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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.

We come to the end of a week where we have given thanks for the heroism of our astronauts. They answered the call to service of their Nation, and of their race, to leave the comfort of home to expand the horizons of us all.

We have honored as well the elders of both the Senate and this people's House, two men who have served together over a century in this most noble work of representing the people of the United States.

Now we approach a week during which all Americans will gather to remember who we are: a Nation generously blessed not only by You, our God, but by courageous ancestors, faithful allies, and the best good wishes of people everywhere who long for freedom, who would glory in the difficult work of participative government and who do not enjoy the bounty we are privileged to possess.

Bless the Members of this assembly and us all, that we would be worthy of the call we have been given as Americans. Help us all to be truly thankful and appreciative and appropriately generous in our response.

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 Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

NOT SO FAST WITH THE CONFETTI

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

Mr. POE of Texas. Mr. Speaker, this week marked the passage of an important milestone in American history. But don't just break out the confetti and the fireworks so quickly.

According to the Treasury Department, our national debt just passed $15 trillion for the first time in history. Mr. Speaker, here is what $15 trillion looks like. That seems like a lot of money to me. That totals over $48,000 for every man, woman, and child across the fruited plain.

Now, how did we get here? Through unchecked, excessive spending by the Federal Government.

This addiction to spending somebody else's money has got to stop. We must be bold and cut unnecessary spending. Tough times call for tough actions, and we must even do more.

Congress must pass the balanced budget amendment. Force the government to balance its books just like Americans are supposed to do. We keep digging ourselves into the dark abyss of debt. Maybe we should quit digging before we reach Greece or the bottomless pit of bankruptcy.

And that's just the way it is.

FOREIGN AID

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

Mr. PRICE of North Carolina. Mr. Speaker, of all the extreme statements we've heard coming out of the Republican Presidential debates in recent weeks, perhaps none is more alarming than the idea that we should ''cut foreign aid to zero''—even for steadfast U.S. allies, even for critical global health and antiterrorism efforts.

We might dismiss this ridiculous assertion as a ''hail Mary'' from a candidate desperate to revive his flagging chances, were it not for the fact that it drew heavy applause from the Republican voters in the audience and eager agreement from the rest of the Republican field, including the presumptive frontrunner.

Is this the state of today's Republican Party, the party of internationalists such as Teddy Roosevelt, Dwight Eisenhower, and Ronald Reagan? ''Cut foreign aid to zero?''

Foreign aid has always been an easy target for demagogues, especially during difficult economic times, but the reality is that it is one of the most cost-effective investments our Nation makes. For about 1 percent of our annual budget, it strengthens key allies such as Israel, the Palestine Authority, Afghanistan, and Egypt; it promotes economic development that benefits American companies and creates jobs back home; it helps us respond to humanitarian disasters and supports democracy, human rights, and the rule of law. Suggestions that we should ''start at zero'' and ask our allies to come to us hat in hand are simply preposterous.

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SOCIAL SECURITY IDENTITY THEFT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, since 1980 Social Security has been required to publicly put deceased Americans' personal information into a so-called death master file which was meant to help prevent payment and benefit fraud. Nearly anyone can get this information, including identity thieves.

Identity theft affects not only swindled businesses and American taxpayers, but grieving families whose suffering is made worse when they learn that someone has been preying on the death of their loved ones. Criminals are exploiting this information in order to profit off deceased children by applying for tax refunds. That's just wrong.

Every year, Social Security puts about 14,000 Americans in this death file who aren't even dead. Any of us could be put on that list by mistake—a mistake that can result in severe financial hardship and emotional heartache.

Americans deserve better. So today I'm introducing the Keeping IDs Safe Act to stop the sale of the death master file immediately. I urge my colleagues to support this legislation.

HONORING ROBERT ''SHANE'' WILSON

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

Mr. JOHNSON of Georgia. Mr. Speaker, today I rise in great sadness to recognize fallen Doraville police detective, Corporal Robert ''Shane'' Wilson, a citizen of great distinction in my district, who gave his life on behalf of the people who live there.

Responding to a home invasion on November 14, he was tragically involved in a head-on collision with a drunk driver. He was off duty at the time, responding.

An 8-year veteran, Officer Wilson was just 27 years old. He was a member of the SWAT team. He served his community courageously and honorably and was very well liked and respected by his colleagues and fellow officers.

He was a loving husband, father, brother, and son from a family steeped in law enforcement. In his off hours he loved to play drums and piano, and he composed music and always had a smile on his face.

All Georgians are affected by this tragedy, but our thoughts and prayers go out especially to his family, friends, and colleagues. Robert ''Shane'' Wilson was one of the best, and he'll be greatly missed.

JOBS

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

Ms. FOXX. Mr. Speaker, when the liberal Democrat extremists took control of the Congress in 2007, the unemployment rate was 4.6 percent, and when Republicans took back control of the House in January of 2011, the unemployment rate had jumped to 9 percent. Under liberal Democrat control, 6.9 million Americans became unemployed. So now we have 13.9 million unemployed Americans who have been ignored by the liberals in Washington.

Higher taxes, record spending, and bigger government have failed to create jobs or boost economic growth. Put simply, this economy is growing too slowly to replace the millions of jobs lost. GDP growth in the first quarter of 2011 fell to 1.8 percent; in the second quarter it was 1.3 percent.

The failure of the President's runaway spending, deficits and debt is being felt by every family struggling to put food on the table and pay their mortgage.

Instead of expanding the size of government, Republicans in Washington are committed to a pro-growth economic agenda that will put America back to work. And I urge people to go to America's job creators, jobs.gop.gov, to see the plan Republicans have to create jobs. We've passed over 20 bills that have gone to the Senate, and no action is being taken on them.

□ 0910

KENYAN INCURSION INTO SOMALIA

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

Mr. ELLISON. Mr. Speaker, I come to the floor today to support and urge us to support the Kenyan military that has gone into Somalia to set up a corridor of safety for the Somali people and to help push back and fight against Al-Shabaab.

Al-Shabaab is a terrorist organization in Somalia. And because of the general chaos in Somalia, Mr. Speaker, Al-Shabaab has been able to do two very bad things. One is, because of the instability they create, they have caused massive refugee problems into Kenya, which is why the Kenyan military had to go into Somalia to try to stop that bleeding. But they also have created chaos in the Red Sea through piracy, and have sponsored terrorism in other African nations like Uganda. At the same time, Mr. Speaker, they are an attractive nuisance to every bad guy who wants to come and have a safe haven for terrorism. And they attract international terrorists to Somalia, which further destabilizes that nation.

After 20 years of chaos, the Somali people deserve some stability, and the Kenyan troops that are there are helping to bring that. The United States and the intelligence community need to step up and help offer sustenance and support for those Kenyan troops, Mr. Speaker.

Let me say that this is the time to step up and help the Kenyan community help our country and the rest of the world.

MIDDLE CLASS CHALLENGES CONGRESS

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

Mr. TONKO. Mr. Speaker, America's middle class, her determined, hardworking middle class, is challenging Congress. Will Congress respond to our middle class?

We in the middle class are growing increasingly aware of the statistics that the wealth concentrated in the top 1 percent has grown exponentially—275 percent. Over the same timeframe, America's middle class has seen its wealth flatline, and if it's grown, something diminished like 15 to 20 percent. That is unsustainable. America's middle class knows it.

They know that we need to invest in our middle class, empower the purchasing power, raise our children, invest in their education and higher education, invest in health care, invest in public safety, invest in job creation and job retention, invest in research that equals jobs. That is the commitment that they're asking for.

They know it's within the grasp of Congress to fix it. They know increasingly the American Dream is growing outside their grasp. We need to go to work, provide jobs, the dignity of work for our middle class. We need to solve the problems of America through the eyes of our middle class.

WHO WILL CARE FOR THE CAREGIVERS?

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

Ms. RICHARDSON. November is National Caregivers Month. All across America, there are thousands of Americans who need help. They need help to stand, to sit, to put on their shoes, to go to the rest room, and even some to take their last breath. And there are those who are sitting by the bedside of those people, we call them in-home health care workers, who oftentimes in this country barely make even a minimum wage themselves, and if they needed the very care that they were providing, they could probably not afford it.

As this Congress decides and looks at the joint committee's decisions and proposals before us, let's not go against those working people, thousands of people who don't even have enough to take care of their own families.

The decisions can be done better, but they certainly should not be on the

backs of working people and those who care for our Americans.

PROVIDING FOR CONSIDERATION OF H.R. 3094, WORKFORCE DEMOCRACY AND FAIRNESS ACT

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 470 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 470

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. WOMACK). The gentlewoman from North Carolina is recognized for 1 hour.

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

GENERAL LEAVE

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

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

There was no objection.

Ms. FOXX. Mr. Speaker, House Resolution 470 provides for a structured rule providing for consideration of H.R. 3094, the Workforce Democracy and Fairness Act.

With that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentlelady for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

I rise today in opposition to the rule and the underlying bill.

Mr. Speaker, with this rule and underlying bill, Congress continues months of inaction on job growth, months of ignoring real solutions, choosing instead to use our economic struggles as an excuse to push partisan and ideological legislation.

The American people deserve jobs now rather than bills aimed only at stoking the rhetorical fires and antagonizing political opponents. It's time to stop the games and seek compromise for the betterment of our Nation.

A middle class tax increase is looming. With the extension of the payroll tax, many middle class families earning $70,000 to $80,000 a year will be forced to pay over a $1,000 a year more in taxes. Apparently, the Republicans believe that the government knows how to spend their money better than American families.

As a businessman and an entrepreneur, I'm proud to have created many jobs and many businesses. I meet with the businesses in my district on a regular basis. Not a single business has raised this issue as any kind of impediment to job growth, any kind of impediment to getting the economy growing again. This is simply a non-related subject that pursues a longtime agenda to destroy the ability of workers to organize.

This bill represents the Ohio-ization of America. Just as Republicans attempted in the State of Ohio, House Republicans are simply union busting. But we saw what happened in Ohio, where Ohioans across the ideological spectrum overwhelmingly said ''no'' to this kind of anti-worker agenda. And the American people reject it as well.

This bill's singular goal is to shut down workplace elections. It would overturn the proposed National Labor Relations Board rule, it would modernize the union election process and avoid delays. But instead of creating efficiency in government, the workplace election prevention actually mandates inefficiency; it makes inefficiency the norm rather than the exception. The bill puts in place 35-day delays in holding elections after filing petitions. The bill includes no limit on how long the elections can be delayed.

□ 0920

In the case of workplace elections, delay is a critical issue. The intent of delaying an election is to give anti-union employers a chance to prevent workers from organizing. Despite Republicans' professed outrage over frivolous lawsuits and tort reform and many other areas, H.R. 3094 incentivizes a mountain of litigation for the sole purpose of stalling workplace elections. This creates a massive backlog of cases, including frivolous ones, all on the taxpayers' dime. Republicans don't seem to have a problem with trial lawyers as long as they're suing unions.

This bill even allows managers to stuff the ballot boxes of employer elections.

Now, Mr. Speaker, I'm sure many of us in this body here are following our State redistricting processes to see how various districts across the country are gerrymandered. What this bill would allow employers to do is effectively gerrymander what the negotiating unit is at the company. If there's a group of employees that's interested in forming a union, it would give the employer the ability to say, no, that's actually not a valid group; it needs to include this other group or this other group, and decide on what the electoral body is, what is the electorate, choosing their own electorate, as too many Members of Congress attempt to do through the redistricting process, choosing their electorate to try to rig the election against the workers.

This bill is just the latest assault on workers' rights and it's, again, typical of this do-nothing Congress. The Republicans have been fixated on attacking the National Labor Relations Board, the board that is in place to strike a balance between labor and employers by cutting the agency's funding, by holding up new appointments and, now, by reversing a rule on notice-posting to inform employees of their rights.

Mr. Speaker, the people are wise to see what's going on here in Congress. Every week we're in session, we see a parade of special interest bills paraded on the House floor, while taxes for middle class families risk going up because the Republicans believe that government knows how to spend their money better than the American people. The big energy companies have got numerous exemptions from the Clean Air and Clean Water Acts. The rest of us got pollution, asthma, and other illness.

Look, is it possible to create jobs by lowering standards? It is. If you want to remove workplace safety standards you can create jobs, unsafe jobs. If you want to reduce the minimum wage to $2 an hour, you can create jobs, $2-an-hour jobs.

Is that the America we want? Is that the America we want for our children and grandchildren? We can do better, and we must do better.

Why are we here? When will Americans get the jobs bill that we desperately need to the floor of the House of Representatives?

If you've got some ideas to create jobs, let's get them out, put them in front of us and discuss them. Let's start by preventing the payroll taxes from going up for middle class Americans.

It's obvious why this body has an approval rating that's actually lower than communism now, and even lower than President Nixon when he resigned. It's time for this Congress to get to work to provide solutions to help get this economy going, or it's going to be time to get a new Congress.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, our colleagues across the aisle are constantly reminding the American people of what a great economy we had when President Clinton was President.

Why did we have such a great economy? Because 6 of the 8 years that he was President, we had a Republican-controlled Congress. The first 2 years of his administration was a disaster in this country, and then we had 6 years of the Republicans in control. They balanced the budget. They reduced spending.

And did we have a horrible economy? Did we have horrible workplace situations? No.

They want to lead you to believe that with Republicans in control and passing Republican bills that we'll somehow or another destroy this country. That is not going to happen. Under Republican control we have, generally, a booming economy, but not under Democrats.

I now would like to yield 3 minutes to my distinguished colleague from South Carolina (Mr. SCOTT).

Mr. SCOTT of South Carolina. Thank you, Dr. FOXX.

Mr. Speaker, I would like to submit for the RECORD the following email from Mr. Lafe Solomon, acting chief counsel of the NLRB.

The article gave me a new idea. You go to geneva and I get a job with airbus. We screwed up the us economy and now we can tackle europe.

Mr. Speaker, I would say that there's no question that the NLRB is not under attack. Employees' freedom is under attack. The workplace fairness concept is under attack, but certainly not the NLRB.

There's no question that the NLRB was thought to be an impartial referee for our employers and our employees, but that has not been the case. They have been anything other than impartial. And their email trail will show that in just a few seconds.

But despite the fact that today we have 2 million more unemployed Americans, the NLRB continues to choose sides in the disputes, as opposed to being a referee. Their lack of judgment and common sense has been magnified, and it can be seen clearly in the email conversations within the Department of the NLRB.

Mr. Solomon apparently thought the following was funny, despite his current efforts which threatens more than 1,000 jobs in the great State of South Carolina and in my district in North Charleston. Emailing a colleague regarding criticism from a magazine article, this is what he said. I want you to hear this clearly. I'm going to say it slowly because we need to understand and appreciate that the NLRB has lost their marbles, without any question.

His quote: ''The article gave me a new idea. You go to Geneva and I get a job with Airbus,'' Mr. Solomon said. ''We screwed up the U.S. economy, and now we can tackle Europe.''

Let me repeat that because this is the chief counsel at the NLRB stating very clearly his intentions and his lack of humor. ''The article gave me a new idea,'' saying to one of his colleagues. ''You go to Geneva. I'll get a job with Airbus. We screwed up the U.S. economy and now we can tackle Europe.''

Only in an alternate universe is this funny or does it make any sense whatsoever. It is no secret that the NLRB's reckless actions have a direct impact on my district, without any question. But it is also no secret many on both sides of the aisle have recognized the danger of those actions.

Earlier this year the House passed my bill, H.R. 2587, which removes the ability from the NLRB to destroy jobs because, simply put, they cannot be trusted to do anything other than undermine the fragile recovery here in America. Unfortunately, Senator REID has done with my bill what he has done with the other 22 job-creating measures: nothing.

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

Ms. FOXX. I yield the gentleman another minute.

Mr. SCOTT of South Carolina. Thank you, Dr. FOXX.

In an effort to appease the President and his union supporters, the NLRB has gone off the tracks and begun proposing harmful rules, left, right, up, down. It is ridiculous.

One of these rules is why we're here today, an effort to allow for quickie union elections. This rule, quite simply, puts the rights of all employees at risk. By allowing as little as 7 to 10 days for employees to decide whether they want to join a union or not, the NLRB is preventing many from having the time to do the necessary research and make a good decision on whether or not they join a union.

Currently, the average time is 35 to 40 days, a reasonable amount of time. This is a significant difference. Going from 35 to 40 days down to 7 to 10 days is ridiculous.

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

Ms. FOXX. I yield the gentleman another minute.

Mr. SCOTT of South Carolina. Thank you, Dr. FOXX.

The new rule also makes it impossible for anyone to challenge the bargaining unit chosen by the union, dividing employees and raising employers' labor costs.

We stand here today with an opportunity. We can either allow the NLRB to continue to create bad policy and bad rules, or we can put America and the job creators back on the right track. The question could not be simpler, and the choice has been made easy because of the inability of the NLRB to do what they were chosen to do, which was to be the impartial referee on issues between employers and employees, and I find that challenging.

□ 0930

Mr. POLIS. Mr. Speaker, it is my honor to yield 5 minutes to the gentleman from California, the ranking member of the Education and Workforce Committee, Mr. MILLER.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Seventy-five years ago this Nation decided as a matter of right and a matter of law that the decision of whether or not workers wanted a union belonged to those workers, and this Congress passed the National Labor Relations Act to give workers this right and an election to decide.

Ever since that time, companies have fought to take away the right of the workers because they believe that the companies control all of the rights in the workplace. They believe that the workers should simply take and do as they say, and that's the end of the discussion. And this has been a battle throughout the economic history of this country since the passage of the National Labor Relations Act.

But the fact of the matter is that when workers decide they want an organization, they go out and they talk to their fellow workers, they form a union, and they have an election.

But what we now see is the companies constantly trying to insert themselves into that worker-controlled process by trying to disrupt the elections of those workers and trying to keep them from exercising their rights under the law. And this is the goal of this very antiworker, antifamily legislation. It would end the collective bargaining rights for working people in this country because it would so skew the process that you would never get to that election that workers are guaranteed under the law.

This is Wisconsin and Ohio all wrapped up into one. This goes across the Nation. What they can't do in the States where they don't control the governorship or the legislature, where they made the attempt right after the election to take away workers' rights at work, where they can't do that, they now seek to do in the Halls of Congress, to so change the process and to discriminate against the rights of workers so that, in fact, the process ceases to exist.

How do they do that? They do that by having endless delays. Why are endless delays important to employers? So that they can hire union-busting law firms to come in and intimidate and teach employers how to intimidate workers because, don't forget, the employer has the right from the moment they're served notice to have captive meetings in the workplace where they threaten the workers with the loss of jobs, where they threaten the workers with being fired, where they threaten the workers of sending work to China or elsewhere, where they threaten the workers that they won't get the promotion, where they change the workers' shift time from maybe day shift to graveyard shift and keep rotating them around to show them that they're in control and the workers have no rights. And if you can do it for 7 days, you have a chance. If you can do it for 10 days, you have a better chance. If you can do it for as many as 2,000 days that these law firms have kept the process open, you can kill the drive for a union. You can intimidate the workers.

How else do they do it? When workers decide among themselves that we want a unit within this company, within this factory to represent us, this bill now says that the employer can come in and rearrange the members of the unit that would have that election. They can stuff the ballot box. They can pick your candidates to stand for election. Doesn't sound very Democratic to me. But that's what they get to do under this bill that's proposed.

The workers no longer get to decide, as the law says they get to decide. The workers no longer get to decide, as the Supreme Court says they get to decide. The employer gets to decide. The arrogance of these people to suggest that they should pick the leaders of the workers, that they should pick the organization of the workers who have a right to organize.

So they get to delay the elections. They encourage and provide for and define the right to continue to file frivolous lawsuits so that this process never ends. You can bankrupt these workers if they try to run head-on-head with these big law firms that are specialized in this, that travel around the country to take away the rights at work.

What does this mean? This means underpinning the basic organization in the American workplace today that speaks on behalf of the middle class. This is from the organization that brought you the great American weekend. This is the organization that brought you the 8-hour day. This is the organization that brought you overtime pay if you work longer than 8 hours. This is the organization that brought you sick leave. This is the organization that brought women their rights at work. This is the organization that makes safe work places. This is the organization that provided, for the first time, pensions and retirement benefits for workers.

Any wonder why these corporations, why the Chamber of Commerce is so set against this? Because they don't want to do this anymore. They want to ship the jobs to China. They want no minimum wage. They want a sub-minimum wage. They want no rights for workers. How will the American families survive that? They've already off-loaded all of the health care costs they possibly could.

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

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

Mr. GEORGE MILLER of California. They've off-loaded all of the pension costs they possibly could on the backs of these workers.

We should not allow that to happen, not in this country, not in this Congress. We should not allow it to happen to American workers and to their families. We should defeat this very anti-family piece of legislation.

Ms. FOXX. Mr. Speaker, regular order.

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

Mr. POLIS. I did yield an additional 30 seconds to the gentleman from California.

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

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

Mr. GEORGE MILLER of California. As for regular order, I would like to remind the gentlewoman from North Carolina that when the vote came, there wasn't a single Republican vote back in the Clinton era. Not a single Republican vote. Once again, you balked when it came time to vote.

Ms. FOXX. Mr. Speaker, I now would like to yield 4 minutes to the gentleman from Tennessee, Dr. ROE, a southern gentleman who understands the rules.

Mr. ROE of Tennessee. Dr. FOXX, I thank you for yielding.

Mr. Speaker, I urge my colleagues to support this rule and the underlying bill. Our country is in the middle of a jobs crisis, no question. Both sides understand that. The national unemployment rate has hovered around 9 percent for the longest time in my lifetime, and in Tennessee it's even higher, 9.8 percent. Millions of American families are struggling as we speak.

Amidst all of this uncertainty, the House, with bipartisan support, has passed 22 jobs bills. Right down this hallway here this week the U.S. Senate worked so hard they voted two times on two Federal judges. That's all the work that took place with 22, many of them bipartisan bills, passed, Mr. Speaker.

I think right now we've seen in this country, to hold up jobs, the delay of the Keystone pipeline, which would essentially, over time, provide us as much oil from Canada as we're getting from OPEC right now. 1.3 million barrels a day would essentially relieve us and help our national security and create thousands of jobs.

So why are we here today? What happens currently?

Mr. Speaker, I grew up in a union household. My father was a union worker at that time for the United Rubber Workers Union. He worked in a factory and he made shoe heels. And the union, we have a right in this country, employees have a right to organize and to vote in a union or not.

So what's happening right now? Well, currently in 2010, 92 percent of the initial union elections were held under a voluntary election agreement of when they had an election, 92 percent. Only 8 percent went to the NLRB election official, at which time then they had to sit down together—that's what happens—to agree on the rules of the election. And as the gentleman from South Carolina (Mr. SCOTT) pointed out, the NLRB is supposed to be a fair arbiter—like you're playing a basketball game and you go to someone's home gym; you expect the referees there to carry out a fair game for both sides—so that both sides have a chance to give their side of the story.

So in June of this year, what's happened? The NLRB issued a rule that would say that an employer has 7 days to find an attorney to present their side of the case. And remember, in this, just the description of this, there are over 400 pages of rules that you have to go through or information that the lawyer has to go through and has 7 days to get that done, and an employee would have just 10 days to decide whether they want a union or not. And they have that right.

Today, almost 70 percent of the elections held, the union wins. And what's the average time of the election? Thirty-one days. So that means if you want to vote on the 1st of October of 2011, the average time, by the end of that month, 70 percent, almost three out of four, would be picked, yes, we want a union.

□ 0940

So what happens after this, after these 10 days?

The second thing that the union wants is the amount of information that's required that an employee give up. What would that be? Well, that would be personal information, including your work schedule, your home address, phone numbers, etc. Right now, what we want and what this bill says is that the employees get to decide with regard to just their names and what other ways they want to get contacted. I think that's fair. I think that's right. Let the employees decide.

Mr. Speaker, also what my colleague from California spoke of is the bargaining unit. For over two decades, the NLRB has used a standard to define what a ''bargaining unit'' is. This is a new definition. We have done this for almost 30 years in this country, and we want this to change. As I understand the law, it's against the law for an employer right now—and it has been for over three decades—to threaten a worker.

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

Ms. FOXX. I yield the gentleman an additional minute.

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

This bill would give the employer 14 days on a preelection hearing to find representation. It would allow the workers 35 days to get the information that they need to make an informed decision to vote in a secret ballot so that they can decide and so that the employer or the union cannot intimidate these workers. It would allow the employees, the workers—not the union—to decide what information they want to give up.

This is a commonsense bill. This just basically redefines what has been going on for over three decades. I respect the right of anyone to belong to a union if he wants to—as I said, I lived in a union household. Yet I believe this will allow both sides a free and fair way to decide whether they want to.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank the gentleman from Colorado for yielding time.

Mr. Speaker, I played a little basketball in my day. I grew up on a schoolyard, and we chose teams. We didn't need referees, quite frankly, because we chose teams fairly. You don't need referees here either if you have the opportunity to pick the other team. You're the A team, but you get to say who you're going to play. You don't need referees in that kind of a game because you know the outcome. You know what the outcome is going to be.

That's what this legislation is about—trying to undo the fair playing field.

Now, I have heard that the job losses in this country are because of President Obama and the health care bill. I've heard that the job losses in this country are because of Speaker PELOSI and HARRY REID and all the bad legislation. I've heard they're because we have a Department of Education, and I've heard they're because we have a Department of Commerce, and I've heard they're because we have a Department of—oops, I'm sorry. I forgot. You got me—the NLRB.

Mr. Speaker, I rise today in strong opposition to this legislation. My colleagues on the other side of the aisle have a common refrain that they want to make the Federal Government more efficient, work better for the American people, and move obstacles to create a mantra that I am very much in favor of.

But this bill will do exactly the opposite.

In fact, repealing the NLRB's proposed rule will actually make government less efficient, more burdensome, and will introduce costly delays to a process that is already rife with abuse. I think the American people deserve to know why the GOP prioritizes this bill and brings it to the floor for debate. The answer is pretty clear:

It's a thinly veiled—and a very thinly veiled—effort to make it all but impossible for American workers to organize in labor unions. That's it. It's an effort to place ideology over practicality. It has nothing to do with job creation.

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

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

Mr. CROWLEY. In over 300 days here on the floor, there has not been a single jobs bill offered by my Republican colleagues to put Americans back to work. Instead, once again, they've put on the floor a bill to hurt the American worker, the American family.

Have you no shame? Is there no end to this? Are there any other departments we can get rid of in these few remaining days of this session?

Put Americans back to work. Stop beating up on the fair players on this playing field. Put Americans back to work.

Ms. FOXX. Mr. Speaker, I would like to remind my colleague from New York, as well as remind all of my colleagues across the aisle, that Republicans have passed over 20 bills this session that would create jobs and have passed bills that would bring down the cost of gasoline. Those are the two things that my constituents are most concerned about. If my colleagues across the aisle are talking to their constituents or, more importantly, are listening to their constituents, they would know that's what their constituents are concerned about also. However, those bills are tied up in the Democrat-controlled Senate.

I now would like to yield 5 minutes to my distinguished colleague from South Carolina, who did such a wonderful job on C–SPAN this morning, Mr. GOWDY.

Mr. GOWDY. I want to thank the gentlelady from North Carolina for her leadership on this issue and on so many other issues on the Education and Workforce Committee.

Mr. Speaker, when so many of our fellow citizens are hurting, when so many of our fellow citizens are looking for work, when so many of our fellow citizens are striving to meet their familial and societal obligations and when all they want is the most basic of all family values, which is a job—and as my friend TIM SCOTT, my friend and colleague from Charleston, so eloquently put it this morning—the NLRB thinks it's a joke, Mr. Speaker, a joke. They're making jokes about it.

Airbus is not just another plane manufacturer; they're a direct competitor to Boeing. Virtually everyone is familiar with the most glaring example of NLRB overreach, which is the complaint they filed against Boeing. Not a single example of job loss has been cited. Not a single worker has lost a single benefit in the State of Washington. Nevertheless, the NLRB sued Boeing. They seek to have Boeing mothball the facility in north Charleston, displace 1,000 workers, and return the work to a union State.

