. Our ally's familiar antagonists are seizing on the region's new populism to stir up anti-Israel sentiment. In recent days, Israeli diplomats had to be rescued (with U.S. help) from their embassy in Cairo when angry protesters breached the grounds. Iran is as bellicose as ever and its potential to pose an existential threat to Israel cannot be underestimated.

It is expected that countries like Iran would seek to hijack the sentiment of the Arab

Spring, but who would have predicted that NATO member Turkey, a country that long enjoyed a strong military and economic relationship with Israel, would turn against its erstwhile ally with such ferocity? Turkish hostility towards Israel goes well beyond the purported settling of a score over the Gaza Flotilla incident. It appears calculated to establish Turkey's strategic dominance of the Eastern Mediterranean by putting pressure on the Israeli-American alliance. One important way for the United States to discourage this kind of adventurism in the region is to continue to affirm its unbreakable bond with the State of Israel.

## TRIBUTE TO THE MEDITERRANEAN QUARTERLY

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. PAYNE. Mr. Speaker, I rise today in honor of the Mediterranean Quarterly, a journal of global issues published by Duke University Press in the late in 1980s. Mediterranean Quarterly is edited by Dr. Nikolaos A. Stavrou (Professor Emeritus of International Affairs, Howard University), a true believer in intellectual honesty, professional integrity, and fair play. The Journal is unique in many ways, and has made its mark in the policymaking world and global academy.

Dr. Stavrou ensured that thinkers from all littoral states as well as academic experts in the U.S. have an open and uncensored forum to present and debate ideas. Mediterranean Quarterly has no agenda to promote other than the search for truth without fear or favor. But more importantly, it has made a point to open its pages to prominent African leaders to address issues in true Mediterranean spirit of respect for human dignity.

Over the years, I had the privilege of joining a stellar list of contributors, among them former President Jimmy Carter, former UN Secretary General Boutros Boutros-Ghalli, the Presidents of Turkey and Croatia, President Salva Kiir of South Sudan, and a long list of academics, foreign ministers, prime ministers and prominent diplomats.

I consider it my distinct honor to have published on a wide range of issues, including Africa, the Cyprus crisis and other issues. The Mediterranean Quarterly is a forum for thinkers and not a place for waging an ideological campaign.

## HONORING THE REVEREND JOSEPH E. LOWERY

### HON. CEDRIC L. RICHMOND

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. RICHMOND. Mr. Speaker, the Reverend Joseph E. Lowery, an irreplaceable organizer in the American Civil Rights Movement and a leader who marched with Rev. Dr. Martin Luther King Jr. to overturn discrimination in voting rights and other injustices, celebrates his 90th birthday today. It is only right that I honor this man who made my ascension possible.

Just 54 years ago, in a meeting in New Orleans, Louisiana, Rev. Lowery helped form the Southern Christian Leadership Conference alongside Dr. King, Rev. Ralph Abernathy, and New Orleans' own Rev. Dr. Simmie Lee Harvey and Rev. Abraham Lincoln "A. L." Davis—among other civil rights leaders. The Southern Christian Leadership Conference, known as the SCLC, was largely known for its non-violent protests. It was Rev. Lowery himself who organized the 1965 Selma to Montgomery March that eventually led to the passage of the historic Voting Rights Act. You'll remember that the Voting Rights Act finally guaranteed Black Americans the right to vote—free from intimidation, poll taxes, and other rules and laws designed to disenfranchise us. Rev. Lowery served as the president of the SCLC from 1977–1997 and revitalized it through his outspoken nature and distinct leadership style.

Rev. Lowery continues to fight social injustice even today at the young age of 90. For his work, he's received numerous awards including the Presidential Medal of Freedom, the nation's highest civilian honor; the Congressional Black Caucus Foundation's Phoenix Award; the Martin Luther King Center Peace Award; the NAACP Lifetime Achievement Award; and the Fred L. Shuttlesworth Human Rights Award from the Birmingham Civil Rights Institute. Rev. Lowery has also received several honorary doctorates from colleges and universities including, Dillard University, Morehouse College, Alabama State University, University of Alabama in Huntsville, and Emory University.

While delivering the benediction at the 2009 presidential inauguration of President Obama, Rev. Lowery reminded us all "that in the complex arena of human relationships, we should make choices on the side of love, not hate; on the side of inclusion, not exclusion; and tolerance, not intolerance." It is evident that this principle has been a driving force in every area of Rev. Lowery's life for the last 90 years. His unwavering dedication to equality for all people has made this country a better place for people of all races and ethnicities.

As we celebrate the life of Rev. Lowery today, we must also pause to remember the legacy of another civil rights leader, Rev. Fred Shuttlesworth. Rev. Shuttlesworth died yesterday at the age of 89 after fighting for racial equality alongside Rev. Lowery for more than 50 years. He was an American hero whose fight for civil rights is emblematic of the perseverance, compassion, and faith that make us American. He was a legend during the movement and time has only cemented his place in history as a champion of equality. He was beaten, threatened, and his family was attacked. Nonetheless, he never wavered from his commitment to American civil rights. My achievements have been possible because I stand on his shoulders, Rev. Lowery's shoulders, and those of other freedom fighters. Dr. King once referred to Rev. Shuttlesworth as "one of the nation's most courageous freedom fighters." It is because of this courage that his legacy will live on for many generations to come.

Mr. Speaker, I urge my colleagues to join me in wishing Rev. Joseph Lowery a happy and blessed 90th birthday. As Rev. Lowery once wrote of Dr. King, "To appropriately celebrate . . . we must honor both the man and the movement. To ennoble the man and ignore the movement is to do injustice to both. We must not let the spirit of the movement be overcome with sentimental ceremonies that omit the sacramental nature of the struggle. Ceremonies end with the benediction while sacraments begin with the benediction. Ceremony is like putting a ring on her finger at the wedding. Sacrament is ringing her life with love and joy ever after."

## CONGRATULATIONS TO BEN AND JENNIFER MOORE FOR WINNING TENNESSEE FARM BUREAU'S OUTSTANDING YOUNG FARMER ACHIEVEMENT AWARD

### HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. FINCHER. Mr. Speaker, I rise today to congratulate Ben and Jennifer Moore from the city of Dresden in Weakley County on winning the Tennessee Farm Bureau's Outstanding Young Farmer and Achievement Award this past July 23, 2011. Mr. and Mrs. Moore were selected over 20 excellent county contestants to win the state competition and have a chance to win national honors at the American Farm Bureau's convention early next year.

Mr. and Mrs. Moore farm over 3,400 acres including corn and soybeans and a number of specialty crops. Additionally, they pasture about 80 head cow/calf livestock, and manage a 4,000 sow operation.

Mr. and Mrs. Moore are also active in The Young Farmers & Ranchers program which promotes leadership skills for farmers ages 18–35. As members of the Program they share a common bond for the agricultural lifestyle, leadership development, and are dedicated to meeting the challenges of farming and ranching. Ben served as the YF&R state committee chairman, was a member of the Tennessee Farm Bureau Federation's Board of Directors, and has held numerous county and leadership positions. Jennifer is a member of the Tennessee Pork Producers Association, and is active on YF&R committees and other community organizations. The Moore's dedication, service, and significant contributions to their community and agriculture should make all Tennesseans proud. Mr. and Mrs. Moore have three sons, Miller, Tate, and Tyler. I congratulate them all.

## CELEBRATING THE 90TH BIRTHDAY OF REV. JOSEPH LOWERY

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. CONYERS. Mr. Speaker, I rise today to celebrate the birthday of the Reverend Joseph Lowery, one of the single most important leaders of the modern civil rights movement; and a close confidant of Dr. Martin Luther King.

Reverend Lowery was born in Huntsville, Alabama on October 6th, 1921. He and Dr. Martin Luther King, Jr. formed the Southern Leadership Conference, which was the hub of the civil rights movement in the 1960's. In addition to being the co-founder of the SLC, Rev.

Lowery is a co-founder of the Black Leadership Forum—a broad constellation of African-American faith and social justice groups dedicated to carrying on the legacy of Martin Luther King.

Rev. Lowery is a living legend who will remain in the hearts and minds of all of who have been so blessed and fortunate to know him, including his friends, family members, and colleagues in the struggle for human and civil rights. Reverend Lowery was clearly one of the most influential leaders of the civil rights movements. He is a humble and gracious man with a keen sense of humor. He kept so many of us in the civil rights movement motivated, energized, and hopeful regardless of the many serious obstacles we faced as a social justice movement.

Rev. Lowery is married to Evelyn Gibson Lowery, who in her own right is a committed and dedicated civil rights activist. We wish Rev. Lowery and his wife Evelyn Gibson Lowery many more years of happiness, good health, and blessings. America is a stronger, fairer, and more civilized nation because of the decades of work that Rev. Lowery devoted to the noble cause of liberty, freedom, and social justice for all Americans.

## IN APPRECIATION OF ISRAEL'S 9/11 MEMORIAL

### HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize an extraordinary memorial built in Israel in honor of the victims of the September 11th attacks.

On the 10th anniversary of the September 11th attacks, hundreds gathered just outside of Jerusalem to dedicate the 9/11 Living Memorial. This memorial, commissioned and built by the Jewish National Fund-USA/Keren Kayemeth LeIsrael, was designed by Israeli artist Eliezer Weishoff. It depicts a beautiful 30 foot high bronze American flag which rests on a granite base partially composed of metal from the World Trade Center towers and features the name of every victim of the attack.

Honored guests included my colleague, Congressman HENRY WAXMAN, U.S. Ambassador Dan Shapiro, Former Prime Minister Ehud Olmert, and my friend, Stan Chesley, President of the Jewish National Fund.

While those tragic events occurred here at home, it is important to remember that there were victims from more than 90 countries, including five Israeli citizens.

This memorial will act as an important reminder of the need to remain committed in the fight against terrorism, and why Israel continues to remain one of our strongest allies.

Mr. Speaker, I urge my colleagues to join me in thanking Israel for this thoughtful memorial.

## HONORING DR. SUNGBAE JU FOR HIS LIFELONG ACHIEVEMENTS IN THE PERFORMING ARTS

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor Dr. Sungbae Ju, for his exemplary public service and devotion to the performing arts.

Dr. Sungbae Ju is the President of both the Garden State Opera and The Figaro Group, and is an accomplished musician. He holds a Masters Degree from the prestigious Manhattan School of Music, a Doctoral Degree from the Yeshua Theological Seminary and an Honorary Doctor Degree from the Universidad Christiana De Bolivia. He has experienced unmatched levels of professional success, including performances at notable New York and New Jersey performances venues such as Carnegie Hall, Lincoln Center, and the New Jersey and Bergen Performing Arts Centers. He has also performed in operas including "The Barber of Seville" and "Rigoletto" with singers from the Metropolitan Opera.

Dr. Ju and his family are members of the New Jersey State Opera, and are widely renowned and respected for their numerous recitals to benefit worthy causes throughout the nation. Dr. Ju has always tried to use music as a tool for improving and developing communities. With that in mind, Dr. Ju and others formed the Garden State Opera, Inc., a nonprofit organization that aims to unify the community with music in order to aid those in our global community who live without food, hope, human rights and with the threat of disease, terror, poverty and war.

In addition to the Garden State Opera, Dr. Ju and his family have volunteered their musical talents and services at over 130 events, including various holiday concerts and Asian Pacific Islander Heritage Celebrations at the NJ State Association of Chiefs of Police, NJ State Police, Transportation Security Administration (TSA) and Federal Air Marshal Service in the Department of Homeland Security, U.S. Labor Department, Bergen County Public Safety Institute, Honor Legion Police Department and for many Asian and Korean-American communities.

Dr. Ju is also involved with many other cultural organizations throughout Bergen County including his positions as Chairman of the Korean American Day in New Jersey, Event Chairman of Northern-Eastern Korean Festival at New Overpeck Park, and Board Member of the Multi-Cultural Committee in the Bergen County Sheriff's Department. Additionally, he has received a multitude of awards from Members of Congress, the New Jersey State Senate and General Assembly, the Newark and New York divisions of the FBI, the DEA in New Jersey, the TSA, the Federal Air Marshall Service, the U.S. Labor Department, the NJ State Association of Chiefs of Police, the Bergen County Police Chiefs Association, the Ambassador of Taiwan Consul General, and the Bergen County Public Safety Institute.

Mr. Speaker, today I rise to congratulate Dr. Sungbae Ju, and thank him for his devotion to the performing arts, the Korean-American community, and the American community at large, both in the great State of New Jersey and across the Nation.

## 10TH ANNIVERSARY OF WAR IN AFGHANISTAN

### HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Ms. CLARKE of New York. Mr. Speaker, I rise today in recognition of the tenth anniversary of the war with Afghanistan. For ten years our country, and the brave men and women who fight for us on the battlefield, have been mired in a seemingly unwinnable war in Afghanistan, a war that has resulted in tens of thousands of casualties, and the death of 1,723 American service members. More and more Americans are expressing a desire to end the war in Afghanistan. Recent polls have shown that 73% of Americans want to withdraw troops, and 66% of all veterans believe the war is not worth its cost. There is no better time than now, on the 10th anniversary of this war, to reevaluate the continued conflict, and to commit to bringing our troops home.

It is irresponsible to continue to spend over one hundred billion dollars a year on a war that Americans support less and less each day, especially as our country tries to fight its way out of the worst economic recession of our lifetimes. This is money that is desperately needed domestically, and would be better spent on fixing our deteriorating infrastructure and fixing our education system.

Our mission after September 11th 2001 was to dismantle the infrastructure of al-Qaeda and to bring Osama bin Laden to justice, and there is no denying that the current administration and our courageous men and women serving overseas have accomplished these goals. It is time to bring our troops home, reinvest in our nation, and let the Afghani people take responsibility for securing their own nation.

I believe the time to withdraw from Afghanistan is now, which is why I joined my colleagues from both sides of the aisle in support of H.R. 651, the United States-Afghanistan Status of Forces Agreement Act of 2011 which would establish a redeployment date for U.S. troops. I will continue to work with my colleagues in Congress, the President, and commanders in our Armed Forces to press for a speedier end to this war. I yield back the balance of my time.

## EQUAL JUSTICE FOR OUR MILITARY ACT OF 2011

### HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Equal Justice for Our Military Act of 2011—a bill that will give our servicemembers equal access to the United States Supreme Court.

We all know that when American men and women decide to serve their nation in the Armed Forces, they make many sacrifices—from lost time with their families to irreplaceable losses of lives and limbs.

However, most Americans are not aware that active-duty servicemembers also sacrifice one of the fundamental legal rights that all civilian Americans enjoy.

Under current law, members of the military who are convicted of offenses under the military justice system do not have the legal right to appeal their cases to the U.S. Supreme Court.

It is unjust to deny the members of our Armed Forces access to our system of justice as they fight for our freedom around the world.

They deserve better.

As the Ranking Member of the Subcommittee on Military Personnel, a long-time advocate for servicemembers, and a representative of San Diego, one of the largest military communities in the nation, I feel an obligation to fight to ensure that the members of our military are treated fairly.