That is exhibit A in NLRB's activist agenda, and I regret to say this: As a former prosecutor who actually values impartiality and fairness, Mr. Speaker, they have become a sycophant of Big Labor.

And while Boeing is exhibit A, it is by no means the only evidence of an activist, politically motivated agenda. Currently, union elections take place, on average, within 31 days of the filing of an election petition. Additionally, unions are victorious more often than not. But unions want more, so they persuaded the NLRB to propose sweeping changes to the rules and regulations governing the election process, shifting the balance of power even further towards those employees seeking unionization.

By promoting rushed elections and ruling that elections can take place in as little as 10 days, Mr. Speaker, the NLRB severely limits the opportunity for workers to hear all sides of the issue and make an informed decision. Additionally, employers would only have 7 days to retain legal counsel and decipher the complex labyrinth of Federal labor law before presenting their case before an NLRB hearing officer.

Education and Workforce Committee Chairman JOHN KLINE smartly introduced H.R. 3094, the Workforce Democracy and Fairness Act, to level the playing field. This legislation requires no union election occur in less than 35 days, thus granting all parties the ability to present their arguments and ensuring workers have the ability to reach an informed decision. H.R. 3094 acknowledges that full and complete information is treasured when employees are contemplating how they will vote.

Ironically, some unions have already endorsed President Obama's reelection bid, which is a year off. Clearly, they believe they need the time, the 12 months, to inform their members, but somehow a week is enough for employers to inform their employees of all salient facts before an election.

The hypocrisy and blind advocacy towards Big Labor has to stop, Mr. Speaker. The purpose of the National Labor Relations Board is to enforce the National Labor Relations Act, and the purpose of the National Labor Relations Act is to balance the rights of employers, employees, and the general public. The act is not calculated to drive up union membership because they happen to be a loyal constituency of the Democrat Party.

□ 0950

Because the NLRB, through its filing of proposed rules and regulations, has lost all pretense of objectivity in labor issues, fair, evenhanded pieces of legislation, like Chairman KLINE's Workforce Democracy and Fairness Act, are necessary.

In conclusion, Mr. Speaker, I encourage my colleagues to help us protect

American jobs, to stand up for equal access to justice, and promote a level playing field. I encourage my colleagues to support the rule and support the underlying bill.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, when the sun rose over the country this morning, a lot of Americans got out of bed to go to a job that doesn't pay them enough to support their family. They're working part time to pay full-time bills. A lot of other Americans who have good jobs, good full-time jobs woke up this morning and worried if this was going to be the day they got their pink slip and got their layoff notice. And far too many Americans, at least 15 million of them, got up this morning and didn't have a job to go to.

Ninety percent of the people surveyed in a recent survey of this country said the American Dream is either dead or on life support. Because, see, the deal in the country has always been, if you work as hard as you can and do your fair share, then the country will give you the opportunity to move your family forward. People don't buy that anymore. They don't believe in it anymore.

And so what are we doing about it here this morning? We're having a debate about a bill that changes the rules for the way people decide whether or not to have a union in their workplace. This is an important consideration; it's a worthy consideration. I think the bill is a very bad one, but it's a credible debate to have. But it's the wrong debate to have.

Members of our caucus have gone out over the last month and have spoken to thousands of small business people, the real job creators in this country who create two out of every three jobs created in America; and here's what they've said: We're not hiring people largely because we don't have enough customers; and if we think we do have enough customers, we can't get loans from banks that we bailed out with our tax money.

That's what we ought to be discussing here today.

Now, the other side will say, no, no, these small business people aren't hiring because of their deathly fear of regulations. Well, here's what the Bureau of Labor Statistics says: When they interviewed employers who had laid people off in 2010 and said, Why did you lay people off, about 40 percent of those employers said, We laid people off because we don't have enough customers. Two-tenths of 1 percent said they laid people off because of regulation. That's what the facts are.

How do you get more customers for businesses? One idea would be to put construction workers back to work building schools and libraries and roads and bridges so they'd eat in the restaurants and buy in the stores. There's a bill pending before the House to do that, the President's jobs bill; but we're not voting on that today. We have something better to do. Another way would be to avoid a massive tax increase on the middle class of this country.

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

Mr. POLIS. I yield 1 additional minute to the gentleman from New Jersey.

Mr. ANDREWS. I thank my friend.

If we don't act by January 1, there will be a $1,500 tax increase on every middle class family in this country. The President says we should postpone that tax increase so people have more money to spend, but we're not voting on that bill today. We have something more important to do.

How about the idea of a tax cut for small businesses that hire people? That's in the President's jobs bill. But we're not voting on that today because we have something more important to do. How about saying to teachers who have been laid off from the classroom, firefighters and police officers not on the job because of tax cuts in local government, how about saving their jobs so they can serve their communities and spend more in the stores and restaurants and on products in this country? That's in the President's jobs bill, but we're not voting on that because we have something more important to do.

There's a reason why 90 percent of the people of this country think the Congress is not doing a good job. It's because the Republican leadership of this Congress is voting on the wrong bill at the wrong time, and today's another sad chapter in that reality.

Ms. FOXX. I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this rule and to the underlying bill, H.R. 3094, the so-called Workforce Democracy and Fairness Act.

Since the start of the 112th Congress, a certain faction guiding the Republican majority has undertaken what amounts to a full-scale attack on America's working families and America's working class and against the bedrock principles that have helped create America's middle class.

This latest effort is more of the same. The so-called Workforce Democracy and Fairness Act is another piece of legislation that weakens the rights and protections that workers have fought long and hard to obtain.

Section 9(b) of the National Labor Relations Act gives employees the right to organize in ''an appropriate unit,'' giving them choice on how best to bargain with their employer. And that's all this is about. When an employee group organizes, all it requires is that they sit down across from their employees and bargain, talk to them about terms and conditions of employment and benefits.

What this bill would do is establish a one-size-fits-all approach to organizing, forcing together employees who have very little in common and making it much more difficult to organize. That's gerrymandering, basically, to protect employer interests, plain and simple.

But this bill doesn't stop at changing existing rules, however. This bill would overturn proposed rules that have not even been finalized by the National Labor Relations Board. The NLRB has proposed practical rules modernizing and streamlining the union election process. The proposed rules are a genuine improvement over the existing procedures and are designed to encourage the use of technology, discourage unnecessary litigation, and save taxpayer dollars.

Look, I was an ironworker for 18 years, a union ironworker. I am very proud of that fact. I was the union president. I also was involved in very many union organizing drives, not only for my own union but for the carpenters, stage hands, and wardrobe workers. And the National Labor Relations Act is actually set up to reduce the likelihood of unrest, of workforce disputes. It's really to help business and workers reduce that economic conflict. This bill will have the opposite effect. This bill will actually increase the likelihood of labor disputes.

And we have seen in this country a great disparity between the haves and the have-nots. This is going to make matters worse. Instead of putting people to work, this is going to cause strife and reduce the efficiency and productivity of America's workers. This is shameful.

All these union workers, this is the middle class in America. You are destroying the middle class in America. You are increasing that disparity between the haves and the have-nots. We've got to do better than this. The American people deserve it.

Ms. FOXX. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. I will inquire of the gentlelady if she has any additional speakers.

Ms. FOXX. We do not, and I am prepared to close, if the gentleman from Colorado is prepared.

Mr. POLIS. Very well.

I yield myself the balance of my time.

Mr. Speaker, the middle class of this country doesn't need a higher payroll tax, more dirty air, dirty water, fewer workers' rights; and they certainly don't need more partisan gridlock in this do-nothing Congress. Yet that is what is being offered here today.

The American people and the American economy need jobs, need optimism. Our Nation needs to know that we're working to ensure American competitiveness and access to hope and

opportunity, to work to ensure that kids get the best education in the world so we can drive the economic engine of today and tomorrow, invent new technologies, propel future generations of American ingenuity and leadership.

□ 1000

This kind of political gridlock in this do-nothing Congress does not help America move forward. This bill's singular goal is to delay and ultimately prevent workers from voting in workplace elections. These rights have helped to create the American middle class in the last century. In recent decades, the erosion of these rights has lowered paychecks for families, led to jobs outsourcing overseas, and widened the income disparities in our society.

Are environmental and workplace laws, which have been around for decades, the reason the economy is lagging? Of course not. Yet these are the types of so-called solutions that are being put forward in bill after bill after bill.

Let's talk about preventing a looming increase on taxes in the middle class. I encourage the supercommittee and, if it need be, standalone legislation to ensure that we can keep payroll taxes at their current level. It's time for Congress to take up the President's Jobs Act, which includes extending the middle class tax cut. The American Jobs Act, which Republicans still refuse to consider, includes job-creating proposals, including rebuilding our schools, tax breaks for small businesses to create jobs, and modernizing our air traffic control system.

It's time for this Congress to stand up for the American people, to offer solutions, to get serious about getting our economy back on track instead of just scoring political points that appeal to the base.

I urge a ''no'' vote on this rule and the underlying bill, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I want to point out that I neglected to say earlier in response to my colleague who said we hadn't passed any House bills, that those were bipartisan bills that passed. Every one of the jobs bills that we passed has received bipartisan support, and the American people want us to be bipartisan, and I hope that they have noticed in the debate today that the vitriol about this bill has not come from our side of the aisle.

House Republicans are committed to reducing government red tape as a way to encourage job creation. The rule before us today provides for consideration of yet another bill to reduce government interference in job creation by reinstating the traditional standards for unions organizing elections and ensuring that employees' and employers' voices are heard.

Therefore, I urge my colleagues to vote for this rule and the underlying bill.

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

Mr. BLUMENAUER. Mr. Speaker, I am disappointed by the House passage of H. Res. 470, which ensures that the so-called ''Workforce Democracy and Fairness Act'' will receive a vote in the House of Representatives. This legislation is anti-democratic, anti-union, and anti-middle class.

If enacted, H.R. 3094 would allow companies to indefinitely delay workers elections, allowing companies to choose when and how workers will vote to form a union. The legislation encourages wasteful litigation and overrides the current National Labor Relations Board decision-making process, replacing it with one that will be more expensive and difficult to navigate, that will take longer to finalize, and that fails to protect the rights of workers.

Passage of H. Res. 470 once again demonstrates that the Republican majority is failing to support American workers and American families. While I am proud to have voted against H. Res. 470, I am disappointed by its passage.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to H. Res. 470, the Rule providing for consideration of H.R. 3094, the Workforce Democracy and Fairness Act.

The misleadingly named Workforce Democracy and Fairness Act has one overriding goal—to frustrate workers' right to vote in a union election.

Seventy-six years ago, this body passed the National Labor Relations Act, which stated: ''It is declared to be the policy of the United States to . . . encourag[e] the practice and procedure of collective bargaining . . . for the purpose of negotiating the terms and conditions of [workers'] employment.''

The legislation being considered today would undermine the very intent of the NLRA by setting aside decades of labor jurisprudence set by the National Labor Relations Board (NLRB) and our nation's courts, and replace it with new and untested processes that would cause uncertainty, delay elections, and prevent rather than encourage collective bargaining.

The Workforce Democracy and Fairness Act would do this by mandating a set of waiting periods and a full, pre-election hearing over any issue that is raised by a party.

For instance, no election would be allowed to occur no sooner than 35 days after the filing of a petition. However, there is no limit on how long an election may be delayed.

Delay gives unscrupulous employers more time to use any means, legal or illegal, to pressure employees into abandoning their organizing efforts.

Also found in this legislation are provisions that would encourage frivolous litigation for the purpose of slowing the election process and stalling any vote. This will create a massive backlog of cases on the taxpayer's dime.

This bill would also give employers the ability to gerrymander elections through the proposed legislation's one-size-fits-all test in defining who would be allowed to vote in an organizing election, thereby making a majority vote all the more difficult to achieve.

It is time for this Chamber to put aside its war on the American worker and his or her right to organize and collectively bargain.

I ask my colleagues on both sides of the aisle to stand up for working Americans and vote against this rule and the underlining legislation.

Ms. SLAUGHTER. Mr. Speaker, my colleagues have pointed out, rather than minimizing undue delay in union voting procedure, today's bill mandates delay.

The bill would also empower employers to interfere in union elections by adding anti-union employees to voting blocks—gerrymandering union elections.

Letting an employer delay and manipulate union elections is a blatant attempt to put the fox in charge of the hen house. It is a direct attack on the ability of workers to unionize.

The truth is that unions continue to play an invaluable role in maintaining America's middle class—no small feat in the age of shrinking middle class incomes and rising inequality.

The proposed bill is yet another corporate favor that we are considering in this Congress. Its singular goal is to delay and ultimately prevent workers from exercising their hard won right to organize in the workplace.

In the last year, we've watched politicians in power try to strip thousands of Americans of their right to collectively bargain, and we've watched as those very same Americans have taken to the streets and gone to the polls to protect their rights.

The message from the American people is clear—they will not accept attempts to destroy the middle class and American unions. Neither will I.

I urge my colleagues to oppose today's rule and the underlying bill.

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 18, 2011 at 8:52 a.m.:

That the Senate passed with amendments H.R. 2056.

That the Senate passed with an amendment H.R. 1059.

That the Senate passed with an amendment H.R. 3321.

That the Senate passed S. 99.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, with Senate amendments thereto, to the end that the House concur in Senate amendment No. 1 and concur in Senate amendment No. 2 with the amendment I have placed at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments and the proposed House amendment.

The Clerk read as follows:

Senate amendments:

On page 9, line 17, strike ''1454'' and insert ''1455.''

On page 12, after line 4, strike ''1454. Procedure for removal of criminal prosecutions.'' and insert ''1455. Procedure for removal of criminal prosecutions.''

House amendment to Senate amendment No. 2:

Add at the end the following:

Redesignate section 104 as section 105 and insert the following after section 103:

SEC. 104. TECHNICAL AMENDMENT.

Section 1446(g) of title 28, United States Code, is amended by striking ''subsections (b) and (c)'' and inserting ''subsection (b) of this section and paragraph (1) of section 1455(b)''.

Amend the table of contents of the bill by striking the item relating to section 104 and inserting the following:

Sec. 104. Technical amendment.
Sec. 105. Effective date.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask that the reading be dispensed with.

The SPEAKER pro tempore. Without objection, the reading is dispensed with.

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

APPEAL TIME CLARIFICATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1637) to clarify appeal time limits in civil actions to which United States officers or employees are parties, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 1637

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 ''Appeal Time Clarification Act of 2011''.

SEC. 2. FINDINGS.

Congress finds that—

(1) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure provide that the time to appeal for most civil actions is 30 days, but that the appeal time for all parties is 60 days when the parties in the civil action include the United States, a United States officer, or a United States agency;

(2) the 60-day period should apply if one of the parties is—

(A) the United States;

(B) a United States agency;

(C) a United States officer or employee sued in an official capacity; or

(D) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States;

(3) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure (as amended to take effect on December 1, 2011, in accordance with section 2074 of that title) should uniformly apply the 60-day period to those civil actions relating to a Federal officer or employee sued in an individual capacity for an act or omission occurring in connection with Federal duties;

(4) the civil actions to which the 60-day periods should apply include all civil actions in which a legal officer of the United States represents the relevant officer or employee when the judgment or order is entered or in which the United States files the appeal for that officer or employee; and

(5) the application of the 60-day period in section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure—

(A) is not limited to civil actions in which representation of the United States is provided by the Department of Justice; and

(B) includes all civil actions in which the representation of the United States is provided by a Federal legal officer acting in an official capacity, such as civil actions in which a Member, officer, or employee of the Senate or the House of Representatives is represented by the Office of Senate Legal Counsel or the Office of General Counsel of the House of Representatives.

SEC. 3. TIME FOR APPEALS TO COURT OF APPEALS.

Section 2107 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) In any such action, suit, or proceeding, the time as to all parties shall be 60 days from such entry if one of the parties is—

''(1) the United States;

''(2) a United States agency;

''(3) a United States officer or employee sued in an official capacity; or

''(4) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States, including all instances in which the United States represents that officer or employee when the judgment, order, or decree is entered or files the appeal for that officer or employee.''.

SEC. 4. EFFECTIVE DATE.

The amendment made by this Act shall take effect on December 1, 2011.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 466, proceedings will now resume on the motion to suspend the rules and pass the joint resolution (H.J. Res. 2) proposing a balanced budget amendment to the Constitution of the United States, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. When proceedings were postponed on Thursday, November 17, 2011, 2 hours and 42½ minutes of debate remained on the motion.

The gentleman from Virginia (Mr. GOODLATTE) has 1 hour and 27½ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 1 hour and 15 minutes remaining.

Without objection, the gentleman from Texas (Mr. SMITH) will control the time of the gentleman from Virginia (Mr. GOODLATTE).

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 2, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Yesterday, we began debate on the balanced budget amendment, debate that I hope culminates today with a bipartisan two-thirds vote in its favor. The American people of all political stripes and from all walks of life demand we pass this amendment. Recent polling by CNN indicates that a constitutional amendment to require a balanced Federal budget garners more than 70 percent support among men, women, whites, nonwhites, every age group, every income level, and people from every region of the country. Why do Americans overwhelmingly support a balanced budget amendment? Because they understand that unending Federal deficits wreck our economy and steal prosperity from future generations.

President Obama has set the wrong kind of new record. The national debt has increased faster under his administration than under any other President in history. This runaway government spending paralyzes the job market, erodes confidence among America's employers, and has caused the worst economic recovery since the Great Depression.

The balanced budget amendment is not an untested idea. Forty-nine States

have some form of a balanced budget requirement. We are overdue to adopt a balanced budget amendment to the Constitution. We must stop the flood of deficit spending that threatens to drown future generations of Americans in a sea of debt.

I reserve the balance of my time.

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

I welcome the continuation of this discussion about an incredibly important proposal.

We gather here today to determine whether we should add one more amendment to the 27 amendments to the Constitution that have been enacted since the last part of the 18th century when our country was formed. I was reviewing something that a former chairman of our committee said in the 104th Congress, and I refer to the distinguished gentleman from Illinois, Henry Hyde, who said in effect that he realized that the Republican Congress when he was there would not be able to balance the budget without using retiree funds in the Social Security trust fund. I think I'm being assured in this debate that that will not happen in the present time.

Here's what Henry Hyde said: ''If you exclude receipts from the revenue that are received by the Social Security System from computing the total revenues of the government, if you take it out of the equation, then the cuts that are necessary to reach a balanced budget become draconian. They become 22 to 30 percent, and you know that we cannot and will not cut programs that we want to subsist and continue by 22 to 30 percent.

□ 1010

''You have to compute Social Security receipts in determining the income of this government so that the cuts you make to balance the budget are liveable and not impossible.''

Henry Hyde was right then and his statement is correct now. Under the proposal that we are discussing today, our Nation's savings—the money taken out of every American's paycheck could be looted, in effect, to pay for other things and to balance the budget, and it would take the trust out of the Social Security Trust Fund.

The Ryan budget would cut Social Security's service delivery below current maintenance levels by more than $10 billion over 10 years, including a $400 million cut in 2012. This sort of drastic cutting will prove devastating to seniors as more aging boomers retire to rely on field office services, initial benefit claims, processing, disability determinations, and hearing decisions over the next 10 years.

So I appeal to the kinder nature of my friends in the House. Please recognize that Henry Hyde was correct then and he is correct now, that we cannot achieve what this amendment proposes to do without going into Social Security receipts. And I think that that would be objectionable and unwise on the part of all of us here, and that would be unacceptable to the citizens of our country.

I reserve the balance of my time.

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

Mr. GIBBS. Mr. Speaker, as a member of the Balanced Budget Caucus, I rise in strong support of the balanced budget amendment we are going to take up on the House floor today.

I've heard many of my colleagues on the other side of the aisle say this is not the time to take this up, but now is exactly the time we should be taking this up.

In 1995, a balanced budget amendment passed the House with bipartisan support, only to lose by one vote in the United States Senate. Then, the national debt was $4.8 trillion. This week, the national debt hit $15 trillion. We have added $10 trillion to our debt in 16 years. That is $10 trillion in debt that threatens our job growth, our national security and our sovereignty, and our Nation's children. And that's $10 trillion in debt that could have been avoided had the balanced budget amendment passed.

We simply must stop spending money we don't have if we are going to give our economy a chance to grow and create jobs. Past attempts like Gramm-Rudman-Hollings, the Balanced Budget Enforcement Act, and Pay-As-You-Go requirements have failed to bring Federal spending under control. America needs a permanent, long-term solution. We must hold Congress' feet to the fire and pass a constitutional balanced budget amendment today.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the gentleman from New York, JERRY NADLER, become the manager of this amendment from this point on.

The SPEAKER pro tempore. Without objection, the gentleman from New York will control the time.

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I my consume.

This amendment, while superficially appealing, is one of the most damaging things we could do to the Constitution of the United States. And, yes, it is true, if you ask people do they think we should have a balanced budget, they say yes; and if you ask people do you think we should have an amendment requiring a balanced budget in the Constitution, they say yes. But if you ask them do you think we should have an amendment requiring a balanced budget in the Constitution if it meant a cut in Social Security, they say no; if it meant a cut in Medicare, they say no; if it meant a cut in other essential services, they say no.

And when you probe further, you find that this is a very damaging provision. For a number of reasons, economists tell us that, in a recession, you want to increase the government spending temporarily. You have to increase it because unemployment insurance payouts go up, food stamp payouts go up; and if you decrease the spending, it reduces the amount of products that people want in society, it reduces the amount of money in circulation, and it makes the recession into a depression.

In good times, you should run a surplus; in recession, you should run a deficit. Over a long period of time, the budget should be balanced. But if you attempt to balance the budget during a recession, you generate a much worse loss of jobs. And that's why you don't want this—or you shouldn't want this.

Secondly, this amendment is not self-enforcing. All it says is outlays shall not exceed receipts, and Congress can pass appropriate legislation.

But what does that mean? It means that if outlays exceed receipts or if someone thinks that the estimates are wrong and outlays are going to exceed receipts, then you go to court, and then a court has to decide whether that's correct. A court has to decide whether the estimates are correct. And if the court decides the estimates are not correct, then the court has a choice. It can say, ''This is political. We're going to exercise judicial restraint,'' as the gentleman from Virginia said yesterday, in which case it won't enforce the amendment and the amendment is meaningless; or the court will say, ''Okay, we'll order a tax increase'' or ''we'll order an expenditure cut,'' in which case you have those judges making political decisions, which I don't think we'd want to see.

Thirdly, a balanced budget amendment starting where we are now with a huge deficit that's been accumulated over a few years means that you're going to have to make drastic cuts in Social Security and Medicare and veterans' benefits. Some people say on the other side of the aisle, well, that won't be true because they don't count; but, yes, they count.

The amendment says ''outlays.'' Outlays are defined as all expenditures other than debts. Social Security is not a debt; the courts have held that. Medicare is not a debt; there's no contractual right. This means that if you're going to reduce outlays, Social Security is right in it. And if you're not going to reduce Social Security, you've got to reduce a lot of other things by much more. So this is a dagger pointed at the heart of Social Security and Medicare and veterans' benefits.

Now, we're told that the only way we can get our budget into balance is by this amendment. Well, the fact is that's not true. The reason we have the problem we have now is because of years of reckless Republican Presidents and administrations.

When President Clinton took office, we had a huge budget deficit—$300 billion a year. The forecast was for 500 and 600 billion by the mid-nineties. Within a few years, we had turned that around. Congress made decisions to turn that around followed by the President's recommendations in 1993 and a smaller one in 1997. That one the Republicans held with, with Speaker

Gingrich. As a result of those decisions, by the time President Clinton left office and President Bush assumed office, we had a huge surplus. And the question was: What are we going to do when we've paid off the entire national debt by 2012? That was what was going to happen.

What changed that? Two huge tax cuts for rich people, pushed through by the Republicans and President Bush. And we said, at the time, that that would generate tremendous deficits. In fact, the reason they were set to expire in 2010 was because the CBO said that after 2010 they would generate tremendous, ongoing deficits, which they are doing.

Secondly, we had two unfunded wars. For the first time in American history, we didn't raise taxes to pay for wars. Thirdly, we doubled the Pentagon budget, not including the wars. And fourth, we had a recession starting in 2008 during the end of the Bush administration.

Now, some people say, well, it's the Obama administration, the unfettered spending of the Obama administration. Nonsense. The amount of money being spent on non-defense discretionary spending—that is, all spending other than defense—veterans' benefits, Medicare, Social Security, and interest on the debt, is the same today, the same, not a penny more, adjusted for inflation and population growth, as it was in 2001. And in 2001, we had a huge surplus.

Where did the surplus change to a deficit? Wars, tax cuts, and increased Pentagon spending.

□ 1020

Now, what can we do about this? So the problem is not spending alone, the problem is that we're not taxing the rich and the corporations enough. In 1970, corporations paid 30 percent of all Federal income tax receipts from corporate income taxes. Today, it's 8 percent. We've let the corporations get away with murder—the big businesses, with Exxon paying no taxes on profits of $6 billion, General Electric paying no taxes, getting a refund. That's our problem. But we don't want to deal with that, we want to pass a constitutional amendment.

Now, if we pass this constitutional amendment, it would mean that any time we went into a recession, it would drive it into a depression. It would mean we would have to make huge spending cuts now. It would mean we would have to decimate Social Security, Medicare, veterans benefits. It makes no sense at all.

If this were in effect now—we were told by the macroeconomic analysts that if this amendment went into effect for next year, it would increase unemployment by 15 million people. So I urge that we not pass this amendment, and instead we do the hard work of increasing taxes on corporations and rich people, of getting discipline into our expenditures. But the first thing to do is jobs. If we got unemployment down to 5 percent, where it was in 2007, that by itself would reduce unemployment by 40 percent.

In a recession, first you take care of the jobs. When you're back into better times, then you can start thinking about balancing your budget, and that's when you ought to do it; not force cuts in expenditures or increasing taxes during a recession, which just makes the recession much worse and the unemployment much worse, which is what this amendment would do.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. PAULSEN), a member of the Financial Services Committee.

Mr. PAULSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the balanced budget amendment.

Since our country was first founded, the issue of debt and government spending has been at the forefront of the minds of our political leaders, our national security advisors, our business owners and citizens alike. It's obvious that our $15 trillion national debt is not a Republican problem, it's not a Democratic problem; it's an American problem.

Mr. Speaker, our economy has stumbled. Families are making tough decisions, cutting spending and living within their means. However, one thing that hasn't changed is the way that government spends the people's money. We must work together now to resolve our spending-driven debt crisis because the simple truth is that Washington must stop spending money that it does not have.

Our debt crisis is a legitimate threat to our Nation's security and our future. A nation that does not control its debt does not control its destiny. In order to give our children and grandchildren that secure future and economic stability we need a balanced budget. We need this balanced budget amendment because it is a fundamental reform that will absolutely produce results.

It's time to pass a balanced budget amendment to get government spending under control.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BUCHANAN), a member of the Ways and Means Committee.

Mr. BUCHANAN. Mr. Speaker, this is an historic opportunity. For the first time in 16 years, the House will vote on a balanced budget amendment to the Constitution.

Just this week our national debt surpassed $15 trillion. For too long Republicans and Democrats have turned a blind eye to our government's financial mess. Washington needs to make the tough choices necessary to balance the budget for the sake of our children and grandchildren.

The Federal Government has balanced its budget only five times in the last 50 years. This is unacceptable. The first bill I introduced in Congress was the constitutional balanced budget amendment in 2007. It simply requires the Federal Government to live within its means.

Forty-nine out of 50 States, including my home State of Florida, have to balance their budgets. Florida, the last 4 or 5 years, has had tough revenue years like everybody else, but they've balanced their budget. In fact, when we got downgraded by the S&P, that same week Florida got upgraded by their credit rating.

Admiral Mike Mullen, Chairman of the Joint Chiefs, may have put it best when he said ''the biggest threat we have to our national security is our debt.'' And Erskine Bowles, cochair of the President's debt commission, said ''the debt is like a cancer; it's going to destroy the country from within.'' They're right. And the time is right for Congress to ratify a balanced budget amendment and send it to the States.

Mr. NADLER. Mr. Speaker, I would simply point out that when S&P downgraded our debt, they were so well respected that the interest rates went down and the price of our bonds went up. So much for S&P.

I now yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, may I inquire, does the majority side have an extra minute that they could spare?

Mr. SMITH of Texas. Mr. Speaker, I will yield the gentleman an extra minute.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 3 minutes.

Mr. KIND. Mr. Speaker, I rise in support of the balanced budget amendment.

Mr. Speaker, I do believe that this Congress needs rules, it needs rules in budgeting. But I can't help but believe today that the easier and more practical response to the huge budget deficits that we face is going back to a tried and true method called pay-as-you-go budgeting rules.

Pay-as-you-go budgeting was a simple concept—you've got revenue reduction, spending increase, you've got to find an offset in the budget to pay for it. It was a rule that was in place in the 1990s that led to 4 years of budget surpluses. We were actually paying down the national debt rather than adding to it.

Unfortunately, when President Bush took office, along with the Republican majority in Congress they immediately repealed pay-as-you-go budgeting rules which enabled them to support two wars that went unpaid for. They had two tax cuts that went unpaid for that primarily benefited the most wealthy in this country, and you may recall that the main justification for those tax cuts was their fear that we were going to pay down the national debt too fast. It was laughable then as it is laughable today. And then they supported the largest increase in entitlement spending since Medicare was created in 1965 with a new prescription

drug bill that was not paid for. And these are ongoing financial obligations right now, adding to the fiscal woes that we're trying to climb out of as a Nation.

But I know that the majority today does not embrace pay-as-you-go budgeting, even though it worked in the 1990s, even though it helped create 27 million private sector jobs during that period and left an era of budget surpluses. So the next best thing we have to instill some fiscal discipline in this place is through a balanced budget amendment, going through that laborious process of trying to find two-thirds in the House and the Senate and then three-quarters of the States to embrace it. And if that's what it takes to get our fiscal house in order, to check against unbridled tax cuts that aren't paid for, or new increase in spending that goes unpaid for, then it's a risk worth taking because we are jeopardizing the future of our Nation, our children's future with these ongoing budget deficits, and steps need to be taken right now.

There is a legitimate concern, however, that Members on my side of the aisle have been expressing—the three-fifths vote in order to increase the debt ceiling. We saw how perilously close we came to defaulting on our Nation's obligations over the summer. And I fear that through this amendment a minority in this body could literally hold the rest of our Nation hostage or paralyze the functioning of our government or lead to the default on our obligations. I still think that's a legitimate concern that's not addressed through this amendment. In fact, it makes that probability more likely, and it's something that we're going to have to address as we move forward.

But today, I think, given the lack of options that we face and the dire situation that we have with the budget deficits and the lack of progress, unfortunately, with the supercommittee that we've seen over the last couple of months, that the balanced budget amendment seems like the most practical approach given the political realities.

I urge and encourage my colleagues to support it.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the Appropriations Committee.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the bipartisan Balanced Budget Act of 2011 and urge its adoption.

My colleagues, government at all levels is mired in debt. Mismanagement and overspending have left our Nation on the brink of bankruptcy. Why? The math is simple. The Federal Government takes in approximately $2.2 trillion every year but spends over $3.5 trillion. To sustain the operations of government, we borrow 42 cents of every Federal dollar we spend.

The implications are obvious: We're hurtling down a path toward the most predictable financial disaster in the history of the planet. Enough is enough. The American people want us to begin to live within our means. They need a permanent fiscal solution.

□ 1030

Spending cuts are important; but what Congress passes today, another Congress and even the same Congress can undo tomorrow. The only effective way to control spending is through an amendment to the U.S. Constitution.

Balancing budgets is not an untested idea. Over 49 States currently abide by some sort of balanced budget amendment. Let's pass a balanced budget amendment to the Constitution today. Let's get the job done.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, while this House does sometimes act in ways that border on the insane, applying this constitutional straitjacket is hardly the appropriate treatment. It basically imposes the tyranny of the minority. Two-fifths of the Members of this House can block action. And America has seen how well that works across the Capitol in the United States Senate, where a three-fifths rule already applies, and too often has rendered the Senate largely impotent, unresponsive to public demand for action on key national issues, unable to overcome the threat of a Republican filibuster.

Today's proposal would broaden that impotence to both sides of the Capitol. On a critical budget question, if we take a vote in this House and 260 people vote in the majority, and 175 vote in the minority, the minority rules. Democracy loses.

Of course, there is a major exception to this proposed new rule, and it is an exception that may well eat the entire rule. So long as a majority of the House determines, probably through the fine print of some huge, voluminous piece of legislation, that the country faces an imminent and serious threat to its national security, well, in that case this purported constitutional amendment is totally nullified. What year, since 9/11, would a majority of this Congress have been unwilling to make such a finding and render the proposal meaningless?

A constitutional amendment is not a path to a balanced budget. It is only an excuse for Members of this body failing to cast votes to achieve one.

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

Mr. NADLER. I yield the gentleman an additional 1 minute.

Mr. DOGGETT. I voted for a balanced budget. I voted for a balanced budget when I voted against launching an unnecessary war on borrowed money. I voted for a balanced budget when I voted to reject the distorted Republican theology that when the question is taxes, less always means more. It's political alchemy. It's like turning hay into gold. The more the tax cut theology is proven wrong over and over and over again, the more the Republican faithful demand another tax cut to drive us deeper into debt.

This is the kind of extremism that causes a stage full of Republican Presidential hopefuls to declare that they would reject any budget agreement that cut spending by $10 if it raised taxes by even $1. A few months ago, such irresponsibility took us to the brink of default and jeopardized our economic recovery. They just could not overcome their ideological restraints.

Don't jeopardize our economic future. Don't play games with veterans and retirement security and law enforcement just because Republicans cannot accept the economic reality, as they often cannot except basic science.

Reject this misbegotten amendment.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DENHAM), a member of the Energy and Commerce Committee.

Mr. DENHAM. I rise in support of the balanced budget amendment.

Just this week the national debt exceeded $15 trillion. That's the bottom line: $15 trillion, and a balanced budget amendment would hold government accountable.

Now, some say that that accountability will tie the hands of Congress in yet one more way. Some say that this is going to create a greater debate between revenues and spending cuts.

Well, I'd agree on both. The same way that every American family has to balance their budget every week, every month, every year, the same way that I, as a small business owner, have to pay my bills every week, every month, every year, we owe this country the opportunity to not only see a balanced budget, but a bipartisan effort here in Congress.

If you want more job creation, we have to have certainty. Before a company is going to go out there and hire new employees, they need certainty, not only to see that our country is on the right path, not only to see that we're actually going to reduce our debt, but also taking a look at our credit rating to make sure that we actually are creditworthy and have a long-term plan. That type of certainty will create jobs in this country. That type of certainty is what's needed with a balanced budget amendment.

Mr. NADLER. Mr. Speaker, I would point out that families are able to borrow to pay for the car and to pay for the mortgage. Under this amendment the Federal Government would never be able to borrow. It's quite different.

Mr. Speaker, I now yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I rise in support of H.J. Res. 2. An amendment to the Constitution of the United States requiring that the Congress pass a balanced budget is something I've

long supported and will continue to support. I'll try to tell you why.

I greatly respect and I hear Mr. CONYERS and my friend, Mr. NADLER. I understand their strong feelings, and I would concur with many of them.

I'd like to thank the gentleman from Virginia, my good friend Mr. GOODLATTE, for his efforts to bring this bipartisan resolution to the floor. I also want to thank him for resisting the efforts of some in his party to enshrine the disastrous fiscal policies of the Tea Party into our Constitution.

My colleagues, our budget is broken. After years of special interest handouts on both the revenue and spending ledgers, we now have a system that requires us to borrow over $1 trillion just to meet our basic obligations.

Why? Why do we borrow? Has anybody in this body ever really asked this question?

It seems we borrow because there is not the political will in this body to make the difficult decisions in our country that we need to do. We're elected leaders. We're elected to lead. But when it comes to the long-term fiscal imbalance our Nation faces, many in this body seem to be more interested in securing the next election than securing the safety and soundness of our fiscal future.

And no one party's at fault. Both parties are responsible for the financial mess we're facing. Our national debt did not reach its current level overnight, although we seem to have amnesia, what happened in September of '08 when Secretary Paulson came to talk to us about the sky was falling. But the problem has been decades in the making, with the current economic climate making the issue that much more visible.

These are serious times, and serious times call for serious people to make serious decisions; and we know what these decisions must be. We cannot cut our way out of this mess, and we cannot and should not tax our way out of this mess. We need, quite simply, a balanced approach that gets us to a balanced budget.

If I could tell you a situation in my home State, when I was appropriations chair, we were faced with a budget that was breaking the constitution.

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

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

Mr. BOSWELL. And so we decided to take it on. We were breaking our constitution in the State, and we took it on. And we worked with downtown, we worked with everybody across the State, and we came up with a solution and it's working. There's money in the bank in Iowa. The unemployment rate is around 6 percent, and that's something we need to be striving to achieve here. We can do it.

What we have left out in this that we need to consider as we go through the steps is how do we include the revenue side of it. We had a revenue piece. But it's working. And it'll work here.

We can do this. Let's work together. I urge an ''aye'' vote.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. I rise in support of the bipartisan balanced budget amendment. I want to thank my colleagues, Congressman GOODLATTE and others, who have worked on this effort, and really urge my colleagues that this is the time that we need to come together to act on behalf of the better interest of our Nation.

Clearly, a majority of the citizens I represent in the San Joaquin Valley agree that Washington needs to get its fiscal house in order.

We all want a balanced budget, but too few are willing to make an agreement that will move us toward that goal. That's why the passage of the constitutional amendment requiring the Federal Government to live within its means is an important step. But it is only a step.

To balance our budget, Members of both parties still have to come together to set priorities and, yes, make compromises and shared sacrifices to produce fair, balanced budgets each year. And never has the need been ever so clear.

Our national debt recently surpassed the GDP for the first time since World War II. Each American's share of the debt is now greater than their average salary. Congress could have acted sooner, but we haven't; and we can no longer afford to wait.

□ 1040

The bipartisan passage of this balanced budget amendment is an important and necessary step toward a sound fiscal future, and as a cosponsor, we should pass this measure. But we also should reach a larger agreement with the supercommittee that's fair and balanced on entitlement reform and revenues. If we do so, we will begin to restore the confidence by the American public that we can work together to get our economy back on track and create the jobs that all Americans want.

Mr. NADLER. Mr. Speaker, it is now my privilege to yield 4 minutes to a member of the Ways and Means Committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman for yielding.

Mr. Speaker, earlier this week Bruce Bartlett, a former Reagan adviser, who recently testified before the Ways and Means Committee, commented about the Republicans' balanced budget amendment. He stated:

''The proposal that Republican leaders plan to bring up is, frankly, nuts. The truth is that Republicans don't care one whit about actually balancing the budget. They prefer to delude voters with the pie-in-the-sky promises that amending the Constitution will painlessly solve our budget problems.''

Mr. Speaker, the mystical date here is January 19, 2001. Bill Clinton says goodbye and leaves a surplus not subject, by the way, to opinion today but subject to fact of $5.7 trillion. So the decision is made to cut taxes in 2001 by a trillion dollars. The decision is made in 2003 to cut taxes by $1.3 trillion, and then subsequently to engage in a war in Iraq based upon the faulty premise of weapons of mass destruction.

Now, our Republican friends often come to the microphone and say things like, well, we all spent too much money. No, I didn't spend too much money. I voted against the war in Iraq. I voted against the Bush tax cuts. I voted against their prescription benefit proposal.

Our friend from New Jersey a moment ago said the math is clear. But for Republicans, why is the math only clear when Bill Clinton is President and Barack Obama is President? They ran these deficits through the roof. There is no escaping that conclusion.

The budget has been balanced five times since the end of World War II, four of those times during the Clinton Presidency. Twenty-two million jobs were created during those years. This is the equivalent of using a Luger to clean the wax out of our ears.

This proposal is beyond the pale. They ran across the country for the last 2 years with the Tea Party-types saying, Have you read the bill? Yes, we've read the bill, and we've come to the conclusion this is a reckless pursuit of defying our constitutional responsibility when we've already demonstrated that we can accomplish these ends without disturbing the Constitution that they attempted during the campaign cycle to merit.

Let's honor the Constitution, the Tea Party said. And today what do they propose? Disturbing the Constitution after their financial malfeasance for 8 years.

This argument they bring to the floor today is a political gimmick. George Bush, Sr., lobbied me on the amendment many years ago when it failed, and respectfully I pointed out to him that it was nothing more than political theater. When President Bush, Jr., invited me to the White House to discuss his tax cut proposal in 2001 a matter of days after his assumption of the Presidency, he said this is the people's money. And he's right.

But guess what? It's the people's responsibility to honor those veterans hospitals for 35,000 men and women who have served us honorably in Iraq and Afghanistan who are going to need our care for decades to come. It's the people's responsibility on Social Security, the greatest antipoverty program in history. It's the people's responsibility on Medicare, which has added years to life and life to years.

This proposal today overdoes it. There are enough men and women of goodwill in this institution to assemble for the purpose of getting on to a balanced budget without taking this pursuit of dishonoring our Constitution when we should be doing this on our

own right now as the law has prescribed.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO), a member of the Transportation Committee.

Mr. DEFAZIO. I thank the gentleman, and I particularly want to thank Mr. GOODLATTE for his extraordinary leadership on this issue. We both supported a virtually identical amendment in 1995.

Now, when I first came to Congress, I did not support a balanced budget amendment to the Constitution. I said things similar to my good friend and colleague Mr. NEAL from Massachusetts: It's a gimmick. We don't need it. People will come together. We can make these decisions.

It didn't take me long in observing the Congress to realize that there's an infinite capacity in this Congress to kick the can down the road. And the problem is that can's getting pretty darn heavy to kick down the road, and it's going to land on the next generation with full force—$15 trillion of debt. For the first time since World War II, this year our deficit exceeds the gross domestic product.

Now, we're going to have to force people to make tough decisions. That's a conclusion I came to when I changed and I supported the amendment back in the mid-nineties.

Now, just think about it. It passed the House, failed by one vote in the Senate. And had that become the law of the land, today we would be paying down the last of the debt. We might still be in this hole economically that we're in, but we would actually then perhaps have the capacity and the will to go out and borrow a couple of hundred billion dollars to rebuild the Nation's crumbling infrastructure. We could afford it. But in this environment with this amount of debt, that's a very tough sell around here.

This is an honest balanced budget amendment. It does not prejudice the debate between taxes—and there are many on that side who object to any new taxes or revenue—and spending cuts—and there are many on my side who object to many spending cuts. It does not discriminate. It's fair. It's evenhanded.

There were many on the Republican side who preferred one that would have tied the hands of Congress, said, No, you need a 66 percent vote to have taxes; no, you have to be limited to 18 percent of GDP. But, no, they brought forward something that is fair, and it would be something that would force Members of Congress and future Members of Congress to make the tough decisions that we have to make.

A lot of talk about Social Security. I'm an expert on Social Security. Social Security is the largest creditor of the United States of America, $2.66 trillion. We have to have the capability to redeem that debt to pay future Social Security benefits in the not-distant future when we have to draw on what's called a trust fund. It's not a trust fund. It's government bonds. It's debt. And if we keep adding to the pile of debt, will we have the capability to repay those Social Security bonds?

And there's a long-term problem with Social Security. I have a bill to fix that. Lift the cap on wages. I didn't notice that—many on my side have been down here carrying on about the attack on Social Security in this bill; they're not on my bill. Because that's a tough thing to say, we're going to make people over 250 pay the same amount of tax as people who earn less than 250.

That's a solution long term. But short term we've got to worry about being able to redeem those bonds and pay promised benefits of Social Security.

And then a lot of talk about the debt limit. Well, when we're in balance, you're going to have to have a 60 percent vote to deficit spend, and you would need a 60 percent vote for an increase on the debt limit. I would say that they could be done at exactly the same time. It requires the same number of votes. Is someone going to vote today to say we're in balance, to vote in deficit to deal with the economic situation today, perhaps to fund infrastructure investments, and then vote later on today against raising the debt limit by that same amount? That would just vitiate their earlier vote. So I don't think that that's a real threat.

If you vote ''no,'' you're assuming that we have an infinite capacity to borrow money to pass on to future generations and still meet our obligations to the American people. I don't believe that. We need limits. We need to be forced to make tough decisions, and this would force future Congresses to make those tough decisions.

Mr. NADLER. Mr. Speaker, I would point out that if this amendment passed, we would never be able to borrow money to do the infrastructure that we need.

I now yield 3 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I suspect we're about to enter into a west coast debate here. My good friend from Oregon brings a perspective a little north of California, and I would like to bring to this discussion a perspective of California.

□ 1050

For more than 30 years, California has lived under a constitutional amendment much like this constitutional amendment—a constitutional amendment that in the State of California requires a supermajority vote for raising taxes and for the budget itself. It's very similar to what is required here. The only difference is, in California, it was two-thirds; here it's 60 percent.

One only need look at the extraordinary dysfunction that California has endured in the intervening 30 years since that constitutional amendment went into effect. It has become a situation in California where we went from the very best—the very, very best—education system in this Nation, both K–12 and higher education; the best infrastructure in this Nation; and the most robust economy in this Nation to one in which we've had perpetual political gridlock because of the supermajority requirement.

So I bring to this House my own 35 years of experience with a constitution that does impose a supermajority but that has simply not worked to the benefit of the State of California. To visit such a thing upon the United States, in my view, in my experience of 35 years in public life in California, would be a great disaster for the United States, one in which we would have perpetual gridlock.

Already in this House this year, my Republican colleagues are very upset about the United States Senate not being able to do anything because of the 60-vote requirement. The Republicans keep talking about the 19 jobs bills that are over there that are tied up. It's the 60-vote requirement that has tied them up in the Senate. Last year it was the Democrats who were complaining about the Senate not being able to move because of the 60-vote requirement in the Senate.

Do we want that also here in the House? I would hope not.

I would ask us to back away from what is politically expedient. We all understand this. We've all been in this a long time. We understand the political expedience about the sound bite, about the way in which it appears. We are taking action to solve the deficit. Please, look at California. Look at what has happened to California over the last 35 years.

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

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

Mr. GARAMENDI. I would also ask you to take a look at the fact that, even with that supermajority vote, California has perpetually run a deficit because it could not bring into balance the revenues and the outlays because the outlays were required by the reality of the economy, by the reality of the people.

This is a very, very important vote, and I bring to this House my experience of what a supermajority vote has meant to the State of California.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana, Dr. FLEMING, a member of the Armed Services Committee.

Mr. FLEMING. I thank the gentleman for yielding.

I've listened carefully to the debate today, and I've listened to the other side.

Mr. Speaker, this body is hopelessly addicted to excessive spending and budget deficits—hopelessly. On the other side, those who argue that we should not have a balanced budget

amendment are hopelessly in denial, just like drug addicts are in denial about their addictions. We have 535 Members, if you include the Senate, who compete with one another to see how much money we can spend, and we have an executive branch that does the same. Republican or Democrat—it doesn't matter—we all do the same thing. There is absolutely no control—or governor, if you will—on our excessive spending.

Let's put this in perspective.

In the 235 years since the founding of this great country, we have added $10.6 trillion to the national debt. In the 2½ years of this Presidency, we have increased that by 50 percent, an addition of $5 trillion. We just passed the $15 trillion debt level. At the current rate—and this is not just a projection; this is set in stone—by the end of the first term of President Obama's, we will have increased the national debt by 70 percent. This is just in that one term of 4 years.

Mr. Speaker, we cannot do this based on our willingness to balance the budget. We are incapable of doing that. We are addicted to spending. We are in denial about this, and it's time that we do something. I stand in support of H.J. Res. 2, a balanced budget amendment to the Constitution of the United States. Frankly, I would like to see a more restrictive form, a more severe form that controls the possibility of added taxes, but I will vote for this.

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

Mr. SMITH of Texas. I yield the gentleman an additional 30 seconds.

Mr. FLEMING. Just in closing, I would like to say that it does some wonderful things.

It prohibits a debt increase without a three-fourths vote, and it requires the President to submit a balanced budget each year. Our Senate over there has yet to pass a budget resolution in 3 years. It also provides for a waiver in a time of war.

POINT OF ORDER

Mr. JACKSON of Illinois. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. JACKSON of Illinois. I would like to know if I can be against the balanced budget amendment without being compared to being a drug addict. Is that doable in this body to maintain some comity? I believe in helping my constituents, but my support of spending isn't tied to a drug addiction.

The SPEAKER pro tempore. The gentleman is not stating a point of order.

Mr. JACKSON of Illinois. It's not a point of order that the gentleman has made reference to those of us who are opposed to a balanced budget amendment as having been addicted to drugs? Is that a problem for the comity of this Chamber, Mr. Speaker?

The SPEAKER pro tempore. Is the gentleman demanding that the words be taken down?

Mr. JACKSON of Illinois. I am not prepared to go that far. I'd like to hear the gentleman's explanation.

Mr. FLEMING. Mr. Speaker, I ask for regular order. This is ridiculous.

Mr. JACKSON of Illinois. The gentleman needs to be very careful because I can actually have them read that back to you again.

The SPEAKER pro tempore. The gentleman from Louisiana will suspend. The gentleman from Illinois will suspend.

The Chair asks again, Does the gentleman wish that the words be taken down?

Mr. JACKSON of Illinois. I withdraw my point of order, Mr. Speaker.

The SPEAKER pro tempore. No point of order has been stated.

Mr. FLEMING. In conclusion, let me say, when I talk about our being addicted to spending, I'm talking about everyone in Congress and the executive branch. I am not pointing fingers at any one group of people. I will say that those who are unwilling to do something about it, by supporting a balanced budget amendment, are in a clear state of denial.

Mr. NADLER. Mr. Speaker, I yield myself 90 seconds.

It is not true, as we have heard on this floor repeatedly today, that both parties are addicted to spending and that the deficit is equally the fault of both parties.

It is the fault of George Bush. It is the fault of the Republican Congress. Under President Clinton, a Democratic Congress voted for tax increases and for spending cuts, and produced balanced budgets 4 years in a row of such a significance that we were going to eliminate the entire national debt by 2012. The Republicans came in and without Democratic support voted for huge tax cuts, for two unfunded wars, and for doubling the Pentagon's budget without increasing taxes to pay for it.

That generated the huge deficit we have. The deficit was also generated by the fact that, because of, arguably, Republican deregulatory policies, we got into this huge depression caused by Wall Street, and that increased the deficit. In January of 2009, before President Obama took office, 1 month before, the CBO said that the next year's deficit would be $1.2 trillion without this President's having done a thing.

The point, as I said before, is that nondefense discretionary spending—everything other than Medicare, Medicaid, Social Security, veterans benefits, and interest on the debt—has not increased since 2001 when adjusted for inflation and population growth. So that is not the source of our budget deficit. The source of our budget deficit is that we cut the taxes on the rich and the corporations and that we spent money on wars we didn't pay for.

□ 1100

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman.

In response to the gentleman from New York, I just want to point out a few facts: first of all, in the last 50 years, the budget has been balanced six times. Democrats have controlled the House of Representatives 37 of those years, and in only two of those years did they balance the budget. Four times when Republicans were in the majority, the budget was balanced: 1998, 1999, 2000, and 2001.

When those budgets were offered in this House, many Democrats voted in a bipartisan fashion for at least one of those budgets. The gentleman from New York voted against all four of the last balanced budgets that occurred in the time that he has been in Congress.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. For fear of offending the training that my mother gave me, I will again say that I stand here unaddicted and recognize that there are those who are addicted to throwing the vulnerable on the trash heap of life. Time and time again, in those budgets that my good friend from New York (Mr. NADLER) voted against, I assume that he refused to throw the vulnerable on the trash heap of life.

We come again to a time when we want to abdicate our responsibility under the Constitution. But, my friends, I want to remind you that time and time again the Republicans came back to that tired old formula, balanced budget amendment; and time and time again they were rejected.

This Constitution is sacred. It has nothing in it about the balanced budget. Twenty-six amendments, and they have been rejected. Why? Because they don't want to do the job that the people of the United States have sent us to do. The job that says give and take on how we fund this government.

Someone wants to talk about State governments. Yes, 49 States have a balanced budget amendment; but it is on the operations budget, not on the capital budget. The United States of America is responsible for disasters when they hit New York, Missouri, and Texas. The United States is responsible for lifting a military and providing for our sons and daughters on the front lines of Iraq and Afghanistan, World Wars I and II, Korea, and, of course, Vietnam, the Persian Gulf, and many other places. Our States are not responsible for that.

Balanced budget amendment, maybe we want to be able to follow the good work of our dear friends on the supercommittee. I have great respect for them. The headline says: ''Supercommittee Well Short of a Deal,'' because this is not the way we run a country.

And I refuse to be called ''addicted'' without the explanation that my mother would want me to give. I am addicted to saving lives. I'm addicted to making sure that Social Security is not violently cut by the balanced budget amendment, Medicare being cut by

nearly $750 billion if this resolution were to pass, Social Security almost $1.2 trillion, veterans benefits $85 billion through 2021.

So my argument is to be able to analyze what we're doing here, my friends. The Constitution gives this House the power of the purse strings; yet it will take a two-thirds vote in the middle of a crisis, a war, a disaster, the need to invest in our young people—numbers that Dr. Jeffrey Sachs said that we need for a legitimate apprentice program that leads young people from college or training into a job.

Creating jobs invests in America. Would you understand that we have the lowest number of white males going to college, the lowest number of African Americans going to college, the lowest number of Latinos.

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

Mr. NADLER. I yield the gentlelady an additional 30 seconds.

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

We need investment in human resources. And all we're doing today is denouncing and ridding ourselves of the obligatory responsibility that we have when we take an oath to this Constitution every 2 years.

I don't want to be a spoilsport today. I believe we should tighten our belt. There are many ways of doing so, looking at the financial transactions on Wall Street or the Chicago commodities. Many ways to do it. But this is a stranglehold on our neck. I refuse to cut seniors, children, Social Security because you won't do your job. This is a bad amendment. I will not vote for it.

Mr. Speaker, I rise today in strong opposition to H.J. Res. 2, "Proposing a Balanced Budget Amendment to the Constitution of the United States." While I support bipartisan efforts to increase the debt limit and to resolve our differences over budgetary revenue and spending issues, I cannot support a bill that unduly constrains the ability of Congress to deal effectively with America's economic, fiscal, and job creation troubles.

In my lifetime, I have never seen such a concerted effort to ransom the American economy in order to extort the American public. While I support bipartisan efforts to increase the debt limit and to resolve our differences over budgetary revenue and spending issues, I cannot support a bill that unduly robs average Americans of their economic security and ability to provide for their families while constraining the ability of Congress to deal effectively with America's economic, fiscal, and job creation troubles.

This bill would put our national security at risk. If our nation is under attack or needs to respond to an imminent threat, the last person I would consider contacting is an accountant. I would expect that this body would act swiftly and this mandate takes away that ability.

We need to change the tone here in Congress. Federal Reserve Chairman Ben Bernanke said it best when he stated recently before the House Committee on Financial Services. "We really don't want to just cut, cut, cut." Chairman Bernanke further stated, "You need to be a little bit cautious about sharp cuts in the very near term because of the potential impact on the recovery. That doesn't at all preclude—in fact, I believe it's entirely consistent with—a longer-term program that will bring our budget into a sustainable position."

NATIONAL SECURITY—VETERANS AND MILITARY FAMILIES

I am outraged to find that revisions to this legislation include a provision that will hurt our veterans and military families and seriously compromise our ability to combat terrorism. As a senior Member of the Homeland Security Committee, I am deeply concerned about any measure that undermines the men and women of the Armed Forces or the safety and security of the American people.