Current law weights the playing field in favor of the government, granting the automatic right to Supreme Court review to the Department of Defense whenever a servicemember wins his or her case, but denying servicemembers that same right when the government wins a conviction against them in almost all situations. This is just unfair.

I believe strongly that it is fundamentally unjust to deny those who serve on behalf of our country in the military one of the basic rights afforded to all other Americans.

I hope that you will stand with me in support of this legislation to attain equal treatment for those who fight for us.

## IN HONOR OF 2011 USO GALA

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 2011 United Service Organizations (USO) Gala, as it honors the Spirit of the USO Award Recipient, Spirit of Hope Award Recipient, heroes from the U.S. Armed Forces, and the volunteers who support them around the world.

The United Service Organizations, in its 70th year of existence, is a non-profit organization which endeavors to offer comfort and hope to the United States armed forces, both at home and abroad. With more than 150 centers worldwide, the USO offers support to millions of Americans.

When it began during World War II, the USO provided support to the troops in a number of different ways, most famously through the entertainment of the troops while away from home. Though initially dissolved in 1947, it was revived during the Korean War and has been an active organization ever since. ''Bringing a touch of home to our troops,'' the USO continues to do good, boosting the morale of our troops at home and abroad, thanks to donations and volunteers.

The legacy of the USO is continuous and expansive. For current service members at home and abroad, veterans and for the families of the fallen, the USO provides millions of men and women with care. Its various programs provide a wide range of services for service members, including games, care packages, the ''mobile USO,'' free phone cards and a program which enables those stationed abroad to record a DVD of themselves for their family members. In addition to all of this, the USO continues its celebrity tours, providing entertainment to the troops.

The 2011 USO Gala, ''70 Years Young,'' will feature entertainers from USO celebrity entertainment tours, and recognize a special volunteer and honorees from each branch of the armed force. This year's Service Member's of the Year include Corporal David J. Bixler of the U.S. Army; Sergeant Lucas J. Chaffins of the U.S. Marine Corps, Senior Airman James A. Barynard of the U.S. Airforce, Aviation Survival Technician Christopher R. Austin of the U.S. Coast Guard, and Explosive Ordnance Disposal Technician Chad R. Regelin of the U.S. Navy.

Mr. Speaker and colleagues, please join me in honor of the USO does for the men and women who risk so much for us.

## H.R. 2250 AND H.R. 2681

### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. BISHOP of New York. Mr. Speaker, the American people can breathe easier—well, perhaps that's the wrong choice of words—the American people should be thankful to the leadership of the House for pursuing the pro-pollution agenda they have clamored for these many months.

After legislative successes that have included begrudgingly passing Continuing Resolutions to fund government operations, the House turned this week to the top national priority of relaxing pollution controls for cement kilns and hamstringing the EPA's ability to crack down on harmful emissions from industrial boilers.

I wonder why it has taken so long to get these critical bills to the floor. In my district on Long Island, I'm often mobbed by constituents demanding more mercury in our air. And clearly economists agree it's the silver bullet we need to jumpstart the economic recovery.

Perhaps the majority believes that clean air is choking our recovery and the economy is drowning in drinkable water.

But, in all seriousness, we are pursuing this pollution agenda while failing to deal with the real issues stifling job growth, things like a shortage of credit for small businesses, unfair currency manipulation by China and stagnant consumer demand.

So, Mr. Speaker, how about instead of passing a bill to make it easier for cement kilns to pollute, let's do something real, like put construction workers to work using cement to rebuild our nation's infrastructure.

## COMMEMORATING THE FIRST ANNIVERSARY OF THE KENYAN CONSTITUTION

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Ms. DELAURO. Mr. Speaker, last August we witnessed a flowering of freedom in Eastern Africa. On August 5, 2010, Kenya endorsed a brand new constitution, which guaranteed all Kenyan citizens the rights to security, housing, food, life, freedom from discrimination and the freedom of expression, among others. I rise today to recognize the recent anniversary of this constitution's adoption, and to congratulate the Republic of Kenya on this remarkable step forward.

Despite being home to the first African woman to win the Nobel Peace Prize—Wangari Maathi, who sadly passed away last month—Kenya had long treated women as second-class citizens. In the past, female candidates for office in that country have had to carry knives and wear extra garments to fend off the possibility of politically-motivated rape.

But the new constitution has dramatically altered the status of women in Kenya. Among the over 40 new reforms is a non-discrimination clause outlawing bias on the basis of sex, pregnancy or marital status. Additionally, women can own and inherit land, and matrimonial property is protected during and after the termination of marriage. Customary law (a traditional practice that has come to be accepted as law), which is inconsistent with the constitution, is now void.

This document does much to protect the rights of women within Kenya. But as anyone who lives in a democracy knows, such constitutional mechanisms must be followed by meaningful actions and constant vigilance to actually become reality.

The nation of Kenya is facing many trials at the moment. The crisis in the Horn of Africa is killing, starving or displacing over 13 million people. Drought conditions have persisted in the region. Food insecurity is affecting 3.75 million people, excluding refugees, in Kenya, and 4.3 million men, women, and children there desperately require humanitarian assistance. At its peak, Kenya and Ethiopia saw nearly 1,000 people a day arrive at refugee camps to escape the famine in Somalia. Sexual violence against women in these already overcrowded refugee camps is on the rise.

There are no easy solutions to this crisis, and we in the United States must step up and do our part to help alleviate this suffering as well. Nonetheless, in face of these adversities, it is heartening to see Kenya's men and women move forward together, as equals and as partners. By empowering Kenyan women and rejecting gender-based discrimination, the new Kenyan constitution has paved the way for a brighter future for the Kenyan people.

## IN HONOR OF HIS BEATITUDE PATRIARCH BECHARA PETER RAI, PATRIARCH OF ANTIOCH FOR THE MARONITE CATHOLIC CHURCH

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of His Beatitude Patriarch Bechara Peter Rai, Patriarch of Antioch for the Maronite Catholic Church, and welcome him to the City of Cleveland on October 11th, 2011.

With more than three million members worldwide, the Maronite Catholic Church is among the largest Eastern-rite sects of the Roman Catholic Church and is especially prominent in Lebanon. The parish of Cleveland's St. Maron Church will be hosting Patriarch Rai as he visits Cleveland next week. St.

Maron Parish is the largest Maronite Catholic community in the Mid-West.

Patriarch Rai was born on February 25, 1940 in Himlaya, Matn District, Lebanon. On July 31, 1962 he entered the Mariamite Maronite Order. Five years later, on September 3, 1967, Patriarch Rai was ordained a priest and almost immediately began working on Arabic transmissions of Vatican Radio. In 1975, he earned a PhD in canon and civil law.

On July 12, 1986, Patriarch Rai was consecrated as auxiliary bishop of Antioch and on June 9, 1990 he was appointed bishop of Byblos. He was elected Secretary of the Maronite Synod in 2003. He was the recipient of the National Order of the Cedar award in 2007. In 2009, he was appointed President of the Lebanese Episcopal Commission for the Media. On March 25, 2011 Patriarch Rai was elected Patriarch of the Maronite Catholic Church.

Mr. Speaker and colleagues, please join me in welcoming His Beatitude Patriarch Bechara Peter Rai, Patriarch of Antioch for the Maronite Catholic Church to City of Cleveland.

## IN OPPOSITION TO H.R. 2681 AND H.R. 2250

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mrs. MALONEY. Mr. Speaker, every week the Majority makes a new attempt to roll back environmental rules that protect the health of our citizens and the health of our environment in favor of big polluters. This week the Majority has brought to the floor two bills that according to the Environmental Protection Agency (EPA) would collectively mean 32,500 more premature deaths, 19,500 additional heart attacks, and 208,000 asthma attacks that otherwise would have been avoided. This is unacceptable.

Instead of working on legislation to increase employment and create new jobs or legislation that would support critical infrastructure needs of public schools and roads, the Majority is bringing to the Floor two pieces of legislation that would delay the implementation of long overdue air pollution standards. Even though such standards are required by the 1990 Clean Air Act Amendments, these bills would put off the cleanup of mercury and other toxic pollutants from cement kilns, incinerators, and industrial boilers, as well as make permanent changes to the Clean Air Act that weaken health and science-based standards. The facilities targeted by this legislation are some of the largest sources of U.S. mercury pollution, a powerful neurotoxin known to be dangerous to pregnant women and to impair children's ability to think and learn.

The EPA rules are scientific and data driven. These bills would defy science in favor of the regulatory option that is most beneficial to industry, even if another option is feasible, cost-effective, and offers better public health protections. For example, H.R. 2250 would nullify rules that require industrial boilers and incinerators to reduce their emissions, and yet, estimates for the emission reductions required by the rules would yield $10 to $24 in health benefits for every dollar spent to meet the standards. The savings from lower health care costs and higher worker productivity mean tens of billions of dollars more in net benefits and will result in lower rates of illness and death.

At the start of the 112th Congress, the Majority put in place rules requiring that all legislation be offset by new authorizations but that rule is disregarded in these bills. In other words, these bills are not paid for. H.R. 2250 and H.R. 2681 would nullify existing EPA rules and require EPA to start the rulemaking process over again—a process the Congressional Budget Office estimates would result in $1 million in discretionary spending by EPA.

I oppose these bills that would increase toxic air pollution, cost lives, drive up health care costs, and fundamentally weaken future standards under the Clean Air Act. We must protect our communities from toxic polluters.

Had I been present October 5, 2011, I would have voted "aye" on Amendments #1, 2, 4, 7, 8, 9, 11, 14, 16, 17, 18, 20, and 21, to H.R. 2681.

## H.R. 2250 AND 2681

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. BLUMENAUER. Mr. Speaker, in 1990, the Clean Air Act Amendments required EPA to complete and issue regulations on hazardous air pollutants by 2000. This week, we considered two bills that would delay two regulations for at least another six years—with no deadline for EPA to complete these regulations and giving industry no deadline to comply. Enacting these bills combines continued air pollution with true regulatory uncertainty.

H.R. 2250 and H.R. 2681 targeted regulations that would reduce emissions from two of the dirtiest industries in the country—cement kilns and industrial boilers—when most other industries already adhere to similar Clean Air Act regulations. Together, the two regulations eliminated by these bills would save 9,100 American lives every year and yield $17 to $43 in health care savings for every dollar spent reducing emissions under the new standards. Both bills require EPA to throw out work it has already completed and start over. Both bills add to the deficit and fail to comply with the Republican cut-go policy. Both bills gut EPA's authority to require the most protective standard (MACT—Maximum Achievable Control Technology) and replace it with a requirement to select the least burdensome standard, specifically including "work practice" standards, which are merely a requirement to keep equipment in working order. Both bills sacrifice public health to private industry profit.

I strongly oppose both H.R. 2250 and H.R. 2681. Unfortunately, I was unable to be in Washington on October 6, 2011 to vote against them. Had I been able, I would have voted against both H.R. 2250 and H.R. 2681.

## HONORING CROWLEY COUNTY CENTENNIAL CELEBRATION

### HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. GARDNER. Mr. Speaker, I rise today to honor the Centennial Celebration of Crowley County, Colorado.

When the State of Colorado was accepted into the United States in 1876, this portion of Southeast Colorado became known as Otero County.

In August of 1911, Crowley County became officially incorporated in the State of Colorado. It took its name from Joseph H. Crowley, a Senator in the Colorado State Legislature.

Crowley County began to flourish with a rich agricultural economy. The plentiful land attracted many to settle in Crowley.

Numerous farmers and ranchers came to Crowley because of ample grasslands for grazing livestock as well as soil able to produce wheat, corn, alfalfa, and sugar beets to name a few.

Many successful ranchers and farmers continue their steadfast love of the land and provide a vital base of revenues and jobs for the Crowley Community. Since 1911, the economic base has added new jobs and industries.

The people of Crowley County continue to be resourceful and seek new ways to drive their economy and the county continues to move forward.

Crowley County continues to hold onto the values that were here 100 years ago. These values, a sense of community, pride, and hard work are still evident today.

It is with this sense of community and pride that I am honored to recognize Crowley County's historic 100 year anniversary.

## IN RECOGNITION OF PULASKI DAY 2011

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Polonia Foundation of Ohio and the Department of Ohio Polish Legion of American Veterans as they unite the community in remembrance and celebration of General Casimir Pulaski, for his legacy and dedication to the people of Poland and United States of America.

Born on March 4, 1747 in Warzka, Poland, General Pulaski achieved great military success in Poland with his focused leadership and strategies in fighting the Russian forces in Poland. By 1777, General Pulaski had become one of the most renowned cavalrymen in Europe and was actively recruited by Benjamin Franklin to assist in the American quest for liberation.

Sympathetic to the American cause, General Pulaski sailed to America and was made head of the newly formed American cavalry during the Revolutionary War. General Pulaski had a deep level of commitment to the American cause and spent his own money to feed and equip his troops. General Pulaski was involved in many significant battles during the

Revolution. His ultimate stand took place in Savannah, Georgia on October 1779, where he led a valiant charge against British artillery. General Pulaski was shot and died a few days later.

This year's celebration will be held on October 8th at the Pulaski Memorial and will feature Mr. Joseph A. Drobot, Jr., the National President of the Polish Roman Catholic Union of America (PRCUA). Mr. Drobot has been an active member of PRCUA for more than 50 years and is currently serving as the 27th President of the organization.

Mr. Speaker and colleagues, please join me in honor and remembrance of General Casimir Pulaski, who made the ultimate sacrifice in his fight to secure the ideals of the American Revolution. An American hero, General Pulaski's life and legacy serves as a reminder of the vital contributions and great achievements by Polish immigrants within our Cleveland community, and throughout America.

## HONORING JIM DAVIS

### HON. JON RUNYAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. RUNYAN. Mr. Speaker, I rise today to honor a true hometown hero and one of the stars of the Bi-Annual Congressional Football Game for Charity, Jim Davis. Jim is currently deployed as a reservist in Iraq where he is the First Sergeant for C Company, 373rd Military Battalion at Camp Liberty, Iraq.

Prior to his deployment, Jim served as a U.S. Capitol Police Officer and K9 Handler. He was also one of the fiercest and most competitive players on the Capitol Police Football Team. Once again, Jim will play for the Capitol Police Team and take on the Members of the 112th Congress. Jim scheduled his leave in order to make this year's game, due to his commitment to the charities the Congressional Football Game supports—The Capitol Police Memorial Fund and Our Military Kids.

Jim was born here in Washington, DC and raised in Northern Virginia. After graduating from Robert E. Lee High School in Springfield, VA, Jim joined the United States Marine Corps. He was on active duty for 4 years in the USMC, and then spent 5 years on active duty in the Army.

Throughout Jim's time in the service, he remained active in athletics, playing football for the Marine All-Star team-and running track for the All-Army track team at Ft. Hood prior to Desert Storm. While on active duty in Germany, Jim also played football for the NFL feeder team—Frankfurt Galaxy.