The Department of Defense (DOD) has already agreed to cut its budget by $450 billion over the next ten years. The Center for Strategic and International Studies predicts that further budget reductions, including those that would stem from a balanced budget amendment, will cause substantive modification to our defense strategy, capabilities and force structure.

Enacting a balanced budget requirement would severely limit the ability of the Armed Forces to procure the equipment necessary to keep our troops safe, and prepare them for potential combat. A balanced budget amendment would dramatically constrain discretionary budgets, so much so that procurement, research and development, and the acquisition of new technologies would have to be zeroed out of the DOD budget.

These deep cuts to research and development and procurement would threaten the safety of the men and women of the Armed Forces. For example, the constraints caused by a balanced budget amendment would seriously endanger the Marine Corps' V–22 Osprey program, as well as the intended order of 340 F–35B Joint Strike Fighters. The effects of a balanced budget amendment would hinder the Navy's planned expansion from 287 to 320 ships.

This bill will deeply impact the Defense Industrial Base (DIB), a group of companies and contractors that supply equipment and technology to the Armed Forces. The budget reductions caused by a balanced budget amendment would deeply impact modernization and procurement. In fact, Army Secretary John McHugh recently said that to facilitate any further budget cuts, "you'd probably have to take some 50% out of modernization."

The DIB has resulted in the development of the most advanced military force the world has ever seen. However, large cuts in procurement funding would seriously compromise our ability to develop some essential future capabilities. Moreover, the downsizing that a balanced budget requires would leave a large number of highly skilled and professional workers unemployed in an economy unlikely to absorb them for quite some time.

Passing this legislation will not, as many of my colleagues on the other side of the aisle believe, result in a more stable budget. An amendment requiring a balanced budget will render discretionary budgets, particularly the DOD and national security budgets, much less predictable. The Departments of State, Defense and Homeland Security will have to compete for their shares of the national security budget, and furthermore, a likely response to a balanced budget amendment will be an increased reliance on emergency, ad hoc appropriations.

A provision of H.J. Res. 2 requires legislation to spend money that will take the budget out of balance due to a military conflict or national security need. As it stands, this bill will require a Joint Resolution from both houses of Congress with the specific dollar amount being spent.

In order to spend more than has been appropriated, agencies tasked with defense and national security will need approval from Congress. This increased reliance on emergency appropriations will have detrimental effects on the sound functioning of our defense and national security institutions. The more these institutions are forced to rely on emergency funding, the more unpredictable their budgets will become.

This legislation would allow a military conflict or threat to national security to take the budget out of balance. However, in order to authorize additional funds for military engagement or threats to national security that require action, Congress would need to pass legislation citing a specific dollar amount.

As a senior Member of the Homeland Security Committee, I know that the threats against the nation are constantly changing and ever present. We cannot ask those responsible for protecting this nation to ask Congress for a specific amount of money every time there is a threat to our national security that requires action. Should we ever experience another attack on American soil, we cannot expect out first responders to wait for authorization before intervening.

Mr. Speaker, I am incredibly disheartened to see my colleagues on the other side of the aisle champion this legislation, legislation that has so many negative impacts on our veterans and military families. The permanent budget cuts necessitated by a balance budget amendment would require the DOD to drastically curtail the number of active duty service members, retirement benefits, and healthcare benefits for veterans and military families.

There are currently 22.6 million veterans living in the United States, and all of them deserve the retirement and healthcare benefits that were promised to them. In my home State of Texas we have nearly 1.7 million veterans, and 18th District is home to 32,000 of them. Of the 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from the Iraq and Afghanistan. We should not compromise the benefits for one of these patriotic Americans with this harmful legislation.

There has been a theme this Congress of focusing on cutting programs that benefit the public good and for the most at need, while ignoring the need to focus on job creation and economic recovery. Debate of this balanced budget amendment is wasting a tremendous amount of time when we should be focused on paying our nation's bills and resolving our differences!

As I mentioned, a balanced budget is not something that should be mandated in our Constitution, nor something that should be automatically required every year. In particular, during economic downturns, the government can stimulate growth by cutting taxes and increasing spending. And in fact, the cost of many government benefit programs is designed to automatically increase when the economy is down—for example, costs for food stamps (SNAP) and Medicaid increase when more people need to rely upon them.

These countercyclical measures lessen the impact of job losses and economic hardship associated with economic downturns. The resulting temporary increases in spending could cause deficits that would trigger the balanced budget requirements at the worst possible moment.

A constitutional amendment requiring Congress to cut spending to match revenue every year would both limit Congress's ability to respond to changing fiscal conditions and would dramatically impede federal responses to high unemployment as well as federal guarantees for food and medical assistance.

H.J. Res. 2 would amend the Constitution to require Congress to balance the budget each year. It would also impose new procedural hurdles to raising the debt ceiling, and require the President to submit a balanced budget each year.

The thresholds proposed in H.J. Res. 2 are completely unrealistic. Even during Ronald Reagan's presidency—before the baby boomers had reached retirement age, swelling the population eligible for Social Security and Medicare, when health care costs were much lower—federal spending averaged 22 percent of GDP. This would impose arbitrary limits on government actions to respond to an economic slowdown or recession.

Cutting spending during a recession could make the recession worse by increasing the number of unemployed, decreasing business investment, and withholding services needed to jump-start the economy. As written, this bill would render Social Security unconstitutional in its current form. By Capping future spending below Reagan-era levels would force devastating cuts to Medicaid, Medicare, Social Security, Head Start, child care, Pell grants, and many other critical programs.

Only five years in the last fifty has the federal government posted an annual budget surplus; all other years the government has been in deficit. Even the House-passed Republican budget resolution, which requires immediate and sustained drastic spending cuts, never reaches balance in the ten-year window required by H.J. Res. 2—indeed, it is not projected to be balanced for several decades, only reaching balance by 2040.

Because this proposal makes it so much harder for Congress to increase revenues than to cut spending, it in essence forces the President to match those same restrictions in his budget. In other words, H.J. Res. 2 is a political ploy designed to force the President to submit a budget that reflects the Republican priorities of ending the Medicare guarantee while cutting taxes for millionaires.

SOCIAL SECURITY & MEDICARE

According to the Center on Budget and Policy Priorities, H.J. Res. 2's balanced budget requirement could result in Medicare being cut by nearly $750 billion, Social Security almost $1.2 trillion, and veterans' benefits $85 billion, through 2021 assuming that the spending cuts would be distributed evenly across the government. These cuts would devastate millions of seniors, veterans, children and the disabled.

These cuts would have a devastating effect on the millions of aged, disabled, veterans, children, and others who depend on Social Security. The BBA would have the foreseeable effect of plunging millions of Social Security beneficiaries into poverty and making for a very bleak future for most others. Over two-thirds of seniors and 70 percent of people with disabilities depend on Social Security for half or more of their income. Close to half—47 percent—of all single (i.e., widowed, divorced, or never-married) women over age 65 rely on Social Security for 90 percent or more of their income.

Seniors are spending more on their health care costs, and Americans in general are making less. The face of poverty is a child's face. If a private employer attempted to do what is being asked of us here today, which would be to use their pension plans in a manner that H.J. Res. 2 would deal with Social Security that would be against the law.

Furthermore, the need to raise the debt ceiling has no correlation to whether future budgets are balanced; increases in the debt ceiling reflect past decisions on fiscal policy. And as demonstrated by this year's current disagreement about whether and when to raise the debt ceiling, Congress does not need to impose further barriers to its consideration. Treasury has warned that failing to raise the debt ceiling and the resulting government default, which would be unprecedented, could have catastrophic impacts on the economy. Interest rates would rise, increasing costs for the government and potentially on American businesses and families.

Any cuts made to accommodate a mandated balanced budget would fall most heavily on domestic discretionary programs; the immediate result of a balanced budget amendment would be devastating cuts in education, homeland security, public safety, health care and research, transportation and other vital services.

The Founders purposely made the Constitutional amendment process a long and arduous one. Having a Constitutional balanced budget amendment is not a novel idea. Balanced budget amendments have made it to a floor vote in the Senate five times, and in the House four times, according to CRS. The Senate barely passed a version in 1982, but it failed to gain the necessary two-thirds majority in the House. The House passed a version in 1995, but it failed in the Senate.

Do my Republican colleagues really expect Congress to capriciously pass an amendment altering our nation's founding document on such short notice; an amendment that will fundamentally change our country without reasonable time for debate; without the opportunity for a hearing or questioning of witnesses; without any reports as to what impact it may have?

By tying the fate of whether the United States pays its debt obligations to the historically prolonged Constitutional amendment process, the Republicans who support this bill have demonstrated, at this critical juncture in American history, that they are profoundly irresponsible when it comes to the integrity of our economy and utterly bereft of sensible solutions for fixing it.

POTENTIAL IMPACT ON MEDICARE

Medicare covers a population with diverse needs and circumstances. Most people with Medicare live on modest incomes. While many beneficiaries enjoy good health, 25% or more have serious health problems and live with multiple chronic conditions, including cognitive and functional impairments.

Today, 43% of all Medicare beneficiaries are between 65 and 74 years old and 12% are 85 or older. Those who are 85 or older are the fastest-growing age group among elderly Medicare beneficiaries. With the aging and growth of the population, the number of Medicare beneficiaries more than doubled between 1966 and 2000 and is projected to grow from 45 million today to 79 million in 2030.

POVERTY

We are constantly discussing cutting the budget, reducing our debt. Any yet, there has not been a single strong job creating measure purported by my Republican Colleagues. Instead time and again there is legislation brought before this body to delay having a real debate on job creation. The poorest among us are being asked to bear the brunt of this legislation; cuts to Medicare, Cuts Social Security . . . who do you think these programs serve. We would be asking the poor to pay more for health insurance, to pay more for medical expenses, to pay more for housing. I ask my colleagues a simple question?

Currently more Americans are in need of jobs than jobs are available. Without focusing on creating jobs and advocating for job growth, what will happen to those individuals who are unable to find work, are seniors, are disabled, are children? What about veterans who find their pensions cut? When all these cuts to essential and vital programs occur in order to support this proposed constitutional mandate, what will happen to these individuals; how will they pay housing, health, and basic life necessities?

I am, as we all are, deeply troubled by the report issued by the U.S. Census Bureau. 1 of every 6 Americans is living in poverty, totaling 46.2 million people, this highest number in 17 years. In a country with so many resources, there is no excuse for this staggering level of poverty.

Children represent a disproportionate amount of the United States poor population. In 2008, there were 15.45 million impoverished children in the nation, 20.7% of America's youth. The Kaiser Family Foundation estimates that there are currently 5.6 million Texans living in poverty, 2.2 million of them children, and that 17.4% of households in the state struggle with food insecurity.

In my district, the Texas 18th, more than 190,000 people live below the poverty line. We must not, we cannot, at a time when the Census Bureau places the number of Americans living in poverty at the highest rate in over 17 years, cut vital social services. Not in the wake of the 2008 financial crisis and persistent unemployment, when so many rely on federal benefits to survive, like the Supplemental Nutrition Access Program (SNAP) that fed 3.9 million residents of Texas in April 2011, or the Women, Infant, and Children (WIC) Program that provides nutritious food to more than 990,000 mothers and children in my home state.

The Census Bureau also reported there are 49.9 million people in this country without health insurance. This is an absolute injustice that must be addressed. We can no longer ignore the fact that nearly 50 million Americans, many of them children, have no health insurance.

Texas has the largest uninsured population in the country; 24.6% of Texans do not have health care coverage. This includes 1.3 million children in the state of Texas alone who do not have health insurance, or access to the healthcare they need.

It is unconscionable that, despite egregiously high poverty rates, Republicans seek

to reduce spending by cutting social programs that provide food and healthcare instead of raising taxes on the wealthiest in the nation, or closing corporate tax loopholes.

Balanced budget amendments have made it to a floor vote in the Senate five times, and in the House four times, according to CRS. The Senate passed a version in 1982, but it failed to gain the necessary two-thirds majority in the House. The House passed a version in 1995, but it failed in the Senate.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, November 15, 2011.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 3.2 million members of the National Education Association, we strongly urge you to VOTE NO on the constitutional balanced budget amendment scheduled for floor debate this week. While we understand the need to get our nation's fiscal house in order, such proposals are not the right mechanism. The effect would be devastating for public education and retirement security, undermining economic recovery and jeopardizing our future strength as a nation. Votes associated with this issue may be included in the NEA Legislative Report Card for the 112th Congress.

Overall, a balanced budget amendment could result in the largest cuts in federal spending in modern history. In fact, it simply will not be possible to achieve the spending levels required under any balanced budget amendment without massive cuts in education, Medicare, Medicaid, Social Security, and other programs that meet crucial national needs.

Educators understand that Congress must work to ensure America's long-term economic prosperity and that we must address the nation's serious fiscal challenges. However, cutting education funding and slashing programs that serve children, seniors, and working families is not the answer. Claims that families and states balance their budgets are erroneous. Most families have mortgages and car loans, and take on other debt to provide for their children's futures. In addition, while many states must balance their operating budgets, they take on debt for capital costs and job-creating projects such as building roads, bridges, and schools.

NEA members see first-hand every day the struggles of many of their students and their families. A balanced budget amendment will make their struggles even harder—essentially abandoning them while continuing to cater to the wealthiest in our nation.

Mandating a balanced budget would constitute exceedingly unwise economic policy. It would risk tipping a faltering economy into recession and slowing economic recovery. It would determine spending levels for decades and tie future Congress' hands. And, it would render impossible the sorts of investments necessary to continue economic recovery and grow the skilled workforce necessary for future economic strength.

A balanced budget amendment would decimate public education and other programs that ensure a competitive workforce and future economic vitality. We urge you to vote NO.

Sincerely,

KIM ANDERSON,
Director, Center for Advocacy.

MARY KUSLER,
Manager, Federal Advocacy.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, November 15, 2011.

(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.J. RES. 2—PROPOSING A BALANCED BUDGET AMENDMENT

(Rep. Goodlatte, R–VA, and 242 cosponsors)

The Administration strongly opposes H. J. Res. 2. We do not need to amend the Constitution for only the 28th time in our nation's history to do the job of restoring fiscal discipline. Instead, it requires us—as members of both parties have done in the past—to move beyond politics as usual and find bipartisan common ground to restore us to a sustainable fiscal path.

H. J. Res. 2 would impose serious risks for our economy in several ways. It risks accelerating economic downturns by requiring the government to raise taxes and cut spending in the face of a contraction, which would accelerate job losses. The President proposed a balanced approach to restore fiscal sustainability and in a way that doesn't slow the Federal Government's ability to initiate actions that help stabilize the economy and keep future recessions from becoming worse. By contrast, under H. J. Res. 2, a minority in a single house of Congress could block the will of the majority and the Executive to waive its provisions when our country faces a downturn. If H. J. Res. 2 had been in effect in recent years, such a minority in one house would have been able to prevent efforts to override the requirement for tax increases or spending cuts, risking an even deeper contraction and pushing the economy into a second Great Depression. Further, H. J. Res. 2 ducks responsibility and does not take the Nation's fiscal challenges head-on. Rather, it could inevitably result in handing the hard decisions that our elected representatives in the Congress should be making to the Federal Courts.

In addition, absent a willingness to raise substantially higher revenues than in the House Budget Resolution by closing tax loopholes or asking the most fortunate to pay more, H. J. Res. 2 would undercut the Federal Government's ability to meet its core commitments to seniors, middle class families and the most vulnerable, while reducing our ability to invest in our future. This could result in severe cuts to programs like Medicare and Social Security that are growing due to the retirement of the baby boomers, putting at risk the retirement security of millions of Americans, and it could result in significant cuts to education, research and development, and other programs critical to growing our economy and winning the future.

H. J. Res. 2 is not a solution to the Nation's deficits. The Administration is committed to working with the Congress on a bipartisan basis to achieve real deficit reduction. The President laid out a set of recommendations to the Joint Select Committee to achieve over $4 trillion in balanced deficit reduction, including the deficit reduction already locked in by the Budget Control Act. The President urges the Committee to meet or exceed its mandate for deficit reduction.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. HURT), a member of the Financial Services Committee.

Mr. HURT. I rise today in support of a balanced budget amendment to the United States Constitution, offered by my friend from Virginia (Mr. GOODLATTE). I would like to thank the gentleman from Virginia for his leadership on this important legislation; and as a cosponsor of this measure, I urge my colleagues to vote in favor of this balanced budget amendment.

Our Nation's staggering debt and reckless borrowing illustrate the urgent need to implement real institutional change in Washington. For far too long, Members of both parties have routinely chosen the politically expedient course over what is in the best interest of our Nation, casting aside any spending pledges or statutory caps and pushing our Nation further along on a careless spending binge with devastating consequences for the people of Virginia's Fifth Congressional District and all across our country.

We, as a Nation, now face a $15 trillion debt that nearly equals the size of our entire United States economy. We are running a $1.3 trillion deficit, and we are borrowing over 40 cents on every dollar we spend. This dire debt crisis not only threatens our economic recovery by stifling job creation, but it also threatens the very future of our country.

Given the seriousness of our current fiscal situation, Congress' abysmal record of fiscal management, it is critical that we put institutional spending reforms in place that will force the government to live within its means, just as families, businesses, and State governments do in Virginia and across the country. By passing a balanced budget amendment, Congress will be required to spend no more than it takes in, reining in out-of-control spending once and for all.

As I travel across Virginia's Fifth District, I continually hear from my constituents—Republicans, Democrats, and independents—who say that if we are serious about turning our economy around, and if we are serious about preserving this country for our children and grandchildren, we must put an immediate end to Washington's out-of-control spending.

I urge my colleagues to vote in favor of this bipartisan measure so we may implement the structural framework necessary to put our Nation back on a path of fiscal sustainability for the sake of future Americans.

I thank the gentleman for yielding me the time.

Mr. NADLER. Mr. Speaker, I am proud to yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, we've heard a lot about the Members on the other side of the aisle trying to take credit for the fiscal responsibility in the 1990s. I think we need to review what actually happened during those years.

I came into Congress in 1993, and the first tough votes we had to cast were on the budget. We passed a tough budget. It passed by one vote in the House and a tie-breaking vote by the Vice President in the Senate. Not a single Republican voted for that tough budget. In fact, it's that budget that we are

talking about that laid the groundwork for the fiscal responsibility for the 1990s.

And on that vote, when the last vote was cast by Marjorie Margolies-Mezvinsky from Pennsylvania, the Members on the other side of the aisle did not congratulate her for casting the tie-breaking vote to pass the bill. They started chanting ''Bye-bye, Marjorie,'' and she was defeated with that vote in her next election. In fact, she was defeated along with almost 50 Members of the Democratic Party who voted for that budget.

In 1995, when the Republicans came in with a majority, they tried to dismantle the budget. And in fact, President Clinton vetoed all of those budgets that they had offered; and we shut down the government, rather than dismantle that plan. Finally, when the deficit had gone from $290 billion down to less than $25 billion, then the Members on the other side of the aisle joined on as we crossed the finish line.

Well, that's like showing up for the ribbon-cutting after you have voted against the stimulus bill. All of the tough votes had been cast. All of the hard work, all of the political damage had been suffered. And now all of a sudden, they want to come in and take credit. What they can take credit for is President Clinton vetoing their bills.

If you want to know what would have happened if they had been signed, we found out in 2001. Because as Chairman Greenspan had to answer questions as to what's going to happen if we pay off the national debt too quickly—we were on chart to paying off the national debt after the first tax cut—that was the last time you heard anybody talking about paying off the national debt.

Two tax cuts not paid for, two wars not paid for, prescription drugs not paid for, and now we find ourselves in the ditch.

Balancing the budget is arithmetic. You've got to pass some unpopular votes. You've got to raise taxes and/or cut spending, and you're going to make some political enemies doing either one.

□ 1110

This legislation doesn't help us make those tough choices. In fact, it makes it even more difficult. People say we need a constitutional amendment to force us to balance the budget. This legislation doesn't force us to do anything. It makes it more difficult. Read the bill. If we want to pass something—we had a hearing on it a couple of days ago when the former Governor of Pennsylvania said that the balanced budget provision in the Pennsylvania State Constitution was a good idea, and I asked him what provision in this legislation can be found in the Pennsylvania Constitution; none of them. None of the provisions of H.J. Res. 2 can be found in any State constitution other than the title. And so here we are talking about the title but not the provisions of the bill.

The major provision in this bill is a three-fifths requirement to pass a budget that's not in balance; which, incidentally, would cover every budget that we considered this year.

Now, I think it is fair to say that the most fiscally conservative budget on the table was the Republican Study Group that got a few votes, not anywhere close to a majority. And if that's your goal, why would raising the threshold from a simple majority that you couldn't even get up to three-fifths make it more likely that you could pass that tough kind of budget?

The SPEAKER pro tempore (Mr. YODER). The time of the gentleman has expired.

Mr. NADLER. I yield the gentleman an additional 1 minute.

Mr. SCOTT of Virginia. Once you have ascertained that even the Republican Study Group budget would require three-fifths, any budget, responsible or irresponsible, could pass with the same three-fifths. In fact, you could cut taxes with three-fifths. You could raise spending. You could have a totally irresponsible budget with three-fifths. So why is it more likely that you're going to be fiscally responsible with three-fifths when you've never been able to get even a simple majority, when three-fifths—last December we passed an $800 billion tax cut, putting us $800 billion further in the ditch. We got three-fifths for that, but try to get three-fifths for a meaningful deficit reduction plan.

This legislation will make it more difficult to balance the budget. All of this debate has been about the title, how nice it would be to balance the budget. But we ought to read the bill and point out that the provisions of this bill will actually make it more difficult, probably impossible, to ever balance the budget, and we will end up trying to get three-fifths vote, ending up with worse budgets than we would have under the present system.

Mr. SMITH of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman.

I need to comment on the revisionist history that we are hearing.

Mr. Speaker, the fact of the matter is that tough votes are made when Congresses make the decision to balance the budget. That decision wasn't made in 1993 when Democrats voted to raise taxes; it was made when we sent a budget to the President that he vetoed. The government shut down, and after that shutdown, then and only then did President Clinton get in favor of welfare reform and other things that led to a slowing of the rate of growth in government spending.

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

Mr. SMITH of Texas. I yield the gentleman an additional 1 minute.

Mr. GOODLATTE. He calls a ribbon cutting to show up and vote for budgets that are actually balanced. The gentleman from Virginia, my good friend, voted against all four—all four—of the budgets that were balanced in the 1990s and leading up to 2001.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to my friend and colleague from Texas (Mr. CANSECO), a member of the Financial Services Committee.

Mr. CANSECO. Thank you, Mr. Chairman.

Today we are taking an important step towards changing the way Washington does business; and it couldn't come at a more opportune time as our national debt crossed the $15 trillion threshold this week, which means that now on average every American household's share of the national debt is $127,899. Our Nation is in the midst of a spending-driven debt crisis. We have run three successive $1 trillion-plus deficits. We are borrowing approximately 40 cents out of every dollar the Federal Government spends; and the CBO estimates that, by the end of the decade, we'll be spending almost $1 trillion just to pay the interest on our debt.

If we do nothing, the problem will get worse. We will continue spending, borrowing, and accumulating more debt, until one day our children and grandchildren and their futures are drowned in a sea of red ink. Our inability to get our fiscal house in order will leave them with a downsized American Dream.

As a father of three children, this is something that I refuse to do. I am the son of Mexican immigrants who came to this Nation to provide their children with a better life and to live in a land where my opportunity would be limited only by how hard I worked and how big I could dream.

I want to ensure that America remains a land of unlimited opportunity for our children and grandchildren. I don't want the legacy of this generation of Americans to be that we're the first generation of Americans to pass on a smaller American Dream to future generations.

For too long, our Nation has spent far beyond its means. We have run up a national credit card, borrowing from our children's and grandchildren's future to pay for spending today. We need to cut up the national credit card and make sure the dire situation we have gotten ourselves into never happens again, and a balanced budget amendment will do just that.

Mr. NADLER. Mr. Speaker, how much time remains, please?

The SPEAKER pro tempore. The gentleman from New York has 36¾ minutes, and the gentleman from Texas has 1 hour and 4½ minutes.

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

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. GOODLATTE) control the balance of my time.

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

There was no objection.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 1½ minutes to the gentleman from Louisiana (Mr. SCALISE), a member of the Energy and Commerce Committee.

Mr. SCALISE. I thank the gentleman from Virginia for yielding me this time to speak about this important issue. I really want to thank him for bringing this to the floor because this is one of those rare bipartisan pieces of legislation that Congress brings forward that is so critical to the future of our country. You know, a balanced budget amendment is an idea that is long overdue.

If you look at where we are right now, some of the biggest challenges facing our country come from the fact that Washington continues to spend money it doesn't have. This Nation just passed the $15 trillion threshold in debt. Just in the last 2½ years since President Obama has been in office, another $5 trillion, mountains of debt that have been added to the backs of our children and grandchildren. It is irresponsible to keep dumping this debt onto future generations. It hurts America's ability to grow, it holds America's promise back, and it has got to stop.

If you look at what is important about this debate, a balanced budget amendment will finally bring permanent accountability and force Washington to start living within its means, to tell Washington you can't keep spending money you don't have. And yet you listen to this debate and there are Republicans and Democrats supporting this concept that's long overdue to require a balanced Federal budget; but, of course, there are opponents as well. If you listen to what some of the opponents have been saying, they call it reckless. Forty-nine States do this, families all across the country balance their budget, and they call it reckless to live within our means.

What I would finally say in conclusion is that we have got to put these reins on Washington spending. We've got to give this promise to the next generation. Stop playing politics. Let's pass this amendment.

Mr. NADLER. Mr. Speaker, I would point out that the 49 States borrow for capital budgets. They have balanced budget amendments for operating budgets. This makes no distinction and would not let us borrow ever.

I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds to point out that this does allow you to borrow; you just have to have a supermajority and a special reason to do so. And I point out that if the States had anything like the proportionate debt that is constituted by this government today of $15 trillion, they wouldn't be borrowing much money either.

At this time, it is my pleasure to yield 2 minutes to the gentleman from Wisconsin (Mr. DUFFY), a member of the Financial Services Committee.

□ 1120

Mr. DUFFY. This was not the version that I supported. I wanted a version that had spending caps linked to GDP. But as this week we passed the $15 trillion debt mark, I thought it was important that this House come together and figure out a way to control the spending. If you look at our recent history, this House conference on the GOP side passed a budget this year that brought our country to balance. And all the Democrats across the aisle—not all—most of them voted no. They were offered a counterproposal that could bring our budget to balance.

The Democrats in the Senate haven't proposed a budget in 900 days. We need to be serious about this debt. And, today, as we are $15 trillion in debt and we have historic interest rate lows, let's look out 10 years, when the debt is $25 trillion and we go from historic low interest rates to historic norms. If we can't balance the budget today, is it going to be easier 10 years from now when it's $25 trillion and we have more people on Social Security and Medicare?

My friends across the aisle like to pull up Social Security, Medicare, and the needy. And do you know what? I care about those constituents in my district as well. But we have to be honest about what we're doing. We are borrowing this money from China. We have given them an economic nuclear bomb. We are bankrupting this country and jeopardizing the freedom of our next generation.

Let's make sure we pass this balanced budget amendment, and let's rely on the American people to fund the obligations that this House makes. With that, I encourage all of my colleagues to support the amendment.

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

Mr. GOODLATTE. Mr. Speaker, it is now my honor to yield 2 minutes to the gentleman from Pennsylvania (Mr. PLATTS), chairman of the Government Organization Subcommittee of the Oversight and Government Reform Committee.

Mr. PLATTS. I thank the chairman for yielding, and I especially thank him for his great leadership on this very important issue.

I rise in favor of this legislation. The Federal Government is currently borrowing close to 40 cents of every dollar that it spends. Our $15 trillion national debt has grown to be as large as our entire economy. One of the most important actions that Congress can take to restore fiscal sanity to Washington for generations to come is to adopt a balanced budget amendment to the United States Constitution.

I've cosponsored a version of a balanced budget amendment every session since first being elected to Congress, including the measure that we are debating here today. This proposal would impose a similar requirement for annually adopting a balanced budget, as currently exists in 49 States, recognizing a commonsense exception for defense under limited circumstances.

The idea of a balanced budget amendment is not new. One of our Founding Fathers, Thomas Jefferson, was a strong proponent of this idea. More recently, in 1995, as has been discussed, following passage by the House of Representatives, the United States Senate came within one vote of sending this version of the balanced budget amendment to the States for ratification. Since then, our total national debt has nearly tripled.

A balanced budget amendment to the Constitution will help to restore fiscal integrity to Washington, boost confidence in the American economy, and stop Washington's practice of saddling future generations with insurmountable levels of debt. The adoption of a balanced budget amendment has the strong support of the overwhelming majority of Americans.

Our constituents get it. We can't continue to spend money that we don't have. It's time for Washington to get it and to heed the will of the American people. We should pass this legislation and thereby allow our State legislatures the opportunity to ratify this commonsense addition to the United States Constitution.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. I thank the gentleman for yielding time.

I haven't heard this said since I've been sitting on the floor listening to the debate, but if anybody has said it, I want to express my agreement with them. We cannot continue to spend more year after year after year than we receive. That is unsustainable, and with that, I cannot argue. However, I disagree that we need a balanced budget amendment to make that point.

I have no balanced budget amendment to operate my household. Some years I have borrowed money and gone in debt, and some years I have accumulated a surplus and paid down that debt. I'm sure that's the way every American citizen operates their life, trying to make responsible decisions and not hiding behind some subterfuge like a balanced budget amendment.

Being responsible, I went into debt to go to college. It was a wonderful investment because I wouldn't be here today if I had not done that. And I paid that debt back in some years where I generated surpluses in my household—as a result of going to college. I went into debt to buy a house. It's been a wonderful investment. The house has a lot more value now than what I paid for it. It is part of my assets. And one of these days, I'm going to pay that debt off. But I'm still, if you count that, operating in a deficit situation. There are some years that I'm in surplus. There are some years that I'm in deficit. The one thing I do know, whether I'm in deficit or surplus, I count the income, and I count the expenditures.

Balancing a budget is not just about how much you spend; it is also about how much you take in. And the government's only source of taking in money is tax revenues. So for somebody to come in here and lecture me about a balanced budget amendment, when they jumped up from discussions and said, I'm not going to talk about revenues in an effort to balance the budget, I'm just going to have you talk about expenditures—that is unacceptable to me.

Let's grow up in this institution. Act responsibly and make tough decisions, and we can get out of this deficit situation, and we can pay off the debt. We have proved it. We proved it while I was here in this body. We got to the point that Chairman Greenspan at that time was saying, hey, I'm worried that you're going to pay off the national debt too fast and it's going to be deflationary. Republicans were not in control then. We didn't have a balanced budget amendment then.

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

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

Mr. WATT. We didn't have a balanced budget amendment then. We acted responsibly, and not with a single vote from the people who are here lecturing us today and saying they need a balanced budget to stand behind. That's like standing behind my mother's skirt.

Grow up. Make responsible decisions. Quit going into wars that we can't afford to pay for and not paying for them. Make some responsible decisions, and you won't need this skirt to stand behind. We don't need this. It's irrational. The American people know it's irrational because they know that balancing a budget is a function of income and expenditures.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute to respond to the gentleman.

If the gentleman's complaint is that there have been decisions made during Republican Congresses that he doesn't agree with that spent too much money, that didn't yield to balancing budgets, the gentleman is correct.

But the gentleman neglects to point out that there have been many, many Democratic Congresses in the last 50 years, 37 of them, of which only two of them resulted in a balanced budget. That is not a good record either. In fact, during the 1990s, when we were fortunate enough to receive four balanced budgets, those balanced budgets were under a Republican Congress and a Democratic President.

□ 1130

In point of fact, it was only after there was a confrontation about the level of spending and a government shutdown that the necessary reforms were made to slow the rate of government spending so we could achieve those balanced budgets.

The gentleman from North Carolina takes credit for his vote in 1993, which I did not agree with. I'm going to take credit for my four votes that were balanced budgets in 1998 through 2001, which he voted against. So we need bipartisan support for a rule in our Constitution that requires that the budget be balanced every year, except in times of national emergency when we should have bipartisan support to not balance.

At this time it is my pleasure to yield 2 minutes to the gentleman from Florida (Mr. STEARNS), chairman of the Energy and Commerce Oversight and Investigation Subcommittee.

Mr. STEARNS. I thank my distinguished colleague.

You know, I say to my colleagues on the Democrat side, we can sit here and blame Bush; we can sit here, on our side we could blame President Obama; and we can have this high rhetoric talking about this issue but now is the time to get serious. But we are in a very precarious situation. This is all different with a debt to GDP ratio at 100 percent.

When you look at the statistics and you say, well, look, what's going to happen in this country in 10 years, in 10 years 95 percent of all Federal tax revenues will be consumed by payments of interest on the national debt and mandatory programs like Social Security. I think you would agree with that. Medicare and Medicaid are also there. This will leave just about 5 percent of our annual tax revenue available for funding national defense and other essential functions of the government. So this is an attempt here today, a very sober attempt, to control federal budgets and do this through a balanced budget amendment.

Now, you make a valid argument about the difference of these 49 States having an operational balanced budget, which is they don't have a capital outlay balanced budget. I understand that argument. But also, with this constitutional amendment, we are projecting an attempt to have a rainy-day fund, where we set aside money for these emergencies we all worry about. So you cannot hang your whole argument on the difference between the state operational budgets and a state capital budget and a federal budget as a reason for not voting for this because we are at such dire extreme situations.

And talking about Founding Fathers, they understood the perils associated with debt. In fact, Thomas Jefferson said, ''The principle of spending money to be paid by future generations, under the name of funding, is but swindling futurity on a large scale.''

We need to come together and understand that this is not business as usual like when we voted for the constitutional amendment some 16 years ago. This is a precarious moment in history. We do not think we can go forward without controlling our spending, and this is a legitimate attempt to do so. I think the high rhetoric on both sides of blaming different Presidents and talking about the past is gone. We're talking about the future.

I urge you to support this resolution.

Mr. NADLER. Mr. Speaker, either we will have the discipline to do what we have to or this amendment simply puts those decisions in the hands of a Federal judge, which we don't want to see, I don't think.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Illinois (Mr. HULTGREN), a member of the Agriculture Committee.

Mr. HULTGREN. The time is now.

This week we watched as our Nation's debt reached an unprecedented level—$15 trillion. This debt crisis was caused by past administrations and past Congresses who refused to say no more spending.

Washington spends too much and is under water. Because of that, our national security and sovereignty and the standard of living for our children and grandchildren are in jeopardy.

Mr. Speaker, the time is now for this Congress to pass immediate, bold and permanent spending reforms that will hold all future Congresses accountable for their spending. And now we have the opportunity to do just that by passing a balanced budget amendment to our Constitution. Let's forever change the way that Washington spends money and bring accountability back to Congress by passing the balanced budget amendment to the Constitution. We've come close before, but there's no more excuses. The time is now.

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Florida (Mr. POSEY), a member of the Financial Services Committee and, as a realtor, may want to comment on some of the remarks made here today regarding the ability of people to borrow money under certain circumstances.

Mr. POSEY. Well, first I will comment on the value of buying homes on credit. I think it's a pretty good idea; but when you go to get qualified for a home, the rule of thumb is that you should buy a home roughly not more than 2.5 times your annual income. If you compare that to our known debt of $15 trillion, our revenues of about $2.2 trillion, you would see that if our debt was a home loan, it would be 14 times our annual income. No lender would loan you money under those circumstances; they would say you are bankrupt far beyond any possibility of recovering. And that doesn't include the $60 trillion unfunded liabilities for Social Security, Medicare, and Medicaid. So I don't know if that was really a very good analogy.

Now, to my point, there is an old political axiom that says that anytime you promise to steal from Peter to pay Paul, one thing usually happens: Paul votes for you. Total revenues, as I just said in answer to the chairman's question, are about $2.2 trillion; total expenses the Federal Government spends, $3.6 trillion.

Where does the money come from? Rather than balancing our budget like every hardworking American family, 49 other States, and virtually every local government in the country, Congress instead currently puts about 40 percent of every what has been described as ''vote-buying'' dollar it spends on our kids' and our grandkids' credit cards, to the point where each American family's share of the national debt is about $125,000—actually, in excess of $125,000. It will be hard to stop the spending. It will be like taking drugs away from an addict.

Since Congress—Republicans and Democrats—has not shown the political will to be accountable, I believe a voter-mandated, balanced budget constitutional amendment is the only hope this country has to preserve the American experiment at representative self-government. And I urge Members of this body to begin thinking about the next generation instead of the next election.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Mr. Speaker, today this House will vote on the momentous issue of amending the Constitution of the United States. All of us should understand that this is no symbolic vote. This is not a routine legislative act. We are asked to consider amending the most sacred document of a free people with a provision not contemplated by the Founders.

The argument is propounded that the times demand it, there is no other choice, and that public opinion favors it. But as legislators, we must hold ourselves to a higher threshold to amend the Constitution. Is the proposal essential? Did the Founders fail to consider the issue that now must be addressed in and only in a constitutional framework? Is there no legislative remedy? What are the negative and foreseeable consequences of such a constitutional mandate? And importantly, we must remember that, but for one, all constitutional amendments are written in indelible ink.

Desirous of a balanced budget, like everybody else, I must regrettably oppose the proposed amendment before us. It does not pass the higher constitutional threshold we must insist upon. We balanced the budget just a decade ago for 4 consecutive years without such an amendment. It was a matter of political will, fiscal discipline, and successful economic growth.

There is no evidence that says potential cannot be resurrected. There is ample evidence, however, that this institution lacks the will and courage to undertake the policy changes necessary.

Political failure can and must be addressed here and, failing that, at the ballot box. The corrective is forging a political consensus, not amending the Constitution. In fact, to leap to the latter as an expedient is to admit the collapse of our democratic institutions and to abandon all faith in our collective ability to respond. I refuse to recant my faith in our ability to make the difficult choices necessary to achieve the desired goals of debt reduction and balanced fiscal performance.

The proposed amendment also fails another test: do no harm.

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

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

Mr. CONNOLLY of Virginia. Had this amendment been in place during the income contraction we just experienced, we would have abandoned the economic field to the Darwinian forces at work and guaranteed that the Great Recession became the second Great Depression, condemning our citizens to their own fate, one which would have been characterized for a generation with want, double-digit unemployment, and endemic poverty.

□ 1140

Why would any Member of this body consciously choose such a course, especially when there are alternatives, although painful ones? Perhaps it's easier to pander to the clamor of the moment or to seek out the seductively easy answers. Perhaps we seek to mask an ideological agenda to starve the government investments cloaked in the more respectable argument of a constitutional amendment made necessary to balance the budget.

For me, the Founders' silence on this matter in the Constitution was intentional. They understood and expected that Congress would meet its duties and do its job.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Tennessee (Mr. DESJARLAIS), a member of the Oversight and Government Reform Committee.

Mr. DESJARLAIS. I thank the gentleman.

Mr. Speaker, no one can deny that our Nation's on an unsustainable spending path that will lead this country to bankruptcy. Our national debt is now a staggering $15 trillion and rising daily.

In the past 50 years, the budget has been balanced just six times, a losing record that has seen our deficit explode from $300 billion to $15 trillion.

Congress has tried spending caps. Time and time again, one Congress sets them, just to see the next Congress undo them. That's why we must have this amendment. A balanced budget amendment will finally force the Federal Government to live within its means, not just this Congress, but for generations to come.

Politicians love their polls, and a recent poll shows that 75 percent of Americans favor a balanced budget amendment to the Constitution. If we, as Congressmen, are truly representing the people who sent us here, this is the day that we set partisan differences aside and listen to the people. Three-fourths of Americans want this. We only need two-thirds of our Members to make this happen.

It is no secret to anyone here that Congress suffers from a 90 percent disapproval rating, and I believe it's because the American people are sick and tired of partisan politics and that their voices fall on deaf ears. Today we have a chance to show the American people that we are listening, that we do care about them, and that we do hear their voices.

Republicans should embrace this bill; Democrats should embrace this bill; the President of the United States should embrace this bill because, clearly, the American people embrace this bill. It is a rare opportunity where we all win.

Let us return to our districts with our heads held high, tell our constituents that their voices were heard, that we listened. Let's hug our children and grandchildren and tell them today we made history and we have taken a giant step toward securing their future. For the sake of this great Nation, do the right thing. Pass this resolution.

Mr. NADLER. Mr. Speaker, how much time do we have, please?

The SPEAKER pro tempore. The gentleman from New York has 29 minutes. The gentleman from Virginia has 51 minutes.

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

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the gentleman from Colorado (Mr. TIPTON), the chairman of the Agriculture, Energy and Trade Subcommittee of the Small Business Committee.

Mr. TIPTON. I thank the gentleman for yielding.

Mr. Speaker, generations of Americans from now will stand in judgment of the choices that we make today.

In my district, as I've traveled and visited with people, from the farm and ranch community to small business owners to families around their kitchen tables, the message is clear: They're frustrated that Washington does not live under the same rules that they do.

Those families gather each night to be able to balance their budget. Small businesses do it every day. Forty-nine of our 50 States balance their budget. And the question is always raised: Why doesn't Washington live under the same rules?

We look at our European counterparts right now, Greece, Italy, struggling under their crushing debt. Will we follow that same path or will we pick a better way?

Mr. Speaker, the time has come, the day has arrived, and the hour is now. We have an opportunity to stand up for the American people. The one thing that we can all understand as we debate the different sides of this issue is one important point that is not debatable—$15 trillion in debt.

Our children, our grandchildren, those of us today, we need to be standing up for responsibility. This Congress, at this time, has that opportunity. The choice we make here today does not end the debate. We return to our States, to the people who sent us here to make that final choice. I think the answer will be clear.

The time has come for this Congress to embrace a balanced budget, to stand up and do what every American does every day. We need to pass this bill, and we need to pass it now.

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Indiana (Mr. ROKITA), a member of the Budget Committee and a leader on this issue.

Mr. ROKITA. I thank the gentleman from Virginia.

Mr. Speaker, I rise today as a cosponsor of this bipartisan bill in full support of it.

Rarely do we have a chance in this body to make fundamental difference. It's so easy, as I've learned in a short 10 months, for Members of this body to say ''no'' instead of taking a personal responsibility to make the tough decisions that need to be made. This morning we have that chance. I don't think this chance will come closer in our orbit for a very long time.

If we can pass language out of this House this morning, the Senate has to vote on it. The Senate Majority Leader cannot table it. And because it's a constitutional amendment, it has nothing to do with the President. He can't veto it. He doesn't have to sign it. It goes right to the States.

And why is that so important? Why is that so different? Because finally the people of this country, of the State of Indiana, of my beloved Fourth District, will have a chance to tell us, by ratification of this amendment, whether or not they want to live within their means instead of passing their bills from the Federal Government—spending that's occurring here, $8 billion to $12 billion a day more in debt—whether they're done passing it on to their kids and grandkids. And I believe, speaking specifically to those of us who represent senior citizens, that most of them have grandchildren, and they don't want their bills passed on to them.

Those that say no today, those that say no today are really saying no because they don't want to lose control. They don't want the people to decide. They'd rather have that in their hands. They'd rather keep kicking that heavier and heavier can down the road so that citizens like this, Teddy and Ryan and their kids, can pay the bill.

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

Mr. GOODLATTE. I yield an additional minute to the gentleman from Indiana.

Mr. ROKITA. That's what this is about.

Ladies and gentlemen of this Chamber, Mr. Speaker, there are two constituencies out there. Mr. POSEY from Florida said it well. We're robbing Peter to pay Paul. And why that works around here is because Paul can vote for us.

I ask every Member here today: Who stands for the constituency that can't directly vote for the next election? Who stands for their constituency that doesn't exist yet but will?

Because of the decisions that are made here on this floor in this Federal Government in this town where too often up is down and down is up and black is white and white is black, we don't represent the constituency. We don't prioritize the right constituency at the right time. This is a chance to do this. This is a chance to not let us have that out anymore, to make us have the tax fight, to make us have the cut spending fight, but not allow the option of kicking the can down the road to make people who aren't here today pay for it.

□ 1150

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Indiana (Mr. PENCE), who is not only the vice chairman of the Constitution Subcommittee but has been a great partner in this effort to pass a balanced budget amendment to the United States Constitution.

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

Mr. PENCE. I thank the gentleman for yielding.

I rise today in support of H.J. Res. 2, a balanced budget amendment to the U.S. Constitution.

This is a challenging time in the life of our Nation. Our economy is struggling under the failed economic policies of the recent past and under a mountain range of debt. We have an unchecked, spendthrift Federal Government that's placing a burden of insurmountable debt on our children and grandchildren. Washington, D.C. isn't just broke, it's broken. And the time has come to change the way we spend the people's money. And to do that in our national charter, the time has come for a balanced budget amendment to the Constitution of the United States.

I want to take a moment to commend just a few people who brought us to this day. I want to commend Speaker BOEHNER and the Republican leadership for ensuring that for the first time in 15 years we would have an up-or-down vote in the House and in the Senate on a balanced budget amendment to the Constitution.

But I also want to commend the gentleman from Virginia, Congressman GOODLATTE, who throughout those last 15 years has been, as we say back home, like a dog with a bone on a balanced budget amendment to the Constitution. His tenacity, his commitment to this reform, not singularly but predominantly, has brought us to this day, and I commend him from my heart.

Our Nation is sinking in a sea of debt. Just this week, we passed $15 trillion in national debt. And the American people are tired of the same old arguments. They want solutions, not slogans. They want reforms, not rhetoric. The balanced budget amendment to the Constitution is an authentic, long-term solution to runaway Federal spending, deficits, and debt by both political parties.

The measure we bring to the floor today is a bipartisan measure. It is nearly identical to the version that last passed the House with bipartisan support. It requires simply that the Federal Government not spend more than it takes; it requires a three-fifths vote to raise the Nation's debt ceiling; and it requires any increase in taxes by a true majority rollcall vote.

Now, while I support this historic version, this bipartisan version of the balanced budget amendment, I do regret it doesn't go further. I would that we had brought a version of the balanced budget amendment to the floor that included a cap on Federal spending, strict limits on the judiciary, and a higher hurdle for Congress to raise taxes on the American people.

But while this version of the balanced budget amendment doesn't have everything I want, I believe it will move the debate forward.

Adding to our national charter the expectation of the American people that this national government live within its means, that the income meet the outgo, would be a historic addition.

So I urge my colleagues to support this bipartisan version of the balanced budget amendment. Let's send it to the Senate by the requisite supermajority, and then let's let the States decide whether the time has come to put in our national charter the requirement that this government live within the means of the American people.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlelady from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. I thank the gentleman from New York for yielding.

I rise in strong opposition to this misguided amendment which will visit harm on working families, prevent government from responding to crises, and cripple the U.S. economy.

Under this amendment, it will become difficult to raise the debt ceiling, putting our country at greater risk of default. It is alarming that so shortly after averting the most recent danger of a default, the authors of this amendment will endanger our Nation's credit so directly.

Equally disturbing, should a war, domestic crisis, or natural disaster strike, our government could find its hands tied, incapable of responding swiftly. When crises occur, Congress must have the flexibility to respond.

It is shortsighted and dangerous to cede this authority from the legislative branch. Not only will this amendment effectively slow our response to future catastrophe, but it will also undercut our current economic recovery, eliminating 50 million jobs.

The fact is, if you like 9 percent unemployment, you will love this amendment.

Mr. Speaker, our government has in the past been able to balance its books and create surplus. When President Clinton left office, we had a $5 trillion surplus. However, an unprovoked war, unpaid for, coupled with tax cuts for the wealthy erased this windfall and led to our current fiscal problems. If we truly wish to tackle the deficit, the most effective thing we could do is create new jobs.

In the 1990s, economic prosperity helped drive deficits down. Rather than wasting this institution's time on a cheap political stunt which has zero chance of becoming law, we should create opportunity and work to restore the American dream. That is a deficit reduction plan all of us could support.

Vote down this misguided amendment.

Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), a distinguished member of the House Judiciary Committee.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, our national debt has reached a staggering $15 trillion. We're currently borrowing 43 cents on every dollar that's spent here in Washington. Think of it, 43 cents on a dollar. A trillion dollars had to be borrowed from China. Our very sovereignty is at risk when you look at numbers like that. It's outrageous.

Our great Nation is on a dangerous path of fiscal irresponsibility directed by a reckless addiction to spending here in Washington. Research has consistently shown that the American people want a balanced budget amendment. In fact, a recent survey found that 81 percent of those polled support the requirement that the Federal Government balance its budget each year, just like American families have to do.

Today, each of us will have the opportunity to choose sides, casting an ''aye'' vote and standing with the American people on this issue, or casting a ''nay'' vote and opposing what the American people are demanding.

The balanced budget amendment is a game-changer. It will hold Congress' feet to the fire, forcing us to live within our means just as every American family and every American business must do every year. It has become commonplace for Washington to spend money it doesn't have for projects it doesn't need. This is an unacceptable position for us to be in. Our constituents deserve better.

Washington's spending binge has put a wet blanket over our economy. Small businesses are struggling to stay afloat, and according to the Bureau of Labor Statistics, a staggering 26 million Americans are unemployed, underemployed, or have given up looking for a job altogether.

Small business owners tell me that the uncertainty that they're going through right now makes it so they won't hire people because they don't know how much money they're going to have. What we're doing here in Washington puts those small businesses at risk. That's why they're not hiring.

Passing H.J. Res. 2, the balanced budget amendment, would be a huge step in the right direction, and in my opinion is the only thing that will actually work over the long run to get our spending under control here in Washington.

You know, it's interesting. The President recently weighed in on this, and one of the things that he said about the American people is that they're lazy. I mean, what an incredible comment to make. That's absolutely not true. That's not what the problem with the economy is. The problem is that the government sector is sucking up so much of the funding now that the private sector has no funds to invest or go out and hire people and create jobs. That's the problem, not, as the President said, that the American people are lazy. That's absolutely not true. It's outrageous.

This is not a Democrat or a Republican issue. This is an American issue. I had the opportunity to weigh in on this amendment back in 1995, when it was last voted on here in Congress. I voted for it, alongside most of my Republican colleagues as well as 72 Democratic Members of the House. I would urge them to vote with us today. Let's pass this. It's in the interest of the American people.

□ 1200

Mr. NADLER. Mr. Speaker, how much time does each side have remaining?

The SPEAKER pro tempore. The gentleman from New York has 31 minutes remaining, and the gentleman from Virginia has 40 minutes remaining.

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

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. STUTZMAN), the chairman of the Economic Opportunity Subcommittee of the House Veterans' Affairs Committee.

Mr. STUTZMAN. I thank the gentleman for yielding.

It is a great privilege and honor to stand here today. In listening to this crucial and very timely debate on the floor, it is one that I believe Americans have been expecting for quite some time because Americans are looking to Washington to see if leadership is going to come forward and do what American families do every day, what small businesses do every day—make sure that they don't spend more money than they have.

When our national debt tops $15 trillion, it's clear that we're broke. When the Senate refuses to pass any budget at all, something clearly is wrong. When each child born today inherits nearly $48,000 worth of debt, something must be changed.

My wife, Christy, and I have two young sons—Payton and Preston, who are 10 years old and 5 years old—and their lives are entirely in front of them. What we do today on this floor will determine the outcome for them and their families and for their children and their grandchildren.

This has not been a problem that has happened just under the control of the Democrats and Barack Obama. This has happened over the last 30 years under the control of both the Republicans and Democrats. That is why this amendment is so important.

Now, we'd all like to stand here and say, We just need to do the right thing—and I agree with that. Yet the problem is, over the last 30 years, Washington has not done the right thing. We have accumulated $15 trillion of debt. Debt is a disease which threatens to kill us.

Today, we must act decisively, and we must act permanently and let the American people vote on our Constitution, allowing them to say to Washington, Enough is enough. Small businesses and families are waiting and watching to see if Washington is going to increase the takings on top of an enormous and convoluted Tax Code.

I support this resolution, and I ask my colleagues to support it as well.

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), a member of the House Energy and Commerce Committee.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

I stand here in proud support of H.J. Res. 2.

I was listening to arguments on both sides of the aisle, particularly from my colleagues the Democrats, in regard to the gentleman from North Carolina talking about the ability of individuals to balance their own budgets, and he made a very convincing personal argument.

Yet I would like to remind him that 1995—I wasn't here then; maybe he was here—was the last time we had an opportunity to vote on a balanced budget amendment, some 16 years ago, and it failed by one single vote. The debt that this country has accumulated since that time is $9 trillion. The rest of us, obviously, need some constraints. We have proven that we do not have the discipline to balance the budget of this country—$9 trillion—and that's how we get to $15 trillion worth of debt.

So I would say to my colleagues on both sides of the aisle to please support this. This is an opportunity for us not only to show the fiscal responsibility that 75 percent of the country wants us

to show but also to show that spirit of bipartisanship and break the gridlock.

I want to take just a moment, Mr. Speaker, to commend the gentleman from Virginia, Representative GOODLATTE. As a physician Member, I sometimes think that there are too many attorneys in this body; but thank God for the gentleman from Virginia and for his ability and understanding of the Constitution. He has gone to the Democrat side and the Republican side, not just in this session, but for years, in promoting this balanced budget amendment and in bringing us all together in a bipartisan way to do something for the American people and for, as the gentleman from Indiana said, our children and our grandchildren.

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

Mr. GOODLATTE. I am happy to yield an additional 30 seconds to the gentleman from Georgia.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

So without question, the time has come. This is my opportunity to cast a vote, the most important that I will have cast in 9 years. An opportunity like this just seldom comes. As I say, it has been 16 years since we have had this opportunity. Don't pass on this. Let's make sure that we do this in a bipartisan way because it takes a two-thirds vote.

I do disagree with the naysayers who say, Well, this has no chance of passing. God help us if this has no chance of passing. This is the one thing that we can do for this country to get us back on the right track and to finally prove to the American people that we do have the discipline to protect their money and to protect our children and our grandchildren.

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

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. THOMPSON), the chairman of the Conservation, Energy, and Forestry Subcommittee, my subcommittee on the House Agriculture Committee.

Mr. THOMPSON of Pennsylvania. I thank the gentleman from Virginia.

It is no secret, Mr. Speaker, that Washington has a spending addiction. Congress has demonstrated, regardless of which party is in charge, that the out-of-control spending just does not stop. Each Congress, spending in budget reforms are enacted only to be revised or ignored by the next. Unfortunate as it is, this body has reliably circumvented any real budget process, even its own rules, in order to fulfill its spending addiction. Routine abuses and budget gimmicks, such as ''emergency'' designations, are designed to skirt budget enforcement rules and to disguise the real level of spending. Similar to rampant drug abuse in the 1980s, which led to addiction and violence at epidemic levels, our spending habits have led to a debt crisis that borders on an overdose.

Our country needs urgent help, Mr. Speaker. It's time for intervention.

That's why we're here today to consider H.J. Res. 2, a balanced budget amendment to the Constitution. Most importantly, the balanced budget amendment will discourage Congress from circumventing its fiscal responsibilities because a constitutional amendment cannot be revised or ignored. This measure is the only way to force the hand of Congress toward fiscal responsibility, ensuring that policymakers just say ''no'' to reckless spending.

Many economists and experts agree that the adoption of such amendment would begin to address this Nation's looming debt crisis and would lay a stronger path to long-term economic growth. The American people overwhelmingly back a balanced budget amendment. That's exactly why H.J. Res. 2 already has the strong support of a majority of my fellow Representatives, including 242 bipartisan cosponsors. Our constituents understand what it means to live within their means, and they expect nothing less from the Federal Government.