Although we hope to beat the Capitol Police in this year's Congressional Football Game, we do wish Jim all the best in his current pursuit of an MBA at Johns Hopkins University and a position as a Command Sergeant Major.

Mr. Speaker, I ask my colleagues to join me in honoring Jim Davis.

## CELEBRATING THE 100TH ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN)

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. BRADY of Pennsylvania. Mister Speaker, I rise today to celebrate the 100 year anniversary of the Republic of China (Taiwan) on October 10th, 2011. Despite being a relatively new democracy, Taiwan has established themselves as a beacon of democracy in Asia.

Taiwan's President Ma has been successful in improving the relationship between Taiwan and Mainland China. Since President Ma has taken office, there has been a noticeable decrease in tension among China and Taiwan. Instead of hostility, there has been improved cooperation between the two countries. Direct flights occur daily between the two countries and the demand for Chinese tourists to visit Taiwan has increased exponentially. Also, in the spirit of cooperation, both China and Taiwan are working together to reduce crime along the Taiwan Strait.

Arguably the biggest evidence of their improved relationship, though, is the signing of the historic Economic Cooperation Framework Agreement (ECFA) last year. This agreement allows for China and Taiwan to trade and do business with one another in ways that was not thought to be possible five years ago. It is comforting and encouraging to see two countries pursuing peace and cooperation in this time of worldwide instability and upheaval.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Taiwan on their 100th anniversary, and thank President Ma for his continued efforts in practicing peace.

## IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE SLOVENE NATIONAL BENEFIT SOCIETY, LODGE #158 ''LOYALTIES''

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. KUCINICH. Mr. Speaker, please join me in recognizing the 100th anniversary of the Slovene National Benefit Society, Lodge #158 Loyalties.

The Slovene National Benefit Society (SNPJ) was founded on April 6, 1904 by 12 Slovenian immigrants with the intent of offering life insurance and sick and disability benefits. Today, with more than 125 lodges nationwide, SNPJ is the largest Slovenian fraternal organization in the United States. In addition to its fraternal benefits, SNPJ also offers its members access to a scholarship program, activities for members of all ages and use of its summer campsite, the SNPJ Recreation Center in Lawrence County, Pennsylvania.

Organized in 1911, Lodge #158 was originally called the Pioneers. In 1954, Lodge #158 merged with Lodge #590 and became the Loyalties. Today, with 1,223 adult members and 328 youth members, Lodge #158 is the largest SNPJ lodge in the State of Ohio and the 3rd largest in the United States. Loyalties members are active throughout the Greater Cleveland community and can be found volunteering at Cleveland Federation of SNPJ Lodges, SNPJ ''Farm,'' Cleveland Athletic League, Slovenian Society Home ''Recher,'' Slovenian Workmen's Home, and Slovenian Society Home ''Holmes,'' among others.

Lodge #158's centennial celebration will occur on October 8th at their home hall, Slovenian Society Home, and feature a dinner and music by the Don Wojtila Band. Special honors will be paid to members celebrating their 50th, 60th, 70th and 80th year's anniversaries of membership.

Mr. Speaker and colleagues, please join me in recognizing the 100th anniversary of the Loyalties Lodge and those who are celebrating their 50th, 60th, 70th and 80th years of membership with the Slovene National Benefit Society, Loyalties Lodge #158.

## TAIWAN'S 100TH ANNIVERSARY

### HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. GARDNER. Mr. Speaker, as a proud member of the Taiwan Caucus, I rise today to honor Taiwan on its 100th National Day which will occur on October 10th.

The relationship between Taiwan and the United States has developed into a friendship and alliance that I know will continue for years to come.

Taiwan is a paradigm of what true democratic values can bring to a nation.

It has a robust record of protecting individual rights, liberty, representative government, capitalism, and many more democratic values that have furthered the nation's prosperity.

Taiwan has developed an economy that successfully does business around the world and their commitment to economic and political freedom is a model for countries across the globe and throughout the region.

I urge my colleagues to join me in congratulating Taiwan on its 100 years of principled existence, and on its living example of true democracy against threats that at times might cause others to cower.

## TRIBUTE TO CADE SPINELLO

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an incredible young boy, Cade Spinello, from my congressional district who has faced so many challenges in his young life. Cade's story came to me from a family friend of the Spinello's and I am honored to share it here. In 2009, Cade's parents, Michael and Erin, noticed that Cade's eyes were not lining up normally when he tried to focus. The doctor told the Spinello's that little Cade had lazy eye and prescribed a patch over the good eye to strengthen the weak eye. After a year of using the patch, Cade's condition worsened, and after a closer look the doctor realized that Cade's optical nerve was inflamed. After an MRI, the doctor told Cade's

parents the devastating news: Cade had a tumor the size of an egg at the bottom of his brain right behind his right eye. All of this was happening as Erin gave birth to their second child, Lucy.

After the discovery of the tumor, Cade was immediately sent to surgery where surgeons were able to remove 30% of the tumor and provide much relief to Cade. The Spinello's, and all their friends and family, were relieved to hear that the tumor was benign. Unfortunately, as Cade was recovering from surgery, he suffered a stroke that paralyzed the right side of his body and left him without speech.

Over a year has passed since the surgery and the stroke and the only word to describe Cade's recovery is ''miracle.'' This brave young boy has overcome challenges most of us never face in a lifetime. He is walking and talking again. He has participated in a T-ball league. All this while going through a second surgery that saved his right eye and chemotherapy that has significantly reduced the size of his tumor.

The Spinello family has endured through so many hardships yet they face each day with optimism and with their deep faith in God. The community of Ladera Ranch has rallied around them and held fundraisers to help pay the medical bills. Through it all stands Cade Spinello, a testament to love, courage, and perserverance.

Today I ask the U.S. House of Representatives to take a moment and honor this incredible young boy and his family. I ask that all of us keep Cade, and the entire Spinello family, in our prayers as they continue down the path of recovery. I look forward to the day, not so long from now, that I will stand up here and congratulate Cade on his high school graduation and all the accomplishments that he will achieve in his life. For now, I simply stand in awe of a young boy who has conquered more in his young life than most do in an entire lifetime.

## IN RECOGNITION OF ELIZA BRYANT VILLAGE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Eliza Bryant Village, a non-profit organization that is dedicated to providing quality services, outreach programs and a dignified, compassionate and secure environment for seniors. On Saturday, November 6, 2011 the Eliza Bryant Auxiliary II will host its 43rd Annual Luncheon, Fashion Show and Mart ''Celebrating a Community of Generosity.''

In 1858, Eliza Bryant came to Cleveland, Ohio with her mother and brother and they became known for providing African Americans with food, shelter, clothing and guidance. Several decades later, Eliza, concerned by the fact that African Americans were not permitted in nursing homes, began working in the community on behalf of the elderly. Inspired by her dedication, John D. Rockefeller made a financial donation that led to The Cleveland Home of Aged Colored People (The Home).

Since 1896, The Home has gone through several changes. In 1914 a new, 19 bed facility was purchased on Cedar Avenue. In 1960, The Cleveland Home of Aged Colored People officially changed its name to the Eliza Bryant Home for the Aged. After generous donations by the Dorcas Society and the A.M. McGregor Home, the Eliza Bryant Home moved to a new location on Addison Road and was able to care for 47 people. Just several years later the aged building became inadequate and, in 1985, the Eliza Bryant Home opened in Cleveland's inner city. In 1999, the organization expanded further with the opening of the Inez Myers Senior Outreach Center and Eliza Bryant Manor, a senior housing complex consisting of 60 units. After the opening of these two facilities, the organization was renamed to Eliza Bryant Village (EBV). More recently, EBV acquired the former Madonna Hall Nursing Home, opened the Eliza Bryant Garden Estates and continues to expand its services.

Approximately 100 women are members of EBV's three Auxiliaries, which work to fundraise and support the residents of Eliza Bryant Village. The goal of the 43rd Annual Mart is to obtain funding to enhance EBV's programming, improve transportation and special medical equipment for its residents and provide adult daycare for the elderly in the community.

Mr. Speaker and colleagues, please join me in recognition of Eliza Bryant Village as it continues its work as being a premier provider of healthcare, programs and services to the Greater Cleveland community.

## IN RECOGNITION OF THE ROSALYNN CARTER INSTITUTE FOR CAREGIVING

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to salute the outstanding humanitarian efforts and health care advocacy initiatives of one of my home-state's most prestigious organizations, the Rosalynn Carter Institute for Caregiving (RCI) at Georgia Southwestern State University in Americus, Georgia. It is appropriate and entirely fitting that this premier institute proudly bears the name of one of my most universally beloved constituents and one of America's most dedicated advocates for the underserved—former First Lady of the United States of America, Mrs. Rosalynn Carter.

RCI was established in 1987 and was formed in honor of former First Lady Rosalynn Carter to recognize her long-standing commitments to human development and efforts to push for parity in the delivery of long-term care health services. One of the institute's primary missions is to establish local, state and national networks that collaboratively work to build more effective long-term care systems and provide enhanced support services for the millions of caregivers who selflessly tend to the needs of our nation's dependent loved ones.

Due to emerging changes in our nation's demographics and a rapidly aging baby boomer population, the current services provided by the Rosalynn Carter Institute for Caregiving have never been more warranted than right now. As cited by the RCI, over fifty million family caregivers provide the largest proportion of care for dependent elderly individuals as well as adults and children with disabilities. Approximately six million adults over the age of 65 need daily assistance to live outside a nursing home. This alarming figure will grow to more than twelve million by 2030.

It is also worth noting that U.S. life expectancy has been generally increasing since at least the 1940s. Earlier this year, the Centers for Disease Control and Prevention noted that life expectancy in the United States has hit another all-time high, rising above 78 years.

With longer life expectancy, come higher rates of chronic illness, disability and the need for more sustainable long-term care services. The average senior today will spend two or more of their final years disabled enough to need someone to help them with routine activities of daily living because of chronic illness.

To help meet the growing needs of our nation's caregiver communities and their disabled loved ones, RCI helped to develop an innovative, online information exchange medium within the Georgia CARE–NET coalition program that allows agencies and caregivers to obtain information about effective caregiving interventions. The online resource helps family caregivers determine which long-term health programs will best meet the specific needs of those in their care.

RCI is also working in tandem with other organizations to secure full funding to establish a Family Caregiver Education and Training Network. This network will provide access to training in evidence-based strategies for family caregivers.

Mr. Speaker, I would ask that my colleagues join me in applauding the exceptional efforts of former First Lady Rosalynn Carter, the RCI and its partner organizations for all they have done and will continue to do to address the paramount and expanding needs of America's caregivers. Their noble deeds and remarkable achievements have improved the quality of life for many of our nation's disabled seniors and chronically ill citizens. I and many others will remain eternally grateful to them for their many noteworthy endeavors and selfless acts of grace.

## CONGRATULATING ROBERT FOY ON HIS RETIREMENT

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. KILDEE. Mr. Speaker, I rise today to wish my dear friend, Robert Foy, a joyous and wonderful retirement. I have known Bob for most of my life. We grew up in the same neighborhood and went to St Mary's Catholic school together. Like me, he spent time studying in the seminary and found great reward in serving his community.

Public service is something that is deeply ingrained in Bob. His service began as young man when he entered the United States Air Force. After rising to the rank of Colonel, Bob left his successful military career and joined the Flint Mass Transportation Authority in 1975 as comptroller. From there, he rose to assistant general manager and then general manager in 1984. Upon his retirement, Bob will have served an astounding 27 years as the general manager of the Flint MTA.

While general manager of the Flint MTA, Bob created a state-of-the-art transportation system and infrastructure. His focus on low-income and seniors has created more opportunities for the clients and jobs throughout the community. The Your Ride program that he designed and implemented serves almost 50,000 passengers a month with an emphasis on seniors and the disabled.

Bob has been called a visionary by many who know him and I echo this sentiment. His work to modernize the transportation system will have a lasting impact on the community. He created unique partnerships with Kettering University and Michigan State University that paved the way for a MTA Alternative Fuel Facility. This cutting edge Compress Natural Gas/Propane fueling station will serve as ground zero for research that could lead to increased efficiency and cost savings that will save taxpayers money across the state.

Mr. Speaker, I can honestly say that everything Bob touched became better because he was involved. He brought decency to whatever he did personally and professionally. Please join me in congratulating Robert Foy on his tremendous career and wish him well in retirement.

## IN RECOGNITION OF THE 75TH ANNIVERSARY OF THE CROATIAN FRATERNAL UNION OF AMERICA, LODGE # 859, ZUMBERAK

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 75th anniversary of Zumberak Lodge, of the Croatian Fraternal Union of America.

The Croatian Fraternal Union of America (CFU) is the largest and oldest Croatian organization in North America. There are more than 200 lodges throughout the United States and Canada and 18 in the State of Ohio. The CFU was founded on September 2, 1894 as the Croatian Union of the United States, and in 1895 was renamed the National Croatian Society. The National Croatian Society merged with several other Croatian organizations and became the Croatian Fraternal Union of America in 1925. Originally, CFU was created as a society of mutual aid for Croatians in the event of sickness and death. It has also been publishing its own newspaper, The Zajednicar, since 1904. Today, in addition to providing insurance, the CFU is dedicated to preserving Croatian culture in North America, and provides numerous fraternal and cultural programs for its members.

In addition to celebrating the 75th anniversary of Zumberak Lodge, members who have been with the Croatian Fraternal Union for 50 years will also be honored at the celebration. The 50 year members include: Gerald Babbits, Dwayne Hunn, Robert Knezevic, Ann Lang, Mary Ann Mave, Linda Mayo, William Rubick and Barbara Zander. The celebration will begin with a service at St. Nicholas Croatian Byzantine Catholic Church and be followed by a memorial service for deceased members, a blessing for the 50 year members and conclude with a champagne brunch at Manor Party Center in Euclid, Ohio.

Mr. Speaker and colleagues, please join me in recognizing the 75th anniversary of Zumberak Lodge and those who are celebrating 50 years of membership with the Croatian Fraternal Union of America, Zumberak Lodge #859.

## CELEBRATING DAVID ISIAH STROMAN ON HIS 100TH BIRTHDAY

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in celebrating David Isiah Stroman, Jr. on his 100th birthday today.

Born in South Carolina, Dave, as he is affectionately known, has spent most of his life as a resident of the District of Columbia. After graduating from Booker T. Washington High School and attending Benedict College in South Carolina, Dave moved to the nation's capital.

Dave was a natural athlete, so it came as no surprise that he fell in love with golf when he began working as a caddy at Indian Springs Country Club in Silver Spring, MD, earning $0.50 a round. During those days, the old West Potomac Park on Constitution Avenue was the only golf course in DC that African Americans were allowed to use, and Monday was the only day they were allowed to play on it. However, the Langston Golf Course opened in 1939, giving Dave and his friends a primary golf course to call their own. Over the years, Dave met famous golfers like Lee Elder, Calvin Peete and Charlie Sifford. In the late 1940s, Dave met and became golf partners with boxing great Joe Louis, and they shared many happy times competing against each other.

Dave's successes did not stop at golf. He began his federal government career in 1935 at the Bureau of Engraving and Printing, which had just begun to hire African Americans. He worked there until his retirement in 1969. Dave was married to his first wife, Mildred, during his early years at the Bureau, until her death in 1939. Dave married his second wife, Pamela Wilhoite, in 1949. Dave and Pam have two daughters, Tayloria and India, one grandson, Azani, two sons-in-law, Purnell and Daryl, a step granddaughter, Ashley, and a step great grandson, Zion.

During Dave's time at the Bureau, he cultivated many relationships with his co-workers. Together, they formed social clubs like "The SWAGS," whose clubhouse dances and boat rides were the place to be in the 1950s. As a member of a club of retired golfers, the Monday Morning Golf Club, Dave played golf at different courses every Monday. Dave and his co-workers met the actor Bill Murray at the Bureau, who encouraged all of them to become members of the Masonic Temple. Dave later signed his petition as a Master Mason. He is a member of Mecca #10 Shrine Temple, Mt. Vernon Chapter #1, Holy Royal Arch Masons, Redemption Lodge #24, and Simon Commandery. Today, Dave continues to enjoy life by being in the company of family and friends, going to golf courses, and cheering on the Washington Redskins.

In celebrating this significant milestone, we acknowledge the extraordinary personal qualities and contributions of David Isiah Stroman, Jr. to his family and to our community. His birthday gives his family and friends, and the residents of the District of Columbia, an opportunity to thank him for his many gifts of love and friendship. I ask the House to join me in celebrating the 100th birthday of David Isiah Stroman, Jr., a special man whose service to our community is greatly appreciated.

## IN RECOGNITION OF THE RETIREMENT AND DEDICATED SERVICE OF ALVIN ''AL'' COBY

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the retirement of Alvin "Al" Coby after 27 years of service to the City of Pensacola, Florida.

Mr. Coby's service to our nation began in 1971 when he joined the few and the proud to become a United States Marine. Upon completion of the Officer Basic Course in Quantico, Virginia, he reported to Naval Air Station Pensacola, Florida, where he began his flight training. Upon earning his wings, he was selected to fly the F–4 "Phantom". Mr. Coby served three tours as a Marine aviator in Vietnam, before returning to the "Cradle of Aviation" in 1978 to serve as a flight instructor. Under his leadership and expertise, many brave men and women were trained as pilots who went on to serve during the Cold War and in Iraq, Bosnia, Afghanistan, and across the globe.

After eleven years of military service, Al Coby departed active duty. He then attended graduate school at the University of West Florida and joined the City of Pensacola in 1984 as Assistant City Manager. Mr. Coby has served the City of Pensacola in various capacities, including Community Redevelopment Director, Assistant City Manager and City Manager. During his tenure with the City, he also served as a member of two state appointed boards, as well as numerous local boards and committees. Currently, he is a member of the Sacred Heart Hospital Advisory Board, the Downtown Rotary, and the Boy Scouts of America Gulf Coast Council.

In 2004, Hurricane Ivan devastated the panhandle of Florida, and Mr. Coby became an integral part of the recovery process. His tireless dedication to rebuilding homes and businesses in Pensacola is a true testament to his character. In 2010, with the Deepwater Horizon oil spill affecting residents and businesses in the Gulf Coast region, Mr. Coby organized a team of City employees to focus on recovery and long-term development. He led the recovery team with distinction, and his hard work and dedication helped to ensure that the City of Pensacola was prepared to respond quickly and effectively to this unprecedented disaster.

Mr. Speaker, on behalf of the United States Congress, I congratulate Mr. Coby on his retirement and thank him for his faithful and selfless service to this great Nation and to the Northwest Florida community. My wife Vicki and I wish him and his family all the best.

## HONORING THE LEGACY OF FRANCES CHAMBERS

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Ms. ROS-LEHTINEN. Mr. Speaker, South Florida recently lost a truly remarkable woman and pillar of our community—Mrs. Frances Chambers. Fran, as she was affectionately known, leaves behind a legacy that will long endure.

Fran was the consummate lifelong learner. Born on November 13, 1921, in Miami, Fran graduated from Booker T. Washington High, and then went on to receive a Bachelor of Arts degree—with highest honors—from Bennett College in 1942. She then received a Master of Arts degree from New York University, and later continued her studies, amassing more postgraduate credits than are required for a doctoral degree from several Florida universities.

She turned her enthusiasm for studies into a love of teaching. Fran taught and guided generations of students in Miami-Dade County Public Schools, where she was loved by her students and admired by her peers. For more than 37 years Fran shared her passion with her students at Dunbar Elementary, Miami Jackson Senior High, COPE Center North, and Holmes Elementary. She was involved in nearly every aspect of education for the children of South Florida—finally retiring in 1979.

But Fran was not just a perennial educator; she was also a committed volunteer. She began volunteering for the March of Dimes and American Heart Association in the 1950s. Later, she served as board chair of the James E. Scott Community Association, a group that provides social services for those in need, and was also a member of the Seniors Centers of Dade County, League of Women Voters and the NAACP. Fran remained active in the community well after her retirement from Miami-Dade County Public Schools—her commitment to volunteerism and the South Florida community is as impressive as it is praiseworthy.

Her other passion was for the preservation and dissemination of the history of Miami's African-American pioneers. Fran had a vision to research and publish a book, so that the records of these remarkable people could be recorded and shared. Her goal was to help assure that future generations could appreciate the long and difficult road so many of these pioneers had to endure, and to draw strength and encouragement from them.

In 2000, Fran learned she was afflicted with Alzheimer's disease. But this bad news could not keep her dream from being realized. After nearly three decades, her vision finally came to fruition. Her resolve and her vision were so admired by those in the South Florida community that others picked up her mantle and carried out her work to completion. In 2010, a collaborative effort made her dream a reality. Linkages & Legacies was the end result of all of Fran's hard work. And in true Frances Chambers style, the publication was her gift to the community so that this history could be told for generations to come.

Fran may be gone, but her legacy and love will forever be a constant presence in South Florida. It is carried on through her work, and through her 3 children, 4 grandchildren and 3 great-grandchildren. She was a unique and truly awe-inspiring woman. All of our hearts in the South Florida community are a little heavier this week as we honor and remember Frances Chambers.

## HONORING ASHEVILLE BUNCOMBE COMMUNITY CHRISTIAN MINISTRY OF ASHEVILLE, NORTH CAROLINA ON THE 20TH ANNIVERSARY OF ITS DOCTOR'S MEDICAL CLINIC

### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. SHULER. Mr. Speaker, I rise today to honor the Asheville Buncombe Community Christian Ministry, ABCCM, of Asheville, North Carolina, on the occasion of the 20th anniversary of its Doctor's Medical Clinic.

The ministry was founded in 1969 by eight local churches and is now a cooperative ministry of more than 260 churches that strive to serve the needy citizens of Buncombe County. In 1991, the ministry opened a clinic to deliver quality medical care, referral management, and medication for the citizens of Buncombe County who are uninsured, underinsured and ineligible for Medicaid or Medicare. A number of volunteer registered nurses, nurse practitioners, social workers and physicians donate countless hours of their time to see to the medical needs of their fellow citizens in an empathetic and welcoming manner.

In addition to the Doctor's Medical Clinic, ABCCM also performs community outreach in other ways by providing counseling, food, clothing, furniture, rent and utility assistance, and transportation to the disadvantaged in the community. It provides educational opportunities and books and coordinates religious services for inmates at local jails. The ministry also operates two shelters, one to help homeless veterans reenter society and one to provide emergency shelter for homeless women.

Mr. Speaker, I am honored to recognize the Asheville Buncombe Community Christian Ministry for the outstanding work they have done for more than 40 years in Western North Carolina. As they celebrate the 20th anniversary of the Doctor's Medical Clinic, I ask my colleagues to join me in celebrating their hard work and spirit of compassion that has had an enormous impact on the lives of many of the neediest in our community.

## RECOGNIZING THE 100TH BIRTHDAY OF MARGARET ASKEW COOPER

### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. COHEN. Mr. Speaker, I rise today to recognize the 100th birthday of lifelong Memphian Margaret Askew Cooper. Born October 8, 1911, Mrs. Cooper is the mother of three children, Charles Askew, Mauri Askew and Turner Askew. She has five grandchildren, six great-grandchildren and numerous nieces and nephews.

Mrs. Cooper has dedicated much of her life to serving the Memphis community. She was instrumental in the founding of the Le Bonheur Club which is a non-profit organization that supports Le Bonheur Children's Hospital through fundraising and volunteer service. Mrs. Cooper helped shape Les Passees, Memphis' original women's volunteer organization. Les Passees was incorporated in 1932 and has since supported the USO, the Shelby County Chapter of Society for Crippled Children and Adults, opened a center for children living with cerebral palsy and centers dedicated to the well-being of children and families.

Throughout her life, Margaret Cooper has had quite the reputation as a great dancer. Today, she still makes Saturday nights her dancing nights. During her 100th birthday celebration, well-known Memphis band leader Jim Johnson will fulfill a promise he made to Mrs. Cooper nearly 20 years ago. He told her that he would get his band back together to perform at her 100th birthday party. I am certain that she and all of her family and friends will have a memorable celebration filled with fun and dancing.

All who know Margaret Cooper admire her perennially positive outlook which has influenced hundreds throughout her life. I ask my colleagues to join me in wishing Mrs. Margaret Askew Cooper a happy 100th birthday and in commending her on a life dedicated to her family and her community.

## PERSONAL EXPLANATION

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. NADLER. Mr. Speaker, I was unavoidably detained at a meeting outside the Capitol, and I missed one vote on October 5, 2011. Had I been able to, I would have voted ''aye'' on rollcall vote No. 747, an amendment offered by Mr. WAXMAN to H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

## PASSING OF HARRY KEMP

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Ms. MOORE. Mr. Speaker, I rise to pay tribute to Harry Kemp, who passed away on September 29, 2011, at the age of 78 years. Mr. Kemp was a mentor, community leader, veteran and most of all a consummate professional photographer. In fact, Mr. Kemp was often called the Visual Griot of Milwaukee's Black Community.

Through his camera lens Mr. Kemp captured over 50 years of Milwaukee's Black Community by recording countless historic functions, political gatherings, educational lectures and social functions. In the late 1960s, Mr. Kemp became a member of the Black Press and he took photographs for the Milwaukee Community Journal, the Milwaukee Courier and the Milwaukee Times. He was a photographer for the Milwaukee Brewer's Baseball Team and worked as a freelance and

commercial photographer. Mr. Kemp taught photography at North Division, Hamilton and South Division High Schools. Harry Kemp served with the U.S. Air Force in the 1950s.

Mr. Kemp was born in Racine and raised in Milwaukee and spoke of the values instilled by role models, including his father, also named Harry, mother Marie Gaines and stepfather Lincoln Gaines. Harry Kemp began taking pictures while in the Boy Scouts and received his first Brownie camera when he was 12. He began studying journalism in Texas and studied photography elsewhere.

In 1995, Mr. Kemp was officially honored at the Milwaukee City Hall Rotunda and by that time had taken 50,000-plus photos. By the time of his death it was estimated that Mr. Kemp had taken 100,000 pictures. Mr. Kemp leaves behind his sister, Yvonne Kemp his photographer partner, sister Jo Anne Kemp, brother William Kemp and nieces and nephews.

Mr. Speaker, I am proud Harry Kemp hailed from the 4th Congressional District and that I called him friend. He captured some of our most precious and poignant moments; he painted a picture through images sometimes preserving an event in a way maybe no one else could see. I am honored to give praise to his many accomplishments and life time commitment to Black Community of Milwaukee and in fact, the entire Milwaukee Community.

## HONORING BREAST CANCER AWARENESS MONTH

### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize October as National Breast Cancer Awareness Month. To raise awareness for breast cancer prevention, I want to stress the importance of regular mammograms and following recommended screening guidelines.

Breast cancer is the most frequently diagnosed form of cancer in women worldwide. Every two minutes a woman is diagnosed with breast cancer in the U.S. alone. Every thirteen minutes, a woman dies of breast cancer. While these statistics are shocking, there is hope.

The 2.5 million breast cancer survivors in the U.S. today have shown that early detection and timely treatment are the keys to fighting the disease. The five-year survival rate for women who are diagnosed at the early stage of the disease's development has risen to 98 percent. It is undeniable that early detection saves lives.

Unfortunately, despite what we already know, the number of women receiving regular mammograms has declined in the past ten years. A recent study discovered that fewer than 50 percent of women over the age of 40 with health insurance had received a recommended annual mammogram. This must change.

In honor of National Breast Cancer Awareness Month, I want to encourage women to follow the recommended screening guidelines. I hope this message reaches every woman, and together we can commit to ending breast cancer forever.

## HONORING THE LIFE OF DR. RAZA DILAWARI

### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. COHEN. Mr. Speaker, I rise today to honor the life of Dr. Raza Ali Dilawari, a great Memphis surgeon known for his work in the field of oncology. He was born in the Walled City of Lahore, Pakistan and completed medical school there at King Edward Medical College in 1968. He then completed his surgical residency at SUNY Upstate Medical Center in Syracuse, New York and his surgical oncology fellowship at the University of Rochester at Strong Memorial Hospital in Rochester, New York and the Roswell Park Memorial Institute in Buffalo, New York. Dr. Dilawari then went on to spend 35 years in Memphis serving the community as a doctor, teacher and mentor, touching thousands of lives in the process.

Dr. Dilawari was appointed Assistant Professor of the Department of Surgery at the University of Tennessee Center for Health Sciences in Memphis in 1978. He became the Assistant Dean for Clinical Affairs there as well as Vice Chairman of the Department of Surgery at Methodist University Hospital. His time in academia left a great legacy of research and peer-reviewed publications, but arguably his most significant contribution to Memphis was his mentoring of medical students and the training of over 200 surgical residents, ensuring his lasting impact and legacy. His focus and dedication to training the next generation of doctors and surgeons will have a lasting impact on patients in Memphis and around the world.

In addition to his great work as a teacher, Dr. Dilawari opened a surgical oncology practice at the Regional Medical Center and Methodist Central Hospital in Memphis. His surgical practice allowed him to operate on thousands of patients over the years, often without regard to payment. Dr. Dilawari was also very active in his community as a founding member of the Al Rasool Center and through his work with the Islamic Society of Memphis. Dr. Dilawari was a gracious and kind man who, until the end of his life, maintained the good nature and wisdom he had gained from years of treating cancer patients.

Dr. Raza Dilawari passed away on September 18, 2011, at 64 years of age. The Memphis community mourns the loss of one of its great citizens. He is survived by his beloved family: his wife Bushra A. Dilawari, his five children Asma, Amina, Mariam, Asad and Saba, his granddaughter Zara as well as a host of other family and friends across Tennessee and the world. We are grateful to have had the pleasure of his dedication, skill and compassion in the Memphis community. His was a life well-lived.