No more denial, Mr. Speaker. It is time for this body to come clean. It is time for each Member to decide whether or not this country will continue down a reckless path of debt and despair or if it will quit living beyond its means—cold turkey. It's time to rid this Chamber of its reckless spending addiction. It's time for Congress to just say ''no'' by voting ''yes'' on H.J. Res. 2.

Mr. NADLER. I yield 2 minutes to the gentlelady from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today in opposition to H.J. Res. 2, the Republican plan to amend the Constitution to reduce government investments and codify economic stagnation.

We can all agree that it's important to get the Federal deficit under control. However, the amendment Republicans are proposing is absolutely the wrong way to do it. It should all be very familiar to anyone who has experienced California's budget problems or who has even observed them from afar. It should be familiar because, just like in California, this legislation would require that a supermajority of both the House of Representatives and the Senate agree to any bill which raises Federal revenues.

This not only means potential tax increases but also any bill that allows tax cuts to expire. In effect, the Republican majority is insisting that the only way the Federal Government can tackle its deficit is by reducing programs like Pell Grants, unemployment benefits, and infrastructure projects like Federal highways. These are the very programs that help people keep their heads above water during tough economic times or help them achieve the American Dream; and time and time again, the American people have said that cutting these programs is unacceptable.

□ 1210

I agree that we should look at ways to cut waste. However, it's foolish to insist on severe cuts to vital programs which help people during an economic downturn. Furthermore, the California experience has shown that it is practically impossible for 60 percent of a political body to agree on revenue increases, no matter how limited they are or how much sense they might make. California has tried this flawed plan; and guess what, it doesn't work. California's fiscal situation becomes increasingly difficult each year because of this supermajority requirement. Do we really want the same at the Federal Government level?

I cannot and will not support legislation which would impose California's flawed fiscal system on the Federal Government. I urge my colleagues to learn from history, from a real-life example, my home State of California, and reject this crushing and foolish amendment.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to respond to the gentlewoman to say that 49 out of 50 States have a balanced budget requirement. And while she sites California as perhaps the worst example—and it may be the worst example—still, the fiscal situation of California is much better than the fiscal situation here in Washington. The $25 billion deficit that they have to deal with this year—and they have to deal with it—for a State that has one-eighth of the population of the country of America which, taken nationwide, would mean a $200 billion deficit nationwide. We have a $1.3 trillion deficit, more than six times as much. And this is good discipline. It's worked in the States. It will work here as well.

It is now my pleasure to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), a member of the Appropriations Committee.

Mr. FLAKE. Mr. Speaker, I doubt that I can match the volume that's been displayed today, using partisan accusations as to who's responsible for the budget mess that we're in. But I think that all of us, we Republicans, for example, in our candid moments, would admit that we were headed toward this fiscal cliff long before the current President took the wheel. But we're in this together. It has been decisions made by Republicans and Democrats to expand entitlement programs and to expand discretionary spending that have put us in the situation we're in today.

I think we would also concede that any bout of fiscal discipline we've had over the past couple of decades has been caused by—or at least accompanied by—statutory spending caps that have been put in place. The problem is those only last for a few years, and then this body simply waives them.

So we need a backstop. We need a constitutional backstop that will force us to make decisions that we know have to be made. It is sad commentary on this body that we have to have a constitutional balanced budget amendment to force us to do our jobs of prioritizing spending, but I think with a $15 trillion deficit we can concede that we need it.

So this won't make the decisions for us—we'll still have to make the tough decisions going ahead—but we need it, nonetheless.

I urge adoption of this amendment.

Mr. NADLER. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from New York has 29 minutes. The gentleman from Virginia has 31½ minutes.

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

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE), a member of the Financial Services Committee.

Mr. PEARCE. I thank the gentleman from Virginia for bringing this forward to us.

The American debt was downgraded about 2 months ago; that is, we're approaching junk bond status in the minds of certain debt raters. It's not just that we have a $15 trillion debt—that's significant—but we have no apparent means or way of paying it off.

Our deficit—that is, the shortfall this year is $1.5 trillion, which will be added to that $15 trillion during the course of spending the money. This is not just that we are in debt. It's that we're broke. And also the raters have seen that we have gone to Social Security. Both parties for the past 70 years have taken every cent out of the Social Security lock box and spent it. So it's not just that we're in debt $15 trillion; it's that we have taken everything out of the piggy bank and we've spent that.

And to my friends who are saying we could continue to borrow money, that's also very inaccurate. We could borrow money when we ran deficits of $300 billion. That was the amount that we ran during the last year of President Bush, $300 billion. We can borrow that in the world. But when we went to the trillion-dollar deficits under President Obama, there is no nation in the world capable of lending $1 trillion. China cannot lend $1 trillion. Their total economy of $6 trillion. So the raters looking at our economy say, not only are they broke, but they have no apparent way to pay it back. It's time to say that to the American people.

So this resolution is very simple. It simply says that Washington is going to do what you do as the American family. In order to pay off your bills, you tighten your belt, you live within your means. That's what we're suggesting with this balanced budget amendment, that we live within our means, that we do not spend money that we don't have.

H.J. Res. 2 is a commonsense solution to a serious problem that America faces. I will support it and urge support.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. The Republicans call this bill a ''balanced budget amendment,'' but it is not balanced because it will blow a hole in the budget of vital programs that millions of Americans depend on. It's unbalanced, unneeded, and will undermine our struggling economy.

Republicans want us to mangle the Constitution because they cannot manage this institution. This amendment is a means to an end. It's a means for Republicans to end Medicare, to end Social Security and Medicaid, to end every antipoverty program. And why? Because they harbor an ancient animosity towards all of those programs. And their plan is to leave them as debt-soaked relics of an era where we actually cared about poor people, the elderly in our country, because the Republican plan will cut critical health care and antipoverty programs, put them on a starvation diet, and leave vulnerable Americans with the crumbs.

Our economy now has a 9 percent unemployment rate. You know what that means? It means that 46 million Americans today live in poverty. Do you want to know what poverty is in America in 2011? That's a family of four living on $22,000 a year. There are almost 9 million families living at or below the poverty line, including 15.5 million children. That means that one in five children in our country are living in poverty. Those are the programs that they want to cut here today, for the poorest children in America in 2011.

There are almost 50 million Americans at risk of not having enough food. More than 16 million children are in danger of going to bed tonight without a meal. One in six seniors now live in poverty, dependent upon Medicare, dependent upon Medicaid, each of them now at grave risk because of the Republican plan here today. Their plan is really a Robin Hood in reverse—take from the neediest and give to the greediest. That is the plan.

Now let's go back into the ''way back'' machine, all the way back to the year 2000, the last time we voted on a balanced budget here in Congress, 2000. Bill Clinton was President. It passed. The budget balanced. And the country was feeling good. The economy was booming. And then George Bush takes over in January of 2001. The Republicans controlled the House. The Republicans controlled the Senate. What do they do? Huge tax breaks for billionaires and millionaires, two wars which were not paid for, Iraq and Afghanistan, all on the Republicans' shoulders. And they then turn a blind eye as Wall Street turned the entire economy into a casino, which then cascaded into the biggest longstanding recession that we've seen since the Great Depression, descending upon the shoulders of whom? The poor, the sick, the elderly, the ordinary families killing themselves to pay for their mortgage each day.

You don't need a constitutional amendment, ladies and gentlemen, Republicans, my good friends. You have a supercommittee meeting right now down the corridor. You know what you should do? Say: Take away those $40 billion worth of tax breaks for the oil companies. They don't need them. Take away the $700 billion in new nuclear weapons programs. We don't have any targets for those nuclear weapons. Kill those programs. Look at the tax breaks for the billionaires and millionaires. They don't need them. Cut them right now.

□ 1220

All of you have taken a pledge, no reductions in the tax breaks for billionaires. No reductions in defense spending. You've tied your own hands even as you, with crocodile tears, come out here and say how much you care about balancing the budget and how much you care about the American economy. The proof will come next week when you do not stand up in order to take the tough actions needed right now for the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members to address their remarks to the Chair and not to other Members in the second person.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute to address the Chair but in response to comments made by the gentleman from Massachusetts.

We do need to look at that way-back machine. I hear the gentleman's complaints about decisions made by Republicans. In the last 50 years, and the gentleman has been here for many of those years, in the last 50 years, this Congress has balanced its budget a mere six times. Thirteen of those years Republicans were in control of the House, and four of those years we had balanced budgets, including the year the gentleman mentioned.

And in that year, the gentleman voted ''no'' on the balanced budget that was passed by this Congress that year. And the year before that, we had a balanced budget; the gentleman voted ''no.'' And the year before that, we had a balanced budget. And then in 1998, we had a balanced budget. And the gentleman voted ''no'' every single time a balanced budget was offered in this Congress. In fact, for the 37 years that Democrats controlled the Congress in the last 50 years, only twice did they do it.

Now, I have to agree with the gentleman about something, and that is that Social Security and Medicare are endangered.

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

Mr. GOODLATTE. I yield myself an additional 30 seconds to say that Social

Security and Medicare are endangered. And do you know why they're endangered? Because we have a $15 trillion debt. And in all of those years that we didn't balance the budget, what did the Congress do? They went into the Social Security trust fund and took every penny of it and spent it on something else.

And how ironic will it be that all that debt that we're transferring to the next generation, all of that debt will be on our children and grandchildren; and when they need Social Security and Medicare, it won't be there for them, not because of anything in a balanced budget amendment but because of the debt that we have accumulated.

I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, Social Security and Medicare will be there unless we pass this balanced budget amendment because this balanced budget amendment will cause the inability to pay for them. The trust fund is amply funded right now for Social Security.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. GARDNER), a member of the Energy and Commerce Committee.

Mr. GARDNER. I thank the gentleman for yielding.

My constituents have a very simple question for people participating in this debate today: What part of broke don't you understand? What part of the fact that we are borrowing 42 cents of every dollar don't you get? Do you know what happens to the everyday American if they borrow 42 cents of every dollar time after time after time? It's bankruptcy. They lose their homes. They lose their ability to provide food for their families. They go broke, just like this country is going broke today.

Only Congress doesn't have to pay an overdraft fee. When we write checks for more money than we have, we're not paying an overdraft fee. You know what we're paying, we're paying interest. We're passing the buck. We're putting our future into great debt that they cannot sustain for current-day spending. We shouldn't be passing the buck. We should pass the BBA, the balanced budget amendment.

I come from the State of Colorado, served in the Colorado State Legislature where we have a strong balanced budget amendment. And you know what that forces us to do? It forces us to make tough choices, to make the right decisions for the people of Colorado and to make sure that we are, indeed, balancing our budget.

Sure, it means that there are some very difficult decisions that have to be made, but that's exactly what we were sent here to do. We weren't sent here to fiddle while the Treasury burns. We were sent here to solve one of the greatest challenges that this country faces, and that is growing, insurmountable debt and deficits.

I would urge my colleagues to pass this resolution. This Congress cannot make choices on its own. We need the guidance of a balanced budget amendment to restrain the unrestrained fiscal mess that we have right now.

In 1995 when we passed the balanced budget amendment, the debt has grown $9 trillion since then. Our experience in Colorado and the 49 States that have a balanced budget amendment show that when we have a requirement forcing us to balance the budget, we will do just that. Don't pass the buck; pass the BBA.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Since this is the Thanksgiving season, maybe rather than denigrating the inheritance of a child born in our country, we can celebrate it. The truth is not that as a young American you are born with all this debt. What you're born into is as a citizen of the greatest country anywhere in the world, the wealthiest, most powerful Nation in the world, made up of decisions that are being decried here. We could not balance our budget and win World War I or World War II, or build 40,000 miles of Federal highway or build the land grant college system.

In my church, we borrowed a mortgage to build a church, and you pay for it over time. These 49 States that we hear, these imaginary balanced budget amendments, all of those States borrow money. They have a capital budget. They borrow money to build bridges and highways and roads. This nonsense that families don't borrow money to buy homes or cars, Republicans in the majority can do better than this. This is not a debate between Republicans and Democrats.

We don't need a balanced budget. We need a budget as a country that retains our leadership position in the world. We don't want to have a balanced budget and a weak military. We don't want to have a balanced budget but not be able to take care of the needs that have propelled our country forward.

We just honored John Glenn and Neil Armstrong, astronauts who led our way into space. We didn't do that on a balanced budget. We said that we were going to lead in terms of the race to the Moon, and we led. This country deserves better.

Republicans who are here, let us address the real issue. The real issue is that we have a 70-year low in the amount of resources coming into the government because we've cut taxes. The gentleman says where can we borrow a trillion dollars from? Well, we can borrow it from the trillion dollars of tax expenditures we are going to provide this tax year, many to the wealthiest people of our country. We have the ability to pay our bills. We need to make the decision to do it and leave the Constitution alone.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON), the chairman of the Agriculture Appropriations Subcommittee of the Appropriations Committee.

Mr. KINGSTON. I thank the gentleman from Virginia.

An amendment to the United States Constitution should never be taken lightly. It is a sacred and profound document. Well, 15 years ago when Mr. GOODLATTE and I and a number of others first came to town, we voted to amend that Constitution. We were joined not only by all of the Republicans but by 72 Democrats. Now some of those very 72 who voted ''yes'' have changed their minds. We're hearing the same old arguments: Social Security and Medicare. When all else goes wrong in Democrat liberal land, you start scaring seniors, children, teachers, first responders, critical programs, and saying whatever the bill is, this bill threatens them. Well, the worst thing you could do to Social Security and Medicare is to go broke. And since that vote 15 years ago when it failed in the Senate by one single Member, we have accumulated $9.2 trillion in debt.

Balancing the budget is what 49 States do, what every city does, what businesses and families do. It's a matter of survival. It's not a radical concept. Oh, don't the people in Greece wish that they had a balanced budget all those many years? And what of their Social Security and Medicare programs right now? What will happen to the seniors in Greece without those critical programs?

□ 1230

If their government had done the prudent thing, the right thing, just as we tried to do 15 years ago, what a different picture it would be in Greece. But Greece is not alone in trying to defy the laws of financial gravity. America seems to be doing it. For every dollar we spend, 40 cents is borrowed. And yet we are choosing to ignore all the many red flags that are around us. But when the whole thing goes broke and melts down, won't our children say, What were you thinking?

Mr. Speaker, this vote today is not about the next election. It is truly about the next generation. Vote ''yes.''

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlelady from Wisconsin (Ms. MOORE).

Ms. MOORE. Mr. Speaker, I rise in strong opposition to H.J. Res. 2, the so-called—so-called—balanced budget amendment.

I also rise, Mr. Speaker, to point out the nefarious, cynical intergenerational warfare that has been raised as an argument for passing this misguided so-called balanced budget amendment, to say that we want to extract $2 trillion over the next decade from programs that benefit seniors, like Social Security and Medicare, and say we're doing it to keep from imposing a burden on our children and grandchildren, as if this balanced budget amendment benefited those children.

Mr. Speaker, this program will devastate public education. It will devastate the Federal Government's current mandatory spending in Pell

Grants, a program that's designed to help us meet the global challenges of the future by educating our assets—our children.

It's a program that in the next decade will take a half trillion dollars out of the Children's Health Insurance Program. It's a program that will exacerbate hunger that children face right now through WIC and our SNAP program, our food stamp program, and the earned income tax credit. We have now one in five children today that are going to bed hungry.

So when we say we want to balance the budget, we are balancing it on the backs of our children. And those children that we are trying to save—or we say that we are trying to save—must be the children of those heirs, those 1 percent that we are now enriching.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Illinois (Mr. SCHILLING), a member of the Agriculture Committee.

Mr. SCHILLING. I would like to thank the gentleman from Virginia for giving me the time today.

We continue to hear a common thread: Let's raise taxes on our job creators with no solution to our spending problems.

I rise today as the people's House prepares to vote for an amendment to our Constitution that will require Congress and the President to balance the budget. I look forward to voting in favor of this amendment today. Fifteen years ago, an amendment nearly identical to this one passed the House with strong bipartisan support but failed by one single vote in the Senate. Since that time, our debt has tripled.

Did you know that on Wednesday our national debt surpassed $15 trillion? And it has been nearly 950 days since the Senate has passed a budget, not to mention the 20 jobs bills that are sitting over there that they've decided not to act upon.

The American people deserve better. You deserve a credible plan to help get our fiscal house in order, grow our economy, and get folks back to work. It's clear, though, we cannot borrow or spend our way out of this mess. We also cannot afford to put off badly needed but difficult decisions. We need to tackle this unsustainable spending addiction head on.

Since coming to Washington, my fellow freshman colleagues and I have helped change the way the conversation has been held here for years from ''How much can we spend?'' to ''How much can we save?'' This is a good start, but we can do much more to get our country on a better fiscal path and save the American Dream for our kids and our grandkids.

We have the duty to leave our kids and our grandkids with a country better off than it is now. We have the opportunity here to fundamentally change the way Washington does business by supporting the balanced budget amendment. It's time for Washington to balance the budget.

I'm pleased to vote in strong support of a balanced budget amendment and will continue working on ways to get our fiscal house in order, grow America's economy, and create jobs.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. I rise in strong opposition to H.J. Res. 2.

It represents an attack on the middle class and the most vulnerable in our society by the Grover Norquist Tea Party Republicans. You see, there is no fiscal emergency, but the fiscal crisis has been manufactured by the Tea Partiers, along with Grover Norquist and the Republicans that represent them, for the purposes of tricking the American people into thinking that America can't pay its bills. We paid our debts, we can pay our debts, and we'll continue to pay our debts.

Just like families of America who incur debt as a normal course of taking care of their families, we've heard a lot of analogies to the Federal Government should balance its budget like a family. But how many 99ers, how many families do you know that can go out and purchase a car for cash? How many of those 99ers, how many of those families out there working can afford to pay cash for a house? Everybody out there incurs debt for legitimate expenses, and this Nation has legitimate expenses that it has to pay debts for, like two wars, like a Medicare part D supplement, and like the Bush tax cuts that they don't want to expire.

So what they're doing, ladies and gentlemen, is they are trying to enshrine in the Constitution what is already an unfair tax system, a system that favors the rich and balances the budget on the backs of the middle class. Those are the people that pay for America's expenses, not the corporations and wealthy individuals, many of whom do not pay one red cent in taxes—and you know it's true, and they know it's true.

So, ladies and gentlemen, I rise in strong opposition. This is shortsighted, mean-spirited, unfair, and wrong for America, and I urge my colleagues to vote against it.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Illinois (Mr. WALSH), chairman of the Small Business Economic Growth Subcommittee.

Mr. WALSH of Illinois. A big thank-you to the gentleman from Virginia for taking a lead—a very strong lead—on this issue.

Mr. Speaker, like many of my fellow freshmen, I was sent here to Washington because we're broke. We have a government we can't afford. Like all of us, we were sent here, though, not just to cut spending. We were sent here, hopefully, to try to change the way this town does business so that we never get to this point again and so that our kids and our grandkids aren't stuck with a bill they'll never be able to pay off.

As a freshman in Congress, the very first bill I introduced back in March was a balanced budget amendment, and it was a stronger balanced budget amendment than this. It included a spending limitation, and it made it more difficult for myself and my colleagues to raise taxes. I support this balanced budget amendment with everything I've got because, again, we have an opportunity to do something fairly historic, and this amendment will enable us to do that.

I've learned in my year—almost a year—as a Congressman that there's plenty of hypocrisy in this Chamber on both sides of the aisle. The hypocrisy today is regrettably, Mr. Speaker, with too many of our Democratic colleagues who really would like to vote for this but they simply can't because of political reasons.

□ 1240

I would implore my Democratic colleagues to just think about, again, what our kids and our grandkids will say—and we throw their names around here often—what they will say to us 20, 30, 40 years down the road when they know we didn't exhibit the courage we need to exhibit right here and now.

I stand with my colleague from Virginia in full support of this balanced budget amendment.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend from New York.

I rise in strong opposition to this piece of legislation.

With all due respect, I always enjoy listening to my Republican friends lecture us about fiscal responsibility. May I remind them that when Bill Clinton left office we had record surpluses, and in 8 years of George Bush, record deficits. And may I remind my Republican friends that for 6 of those 8 years, during the Bush years, Republicans controlled both Houses of the Congress. So if we were going to do the right thing and attempt to balance our budget, we could have done so then. But what did we do then? We fought two wars on the credit card; we had tax cuts for the wealthy, which we're now paying for in terms of our deficits now; a prescription drug program unpaid for. And so it seems to me that if we have the resolve to do it—you know, I love people who have newfound religion, but when they controlled the place, we went from massive surpluses to massive deficits.

Now, this Congress needs to work with the President in passing a jobs bill. This Congress should be passing a robust transportation bill. This Congress should get out of the business of attacking our labor, attacking seniors, and attacking women, and do what the American people want us to do: Put people back to work.

A balanced budget amendment will ultimately lead to either draconian cuts in the social safety net for some of our Nation's most cherished programs

like Social Security, Medicare, and Medicaid, or significant tax hikes on the Nation's middle class. This is nothing more than a gimmick to garner headlines while avoiding the tough decisions that the people have asked us to make. You know, there may be times in the future when we need to run a surplus, there may be times when we need to run a deficit to stimulate the economy. This amendment handcuffs us and puts us in a straitjacket where we have nowhere to move.

I care and my constituents care very much about preserving Medicare, Medicaid, and Social Security. I think that if we're going to get our budget to balance, it's not only cuts in programs that we need, although my friends on the other side of the aisle fret about defense cuts. We need to cut spending, yes. We also need to raise taxes on those who can most afford to do it, the 1 percent. I think that's something we should consider.

So while we think this is one size fits all, and we can all go home and say, well, we tried to save the Republic, what I think this does is handcuff us for generations to come, makes it impossible for us to stimulate the economy, and makes it impossible for us to continue those social service programs that the American people have come to rely on—Medicare, Medicaid, and Social Security. I think we need to meet in a sensible center, not have something like this that's draconian.

Let me finally say, what's truly absurd is that we require only a simple majority to send our men and women in uniform into harm's way, and yet the Republican majority would require a supermajority to raise the Nation's debt ceiling. We all saw how close our economy came to disaster with only a simple majority vote to raise the debt ceiling the last time.

So I would say to my colleagues, vote ''no.'' Let's do the job that we were elected to do. Let's make the tough choices. We don't need a balanced budget amendment.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute to respond to my good friend from New York.

I would just say to the gentleman that we do need to do the job, but you don't have to look ahead to wonder what's going to happen, all you have to do is look back. Over the past 50 years we've balanced the budget just six times and we've run up a $15 trillion national debt. Now, the gentleman has cited some criticism of Republican votes, but there are plenty of Democratic votes in the 4 years that the Democrats were in control of this Congress. Just recently we added $4 trillion to the national debt. Now, the fact of the matter is, over the 50 years, 37 of those years Democrats have controlled the House of Representatives and only 2 of those 37 years was it balanced. So when the gentleman says that some years will run surpluses and some years will run deficits, that's very true, but the history has been almost all of those years will run deficits unless we have a discipline in our Constitution to require that we do otherwise.

And I would also point out that in the 4 years since the gentleman has been here and I've been here we've had balanced budgets. The gentleman, for I'm sure reasons that he felt were very justified, voted against all four of the budgets that balanced in this Congress.

I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself 2 minutes to reply to what the gentleman just said.

The fact is, the reason this country is in such deficit is because of a deliberate Republican crusade over the last 30 years to reduce taxes on the rich in order to deliberately create huge deficits, and to then use those deficits as the excuse to justify large cuts to gut Social Security and Medicare and Medicaid and education programs that they have never liked in the first place but could not justify cutting without it.

Taxes used to be 18 to 19 percent of the economy, of GDP. Now they're about 14 percent of GDP, and yet the Republicans won't increase it because we have decreased the taxes on the rich and on the corporations. The country is not broke; we're just not taxing the millionaires and the billionaires the way we used to.

And the fact is, you look at the history here. When Ronald Reagan took over as President of the United States, the entire national debt of the United States accumulated from George Washington through Jimmy Carter was less than $800 billion. Then you had 12 years of Reagan and the first Bush cutting taxes on the rich. When Clinton took over, you had a $4.3 trillion deficit, and it was expected to go much higher. We made the tough decisions; we voted for increased taxes in 1993 and for cutting the budget. And when Clinton left office 8 years later, the budget had been balanced. But from the time we made that vote in 1993, the deficit decreased every year until it became a surplus, then it increased every year. And when Bush II took over, we were looking at a $5.7 trillion surplus over the next 10 years, and we were going to pay off the entire national debt. Then we had those huge Bush tax cuts and the irresponsible, unpaid-for wars. And when Bush left office, we had a $9.5 trillion deficit—a turnaround of $15 trillion—and a recession, which causes the bigger deficits now.

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

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

The CBO estimated, before President Obama took office, that the next year's deficit would be $1.2 trillion before he did anything. And I would remind us that nondefense discretionary spending in this country has not gone up by a nickel, adjusted for inflation and population growth, since 2001, when we had a huge surplus.

The problem is that our taxes on the rich are too low. We cannot reach an agreement in the supercommittee because the Republicans will not tax the rich. That's the basic problem, and a balanced budget amendment will not solve that problem.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute to respond to the gentleman.

First of all, let me just be very clear that when the gentleman talks about the sins that he wants to impose upon Republicans for not balancing the budget, I think that's a very good argument. But since this is a bipartisan bill and dozens of his colleagues will be voting for this, I think it's because those of us who vote for it recognize that this is true on both sides of the aisle, that there has been a lack of tough decisions that have led to balanced budgets.

Every single year I vote for the toughest budget offered in this Congress. Those budgets never pass. Why? Because there's no requirement that they do so. So, what do we have? We have complaints on the other side of the aisle that this is a terrible plot on our part to bring about all kinds of harsh cuts. This balanced budget amendment doesn't make any distinction between whether you balance a budget by raising taxes or cutting spending. I'm going to do it to cut spending because I see lots of waste in our government. And I've voted for budgets that bring about a balance without raising taxes, but that is not the point here. The point is that it doesn't get done either way.

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

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

As to the gentleman's complaint that this is all because we haven't taxed the rich, my goodness, in the last Congress, under the control of your party, you extended all of those tax cuts for everyone. And the fact of the matter is that the top 1 percent of American families pay 38 percent—38 percent—of the personal income taxes in this country today.

□ 1250

That, by the way, is up from 34 percent in 2001. So all of this can be on the table when we have a discussion about how to balance the budget.

All we're debating here today is the principle of whether or not we should balance the budget and looking at the past history where we have not, indeed, balanced it but six times in 50 years.

Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the gentleman from Florida (Mr. WEST), who is not only a member of the House Armed Services Committee, but a great advocate for fiscal responsibility and a balanced budget.

Mr. WEST. I want to thank my colleague from Virginia, and I want to say that I rise in strong support of H.J. Res. 2, which is the balanced budget amendment.

The United States of America has just topped $15 trillion in debt; $4.4 trillion of new debt has been added.

In Greece we see a debt to GDP ratio of 128 percent. Mr. Speaker, in Italy it's 120 percent debt to GDP ratio. The United States of America is now at 101 percent debt to GDP ratio. It is about time now that we start to make a decision. Are we going to be fiscally disciplined? Are we going to have fiscal responsibility? Are we going to continue to bankrupt the future of our children and grandchildren because we were sent here to be elected officials, sent here to be leaders and we're afraid to make the tough decisions?

Historically, we have shown that we are not going to make those tough decisions. Now, I've only been here for 11 months; but I will tell you that right now we have to do something different, and it has to start now. Or else what do I say, Mr. Speaker, to my two daughters, 18 and 14? Am I going to say to them that I did not have the courage to stand here today and make the right decisions in order to ensure that they have a bright and prosperous future in the United States of America?

It is not about raising taxes. In fiscal year 2011 we saw a 6.5 percent increase in revenues in the United States of America; yet we still had a $1.3 trillion deficit, which follows on the heels of a $1.42 trillion and a $1.29 trillion deficit.

Now is the time for a balanced budget amendment. If not now, then when, when we hit $20 trillion in debt?

Mr. Speaker, I think that each and every one of us here today, when we cast our vote, there needs to be that little yellow Y next to our names because if it's a red N next to our names, we're telling the American people that we're not willing to stand up and make the hard decisions, we're not willing to make ourselves fiscally responsible. And I think that's absolutely reprehensible.

The SPEAKER pro tempore. The Chair would note that the gentleman from Virginia has 15½ minutes remaining and the gentleman from New York has 13 minutes remaining.

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

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the gentleman from Ohio (Mr. JOHNSON), a member of the House Veterans' Affairs Committee and a great supporter of the balanced budget amendment.

Mr. JOHNSON of Ohio. Mr. Speaker, I am indeed a great supporter of the balanced budget amendment, and I stand in strong support of it today.

You know, it's amazing to me we still keep talking about the Bush-era tax cuts. Those same tax cuts are today's current tax law that have been affirmed by this Congress, this Senate, and signed into law by this President. So why we keep blaming financial woes on President Bush is beyond me.

But let's make one thing perfectly clear. The American people are not taxed too little. The problem is that Washington spends too much. This has been going on for years, and it needs to stop now. We need a balanced budget amendment because Washington has clearly indicated its inability to discipline itself.

This balanced budget amendment offers Congress and the President a very clear choice, either stand with the already overtaxed American families and small businesses who have to balance their budgets on a daily basis, or stand with the Washington establishment that always demands more of the American people, more of their hard-earned tax dollars without any accountability for how they spend their money.

American families have to stick to a budget every month, so why should the Federal Government be any different? We can't keep mortgaging our children's future to China.

It's time to take a stand, Mr. Speaker. The ''tax and spend and then blame the American people for not paying their 'fair share' game'' must end, and it can end today. Passing the balanced budget amendment will help bring this country back to economic prosperity and end this game.

Mr. NADLER. Mr. Speaker, I yield to the gentleman from Illinois (Mr. JACKSON) for a unanimous consent request.

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent to enter into the RECORD a letter of national organizations opposing the balanced budget amendment. They include: the Children's Welfare League of America, the Children's Defense Fund, the Children's Dental Health Project, the Disability Rights Education and Defense Fund, Division of Early Childhood of the Council For Exceptional Children, the Easter Seals, Every Child Matters Education Fund, Families USA, the Forum for Youth Investment, the Foster Family-based Treatment Association, Horizons For Homeless Children, the National Association for Adults with Special Learning Needs, the National Association For Education of Young Children, the National Association of Elementary School Principals, the National Association of Private Special Education Centers, the National Association of School Psychologists, the National Association of Secondary School Principals, the National Black Child Development Institute, the National Partnership for Women and Families, the National School Boards Association, School Social Work Association of America, YouthBuild USA, the YWCA, the AIDS Alliance for Children, Youth and Families, the Alliance For Educational Excellence, the Association of Education Service Agencies.

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

There was no objection.

NATIONAL ORGANIZATIONS OPPOSING THE BALANCED BUDGET AMENDMENT

November 16, 2011.

DEAR REPRESENTATIVE/SENATOR: The 275 undersigned national organizations strongly urge you to oppose any balanced budget amendment to the United States Constitution.

A balanced budget constitutional amendment would damage the economy, not strengthen it. Demanding that policymakers cut spending and/or raise taxes, even when the economy slows, is the opposite of what is needed to stabilize a weak economy and avert recessions. Such steps would risk tipping a faltering economy into recession or worsening an ongoing downturn, costing large numbers of jobs while blocking worthy investments to stimulate jobs and growth and address the nation's urgent needs in infrastructure and other areas.

According to a new analysis of a balanced budget amendment by Macroeconomic Advisers, one of the nation's preeminent private economic forecasting firms, if a constitutional balanced budget amendment had already been ratified and were now being enforced for fiscal year 2012, ''the effect on the economy would be catastrophic.'' The analysis reports that if the 2012 budget were balanced through spending cuts, those cuts would have to total about $1.5 trillion in 2012 alone, which they estimate would throw about 15 million more people out of work, double the unemployment rate from 9 percent to approximately 18 percent, and cause the economy to shrink by about 17 percent instead of growing by an expected 2 percent.

Additionally, all versions of the balanced budget amendment being considered also contain a Provision requiring three-fifths of the whole membership of both houses to raise the debt limit, making risk of default more likely and empowering a willful minority to hold the full faith and credit of the U.S. hostage to whatever other political demands they may have. The difficulty of raising the debt limit this summer illustrates how hard it can be to secure the necessary votes even when the consequences are so grave. Only two of the last ten debt limit increases achieved a three-fifths vote, and in those two cases, only because the increases were imbedded in other must-pass legislation. In short, a balanced budget amendment is a recipe for making recessions more frequent, longer, and deeper, while requiring severe cuts that would harshly affect seniors, children, veterans, people with disabilities, homeland security , activities, public health and safety, environmental protection, education and medical research. It would almost certainly necessitate massive cuts to vital programs including Social Security, Medicare, Medicaid, veterans' benefits and lead to even deeper cuts than the House-passed budget.

A balanced budget amendment has no place in the Constitution of the United States. Our Constitution has served the nation well because it represents enduring principles that are the foundations of our government. It should not be used as a substitute for real leadership on fiscal policy.

We strongly urge you to oppose any constitutional balanced budget amendment.

Sincerely,

9to5, National Association of Working Women, AFL–CIO, AIDS Alliance for Children, Youth & Families, AIDS Community Research Initiative of America, The AIDS Institute, AIDS Project Los Angeles, AIDS United, Alliance for a Just Society, Alliance for Excellent Education, Alliance for Justice.

Alliance for Retired Americans, American Association of Colleges for Teacher Education, American Association of Community Colleges, American Association of School Administrators (AASA), American Association of University Professors, American Association of University Women (AAUW), American Counseling Association, American

Dance Therapy Association, American Educational Research Association, American Federation of Government Employees, AFL–CIO, American Federation of School Administrators, AFL–CIO, American Federation of State, County and Municipal Employees (AFSCME), American Federation of Teachers, AFL–CIO, American Jewish Committee, American Medical Rehabilitation Providers Association (AMRPA),

American Medical Student Association (AMSA), American Network of Community Options and Resources, American Postal Workers Union, AFL–CIO, American Psychiatric Association, American Public Health Association, American Rights at Work, American School Counselor Association, Americans for Democratic Action, American-Arab Anti-Discrimination Committee (ADC), The Arc of the United States, Asian American Justice Center, member of Asian American Center for Advancing Justice, Asian & Pacific Islander American Health Forum, Association for Career and Technical Education, Association of Adult Literacy Professional Developers, Association of Assistive Technology Act Programs (ATAP).

Association of Education Service Agencies (AESA), Association of School Business Officials, Association of University Centers on Disabilities (AUCD), Autism National Committee, AVAC: Global Advocacy for HIV Prevention, Bazelon Center for Mental Health Law, Bienestar Human Services, Bread for the World, Break the Cycle, Building and Construction Trades Department, AFL-CIO, B'nai B'rith International, Campaign for America's Future, Campaign for Community Change.

CANN—Community Access National Network, Center for Law and Social Policy (CLASP), The Center for Media and Democracy, Center for Medicare Advocacy, Center on Budget and Policy Priorities, Child Welfare League of America (CWLA), Children's Defense Fund, Children's Dental Health Project, Cities for Progress, Institute for Policy Studies, Citizens for Global Solutions, Citizens for Responsibility and Ethics in Washington, Citizens for Tax Justice.

Clinical Social Work Association, Coalition for Health Funding, Coalition of Labor Union Women, Coalition on Human Needs, Commission on Adult Basic Education, Committee for Education Funding, Common Cause, Communications Workers of America (CWA), Community Action Partnership, Community Food Security Coalition, Community Organizations in Action, Corporation for Enterprise Development (CFED), Council for Children with Behavioral Disorders.

Council for Exceptional Children, Council for Opportunity in Education, Council of Administrators of Special Education, Council of the Great City Schools, CREDO Action, Defenders of Wildlife, Democracy 21, Demos, Department for Professional Employees, AFL-CIO, Direct Care Alliance, Disability Rights Education and Defense Fund, Division for Early Childhood of the Council for Exceptional Children (DEC).

Easter Seals, Elev8 (Baltimore, Chicago, New Mexico, and Oakland), Every Child Matters Education Fund, FairTest, the National Center for Fair & Open Testing, Inc., Families USA, Farmworker Justice, Feminist Majority, First Focus Campaign for Children, Food & Water Watch, Food Research & Action Center (FRAC), Forum for Youth Investment, Foster Family-based Treatment Association.

Franciscan Action Network (FAN), Friends Committee on National Legislation, Friends of the Earth, Gamaliel, Generations United, GLSEN, Gray Panthers, Growth & Justice, Half in Ten, Health & Disability Advocates, Health Care for America Now, Health GAP (Global Access Project).

HealthHIV, HIV Law Project, Horizons for Homeless Children, Housing Works, Interfaith Worker Justice, International Association of Fire Fighters, International Association of Machinists and Aerospace Workers, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers, AFL–CIO.

International Brotherhood of Electrical Workers, International Brotherhood of Teamsters, International Society for Technology in Education, International Union of Police Associations, AFL–CIO, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), Jewish Council for Public Affairs, Laborers' International Union of North America (LiUNA!), Latino Commission on AIDS, The Lawyers' Committee for Civil Rights Under Law, The Leadership Conference on Civil and Human Rights.

Leadership Team, Sisters of St. Francis of Philadelphia, League of Conservation Voters, League of Rural Voters, League of United Latin American Citizens (LULAC), League of Women Voters of the United States, Learning Disabilities Association of America, Main Street Alliance, Medicare Rights Center, Mental Health America, NAACP.

National Academy of Elder Law Attorneys, National Active and Retired Federal Employees Association (NARFE), National Alliance for Partnerships in Equity, National Alliance of State & Territorial AIDS Directors (NASTAD), National Assembly on School-Based Health Care, National Association for Adults with Special Learning Needs, National Association for Children's Behavioral Health, National Association for College Admission Counseling, National Association for Hispanic Elderly, National Association for Music Education.

National Association for the Education of Young Children, National Association of Area Agencies on Aging (n4a), National Association of Councils on Developmental Disabilities, National Association of County Behavioral Health and Developmental Disability Directors (NACBHDD), National Association of Elementary School Principals, National Association of Federally Impacted Schools, National Association of Government Employees/SEIU, National Association of Housing and Redevelopment Officials (NAHRO), National Association of Letter Carriers, National Association of Nutrition and Aging Services Programs (NANASP).

National Association of People with AIDS (NAPWA), National Association of Private Special Education Centers, National Association of School Psychologists, National Association of Secondary School Principals (NASSP), National Association of State Directors of Career Technical Education Consortium, National Association of State Directors of Special Education (NASDSE), National Association of State Head Injury Administrators, National Association of Thrift Savings Plan Participants, National Black Child Development Institute, National Center for Family Literacy.

National Center for Law and Economic Justice, National Center on Domestic and Sexual Violence, National Coalition Against Domestic Violence, National Coalition for Asian Pacific American Community Development, National Coalition for LGBT Health, National Coalition for Literacy, National Committee to Preserve Social Security and Medicare, National Congress of American Indians, The National Consumer Voice for Quality Long-Term Care, National Council for Community Behavioral Healthcare.

National Council for the Social Studies, National Council of Jewish Women, National Council of La Raza (NCLR), National Council of Women's Organizations (NCWO), National Council on Independent Living, National Disability Rights Network, National Education Association (NEA), National Employment Law Project (NELP), National Fair Housing Alliance, National Family Caregivers Association, National Federation of Federal Employees.

National Gay and Lesbian Task Force Action Fund, National Health Care for the Homeless Council, National Hispanic Council on Aging (NHCOA), National Housing Trust, National Immigration Law Center, National Latina Institute for Reproductive Health, National Law Center on Homelessness & Poverty, National Low Income Housing Coalition, National Organization for Women (NOW), National Partnership for Women & Families, National Pediatric AIDS Network, National People's Action.

National Priorities Project, National Respite Coalition, National Rural Education Advocacy Coalition, National Rural Education Association (NREA), National School Boards Association, National Skills Coalition, National Superintendents Roundtable, National Treasury Employees Union, National Urban League, National WIC Association, National Women's Conference Committee,

National Women's Law Center, Natural Resources Defense Council (NRDC), NETWORK, A National Catholic Social Justice Lobby, Not Dead Yet, OMB Watch, Paralyzed Veterans of America, People For the American Way (PFAW), Population Action International, Progressive States Action, Project Inform, Public Citizen, Public Education Network.

Racial and Ethnic Health Disparities Coalition (REHDC), Rebuild The Dream, RESULTS, Sargent Shriver National Center on Poverty Law, School Social Work Association of America, Service Employees International Union (SEIU), Sexuality Information and Education Council of the U.S. (SIECUS), Share Our Strength, Sisters of Mercy Institute Justice Team, Social Security Disability Coalition, Social Security Works.

Southeast Asia Resource Action Center, Stand Up for Rural America, Robert S. Warwick, Steering Committee, Stewards of Affordable Housing for the Future (SAHF), Strengthen Social Security Campaign, Sugar Law Center for Economic and Social Justice, TESOL International Association, Transportation Equity Network, Transportation Trades Department, AFL–CIO, Treatment Access Expansion Project, Treatment Action Group (TAG).

Trust for America's Health (TFAH), Union for Reform Judaism, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, United Cerebral Palsy, United Church of Christ Justice and Witness Ministries, United Electrical, Radio and Machine Workers of America (UE), United for a Fair Economy, The United Methodist Church—General Board of Church and Society, United Mine Workers, United Spinal Association, United States Student Association (USSA).

United Steelworkers (USW), USAction, US Psychiatric Rehabilitation Association (USPRA), VillageCare, Voices for America's Children, Voices for Progress, Wider Opportunities for Women (WOW), Women's Institute for a Secure Retirement (WISER), The Woodhull Sexual Freedom Alliance, Working America, YouthBuild USA, YWCA USA, ZERO TO THREE.

Mr. NADLER. Mr. Speaker, I now yield 4 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I'd like my good friend from Virginia, the distinguished chairman of

the Judiciary Committee, to engage me in a dialogue on a series of questions.

The most important question to be raised with respect to the BBA, at least for me, and I believe most Americans, is how does the balanced budget amendment narrow certain gaps that are obvious in our society?

The first gap, Mr. Chairman, is the social gap between racial minorities and the majority population.

How does the balanced budget amendment narrow that gap?

I yield to the gentleman from Virginia.

Mr. GOODLATTE. The balanced budget amendment is fair to all because all it simply says is that for all time, the people of this country want their government to live within their means, not just right now, but in the future as well. Right now, we're not anywhere near living within our means; $1.3 trillion deficits each of the last 3 years, all that's being passed on to those children.

Mr. JACKSON of Illinois. Respectfully, Mr. Chairman, reclaiming my time, it does not reduce the gap between racial minorities and the majority population.

My next question, there's a gender gap in our society. Women earn 76 cents to the dollar of what men earn in our society.

How does the balanced budget amendment close the gap between what women earn in our society and what men earn in our society?

Mr. GOODLATTE. If you don't balance the budget and you continue to pile up enormous debt, women, children, minorities, all will suffer in the future because our economy will shrink, just like Greece's economy is shrinking right now because they can't meet their obligations.

And to answer the gentleman's question, I think it's best to turn to those people themselves.

Mr. JACKSON of Illinois. Respectfully, Mr. Chairman, reclaiming my time, the balanced budget amendment does not close the gap between women who earn 76 cents to the dollar of what men make, because only the Federal Government in the 50 States can close the gap between what women earn in our society and what men earn in our society.

How does the balanced budget amendment close the economic gap between the rich and the poor in our society?

I yield to my friend from Virginia.

Mr. GOODLATTE. Well, I just pointed out that the rich pay far, far, far more in taxes than other people do, and they should. But this balanced budget amendment doesn't make any distinction between how you balance it, whether it's by increasing revenues, whether it's by economic growth, or whether it's by tax increases.

Mr. JACKSON of Illinois. Reclaiming my time, the failure of this balanced budget amendment to not make any distinction between the rich and the poor is part of the fallacy and the problem with the balanced budget amendment.

We are here as representatives of the people to close profound gaps that exist between our constituents and the society. We're supposed to be one America. We're supposed to be all Americans. We're supposed to be one people, e pluribus unum, through many, one, going somewhere. But what I'm hearing from the distinguished chairman is that the gaps will not close.

Mr. GOODLATTE. Will the gentleman yield?

Mr. JACKSON of Illinois. I would be happy to yield to the chairman.

Mr. GOODLATTE. I'm not the chairman of the Judiciary Committee; Congressman SMITH is. But I am happy to be here in his stead.

Mr. JACKSON of Illinois. I would be happy to yield to the gentleman controlling time for the majority.

Infrastructure gaps, upgrades to roads in communities that have been left behind, bridges, ports, levees, water and sewer systems—how does the balanced budget amendment propose to close the infrastructure gaps that exist in our society where the States themselves have failed to do so?

Mr. GOODLATTE. If you don't have the resources to pay for what you need because you've spent it on a lot of other things, you're not going to have the infrastructure.

□ 1300

Mr. JACKSON of Illinois. Reclaiming my time, I must assume, then, there is no goal of the balanced budget amendment to actually close the infrastructure gap.

Mr. GOODLATTE. Will the gentleman yield?

Mr. JACKSON of Illinois. I would be happy to yield.

Mr. GOODLATTE. Absolutely there's a goal of doing that, and it is the goal of being able to generate a growing economy that results from living within your means and then using those means to pay for what our society needs.

Mr. JACKSON of Illinois. Reclaiming my time, it is obvious that the balanced budget amendment does not narrow the economic, social, gender, and generational gap and infrastructural gaps in our country.

Mr. Speaker, vote down the BBA. Give the American people a reason to believe that the Federal Government can close the gaps that exist.

Mr. GOODLATTE. Madam Speaker, I yield myself 1 minute to say to the gentleman that the balanced budget amendment also will not deliver a pennant to the Chicago Cubs.

Now, let me also say this. In talking about those groups that the gentleman is rightly concerned about how they will do in the future, CNN asked them what they thought of a balanced budget amendment to the United States Constitution, and 75 percent of women said they favored a balanced budget amendment to the Constitution; 72 percent of nonwhite voters said they favored a balanced budget amendment to the Constitution; 79 percent of our senior citizens said they favored a balanced budget amendment to the Constitution; 79 percent of those who earn less than $50,000 a year said they favor a balanced budget amendment to the United States Constitution. And the same is true whether you look at urban areas, suburban areas, rural areas, or any geographic region of our country. Consistently, they support a balanced budget amendment to the Constitution.

Mr. JACKSON of Illinois. Will the gentleman yield?

Mr. GOODLATTE. I would be happy to yield.

Mr. JACKSON of Illinois. What would the balanced budget amendment do for the Chicago White Sox? I'm a South Sider.

Mr. GOODLATTE. I don't know. I'm a Boston Red Sox fan. We finally got ours, but we have a ways to go.

I reserve the balance of my time.

Mr. NADLER. Madam Speaker, since the gentleman has admitted that the balanced budget amendment would not deliver the pennant to the White Sox or the Red Sox or the Cubs, or, I suppose, the Yankees, there's no argument to the balanced budget amendment.

I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, it is now my pleasure to yield 2 minutes to the distinguished gentleman from Illinois, who is the chief deputy whip and a member of the Ways and Means Committee, Mr. ROSKAM.

Mr. ROSKAM. I thank the gentleman for yielding.

There's a level of anxiety that we're all sensing back at home as people are looking at Washington, DC, for solutions, and there are various tales that are going on right now in terms of what the Joint Select Committee is going to be able to produce, and the fact of the matter is we don't know what the yield is going to be of that negotiation. That's still ongoing, and we will be dealing with that next week.

But we know what we can do right now, Madam Speaker. We can create a buoyancy and a sense of clarity and a sense of cohesiveness to seize upon a bipartisan moment, a moment that the country came close to in 1995. It came within a whisker of passing the balanced budget amendment and sending it out to the States. Over 70 House Democrats in 1995, including several of the current leaders, voted in favor of that amendment. And now here we are, and we have that opportunity to do the same thing, although, to do it successfully.

This is not about donkeys and elephants. This is ultimately about us coming together as a Congress in a thoughtful way that says one thing to the United States, and that is we can govern wisely; we can govern forthrightly; we can live within our means;

and we can do what the overwhelming majority, Madam Speaker, of what the American public wants us to do, and that is to balance our budget.

I urge both sides of the aisle to shrug off the bad advice, frankly, of the Democratic leadership and to come down here in a short period of time and vote ''aye.''

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

Mr. GOODLATTE. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from Ohio (Mr. LATTA), a member of the House Energy and Commerce Committee.

Mr. LATTA. I thank the gentleman from Virginia for yielding.

I had the privilege for 6 years of serving as a county commissioner in Ohio and serving in the general assembly. During that time, we saw good times and we saw bad times in the economy. But in the bad times, our constitution told us in the State of Ohio that we had to balance our books to make sure that we didn't overspend. And that's what this House has to do and this country has to do.

You know, when we look back, we don't have a very good track record—over 50 years and only balanced a budget six times during that period of time. That's horrendous.

It's kind of interesting. I was at a town hall. I was talking one day, and one of my farmers came up and asked this question. He said, I don't understand what the problem is in Washington. He said, What's the President want to spend?'' And I told him it's about 3.8 trillion. He said, How much have you got? I told him what we thought the revenue was going to be for the year. He said, It's simple. All you've got to do is subtract your revenues from what you want to spend, and that's all you get to spend is just that revenue. You don't spend over the top of it.

People back home understand it. Because people back home sit around their kitchen tables, their dining room tables, and they get their pencils and papers out and they figure out how much they can spend. It's not complicated.

But we've got to start thinking about this because we're in debt now $15 trillion. And it went over this week. When I have to look at my kids' faces and kids down the street, and when I go into schools and talk to these young children, they're going to ask me in 10 to 15 years, What did you do to us, not for us?

It's time that this Congress acts and passes this balanced budget amendment. We've been talking about it for years, and we have that opportunity today. I thank the gentleman for bringing it forth. I wish I could vote for it more than once today. But we must pass this today.

Mr. NADLER. Madam Speaker, I yield 4 minutes to the distinguished whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from New York for yielding.

I spoke yesterday on this issue. My good friend, Mr. GOODLATTE, and I have talked a number of times about this.

In 1995, as I said yesterday, I voted for an amendment very similar to this, almost exactly like it. I had a confidence at that point in time that, in an emergency, three-fifths of us would come together and vote to do that which the country needed to keep it stable and safe.

Regrettably, over the 16 years, I have lost that confidence. I've lost that confidence this year, where, frankly, on the majority's side of the aisle we would not have passed a CR to keep the government open once. We wouldn't have passed it a second time; and, very frankly, had we had to rely on the votes solely of the majority side, as we have in the past on my side, we would have defaulted on our debt.

That is not a good context in which to adopt an amendment that puts the country at risk if three-fifths are not available to act in an emergency. As a result, I will not vote for this amendment, and I urge my colleagues to oppose this amendment.

We are engaged at this very day in an effort to try to come to agreement on how we balance the budget; and, very frankly, we only need 51 percent, and 51 percent is not there.

But we have balanced the budget, and we balanced it without an amendment. We balanced it in 1998, 1999, 2000, and 2001. And my Republican colleagues rightfully say, ''Well, we offered those budgets.'' Yes, they did. But I will tell you, I have no doubt, not a single doubt, that if the surpluses that were created by those budgets had been available in 1998 and Bill Clinton had not said save Social Security first, that what we would have done is cut revenues deeply and had deficits during those 4 years. Now, you may disagree, but I have no doubt, based upon the philosophy that I have heard since 1981 from my Republican friends, that that would have been the case.

□ 1310

I said yesterday that what we need is not a balanced budget amendment, that what we need is a balanced budget.

How do we get to a balanced budget?

The gentleman from Ohio (Mr. LATTA) pointed out he was a county commissioner. Now, I'll bet as a county commissioner he probably had to pay for what he bought. He gave the analogy, if you've got X coming in, then that's what you spend, not X plus Y. The fact of the matter is his party has spent X plus Y, plus Z, plus A, plus B, plus C, and has run a deficit for every single year they had the Presidency during the last 30 years I've been in the Congress—without fail.

Now, what happened to bring us a balanced budget?

First of all, we had two parties responsible. I don't think we could have done it with just one party—my party or your party. We had two parties responsible, and we constrained one another. Then we had extraordinary growth in our economy, and that's what brought us a balanced budget. But we also adopted in 1990, again in 1993 and in 1997—and I tell my good friend, the sponsor of this, sometimes he voted for PAYGO and sometimes he did not, and your party abandoned the principle of paying for what you bought in 2001.

The SPEAKER pro tempore (Mrs. ROBY). The time of the gentleman has expired.

Mr. NADLER. I yield the gentleman an additional minute.

Mr. HOYER. As a result of abandoning that PAYGO responsibility, you could cut revenues very deeply and not pay for them, not cut spending. It takes no courage, I suggest to my friends, to cut taxes—none whatsoever. Everybody is happy. Paying for bills is a lot tougher. It requires a lot more courage, a lot more responsibility. But you jettisoned statutory PAYGO in the 2000s, and you went on a spending binge. Not only did you blow a hole in the deficit, but you also blew a hole in the economy, and we saw the worst job creation of any administration since Herbert Hoover because the economy, rightfully, was not confident that we would manage our finances correctly.

What we need, ladies and gentlemen, in this House is a balanced budget, not a balanced budget amendment. Let us summon the courage, the will, and the ability to work together immediately on this Joint Select Committee on Deficit Reduction, but let us do it day after day after day. Then when the issues come before you, have the courage to either vote against spending or to vote for the revenues to pay for what all of us have wanted to buy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

Mr. GOODLATTE. Madam Speaker, I yield myself 1 minute to respond to the distinguished minority whip and to point out this chart.

The gentleman is quite right when he talks about profligacy when there have been Republican Congresses. Although, I would point out to the gentleman that, when we were in the majority and when we had President Bill Clinton and when we had those four balanced budgets, he voted for one but not the three others. We did not cut taxes then. Taxes were cut after the attack on this country, on September 11, 2001, to stimulate the economy, and we got roundly criticized for the deficits that ran up during that time.

Mr. HOYER. Will the gentleman yield? Because the gentleman is not accurate on that.

Mr. GOODLATTE. I will yield to the gentleman from Maryland in just a minute.

This chart show that, in 2004, we had a $400 billion deficit. It was the highest deficit in American history, and it was part of the reason we lost our majority later on. Then in 2007, as the deficit stepped down each of the interceding years, the gentleman from Maryland became the majority leader, and the gentlewoman from California became the Speaker of the House—and look at what has happened to our deficits ever since.

The Congress writes budgets; the Congress doesn't balance budgets. Both parties are to blame.

There have been six balanced budgets in the last 50 years. In 37 of those years, Democrats only balanced it twice. This is a bipartisan balanced budget amendment that the gentleman voted for once before. He should join us today and set the future on a different track.

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

Mr. HOYER. The gentleman, I take it, has no time to yield.

Mr. GOODLATTE. I don't. I have all these speakers.

Mr. NADLER. Madam Speaker, I yield 30 seconds to the distinguished whip.

Mr. HOYER. The gentleman's chart is very interesting. He talks about voting for budgets.

I didn't agree with some of the priorities in your budget; that's accurate. He is correct that we didn't cut taxes, but he is incorrect as to when you cut taxes. You cut taxes in April, months before 9/11, and you gave away a lot of money and you didn't pay for it. You didn't cut spending in order to pay for it in your budgets that you offered. Furthermore, what the gentleman doesn't point out is in 1993, to a person, you voted against a program which was designed to pay our bills—to a person. You said it would destroy the economy.