## RECOGNIZING NATIONAL BREAST CANCER AWARENESS MONTH

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize October as National Breast Cancer Awareness Month. This month we stand together with those who have bravely faced this disease, as well as to raise awareness toward finding a cure.

I am proud to wear this pink ribbon pin in support of National Breast Cancer Awareness Month and to recognize the importance of early detection in an effort to eradicate this disease, includin encouraging women and men to follow recommended screening guidelines. Furthermore, we must make certain that every woman has access to regular mammography screenings.

For more than 20 years, the observance of National Breast Cancer Awareness Month each October has provided a time for us all to reflect on loved ones who have won and lost the battle against breast cancer.

Every two minutes, a woman is diagnosed with breast cancer, and every thirteen minutes one woman will die of breast cancer in the United States. In Florida alone, an estimated 15,330 new cases of invasive breast cancer will be diagnosed in women in 2011 and 2,690 of these women will die from this disease. These statistics are some of the many reasons I am a supporter of legislation and action that aids the fight to end breast cancer. I have also signed the National Breast Cancer Coalition's Congressional Declaration of Support for Breast Cancer Deadline 2020. By declaring my support to end breast cancer by January 1, 2020, I am proud to commit to continuing to educate myself and my constituents about the issues surrounding breast cancer.

Unfortunately, today we see a decline in screening rates. A recent study of 1.5 million women found that of those over the age of forty, with health insurance, less than fifty percent had received the recommended annual screening. The key to ending this disease is early detection, which reduces costs associated with the disease. The costs for early stage treatment are estimated at approximately $22,350 per person, while late stage treatment costs nearly $120,000 per person. Early detection of this life threatening disease is crucial to saving lives and ultimately reduces the burden on patients and our health system.

There are 2.5 million breast cancer survivors living in the U.S. today. They are the embodiment of bravery, as well as to the importance of promoting awareness about breast cancer, following recommended guidelines, offering treatment to those affected, and continuing to fund groundbreaking research.

Mr. Speaker, I commend those advocates, survivors, and men and women who fight the disease every single day. In honor of National Breast Cancer Awareness Month, I encourage everyone to make a renewed commitment to following recommended screening guidelines and I will continue the effort here in Congress to eradicate breast cancer by supporting breast health awareness, education, research, screening and referrals.

## CELEBRATING THE DEDICATION OF THE JEWISH CHAPLAINS MEMORIAL

### HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. SARBANES. Mr. Speaker, I rise today to celebrate the dedication of the Jewish

Chaplains Memorial and to pay tribute to the Jewish chaplains who lost their lives while serving our country.

For 149 years, chaplains have been a source of spiritual and emotional support for the men and women of our armed forces. In the most trying of circumstances, chaplains risk their lives to provide comfort and healing to our nation's soldiers.

More than 250 chaplains of all religions have died while on active duty in the Armed Forces of the United States. Three memorials on Chaplains Hill at Arlington National Cemetery honor the Protestant, Catholic, and World War I chaplains killed in the line of duty. The recognition of the brave Jewish chaplains who dedicated their lives to our nation is long overdue.

I was proud to cosponsor H. Con. Res. 12, a resolution to authorize a new memorial at Chaplains Hill to honor the Jewish chaplains who died while on active duty. On the evening of February 2, 1943, four chaplains gave their lives to ensure the safety of soldiers aboard the USAT *Dorchester,* under attack by a German torpedo. Rabbi Alexander D. Goode, a lieutenant in the United States Army, two Protestant pastors and a Catholic priest drowned after giving up their own life jackets to save others. Despite his courage and selflessness on that night, Rabbi Goode is the only one out of the four who is not recognized on Chaplains Hill. After 68 years, Rabbi Goode, and his fellow Jewish chaplains killed in wartime services since World War II, will finally receive the recognition and honor they deserve.

I commend the work of Ken Kraetzer, the JWB Jewish Chaplains Council, and the Jewish Federations of North America for making the Jewish Chaplains Memorial possible. I am proud that the U.S. Naval Academy's Levy Chapel, which is in my district, was chosen as one of the sites to display the memorial prior to its dedication at Arlington National Cemetery. Through this joint effort, our country will honor the sacrifices of Jewish chaplains for generations to come.

## HONORING FRANCES REEVES JOLLIVETTE CHAMBERS

### HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Ms. WILSON of Florida. Mr. Speaker, today I rise to remember Frances Reeves Jollivette Chambers. Fran was born on November 13, 1921 in Overtown—in the heart of my district. She was the daughter of The Miami Times founder Henry E.S. Reeves and his wife Rachel Jane Cooper Reeves who had emigrated from the Bahamas two years earlier. Fran was an integral part of my community, and she will be missed dearly.

Fran wed Cyrus M. Jollivette, Sr., in December 1942, was widowed in January of 1960, and married James R. Chambers in July 1963. She would remain with James until his death in June of 2000. During her life, she was blessed with daughters Regina Jollivette Frazier and Cleo Leontine Jollivette, and a son, Cyrus M. Jollivette. Before passing, she was also blessed with four grandchildren and three great-grandchildren.

Again, Fran was a leader in my community. After graduating from Booker T. Washington High in 1938, she graduated summa cum laude from Bennett College in 1942 and received a Master of Arts degree from New York University in 1959. She would later study at the University of Miami, the University of Florida, Florida A&M, Florida Atlantic, and Barry universities where she amassed more post graduate credits than required for a doctoral degree. Fran taught and guided generations of students at Dunbar Elementary, Miami Jackson Senior High, COPE Center North, and Holmes Elementary before retiring from the Dade County Public Schools in July 1979. In total, she spent more than 37 years as a teacher, reading specialist, counselor, and principal—she was an amazing woman.

In the 1950s, Fran was a volunteer for the March of Dimes and the American Heart Association, and in the 60s she was JESCA board chair, a board member of Senior Centers of Dade County, and a member of the American Association of University Women. In the 70s and 80s she was a member of the Florida State Board of Optometry and the League of Women Voters, and as a retiree in the 1990s she continued volunteering in the community while traveling the world. Ultimately, Fran visited more than 50 countries and six continents. She was a life member of Alpha Kappa Alpha Sorority and the NAACP, a platinum member of The Links, Inc., and a charter member and past president of the MRS Club, a six-decades-old group of friends. At Incarnation Episcopal Church she was a member of Daughters of the King.

Again Mr. Speaker, Fran was a remarkable woman. She will be missed.

Almost thirty years ago, and in a far different world, she conceived, developed, and implemented a research plan that would lead to a book recording the history of Miami's black pioneers. Her goal was to ensure that future generations could appreciate the long and difficult road Pioneer Miamians had traveled, and that they would not be forgotten. In the same vein, we will not forget her.

Fran's vision was realized in March, 2010, when a 120 page hard-bound coffee table book, Linkages & Legacies, was published by The Links, Inc., Greater Miami Chapter.

Mr. Speaker, today I rise with a heavy heart to announce Fran's passing, but I will leave this chamber with great joy as I remember all the wonderful gifts she gave to my community.

We miss you, Fran.

## EPA REGULATIONS

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. PENCE. Mr. Speaker, I rise in support of the legislation currently before the House, H.R. 2250 and H.R. 2681, which if enacted into law will go a long way in reining in an Environmental Protection Agency that seems intent on implementing regulations that will not only drive up energy costs for all Americans, but also drive even more of our jobs overseas.

I also rise to address another threat coming from the EPA—the very real and serious danger facing the refrigeration industry from overreaching by the EPA to implement additional regulations on an industry that were never authorized by Congress. As many of my friends know, this industry is currently subject to regulations under the Montreal Protocol. The Montreal Protocol, originally signed by President Ronald Reagan in 1987, was designed to protect the ozone layer by regulating and phasing out ozone-depleting substances such as chlorofluorocarbons and hydrochlorofluorocarbons, or CFCs and HCFCs. Those regulations have been implemented and the industry is complying with them as we speak.

Now, the EPA has indicated its intent to regulate hydrofluorocarbons, or HFCs. It is important to distinguish that HFCs are not ozone depleting substances that would make them subject to the Montreal Protocol, but rather greenhouse gases. The EPA does not currently have the authority to regulate greenhouse gases and the EPA should not be permitted to move forward on their intentions until Congress has given the EPA the express power to do so.

Mr. Speaker, the refrigeration industry, like any other, is feeling the pinch in these difficult economic times. My state is fortunate enough to be home to one of the few remaining domestic refrigerant manufacturers and so I have heard first-hand what this potential regulatory over-reach would mean to this industry.

I urge the House to remain vigilant on the specific issue of HFCs and additionally to pass both pieces of legislation before it this week. We must ensure that the EPA does not overstep its legal authority by issuing regulations on areas where Congress has not delegated its authority, and we must block the implementation of EPA proposed regulations on cement manufacturing facilities, industrial boilers, process heaters and incinerators, which would be terribly harmful to our already fragile economy, costing billions of dollars and thousands of jobs.

The EPA regulations dealing with Portland cement force the industry to reach nearly unachievable emissions levels, and according to the Portland Cement Association, will eventually force the shutdown of 18 plants and cost $3.4 billion over the next three years. American cement producers would be put at a significant disadvantage to their foreign competitors and nearly 4,000 cement manufacturing jobs will no longer exist because of the EPA's actions. These regulations would also result in increased costs of $1.2 to $2 billion to state and local governments for road projects.

H.R. 2250 would target the rules finalized by the EPA dealing with industrial boilers, commonly known as Boiler MACT (Maximum Achievable Control Technology). Boiler MACT would be devastating to the people of Indiana. In fact, according to a study completed by HIS Global Insight, Indiana would be the second hardest hit state by Boiler MACT. There are currently 82 industrial boilers in the Hoosier state and these regulations would cost more than $1 billion and eliminate over 16,000 jobs.

In closing Mr. Speaker, I urge my colleagues to pass these vital pieces of legislation and to continue to work to ensure that regulations from the EPA do not cost Hoosier jobs.

## INTRODUCTION OF THE DISTRICT OF COLUMBIA NATIONAL DISASTER INSURANCE PROTECTION ACT

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Ms. NORTON. Mr. Speaker, I rise today to introduce the District of Columbia National Disaster Insurance Protection Act. The bill would exempt from federal income taxation catastrophic insurance reserves held by insurance companies in the District of Columbia. Under current federal law, catastrophic insurance reserves are subject to federal income taxation, which has led insurers to hold these funds in offshore jurisdictions, such as the Cayman Islands and Bermuda, where they are not subject to U.S. income taxation.

The bill would serve important national purposes by protecting individuals and businesses across the country from unpaid insurance claims in the event of a natural catastrophe, as well as U.S. taxpayers. Today, if a natural catastrophe occurred in the U.S., and offshore insurance companies did not pay claims, the U.S. government might need to step in and taxpayers could be on the hook for the claims. Indeed, after the September 11, 2001, terrorist attacks, the U.S. government had to establish a federal backstop for losses due to terrorist attacks, the Terrorism Risk Insurance Act, which is still in place today. As the recent financial crisis showed, the U.S. government has a strong interest in preventing systemic financial risks. However, U.S. individuals and businesses now rely on offshore jurisdictions to preserve and protect catastrophic insurance reserves.

Rather than leaving little alternative to locating these vital catastrophic insurance reserves offshore, it makes sense for the funds to be held in the nation's capital, the most protected and secure city in the U.S., to eliminate an existing but overlooked vulnerability in the financial system. My bill is particularly timely considering that the president issued a record number of Major Disaster Declarations in 2010 (81) and has issued 87 so far this year.

## MR. FRANK CIAMPI, JR.

### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. BARLETTA. Mr. Speaker, I rise today to honor Frank Ciampi, Jr., an outstanding Italian-American, for his 56 years of dedicated service in UNICO, the Italian-American service organization. Born and raised in West Pittston, Luzerne County, Mr. Ciampi moved to Hazleton to begin his career as president/owner of International Printing Company. Prior to this, Mr. Ciampi served his country in the Korean Conflict from 1950 to 1953. In 2006, he had retired after serving as president/owner of his company for 50 years.

Mr. Ciampi has been active in many organizations. Since 1958, he was a proud member of the Hazelton chapter of UNICO. During his many years in the Italian-American organization, he has served as its president as head of the "Lick-A-Pop" committee. He played an instrumental role in raising money for the first dialysis machine in Hazleton and for the Salvation Army. Mr. Ciampi was recently named the recipient of the prestigious Presidential Citation from UNICO President Andre DiMino. He was also honored by the Italian American Association of Luzerne County with the Career Achievement Award for his efforts to improve his community.

Mr. Ciampi is not new to lasting relationships. In addition to his 56 years as part of UNICO, he recently celebrated 58 years with his wife, Ann Marie. His efforts and contributions coincide with his reputation as a family man; he has four children and seven grandchildren.

Mr. Speaker, Frank Ciampi, Jr., has contributed much to the community and to UNICO in time, effort, and financial support over the course of his long and dedicated membership. He is to be commended, and his legacy should not be forgotten.

## HONORING U.S. NAVY CAPTAIN CHARLES LASOTA

### HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. BUCSHON. Mr. Speaker, I rise today to honor U.S. Navy Captain Charles LaSota.

Captain LaSota took command at Crane Naval Surface Warfare Center in 2008 and today is his retirement ceremony.

I would like to congratulate Captain LaSota for a distinguished career. His many achievements in academics and the Navy have made him an officer that all sailors and citizens should emulate. His dedication to our nation has spanned many decades and many posts and for that I would like to thank Captain LaSota.

At Crane, Captain LaSota not only added more than 800 personnel during his command, but he also made sure to give back to the community that supports the base through organizations such as the Boy Scouts, American Red Cross, Ride to Recovery, and the Crane Learning and Employment Center for Veteran's with Disabilities.

## IN HONOR OF REVEREND DR. J.H. FLAKES, JR.

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to an outstanding Man of God who has been a long-standing source of personal inspiration, spiritual guidance and moral leadership to me and the Columbus, Georgia community at-large, the Reverend Dr. Johnny H. Flakes, Jr. Later this year, Dr. Flakes will celebrate his fiftieth anniversary as the distinguished pastor of the Fourth Street Missionary Baptist Church in Columbus. What makes this extraordinary feat even more remarkable is that his fifty years of accomplished service at Fourth Street Missionary Baptist Church runs concurrently with his fifty-two years of service as the senior pastor of Good Hope Baptist Church in Phenix City, Alabama.

Dr. Flakes' dynamic ability to successfully multitask the management of two flourishing churches, in two different states, over the last fifty years, is a monumental accomplishment that highlights his passion to reflect Christ through his thought-provoking sermons, pastoral leadership, unyielding love for the members of his congregations and his deep and abiding faith.

Despite the numerous challenges he has encountered along his life's journey, Dr. Flakes has not relented nor retreated in the face of insurmountable hardships. While his rebellious early life was filled with challenges—being a high school drop-out and suffering with both alcohol and gambling addictions—he surrendered his life to the calling of God through Christ Jesus and was transformed. He was called to pastor Good Hope Missionary Baptist Church and Fourth Street Missionary Baptist Church and while pastoring both churches full-time, drove from Columbus, Georgia to Nashville, Tennessee and back each week over four years to earn his GED and Bachelor of Arts degree from American Baptist College.

He later would go on to serve as Chairman of the Board of Trustees for American Baptist College and recently the administration building on the school's campus was named in his honor.

Always pressing towards the mark for the prize of the high calling of God in Christ Jesus, to better improve the craft of Christian ministry and discipleship, he became a catalytic leader in the National Baptist Congress of Christian Education, for many years served as President of the Congress of Christian Education for the General Missionary Baptist Convention of Georgia and ultimately served on the Executive Committee Board of the National Baptist Convention. Dr. Flakes has also received honorary doctorate degrees from A.B. Lee Theological Seminary in Jacksonville, Florida and his beloved alma mater, American Baptist College.

Throughout his pastoral career, Dr. Flakes has played a leading role in several other religious-affiliated and community-based organizations. He served courageously as President of the Columbus branch of the National Association for the Advancement of Colored People (NAACP) for several years; is the President and Founder of "A Call To Talk" (ACTT); Chairman of One Columbus; and Chartering Pastor of the General Missionary Baptist Church Convention of West Germany.

Reverend Flakes has been repeatedly acknowledged for his outstanding achievements, service and public distinction. He is the recipient of the Outstanding Personality of the South Award; Ten Outstanding Ministers in the State of Georgia Award; Alpha Phi Alpha Martin Luther King, Jr. Award; Operation PUSH Martin Luther King, Jr. Award; and the Knighthood Award from the Congress of Christian Education.

Dr. Flakes has achieved numerous successes in his life, but none of this would have been possible without the grace of God and his loving wife of more than fifty-seven years, Robena Gaines Flakes. Dr. and Mrs. Flakes are the parents of three children—Sincera, Johnny and Merle—and the proud grandparents of three granddaughters.

One of Dr. and Mrs. Flakes' sons, Johnny H. Flakes III, is an emerging community leader in Columbus, Georgia and now co-pastors at Fourth Street Missionary Baptist Church and Good Hope Missionary Baptist Church with his father. As the scripture tells us, "Train up a child in the way he should go: and when he is old, he will not depart from it." Dr. Flakes has encouraged his children and grandchildren not to be carbon copies of him but to glean from his wisdom and experience and be available to the leadership of the Holy Spirit.

On a personal note, Dr. Flakes has served as a spiritual advisor to me for many years, particularly during the twenty-four years I was a member of the Fourth Street Missionary Baptist Church. Through trouble or triumph, he was always available and has always given me wise counsel. Mrs. Flakes is like a mother to me and I am proud each time she refers to me as "son."

The great theologian and mystic scholar, Dr. Howard Thurman, once said that: "There is something in every one of you that waits and listens for the sound of the genuine in yourself. It is the only true guide that you will ever have. And if you cannot hear it, you will all of your life spend your days on the ends of strings that somebody else pulls." To God be the glory that the Rev. Dr. Johnny H. Flakes, Jr. heard the sound of God's voice and answered the call for his life. Because he answered that call, my life and the lives of countless others throughout the world are better for it.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Dr. Johnny H. Flakes, Jr. for his life of selfless service to God, the church and to humankind.

## ENSURING THE EFFECTIVE USE OF UNITED STATES AID TO PAKISTAN ACT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, today I am introducing legislation to end all U.S. economic aid to Pakistan and to suspend all U.S. military aid until the Obama administration can certify to Congress that the Government of Pakistan is effectively using the aid against the Taliban and other al Qaeda affiliates that are planning and executing attacks on U.S. targets.

My legislation will send a clear signal to the Government of Pakistan that they can't have it both ways. They can't be stridently anti-American and expect U.S. economic aid to continue and they can't be complicit in supporting some of the same radical Islamists groups that target Americans and expect to receive more U.S. military aid.

There is a growing pattern of incidents whereby elements within the Pakistani government are blocking cooperation between the U.S. and Pakistan and are providing covert support to some of the same organizations that are targeting U.S. troops and their coalition allies fighting in Afghanistan.

Recently, the Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, testified to Congress and accused Pakistan's intelligence agency of providing strategic support for the Haqqani network, which the U.S. blames for the recent attack on the U.S. Embassy in Afghanistan. In his testimony, Admiral Mullen said, "The support of terrorism is part of their national strategy. . . . And that's got to fundamentally shift."

My legislation would immediately suspend all military aid to Pakistan until the Obama administration can certify that the Government of Pakistan is fully cooperating with the U.S. and is effectively using U.S. military aid in conducting operations against the Taliban, al Qaeda, and the other radical Islamic organizations engaged in terrorist operations.

I don't think that other legislation in this area goes far enough. I believe that the U.S. economic aid Pakistan receives is a complete waste of U.S. tax dollars because it hasn't done anything to improve the U.S./Pakistani relationship, as intended. Instead, the relationship has actually deteriorated despite the fact that the U.S. has increased assistance to the Government of Pakistan—which has received over $2 billion in economic aid over the last two years.

By cutting off all economic aid and suspending all military aid we will be sending a clear message to the Pakistani government that they are not to take our support for granted.

So long as we have troops fighting in Afghanistan, who need the supply lines that run through Pakistan, it would be irresponsible to immediately eliminate all military aid to Pakistan. I do believe that the Pakistani military is capable of effectively using the aid to help defeat some of the same radical Islamic forces that U.S. troops are fighting, who cross from Pakistan to the Afghan side of the border.

## 150TH ANNIVERSARY HOMECOMING SERVICE FOR ST. PHILIP'S EPISCOPAL CHURCH

### HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to congratulate a storied institution of faith in the Third Congressional District. This year, St. Philip's Episcopal Church is celebrating its 150th anniversary, and I would like to take a moment to reflect on the history of this esteemed church and its contributions to the greater Richmond community.

St. Philip's Episcopal Church was founded in 1861 as a mission of St. James Church by freemen/women and indentured servants of Virginia aristocrats and landowners. The congregation flourished during the following four years and provided a number of services to its members, including a school. Unfortunately, at the end of the Civil War in 1865, St. Philip's physical structure was destroyed in what the church describes as "mysterious circumstances." The church persevered in spite of its overwhelming loss and continued to congregate in the homes of its members. In 1869, with the support of the Diocese of Virginia, St. James Church and the family of J.E.B. Stuart, the church was able to rebuild its physical structure.

In 1920, the church became a self-supporting Parish and since then has ventured to serve God, the community and the world. Over the years, they have been involved in various service projects including St. Francis Pantry, Girl Scouts, and Narcotics Anonymous. They have also been involved with Caritas, a volunteer organization providing food and shelter for the homeless, and Modern Maturity, an outreach program with a focus on providing recreation and fellowship for individuals who are at home during the day.

Today, St. Philip's prevails as the oldest and largest of the seven predominantly African-American congregations in the Diocese of Virginia. It also has the distinction of being the sixth oldest historically African American congregation in the Episcopal Church and was the first to.be founded in the South. Currently, St. Philip's consists of nearly 230 members.

As St. Philip's Episcopal Church gathers to celebrate this historic milestone, the church can truly remember its past, celebrate its present, and focus on the future as it continues "Celebrating, Living, Dreaming." I would like to congratulate Rev. Phoebe Roaf and all of the members of the St. Philip's Episcopal Church on the occasion of their 150th Anniversary. I wish them many more years of dedicated service to the community.

## IN HONOR OF JERRY DICK, FIRE COMPANY PRESIDENT FOR CHERRY HILL TOWNSHIP FIRE COMPANY IN PENN RUN, PENNSYLVANIA

### HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 6, 2011*

Mr. CRITZ. Mr. Speaker, I rise today to honor Jerry Dick, the Company President of the Cherry Hill Township Fire Company for his fifty years of active service to the department, the community, and its citizens. Mr. Dick has played a vital role in the fire company from the beginning. In 1951, when Jerry was just 11-years-old, he accompanied his father to city meetings on the construction of the community's new firehouse. He participated in laying the actual brick for the building that the Cherry Hill Township Fire Company is housed in today. Four years later at the young age of fifteen, Jerry joined the fire company as a volunteer.

Except for a brief stint away from Pennsylvania in the 1960s, Mr. Dick has served his community at the firehouse since 1954. During the Johnstown Flood of 1977, Jerry proved himself to be a true hero. While the rivers and creeks surged through the area, a family got trapped in their home, unable to reach higher ground. Jerry, along with firefighter Bob Zack, stretched a ladder across a large stream of water and extricated three children from the home. After getting them to safety, the water rushing through the area became more treacherous. Jerry made the decision that he and Bob could not safely traverse the waters to get back to safety. Both firefighters used a rope to tie themselves around a utility pole and remained in the danger zone for over nine hours. Not until the morning could they safely remove themselves from harm's way.

Jerry Dick is only the second member of the fire company to achieve such an amazing long-standing tenure of service. In his fifty

years, Jerry Dick has shown true determination, strength, and character with the Cherry Hill Township Fire Company.

Mr. Speaker, once again I would like to congratulate and honor Jerry Dick on his fifty years of service and to wish him well as he continues to serve the community.

# *Daily Digest*

# Senate

## *Chamber Action*

***Routine Proceedings, pages S6277–S6356***

**Measures Introduced:** Sixteen bills and four resolutions were introduced, as follows: S. 1661–1676, S.J. Res. 28, and S. Res. 288–290. **Pages S6330–31**

**Measures Reported:**

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2012''. (S. Rept. No. 112–87) **Pages S6329–30**

**Measures Passed:**

***United States Parole Commission Extension Act:*** Senate passed H.R. 2944, to provide for the continued performance of the functions of the United States Parole Commission, after agreeing to the following amendment proposed thereto: **Pages S6351–52**

Reid (for Coburn) Amendment No. 736, to authorize a 2-year extension of the Parole Commission. **Page S6352**

***American Legion Authorization:*** Committee on the Judiciary was discharged from further consideration of S. 1639, to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and the bill was then passed. **Page S6352**

***Discriminatory Laws against the Chinese:*** Committee on the Judiciary was discharged from further consideration of S. Res. 201, expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S6352–54**

Reid (for Brown (MA)) Amendment No. 737, to modify the resolution. **Pages S6353–54**

***National Wildlife Refuge Week:*** Senate agreed to S. Res. 288, designating the week beginning October 9, 2011, as ''National Wildlife Refuge Week''. **Pages S6354–55**

***Honoring Reverend Fred Lee Shuttlesworth:*** Senate agreed to S. Res. 289, celebrating the life and achievements of Reverend Fred Lee Shuttlesworth and honoring him for his tireless efforts in the fight against segregation and his steadfast commitment to the civil rights of all people. **Page S6355**

***Jumpstart's Read for the Record Day:*** Senate agreed to S. Res. 290, supporting the designation of October 6, 2011, as ''Jumpstart's Read for the Record Day''. **Pages S6355–56**

**Measures Considered:**

***Currency Exchange Rate Oversight Reform Act—Agreement:*** Senate continued consideration of S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, taking action on the following amendments proposed thereto: **Pages S6279–S6320**

Pending:

Reid Amendment No. 694, to change the enactment date. **Page S6279**

Withdrawn:

Reid Amendment No. 695 (to Amendment No. 694), of a perfecting nature. **Page S6279**

During consideration of this measure today, Senate also took the following action:

By 62 yeas to 38 nays (Vote No. 156), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S6283**

Reid Motion to commit the bill to the Committee on Finance with instructions, Reid Amendment No. 696, to change the enactment date, fell when cloture was invoked. **Page S6279**

Reid Amendment No. 697 (to (the instructions) Amendment No. 696) of the motion to commit), of a perfecting nature, fell when Reid Motion to commit the bill to the Committee on Finance with instructions, Reid Amendment No. 696, fell. **Page S6279**

Reid Amendment No. 698 (to Amendment No. 697), of a perfecting nature, fell when Reid Amendment No. 697 (to (the instructions) Amendment No. 696) of the motion to commit), fell. **Page S6279**

By 48 yeas to 51 nays (Vote No. 157), Senate did not sustain the ruling of the Chair in relation to Reid point of order that the motion to suspend is a dilatory motion under Rule XXII of the Standing Rules of the Senate. Subsequently, the point of order

that the Reid (for Coburn) motion to suspend Rule XXII of the Standing Rules of the Senate, including germaneness requirements, for the purpose of proposing and considering Coburn Amendment No. 670, was sustained. **Page S6315**

A unanimous-consent agreement was reached providing that Senate resume consideration of the bill following the 5:30 p.m. vote on confirmation of the nomination of Jane Margaret Triche-Milazzo, of Louisiana, to be United States District Judge for the Eastern District of Louisiana, on Tuesday, October 11, 2011, and immediately vote on passage of the bill. **Page S6356**

**American Jobs Act—Agreement:** Senate began consideration of the motion to proceed to consideration of S. 1660, to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs. **Page S6351**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, October 6, 2011, a vote on cloture will occur upon disposition of S. 1619, Currency Exchange Rate Oversight Reform Act. **Page S6351**

Subsequently, the motion to proceed was withdrawn. **Page S6351**

A unanimous-consent-time agreement was reached providing that following the vote on passage of S. 1619 on Tuesday, October 11, 2011, there be up to five minutes equally divided between the two Leaders, or designees, prior to a vote on the motion to invoke cloture on the motion to proceed to consideration of the bill. **Page S6351**

**Trade Bills—Agreement:** A unanimous-consent-time agreement was reached providing that notwithstanding not having received the following bills from the House of Representatives: H.R. 3080, to implement the United States-Korea Free Trade Agreement; H.R. 3079, to implement the United States-Panama Trade Promotion Agreement; H.R. 3078, to implement the United States-Colombia Trade Promotion Agreement; the Senate proceed to their consideration, en bloc, at a time to be determined by the Majority Leader, after consultation with the Republican Leader; that there be up to twelve hours of debate, equally divided between the two Leaders, or their designees; that upon the use or yielding back of time, and the receipt of papers from the House of Representatives, the Senate vote on passage of the bills, in the order listed above; and that there be no amendments, points of order or motions in order to any of the bills other than budget points of order and the applicable motions to waive. **Page S6351**

**Nomination—Agreement:** A unanimous-consent-time agreement was reached providing that at 5:30 p.m., on Tuesday, October 11, 2011, Senate begin consideration of the nomination of Jane Margaret Triche-Milazzo, of Louisiana, to be United States District Judge for the Eastern District of Louisiana; that there be 2 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote, without intervening action or debate, on confirmation of the nomination; and that the consent agreement entered on September 26, 2011 remain in effect, and the Senate then resume legislative session. **Page S6351**

**Messages from the House:** **Page S6327**

**Measures Referred:** **Page S6327**

**Measures Placed on the Calendar:** **Pages S6277, S6327**

**Executive Communications:** **Pages S6327–29**

**Executive Reports of Committees:** **Page S6330**

**Additional Cosponsors:** **Pages S6331–32**

**Statements on Introduced Bills/Resolutions:** **Pages S6332–50**

**Additional Statements:** **Page S6327**

**Amendments Submitted:** **Page S6350**

**Authorities for Committees to Meet:** **Pages S6350–51**

**Privileges of the Floor:** **Page S6351**

**Record Votes:** Two record votes were taken today. (Total—157) **Pages S6283, S6315**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 10 p.m., until 12 noon on Friday, October 7, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6356.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## BUSINESS MEETING

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported the nominations of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection, Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers, Executive Office of the President, David A. Montoya, of Texas, to be Inspector General, Department of Housing and Urban

Development, Cyrus Amir-Mokri, of New York, to be Assistant Secretary of the Treasury, and Patricia M. Loui, of Hawaii, and Larry W. Walther, of Arkansas, both to be a Member of the Board of Directors of the Export-Import Bank of the United States.

## FINANCIAL STABILITY OVERSIGHT COUNCIL REPORT

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the Financial Stability Oversight Council annual report to Congress, after receiving testimony from Timothy F. Geithner, Secretary of the Treasury.

## BUSINESS MEETING

*Committee on Commerce, Science, and Transportation:* Committee ordered favorably reported the nomination of John Edgar Bryson, of California, to be Secretary of Commerce, and promotion lists in the U.S. Coast Guard and the National Oceanic and Atmospheric Administration Commissioned Corps.

## LEGACY URANIUM MINING AND MILLING OPERATIONS

*Committee on Environment and Public Works:* Subcommittee on Children's Health and Environmental Responsibility concluded an oversight hearing to examine Federal actions to clean up contamination from legacy uranium mining and milling operations, after receiving testimony from James Woolford, Director, Office of Superfund Remediation and Technology Innovation, Office of Solid Waste and Emergency Response, Environmental Protection Agency; David Geiser, Director, Office of Legacy Management, Department of Energy; and Michael Weber, Deputy Executive Director for Materials, Waste, Research, State, Tribal and Compliance Programs, Nuclear Regulatory Commission.

## TAX REFORM

*Committee on Finance:* Committee concluded a hearing to examine tax reform options, focusing on incentives for homeownership, after receiving testimony from former Senator John Breaux; Karl Case, Harvard University Joint Center for Housing Studies, Wellesley, Massachusetts; Robert Dietz, National Association of Home Builders, Washington, D.C.; Richard K. Green, University of Southern California, Los Angeles; and Gregory M. Nelson, PulteGroup, Inc., Bloomfield Hills, Michigan.

## PEACE CORPS

*Committee on Foreign Relations:* Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs concluded a hearing to examine the Peace Corps, focusing on the next fifty years, after receiving testimony from former Senators Christopher Dodd and Harris Wofford; Aaron S. Williams, Director, and Kathy A. Buller, Peace Corps Inspector General, both of the Peace Corps; and Kevin F. F. Quigley, National Peace Corps Association, and Liz Odongo, DC Coalition Against Domestic Violence, both of Washington, D.C.

## INTERNET INFRASTRUCTURE IN NATIVE COMMUNITIES

*Committee on Indian Affairs:* Committee concluded a hearing to examine internet infrastructure in native communities, focusing on equal access to e-commerce, jobs and the global marketplace, after receiving testimony from Geoffrey C. Blackwell, Chief, Office of Native Affairs and Policy, Federal Communications Commission; Howard Hays, Acting Chief Information Officer, Indian Health Service, Department of Health and Human Services; Lance Morgan, Ho-Chunk, Inc., Winnebago, Nebraska; Margo Gray Proctor, National Center for American Indian Enterprise Development, Mesa, Arizona; Michael Pollock, Spectrum Gaming Group LLC, Linwood, New Jersey; Robert Odawi Porter, Seneca Nation of Indians, Irving, New York; Carl Marrs, Old Harbor Native Corporation and the Kodiak-Kenai Cable Company, Anchorage, Alaska; and Robin Puanani Danner, Council for Native Hawaiian Advancement, Honolulu, Hawaii.

## BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the nominations of Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit, Dana L. Christensen, to be United States District Judge for the District of Montana, Cathy Ann Bencivengo, to be United States District Judge for the Southern District of California, Gina Marie Groh, to be United States District Judge for the Northern District of West Virginia, and Margo Kitsy Brodie, to be United States District Judge for the Eastern District of New York, all of the Department of Justice.

## 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:** 29 public bills, H.R. 3114–3142 and 4 resolutions, H.J. Res. 80; and H. Res. 426–428 were introduced.

**Pages H6671–72**

**Additional Cosponsors:** **Pages H6673–74**

**Reports Filed:** Reports were filed today as follows:

H.R. 3078, to implement the United States-Colombia Trade Promotion Agreement (H. Rept. 112–237);

H.R. 3079, to implement the United States-Panama Trade Promotion Agreement (H. Rept. 112–238);

H.R. 3080, to implement the United States-Korea Free Trade Agreement (H. Rept. 112–239);

H. Res. 425, providing for consideration of the Senate amendment to the bill (H.R. 2832) to extend the Generalized System of Preferences, and for other purposes; providing for consideration of the bill (H.R. 3078) to implement the United States-Colombia Trade Promotion Agreement; providing for consideration of the bill (H.R. 3079) to implement the United States-Panama Trade Promotion Agreement; and providing for consideration of the bill (H.R. 3080) to implement the United States-Korea Free Trade Agreement (H. Rept. 112–240); and

H.R. 2349, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to annually assess the skills of certain employees and managers of the Veterans Benefits Administration, and for other purposes, with amendments (H. Rept. 112–241). **Page H6671**

**Cement Sector Regulatory Relief Act of 2011:** The House passed H.R. 2681, to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, by a recorded vote of 262 ayes to 161 noes, Roll No. 764. Consideration of the measure began yesterday, October 5th.

**Pages H6638–43**

Rejected the Capps motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with an amendment, by a recorded vote of 176 ayes to 247 noes, Roll No. 763. **Pages H6641–42**

Rejected:

Cohen amendment (No. 23 printed in the Congressional Record of October 4, 2011) that was debated on October 5th that sought to insert a subparagraph relating to potential reductions in the number of illness-related absences from work due to respiratory or other illnesses (by a recorded vote of 172 ayes to 248 noes with 1 voting ''present'', Roll No. 760); **Pages H6638–39**

Keating amendment (No. 5 printed in the Congressional Record of October 4, 2011) that was debated on October 5th that sought to insert a paragraph relating to a date for compliance with standards and requirements under such regulation in accordance with section 112(i)(3) of the Clean Air Act (by a recorded vote of 162 ayes to 257 noes, Roll No. 761); and **Pages H6639–40**

Edwards amendment (No. 3 printed in the Congressional Record of October 4, 2011) that was debated on October 5th that sought to add a section that finds that if the rules specified in section 3(b) remain in effect, they will yield annual public health benefits of $6,700,000,000 to $18,000,000,000, while the costs of such rules are $926,000,000 to $950,000,000 (by a recorded vote of 165 ayes to 258 noes, Roll No. 762). **Page H6640**

H. Res. 419, the rule providing for consideration of the bills (H.R. 2681) and (H.R. 2250) was agreed to on Tuesday, October 4th.

**Privileged Resolution—Intent to Offer:** Representative Jackson announced his intent to offer a privileged resolution. **Pages H6643–44**

**EPA Regulatory Relief Act of 2011:** The House began consideration of H.R. 2250, to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators. Further proceedings were postponed.

**Pages H6631–38, H6644–56, H6657–61**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

**Page H6644**

Rejected:

Waxman amendment (No. 9 printed in the Congressional Record of October 4, 2011) that sought to add a section to instruct the EPA Administrator not to delay actions to reduce emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities (by a recorded vote of 167 ayes to 243 noes, Roll No. 766); **Pages H6644–51, H6658**

Rush amendment (No. 6 printed in the Congressional Record of October 4, 2011) that sought to add a subsection stating that section 5 is intended

to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act (by a recorded vote of 156 ayes to 242 noes, Roll No. 767); **Pages H6651–52, H6658–59**

Hahn amendment (No. 15 printed in the Congressional Record of October 4, 2011) that sought to add a new subsection relating to the Ten Metropolitan Areas of the United States with the Worst Air Quality (by a recorded vote of 151 ayes to 255 noes, Roll No. 768); **Pages H6652–53, H6659–60**

Capps amendment (No. 16 printed in the Congressional Record of October 4, 2011) that sought to add a section to include findings for health costs and benefits for the rules specified in section 3(b) (by a recorded vote of 153 ayes to 254 noes, Roll No. 769); and **Pages H6653–54, H6660**

Doyle amendment (No. 4 printed in the Congressional Record of October 4, 2011) that sought to insert paragraphs relating to a date for compliance with standards and requirements under such regulation in accordance with section 112(i)(3) of the Clean Air Act (by a recorded vote of 147 ayes to 251 noes with 1 voting ''present'', Roll No. 770). **Pages H6654–56, H6660–61**

H. Res. 419, the rule providing for consideration of the bills (H.R. 2681) and (H.R. 2250) was agreed to on Tuesday, October 4th.

**Question of Privilege:** The Chair ruled that the resolution offered by Representative Jackson (IL) did not constitute a question of the privileges of the House. Subsequently, Representative Jackson (IL) appealed the ruling of the chair and Representative Whitfield moved to table the appeal. Agreed to the motion to table the appeal of the ruling of the Chair by a yea-and-nay vote of 231 yeas to 173 nays, Roll No. 765. **Pages H6656–57**

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, when the House adjourns on that day, it shall meet at 12 noon on Tuesday, October 11th for morning hour debate and 2 p.m. for legislative business. **Page H6665**

**Quorum Calls—Votes:** One yea-and-nay vote and 10 recorded votes developed during the proceedings of today and appear on pages H6638–39, H6639–40, H6640, H6642, H6642–43, H6657, H6658, H6658–59, H6659–60, H6660, H6660–61. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 4:19 p.m.

# *Committee Meetings*

## DOD'S FINANCIAL IMPROVEMENT GOALS

*Committee on Armed Services:* Panel on Defense Financial Management and Auditability Reform held a hearing entitled ''Is the Financial Management Workforce Positioned to Achieve DOD's Financial Improvement Goals?'' Testimony was heard from Sandra A. Gregory, Special Assistant to the Under Secretary of Defense (Comptroller) Office of Financial Workforce Management, Department of Defense; Mary Sally Matiella, Assistant Secretary of the Army (Financial Management and Comptroller), Department of the Army; Gladys J. Commons, Assistant Secretary of the Navy (Financial Management and Comptroller), Department of the Navy; and Jamie M. Morin, Assistant Secretary of the Air Force (Financial Management and Comptroller), Department of the Air Force.

## CHEMICAL RISK ASSESSMENT

*Committee on Energy and Commerce:* Subcommittee on Environment and the Economy held a hearing entitled ''Chemical Risk Assessment: What Works for Jobs and the Economy?'' Testimony was heard from Paul Anastas, Assistant Administrator for the Office of Research and Development, Environmental Protection Agency; David C. Trimble, Director, Natural Resources and Environment, Government Accountability Office; and public witnesses.

## FINANCIAL STABILITY OVERSIGHT COUNCIL

*Committee on Financial Services:* Full Committee held a hearing entitled ''The Annual Report of the Financial Stability Oversight Council.'' Testimony was heard from Timothy Geithner, Secretary, Department of the Treasury.

## OBAMA ADMINISTRATION'S RESPONSE TO THE HOUSING CRISIS

*Committee on Financial Services:* Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled ''The Obama Administration's Response to the Housing Crisis.'' Testimony was heard from Tammye Trevino, Administrator, Housing and Community Facilities Programs, Rural Development Agency, Department of Agriculture; Carol Galante, Acting Federal Housing Administration Commissioner and Assistant Secretary for Housing, Department of Housing and Urban Development, Darius Kingsley, Deputy Chief, Homeownership Preservation Office, U.S. Department of the Treasury; and public witnesses.

## CLOUD COMPUTING

*Committee on Homeland Security:* Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies held a hearing entitled ''Cloud Computing: What are the Security Implications?'' Testimony was heard from Richard Spires, Chief Information Officer, Department of Homeland Security; David McClure, Associate Administrator, Office of Citizen Services and Innovative Technologies, General Services Administration; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Full Committee held a markup of H.R. 313, the ''Drug Trafficking Safe Harbor Elimination Act of 2011.'' The bill was ordered reported, as amended.

## OBAMACARE'S EMPLOYER PENALTY AND ITS IMPACT ON TEMPORARY WORKERS

*Committee on Oversight and Government Reform:* Subcommittee on Health Care, District of Columbia, Census and the National Archives held a hearing entitled ''Obamacare's Employer Penalty and its Impact on Temporary Workers.'' Testimony was heard from public witnesses.

## PROTECTING TAXPAYER DOLLARS

*Committee on Oversight and Government Reform:* Subcommittee on Technology, Information Policy, and Intergovernmental Relations and Procurement Reform held a hearing entitled ''Protecting Taxpayer Dollars: Are Federal Agencies Making Full Use of Suspension and Debarment Sanctions?'' Testimony was heard from Bill Woods, Director, Acquisition and Sourcing Management, Government Accountability Office; Nancy Gunderson, Suspension and Debarment Official, Department of Health and Human Services; Nick Nayak, Chief Procurement Official, Department of Homeland Security; and Steven A. Shaw, Deputy General Counsel, U.S. Air Force.

## TO EXTEND THE GENERALIZED SYSTEM OF PREFERENCES, AND FOR OTHER PURPOSES; UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT; UNITED STATES-PANAMA TRADE PROMOTION AGREEMENT IMPLEMENTATION ACT; AND UNITED STATES-KOREA FREE TRADE AGREEMENT IMPLEMENTATION ACT

*Committee on Rules:* Full Committee held a hearing on the following: Senate Amendment to H.R. 2832—to extend the Generalized System of Preferences, and for other purposes; H.R. 3078, the ''United States-Colombia Trade Promotion Agreement Implementation Act''; H.R. 3079, the ''United States-Panama Trade Promotion Agreement Implementation Act''; and H.R. 3080, the ''United States-Korea Free Trade Agreement Implementation Act.''

The Committee granted, by record vote of 8 to 3, a rule providing for the consideration of the Senate amendment to H.R. 2832. The rule makes in order a motion by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment to H.R. 2832. The rule waives all points of order against consideration of the motion and provides that the Senate amendment shall be considered as read. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The rule further provides a closed rule for H.R. 3078 with 90 minutes of debate on H.R. 3078 equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of H.R. 3078 and provides that H.R. 3078 shall be considered as read. The rule waives all points of order against provisions in H.R. 3078. The rule provides one motion to recommit H.R. 3078.

The rule also provides a closed rule for H.R. 3079 with 90 minutes of debate on H.R. 3079, with 30 minutes controlled by Representative Camp of Michigan or his designee, 30 minutes controlled by Representative Levin of Michigan or his designee, and 30 minutes controlled by Representative Michaud of Maine, or his designee. The rule waives all points of order against consideration of H.R. 3079 and provides that H.R. 3079 shall be considered as read. The rule waives all points of order against provisions in H.R. 3079. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on H.R. 3079 to final passage without intervening motion.

The rule further provides a closed rule for H.R. 3080 with 90 minutes of debate on H.R. 3080, with 30 minutes controlled by Representative Camp of Michigan or his designee, 30 minutes controlled by Representative Levin of Michigan or his designee, and 30 minutes controlled by Representative Michaud of Maine, or his designee. The rule waives all points of order against consideration of H.R. 3080 and provides that H.R. 3080 shall be considered as read. The rule waives all points of order against provisions in H.R. 3080. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on H.R. 3080 to final passage without intervening motion. Finally, the rule proves that H. Res. 418 is laid on the table.

Testimony was heard from Rep. Brady of Texas; and Rep. McDermott.

### SUBPAR SUBCONTRACTING: CHALLENGES FOR SMALL BUSINESSES CONTRACTORS

*Committee on Small Business:* Subcommittee on Contracting and Workforce held a hearing entitled ''Subpar Subcontracting: Challenges for Small Businesses Contractors.'' Testimony was heard from Joseph G. Jordan, Associate Administrator of Government Contracting and Business Development, Small Business Administration; Mary L. Kendall, Acting Inspector General, Department of the Interior; and public witnesses.

### FEDERAL RECOVERY COORDINATION PROGRAM

*Committee on Veterans' Affairs:* Subcommittee on Health held a hearing entitled ''The Federal Recovery Coordination Program: Assessing Progress Toward Improvement.'' Testimony was heard from Debra A. Draper, Director, Health Care, Government Accountability Office; Philip Burdette, Principal Director, Wounded Warrior Care and Transition Policy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense; John Medve, Executive Director, Office of VA-DoD Collaboration Service, Office of Policy and Planning, Department of Veterans Affairs; and public witnesses.

### ARLINGTON NATIONAL CEMETERY

*Committee on Veterans' Affairs:* Subcommittee on Disability Assistance and Memorial Affairs held a hearing entitled ''Arlington National Cemetery: An Update on Reform and Progress.'' Testimony was heard from Major General William H. McCoy, Jr., USA, Acting Inspector General, U.S. Army Inspector General Agency, Department of the Army, Department of Defense; Kathryn A. Condon, Executive Director, National Cemeteries Program, Office of the Secretary of the Army, Department of the Army, Department of Defense; and Patrick K. Hallinan, Superintendent, Arlington National Cemetery, Office of the Secretary of the Army, Department of Defense.

### UNEMPLOYMENT BENEFIT PROPOSALS

*Committee on Ways and Means:* Subcommittee on Human Resources held a hearing reviewing unemployment benefit proposals in the President's latest jobs plan and assessing whether they will help the long-term unemployed return to work. Testimony was heard from Sen. Wyden; Rep. Renacci; Jane Oates, Assistant Secretary, Employment, and Training Administration, Department of Labor; and public witnesses.

### DOMESTIC THREAT INTELLIGENCE

*House Permanent Select Committee on Intelligence:* Full Committee held a hearing entitled ''Domestic Threat Intelligence.'' Testimony was heard from Robert S. Mueller, III, Director, Federal Bureau of Investigation; and Matthew G. Olsen, Director, National Counterterrorism Center.

## *Joint Meetings*

No joint committee meetings were held.

## COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 7, 2011

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

No hearings are scheduled.

## CONGRESSIONAL PROGRAM AHEAD

### Week of October 10 through October 15, 2011

### Senate Chamber

On *Tuesday,* at approximately 5:30 p.m., Senate will vote on confirmation of the nomination of Jane Margaret Triche-Milazzo, of Louisiana, to be United States District Judge for the Eastern District of Louisiana, to be followed by a vote on passage of S. 1619, Currency Exchange Rate Oversight Reform Act, and a vote on the motion to invoke cloture on the motion to proceed to S. 1660, American Jobs Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Appropriations:* October 12, Subcommittee on Department of Homeland Security, to hold hearings to examine the Federal role in disaster recovery and response, 2:30 p.m., SD–192.

*Committee on Banking, Housing, and Urban Affairs:* October 13, to hold hearings to examine addressing potential threats from Iran, focusing on Administration perspectives on implementing new economic sanctions one year later, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* October 12, to hold hearings to examine universal service reform, focusing on bringing broadband to all Americans, 2:30 p.m., SR–253.

*Committee on Environment and Public Works:* October 13, Subcommittee on Green Jobs and the New Economy, to hold hearings to examine innovative practices to create jobs and reduce pollution, 10 a.m., SD–406.

*Committee on Finance:* October 11, business meeting to consider S. 1641, to implement the United States-Colombia Trade Promotion Agreement, S. 1642, to implement

the United States-Korea Free Trade Agreement, S. 1643, to implement the United States-Panama Trade Promotion Agreement, and the nominations of Michael W. Punke, of Montana, to be a Deputy United States Trade Representative, with the Rank of Ambassador, and Islam A. Siddiqui, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador, both of the Executive Office of the President, Paul Piquado, of the District of Columbia, to be Assistant Secretary of Commerce, and David S. Johanson, of Texas, to be a Member of the United States International Trade Commission, 4 p.m., SD–215.

October 12, Full Committee, to hold hearings to examine tax reform options, focusing on capital investment and manufacturing, 10 a.m., SD–215.

*Committee on Foreign Relations:* October 12, business meeting to consider the nominations of Joyce A. Barr, of Washington, to be Assistant Secretary for Administration, Robert A. Mandell, of Florida, to be Ambassador to Luxembourg, Thomas Charles Krajeski, of Virginia, to be Ambassador to the Kingdom of Bahrain, Dan W. Mozena, of Iowa, to be Ambassador to the People's Republic of Bangladesh, and Michael A. Hammer, of the District of Columbia, to be Assistant Secretary for Public Affairs, all of the Department of State, Anne Terman Wedner, of Illinois, to be a Member of the United States Advisory Commission on Public Diplomacy, Katherine M. Gehl, of Wisconsin, and Terry Lewis, of Michigan, both to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Russ Carnahan, of Missouri, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations, and Ann Marie Buerkle, of New York, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations, and routine lists in the Foreign Service; to be immediately followed by a hearing to examine the nomination of Michael Anthony McFaul, of California, to be Ambassador to the Russian Federation, Department of State, 2:15 p.m., S–116, Capitol.

*Committee on Health, Education, Labor, and Pensions:* October 12, to hold hearings to examine the state of chronic disease prevention, 2:30 p.m., SD–430.

*Committee on Homeland Security and Governmental Affairs:* October 11, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine labor-management forums in the Federal government, 2:30 p.m., SD–342.

October 12, Full Committee, to hold hearings to examine ten years after 9/11, focusing on a status report on information sharing, 10:30 a.m., SD–342.

*Committee on Indian Affairs:* October 13, to hold an oversight hearing to examine the Carcieri crisis, focusing on the ripple effect on jobs, economic development and public safety in native communities, 2:15 p.m., SD–628.

*Committee on the Judiciary:* October 13, business meeting to consider S. 1301, to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, H.R. 368, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, S. 1636, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, H.R. 394, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, S. 1637, to clarify appeal time limits in civil actions to which United States officers or employees are parties, H.R. 2633, to amend title 28, United States Code, to clarify the time limits for appeals in civil cases to which United States officers or employees are parties, S. 1014, to provide for additional Federal district judgeships, and the nominations of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit, John M. Gerrard, to be United States District Judge for the District of Nebraska, Mary Elizabeth Phillips, to be United States District Judge for the Western District of Missouri, Thomas Owen Rice, to be United States District Judge for the Eastern District of Washington, David Nuffer, to be United States District Judge for the District of Utah, and Steven R. Frank, to be United States Marshal for the Western District of Pennsylvania, Martin J. Pane, to be United States Marshal for the Middle District of Pennsylvania, and David Blake Webb, to be United States Marshal for the Eastern District of Pennsylvania, all of the Department of State, 10 a.m., SD–226.

October 13, Full Committee, to hold hearings to examine arbitration, 2 p.m., SD–226.

*Committee on Small Business and Entrepreneurship:* October 12, business meeting to consider the nomination of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration, Time to be announced, Room to be announced.

*Select Committee on Intelligence:* October 13, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

*Special Committee on Aging:* October 12, to hold hearings to examine finding consensus in the Medicare reform debate, 2 p.m., SD–562.

## House Committees

*Committee on Agriculture,* October 12, full Committee, hearing to review legislative proposals amending Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, 10 a.m., 1300 Longworth.

*Committee on Armed Services,* October 12, full Committee, hearing entitled "The Future of National Defense and the U.S. Military Ten Years After 9/11: Perspectives of Former Chairmen of the Committee on Armed Services." 10 a.m., 2118 Rayburn.

October 12, Subcommittee on Tactical Air and Land Forces, hearing on National Guard and Reserve component acquisition and modernization, 2 p.m., 2212 Rayburn.

October 13, full Committee, hearing entitled "The Future of National Defense and the U.S. Military Ten Years After 9/11: Perspectives of Secretary of Defense Leon Panetta and Chairman of the Joint Chiefs of Staff Martin Dempsey." 10 a.m., 2118 Rayburn.

October 13, Subcommittee on Seapower and Projection Forces, hearing on an update on KC–46A and legacy aerial refueling aircraft programs, 1 p.m., 2212 Rayburn.

October 14, Subcommittee on Strategic Forces, hearing entitled ''Nuclear Weapons Modernization in Russia and China: Understanding Impacts to the United States.'' 11:30 p.m., 2212 Rayburn.

*Committee on Education and the Workforce,* October 12, full Committee, hearing on H.R. 3094, the ''Workforce Democracy and Fairness Act.'' 10 a.m., 2175 Rayburn.

October 13, Subcommittee on Health, Employment, Labor, and Pensions, hearing entitled ''Regulations, Costs, and Uncertainty in Employer Provided Health Care.'' 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* October 12, Subcommittee on Commerce, Manufacturing, and Trade; and the Subcommittee on Health, joint hearing entitled ''Food Marketing: Can 'Voluntary' Government Restrictions Improve Children's Health?'' 10 a.m., 2123 Rayburn.

October 12, Subcommittee on Oversights and Investigations, hearing entitled ''Cutting EPA Spending.'' 10:30 a.m., 2322 Rayburn.

October 13, Subcommittee on Commerce, Manufacturing, and Trade, hearing entitled ''Understanding Consumer Attitudes About Privacy.'' 9 a.m., 2123 Rayburn.

*Committee on Financial Services,* October 12, Subcommittee on Oversight and Investigations, hearing entitled ''Oversight of the Federal Home Loan Bank System.'' 1 p.m., 2220 Rayburn.

October 12, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''H.R. 1418, the 'Small Business Lending Enhancement Act of 2011.'' 2 p.m., 2128 Rayburn.

*Committee on Foreign Affairs,* October 12, Subcommittee on Foreign Affairs, hearing entitled ''Narcoterrorism and the Long Reach of U.S. Law Enforcement.'' 12:30 p.m., 2172 Rayburn.

October 13, full Committee, hearing entitled ''Emerging Threats and Security in the Western Hemisphere: Next Steps for U.S. Policy.'' 10 a.m., 2172 Rayburn.

*Committee on Homeland Security,* October 13, Subcommittee on Transportation Security, hearing entitled ''TSA Reform: Exploring Innovations in Technology Procurement to Stimulate Job Growth, Part II.'' 2 p.m., 311 Cannon.

*Committee on House Administration,* October 13, Subcommittee on Elections, hearing entitled ''Federal Election Commission: Reviewing Policies, Processes and Procedures.'' 3 p.m., 1310 Longworth.

*Committee on the Judiciary,* October 11, Subcommittee on Courts, Commercial and Administrative Law, hearing on H.R. 1996, the ''Government Litigation Savings Act.'' 3:30 p.m., 2141 Rayburn.

October 12, Subcommittee on Crimes, Terrorism, and Homeland Security, hearing entitled ''Uncertain Justice: The Status of Federal Sentencing and the U.S. Sentencing Commission Six Years after U.S. v. Booker.'' 3 p.m., 2141 Rayburn.

*Committee on Natural Resources,* October 12, full Committee, hearing entitled ''One Year after President Obama's Gulf of Mexico 6-Month Moratorium Officially Lifted: Examining the Lingering Impacts on Jobs, Energy Production and Local Economies.'' 10 a.m., 1324 Longworth.

October 13, full Committee, hearing entitled ''BOEMRE/U.S. Coast Guard Joint Investigation Team Report.'' 10 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform,* October 12, Subcommittee on National Security, Homeland Defense and Foreign Operations, hearing entitled ''Status Report on the Transition to a Civilian-Led Mission in Iraq.'' 10 a.m., 2154 Rayburn.

October 12, Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending, hearing entitled ''Running on Empty: How the Obama Administration's Green Energy Gamble Will Impact Small Business and Consumers.'' 10 a.m., 2247 Rayburn.

*Committee on Science, Space, and Technology,* October 12, Subcommittee on Research and Science Education, hearing entitled ''What Makes for Successful K–12 STEM Education: A Closer Look at Effective STEM Education Approaches.'' 10 a.m., 2318 Rayburn.

October 12, Subcommittee on Space and Aeronautics, hearing entitled ''The International Space Station: Lessons from the Soyuz Rocket Failure and Return to Flight.'' 2 p.m., 2318 Rayburn.

October 13, Subcommittee on Investigations and Oversight, hearing entitled ''The Endangered Species Act: Reviewing the Nexus of Science and Policy.'' 10 a.m., 2318 Rayburn.

October 13, Subcommittee Energy and Environment, hearing entitled ''Advancing Coal Research and Development for a Secure Energy Future.'' 2 p.m., 2318 Rayburn.

*Committee on Small Business,* October 12, full Committee, hearing entitled ''LightSquared: The Impact to Small Business GPS Users.'' 1 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* October 12, Subcommittee on Highways and Transit, hearing entitled ''National Infrastructure Bank: More Bureaucracy and More Red Tape.'' 10 a.m., 2167 Rayburn.

October 13, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing entitled ''Streamlining Emergency Management: Improving Preparedness, Response, and Cutting Costs.'' 8:30 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* October 12, full Committee, hearing entitled ''Failures at Miami VAMC: Window to a National Problem.'' 10 a.m., 334 Cannon.

*House Permanent Select Committee on Intelligence,* October 11, full Committee, hearing on ongoing intelligence activities, 4 p.m., HVC–304.

*Next Meeting of the* SENATE

12 p.m., Friday, October 7

Senate Chamber

**Program for Friday:** Senate will meet in a pro forma session.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Friday, October 7

House Chamber

**Program for Friday:** The House will meet in pro forma session at 10 a.m.

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