We had the best economy and the largest budget surplus that you've had and an administration that is the only administration in your lifetime that ended its 96 months with a surplus, Bill Clinton's.

Mr. GOODLATTE. Madam Speaker, I am delighted to yield 2 minutes to the gentleman from Texas (Mr. BARTON), the former chairman of the House Energy and Commerce Committee.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I thank the gentlelady from Alabama for her chairmanship of this historic debate, and I thank the gentleman from Virginia for his leadership and his willingness to yield me time.

Madam Speaker, in January 1985, I held up my right hand, and I held my 2-year-old daughter in my left hand as I stood right out here in front of the podium and took the oath to be the Congressman of the Sixth Congressional District of Texas. As soon as I was sworn in, I signed my first bill and put it right over there in the hopper—the Tax Limitation/Balanced Budget Amendment.

The total public debt that year was less than $5 trillion. In January of 1995, I took the oath of office and then led the debate on the Contract with America balanced budget amendment. We actually had two votes that day—one on the Tax Limitation/Balanced Budget Amendment, which got about 260-something votes, and then we came back and voted on a balanced budget amendment without the tax limitation provision, and it passed and went to the Senate.

The public debt that day was a little under $8 trillion. Today, the public debt is $15 trillion—$10 trillion more than in January of 1985 and $7 trillion more than in January of 1995.

How many years do we have to stand here and bemoan the fact that we need more courage or more this or more that and then pile up more public debt?

The annual deficit this year, the deficit in 1 year, is more than the total Federal budget was in 1985—the total budget.

I want to thank Mr. GOODLATTE for bringing this bill forward. I want to thank the Republican leadership for putting it on the floor.

We owe $15 trillion, Madam Speaker, and we're going to borrow another $1.5 trillion. Let's stop the madness. Let's vote for this amendment and send it to the Senate.

Mr. NADLER. Madam Speaker, I yield to the gentleman from Georgia (Mr. JOHNSON) for a unanimous consent request.

Mr. JOHNSON of Georgia. Madam Speaker, I ask unanimous consent to submit the following two documents into the RECORD:

One is from the International Association of Fire Fighters, and the other is from the AARP—both of which express their opposition to this ill-founded measure before us, H.J. Res. 2.

The SPEAKER pro tempore. Without objection, the gentleman's request is granted.

There was no objection.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS,
JULY 28, 2011.

MEMBER OF CONGRESS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE, On behalf of the nation's nearly 300,000 professional fire fighters and emergency medical personnel, I urge you to oppose any balanced budget amendment to the United States Constitution.

Although there is a clear need to lower the long-term federal budget deficit, requiring a balanced budget through a constitutional amendment would be disastrous for the U.S. economy. During periods of economic downturns, the federal government's safety-net programs like unemployment insurance, Medicaid, and food stamps face greater demand right when federal receipts are in rapid decline. Requiring a balanced budget every year would force cuts to these and other important programs or force tax increases. Either prescription would risk tipping a faltering economy into recession or making recessions worse.

Furthermore, any constitutional balanced budget amendment would limit the ability of the federal government to make important investments in worthy causes, including crucial public safety and homeland security programs. Even at a time of fiscal austerity, we must continue to provide for the country's public safety and homeland security needs. Any constitutional balanced budget amendment would grossly undermine the ability to protect the lives and well-being of Americans nationwide.

The nation's fire fighters understand and support the need to reduce federal spending, but passage of a constitutional balanced budget amendment would further damage the already weakened economy and prevent the federal government from making critical investments.

Again, I urge you to vote against any balanced budget amendment to the United States Constitution. Thank you for considering the views of our nation's first responders.

Sincerely,

HAROLD A. SCHAITBERGER,
General President.

AARP,
NOVEMBER 17, 2011.

DEAR REPRESENTATIVE: On behalf of our members and other Americans who are age 50 and older, AARP is writing to express our opposition to H.J. Res. 2, a balanced budget amendment to the Constitution of the United States. H.J. Res. 2 would subject Social Security and Medicare, as well as all other spending, to potentially very deep cuts, without regard to the impact on the health and financial security of individuals. AARP strongly opposes proposals that can result in arbitrary and harmful cuts to Social Security and Medicare.

N.J. Res. 2 would prohibit outlays for a fiscal year (except those for repayment of debt principal) from exceeding total receipts for that fiscal year. This is the equivalent of imposing a constitutional cap on all spending that is equivalent to the revenues raised in any given year. Revenues, however, fluctuate based on many factors, including the health of the economy and the rate of labor participation. Consequently, spending would of necessity also fluctuate, and as a result, a balanced budget amendment would not allow the provision of predictable Social Security and Medicare benefits that can be reliably delivered during an individual's retirement years. Individuals who have contributed their entire working lives to earn a predictable benefit during their retirement would find that their retirement income and health care out of pocket costs would vary significantly year to year, making planning difficult, and peace of mind impossible.

It is particularly inappropriate to subject Social Security to a balanced budget amendment given that Social Security is an off-budget program that is separately funded through its own revenue stream, including significant trust fund reserves to finance benefits. Imposing a cap on Social Security outlays is unjustifiable, especially when the Social Security trust funds have run a surplus for decades—which have reduced the past need for additional government borrowing from the public—and resulted in a public debt that is less today than what it otherwise would have been.

Older Americans truly understand that budgets matter and that we all need to live within our means. But they also understand that budgets impact real people; and they certainly understand the difference between programs to which they have made a contribution and earned over the course of a lifetime of work, and those they have not. From surveys, letters, e-mails, town hall meetings, and numerous other interactions, we know older Americans of all political affiliations reject cuts to Social Security and

Medicare to balance the budget. We therefore oppose the adoption of a balanced budget amendment that puts Social Security and Medicare at risk, and on behalf of our millions of members and all older Americans, we urge you to vote against H. J. Res. 2.

If you have any questions, feel free to call me, or please have your staff contact Cristina Martin Firvida of our Government Affairs office at 202–434–6194.

Sincerely,

NANCY LEAMOND,
Executive Vice President.

□ 1320

Mr. NADLER. I yield 30 seconds to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. We do not need a constitutional amendment. We need a supercommittee congressional agreement now.

To the Republicans: do it now. Call President Obama now. Tell him tax breaks for the billionaires, on the table. Tell him defense spending, on the table. Tell him tax breaks for oil companies, on the table. The President says he'll put the social programs on the table.

You don't have to go back 200 years to amend the Constitution. You just have to next week, next Wednesday say, We want to do it now. We, who are here, will do it now. We will balance the budget by putting all of our programs on the table.

Do it now. Do it now, Republicans. Don't pretend and hide behind a constitutional amendment when you can do it now. You can be the Founding Fathers of a balanced budget in 2011.

Mr. GOODLATTE. Noting that the Republicans on the supercommittee have put a proposal on the table and the Democrats have not, I now yield 1½ minutes to the gentleman from Illinois (Mr. MANZULLO), a member of the Financial Services Committee.

Mr. MANZULLO. Madam Speaker, there are over 10,000 Federal programs and counting. No one quite knows how many there are.

I do most of my work in Congress on manufacturing; and for 12 years, I've been working on a chart to identify every agency, every bureau that is involved somehow in manufacturing. And it continues to grow and grow and grow. And my objective was to find a way with a common portal to be able to access via the Internet exactly what's going on, but it's impossible. And that's the problem with this government. People run to Congress and say, I have got a program for this and for that.

Well, you know what, it's time to start eliminating programs around here. It's time to just keep those programs that are absolutely necessary, and the best way to do that is to have the fiscal restraint imposed by a balanced budget amendment. No longer is it a matter of going to the backroom and simply printing money to cover this program or that program. We need to come to the realization that Washington doesn't have the answer for everything. And the best way to cut back on these 10,000 programs is to have the discipline of a balanced budget amendment so that the Members of the House and Members of the Senate can realize you really can't spend more than what you take in.

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

Mr. GOODLATTE. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Virginia has 4 minutes remaining, and the gentleman from New York has 2¾ minutes remaining.

Mr. GOODLATTE. Madam Speaker, at this time it is my pleasure to yield 1½ minutes to the gentleman from Arkansas (Mr. WOMACK), a member of the Appropriations Committee.

Mr. WOMACK. Today is payday. It's Friday. For a lot of people, it's payday. They're going to get a check from their employer, if they're lucky enough to have a job. And I'm for sure for most of them, before ever cashing that check, they know exactly where it's going. These people have likely already come to the realization that there are a lot more needs, a lot more things they would like to have or do, but there's just so much money.

I find it incredible that my friends on the other side of the aisle believe this Federal Government should not have to go through the same process of discerning between what they want and what they need and what they can afford, like the rest of America. In the 10-plus months I have been here, I consider this vote the most important vote I will have cast because it's the vote that has the most impact on the future of my grandson.

It is sad that Congress does not have the discipline to live within its means, and I strongly believe the only way to constrain an undisciplined Congress is to enshrine its obligation in the Constitution. An overwhelming majority of Americans believe that the balanced budget amendment, as proposed today, is the right way forward for America.

I thank my friend from Virginia for his leadership on the issue, and I urge its passage.

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

Mr. GOODLATTE. Madam Speaker, I am pleased to yield 1½ minutes to the gentleman from South Carolina (Mr. MULVANEY), a member of the House Budget Committee.

Mr. MULVANEY. Madam Speaker, I have enjoyed sitting here listening to the arguments against this amendment. They range from the bizarre to the completely incredible. We've heard it's not 1985. I wish it were and that the deficit were only $5 trillion. Imagine what the world would have been like if we could have accomplished this 15 years ago.

I have heard that we don't need this amendment to do our job against the backdrop of only being able to do it four times in the last 50 years. That argument simply does not pass the laugh test. I heard just a few moments ago from the honorable minority leader that this was not the right time to pass this amendment because somehow this body was too partisan, too partisan to pass an amendment to the Constitution that would take partisanship out of the equation and force us to balance the budget. These are all extraordinarily weak arguments, Madam Speaker, and they are weak because they do not go to the heart of the matter of why you would be against this amendment.

There's only one reason to be against this amendment. The only true argument against this amendment is that you want to continue to spend money that we don't have, and there are people in this Chamber who believe that is the way that they keep their jobs, that if we continue to run up debt, that if we continue to spend money that we don't have, that somehow back in their district it will encourage their voters to send them back to this Chamber.

Madam Speaker, I believe there are more important things than our jobs. There are more important things than simply remaining a Member of Congress. More so than any amendment, any bill that we will take up this year, this amendment is the opportunity that we have to send a message to the people back home that we are willing to do what is right, that we're willing to stand up for them and to give them the opportunity to change the Constitution of the United States in a way that they see fit.

Mr. GOODLATTE. Madam Speaker, I would advise my colleague that I have only one speaker remaining.

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

Madam Speaker, since 1995, when this amendment was last on the floor, we proved we could balance the budget without a balanced budget amendment. But a balanced budget is not the highest goal. The highest goal is prosperity, a full employment economy; and that requires a balanced budget over the business cycle. It requires that in good times we have a surplus and pay down the deficit. But then in recessions, you should have a deficit to spur the economy; you should spend money to spur the economy to get out of the recession. To try to balance the budget by cutting spending during a recession is to increase unemployment, is to guarantee that every recession becomes a depression. Just look at what's happening in Germany, which was in pretty good shape until they elected a government that enacted austerity to try to balance the budget. Their economy is tanking. The same thing in Great Britain.

The second point I want to make is that when we talk about balanced budgets in the States, they have a separate budget for operating expenses and for capital budgets. Here, this balanced budget amendment would say we should never borrow money for anything; the Federal Government should never borrow money. That's insanity economically. It means we have no

money for our bridges, roads, highways, et cetera.

Third, this amendment would say if we couldn't reach agreement, if we didn't pass the balanced budget, the courts would have to decide whether to increase taxes and, if so, which taxes, or cut programs, and in such a case, which programs. We should not be giving the courts the power to make such decisions.

Finally, Social Security, Medicare, these are not debts. They're obligations of the Federal Government. A balanced budget amendment would put them at risk. We would have to cut Social Security, cut Medicare, cut all these things if we passed a balanced budget amendment. And if we're unwilling, as our colleagues on the other side are, raise taxes on the rich. The fact is taxes on the rich are much less than they've ever been, which is the basic cause of the deficits that we're running now.

The balanced budget amendment would not balance the budget. You would still have a stalemate between Republicans, who want no taxes on the rich and want draconian cuts on lower- and middle-income programs, and those on our side of the aisle who disagree on them. If you can't reach agreement on those things now in the supercommittee, what makes you think you would reach agreement just because you had a requirement on the books that said you should? It would end up in court.

□ 1330

The balanced budget amendment is simply a sop to be able to say we are doing something about a balanced budget when we are, in fact, unwilling to make the tough decisions that could, in fact, balance the budget. We showed, during the Clinton administration, that those decisions could be made. And if we really want to balance the budget, we have to undo most of the Bush tax cuts, we have to stop voting for wars that we don't pay for, and we have to really balance the budget, not pass an amendment.

I yield back the balance of my time.

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

The gentleman from New York and I agree on one thing: Prosperity is the goal. And this is not a pathway to prosperity. Fifty years with six balanced budgets is a pathway that has led to a $15 trillion debt that we have right now. That's not prosperity. The largest debtor nation on Earth is not prosperity. $50,000 per American citizen in debt is not prosperity. And the $60 trillion in future obligations that we have yielding this result is definitely not prosperity for our children and grandchildren.

That is why we need the discipline that a balanced budget amendment to the Constitution provides. That is why this is a bipartisan vote. That is why dozens of Democrats will join us today in enshrining in our Constitution something that will require that future Congresses balance the budget.

I urge my colleagues to join us in this matter, and I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members not to traffic the well when another Member is under recognition.

Mr. VAN HOLLEN. Madam Speaker, Democrats remain committed to responsibly putting the budget on a fiscally sustainable path through a balanced approach that includes both spending and revenue. But the Republican Constitutional amendment defeated on the House floor today was not the answer. It could have dire consequences for the economy, on needed services to seniors and others, and on the government's ability to quickly and appropriately respond to changing needs.

This Constitutional amendment would have made it easier to cut Social Security or Medicare than to cut corporate tax loopholes or eliminate tax breaks for millionaires. It required a roll call vote by the majority of the whole number of each House—218 votes in the House regardless of how many Members are absent—to raise revenue, but allowed spending cuts with a simple majority vote of those present. Why should there be a different standard for cutting Social Security benefits than for cutting even a dime of special interest tax breaks?

The disparity clearly highlighted that this Amendment was not actually about balancing the budget, but rather about establishing a constitutionally mandated path to impose the Republican budget priorities. In fact, the Amendment would have required even deeper cuts than the House Republican budget resolution, which never reached balance. The Republican budget ran $1.6 trillion in deficits from 2018 through 2021, when this Amendment could have been in effect.

This Constitutional amendment would have jeopardized Social Security and Medicare benefits, veterans' benefits, and all other guarantees to our citizens by limiting annual spending to that year's receipts. Regardless of whether the country has brought in receipts over many years, saving to cover upcoming obligations—and regardless of the retirement guarantee made to our seniors who contributed to the Social Security trust fund throughout their working years—this Amendment would not have let us make those payments unless we had an equal amount of receipts coming in that year.

The Constitutional amendment also would have deprived Congress of the flexibility to address national needs and economic emergencies by limiting spending to the level of that year's receipts. For example, during a recession the Amendment would have required spending cuts or tax increases at the very time the country required additional spending or tax cuts to provide needed help and to boost the economy. Even in the face of a natural disaster there was no emergency exemption to allow immediate extra assistance.

This year has illustrated the economic consequences of risking default on the nation's obligations, yet the Constitutional amendment would have made default more likely by increasing the difficulty of raising the debt limit by requiring a 3/5th supermajority vote. In fact, the need to raise the debt ceiling has no correlation to whether future budgets are balanced; increases in the debt ceiling reflect past decisions on fiscal policy.

Some have argued that this Amendment would have put the federal government in the same position as state governments and households, which balance their budgets. And while many states are required to balance their operating budgets, they still can and do borrow for capital projects. Likewise, families regularly do not balance their budgets on an annual basis; a 30-year home mortgage or a student loan are both examples of ways families can responsibly take on debt and pay it back over time. By requiring the federal government to balance spending and receipts each year—regardless of the country's economic circumstance or the need for immediate resources—the Amendment would have prohibited the nation from making necessary investments.

This Constitutional amendment was not a responsible budget plan. It did not make any of the hard choices necessary to fix our fiscal and economic crisis. Instead, it would have enshrined in the Constitution a fixed budgetary goal without providing guidance on how to reach it or how to enforce it. The Amendment could send budget decisions to the courts, tying up federal budgeting and transferring the power to make the laws from Congress to the federal judiciary. If cases were filed arguing that the budget is not balanced, court involvement could lead to shutting down all federal operations—even emergency services.

The Constitution provides broad guarantees for citizens, but is not designed to implement particular policies. Congress must confront the difficult choices before it. Passing the Amendment may make for good theater, but it is simply a device for pretending we are doing something while ducking difficult choices. Instead, we are working hard now to responsibly put the budget on a sustainable path, and that is the right thing to do.

Mr. HOLT. Madam Speaker, the right question to ask is not, "How can Congress create the political will necessary to balance our budget?" The right questions to ask are, "What is the right budget to enable a vigorous economy?" And that is not necessarily a budget in exact numerical equality between income and outgo. And, second, "How has America balanced its budget in the past?"

Madam Speaker, I took great personal satisfaction during my first term as a member of this body in voting for and helping to achieve America's first balanced budget in a generation. It was not easy to attain. Those members of Congress, myself included, who believe in fiscal responsibility and budgetary discipline, had to make tough choices and cast difficult votes in order to put the federal government's fiscal house in order. The White House and Congress can balance the federal budget without a constitutional amendment.

We needed two things: sufficient income and no unnecessary spending. A revenue base made balancing the budget possible. We also had a recognition that a vibrant economy produces more revenue than an economy in a recession.

That, Madam Speaker, is what is lacking today—not the political will, but the economic fundamentals. America's revenue base was decimated by the Bush tax cuts, which gave away hundreds of billions of dollars to the most fortunate Americans while doing little to

help middle-class families. And America's economy has been devastated by the financial crisis, which has diminished the federal government's revenue base and required us to spend money to sustain the social safety net and to create jobs.

Madam Speaker, if America truly wants to return to the era of balanced budgets, we don't need a misguided and destructive constitutional amendment. What America needs is to invest in those things that allow and help our people to be productive—education, research, health care, and things that help the wheels of commerce turn, like banking and trading regulations, environmental protection, and freer migration of talented people. We need the wealthiest Americans and our wealthiest corporations to pay their fair share of the cost of running this nation. And we need to act with urgency and compassion to put to work the 25 million Americans who are out of work or underemployed. We need to create jobs in the short-term to stop the damage to our long-term economy.

Madam Speaker, our history of amending the Constitution has been about the enhancement of individual rights or the correction of fundamental structural flaws in the federal government. Politics—not a structural flaw—created our current deficit problem, and political compromise can fix it. We must be committed to reaching the political compromises that are necessary in order to exercise fiscal responsibility and balance budgets consistently.

Madam Speaker, a balanced budget amendment is nothing more than a fine example of political theater. We will debate this amendment for hours, but without any chance to amend it or consider any alternatives. The majority is putting the bill on the floor under a procedure normally reserved for non-controversial measures, despite the very controversial nature of this flawed constitutional amendment. It is bad policy that will not bring us any closer to solving our budget problems, and I urge my colleagues to oppose it here today.

Mr. YOUNG of Florida. Madam Speaker, I rise in support of this Balanced Budget Amendment.

I have always been hesitant to support changes to our Constitution. It is the most significant document in our Nation's history and I am reminded of its guiding principals by the copy I carry with me each day.

Truthfully, I wish this step had not become so necessary. A simple majority of us in the House, working with the Senate and the President have the ability to balance our budget without this Amendment.

It has been done before. I have been honored to serve in this House for the last 41 years. During this time, we have managed to balance our budget twice, and both times occurred during my tenure as Chairman of the House Appropriations Committee.

The way we balanced the budget then was by making the hard, but necessary choices. The Appropriations Committee had to say no to many funding requests. It was not always easy and I was not always the most popular person around here. But we had to do the right thing for the country and we did it as a Republican House working with a Democrat President.

In this Congress, the House and the House Appropriations Committee have made the difficult decisions to cut wasteful spending, consolidate duplicative programs, and reign in the excesses of recent years. We have reduced excessive spending and passed a responsible budget resolution. We have brought our bills to the floor under regular order—in contrast to recent years. Every Member on the Committee and in the entire House has had the opportunity to make their voices heard and offer their amendments. In fact, we have considered almost 500 amendments to appropriations bills just this year.

I am proud to say that the House has made real progress towards fiscal responsibility. Unfortunately, much of our budget process has become dysfunctional.

We are stuck with a Senate that has been unwilling to do their part. It has been more than two and a half years since they have completed the basic task of passing a budget.

Under this President, spending has skyrocketed to consume more than 25 percent of the economy. Since 2008, annual spending has jumped by close to $1 trillion. The President's budget proposed to keep the spending going for the next decade, with spending growing from its historical average of 18 percent to 24 percent of GDP in 2021.

We have mandatory spending that is spiraling out of control.

For the first time in America's proud history, our credit rating was downgraded because we have been unable to come to an enforceable agreement on how to bring our debt under control.

I have come to believe that the only guaranteed way to bring spending under control is to pass this Balanced Budget Amendment. The only way to get the entire Congress and the President to consistently agree on a fiscally responsible budget is to amend the Constitution to require it to happen. It is a common sense proposal that has widespread support.

In 2009, I asked every voter in my district how they felt about requiring a balanced budget and 79.64 percent of the more than 32,000 who responded to my survey said that they support it.

The National Federation of Independent Businesses recently asked small business owners in my district if they support the Balanced Budget Amendment and 78 percent responded that they do.

National polls point to more overwhelming support. After all, families and small businesses across the country have to sit down and balance their own budgets, just as our state of Florida must. Why can't the federal government do the same?

America has a spending problem. Just on Wednesday our national debt topped $15 trillion. We are borrowing 43 cents for every dollar we spend. This year gross interest payments on the debt reached $466 billion. Every one of our children and our grandchildren already owes more than $46,000 to our creditors.

We owe it to the next generation to leave them a better country and a better future, as those who came before us did. It is essential that we change the culture of spending in Washington and restore fiscal sanity to our federal budget. It is crucial to the future of our Nation that we solve this debt problem, because if we don't, I hate to think what might happen to our economy, what might happen to our currency, and what might happen to our standing in the world.

Let me close by saying that to have a strong national defense we must have a strong robust economy.

Mr. THORNBERRY. Madam Speaker, it would be a mistake to believe that a Balanced Budget Amendment to the Constitution will solve all of our fiscal woes. There are no magic answers to what ails us. Fiscal discipline and common sense applied day-by-day, year-by-year are required.

A Balanced Budget Amendment to the Constitution would, however, help impose the discipline needed on the taxing and spending decisions of the federal government. It would be a very significant step—perhaps one of the most significant we could take—in repairing our fiscal house.

It forces Congress and the President to make choices. If new spending is proposed, other spending must be cut or some other way to finance the new program must be found.

A basic principle for individuals, businesses, and other organizations is that one should not spend more than one has to spend, except in extraordinary circumstances. That is common sense. Yet, for too long, that principle has been commonly absent from Washington. This vote on this Amendment is our opportunity to apply this basic idea to the federal government. We should do it now.

Mr. POSEY. Madam Speaker, nearly every State in the union is required to balance its budget each year, including my home State of Florida. Our counties, cities, school boards and special districts are all required to make financially responsible decisions with the hard-earned tax dollars of Florida's working families and small businesses.

It is long past due for Washington to do the same, which is why the Balanced Budget Amendment to the U.S. Constitution is one of the first bills I cosponsored as a new Member of Congress in 2009.

For 235 years, the United States has been the greatest economic success story the world has ever known. Yet, the most significant threat ever to our continued success is our unprecedented and rapidly growing national debt. From 1776 to 2008, Washington accumulated a debt of $10.6 trillion. Yet in just the last 3 years alone, another $4.4 trillion in debt has been added for a grand total of $15 trillion and counting.

Washington doesn't just have a spending problem. It has an insatiable addiction to spending money it does not have and it is threatening our children's future. The Chairman of the Joint Chiefs of Staff called it the greatest threat to our Nation.

The last time the House voted on and passed a Balanced Budget Amendment to the Constitution—back in 1997—the national debt stood at $5.4 trillion. That year the Balanced Budget Amendment fell just ONE VOTE short of passage in the Senate. It's something I like to call "The Ten Trillion Dollar Vote."

So, you might ask: How do these gigantic numbers relate to the American taxpayer? Because of Washington's failure to control spending, each and every taxpayer's share of the debt amounts to $130,000. It gets worse. On our current path, the non-partisan Congressional Budget Office estimates the national debt will reach $23 TRILLION in 2015. That's $200,000 in debt per taxpayer. This must change.

The American people were promised in 1997 that Washington would balance the

budget without a Balanced Budget Amendment. Given what we now know, it's ridiculous to believe that Washington will balance the budget and begin paying down the debt without the requirement of a Balanced Budget Amendment.

Future generations of Americans deserve to live with the same opportunities we have had. Burdening them with this unprecedented debt load is immoral and unthinkable. Only by passing a Balanced Budget Amendment can we eliminate their greatest threat to success and guarantee them the same opportunities that we have had.

I urge my colleagues to support the Balanced Budget Amendment and set our Nation on a more financially responsible and stable course.

Mr. WOLF. Madam Speaker, I rise today to support H.J. Res. 2, which is a common sense, balanced budget amendment to the U.S. Constitution. I am proud to join my friend from the Shenandoah Valley, BOB GOODLATTE, as a cosponsor of his legislation and I thank him for his work in bringing it to the floor for a vote.

I have long supported this legislation because I believe Washington must live within its limits when spending the hard earned money of the American taxpayers. This balanced budget amendment is one of the necessary steps we must take in order to address our Nation's crushing fiscal obligations. That is why I have consistently voted for a balanced budget amendment every time it has come before the House—in 1982, 1990, 1992, 1994 and 1995.

The national debt is over $15 trillion, annual deficits are over $1 trillion and we are looking at unfunded obligations and liabilities of $62 trillion. I am concerned that if we don't deal with this crushing burden now it could lead to another downgrade of our Nation's credit rating. This could make credit, from car loans to mortgage loans to college loans, more difficult and expensive to obtain. Everything must be on the table for consideration—all entitlement spending, all domestic discretionary spending, including defense spending, and tax policy—particularly reforms to make the tax code simpler and fairer and free from special interest earmarks.

That is why I have supported every serious effort to resolve this crisis: the Bowles-Simpson recommendations, the ''Gang of Six'' effort, the ''Cut, Cap and Balance'' bill, and the Budget Control Act. None of these solutions were perfect, but they all took the steps necessary to rebuild and protect our economy. I also joined a bipartisan group of 102 of my colleagues in sending the enclosed letter to the Joint Select Committee on Deficit Reduction to ''go big'' and identify $4 trillion in savings through spending cuts and tax reform in its proposal due later this month.

A balanced budget amendment to the Constitution is but one tool to get our fiscal house in order. This balanced budget amendment would establish critical institutional reforms that would ensure that the Federal Government lives within its means. We must reduce the deficit and pay down the debt to ensure that we have the ability to support the critical programs that citizens expect the government to provide.

In his Farewell Address, George Washington instructed the Congress to use the public credit as sparingly as possible. We should heed his wise words and pass this balanced budget amendment.

Mr. HASTINGS of Washington. Madam Speaker, I rise today in strong support of H.J. Res. 2, which would require the Federal Government to do what American families do every day—balance our budget.

One of the first votes I cast in Congress was in support of the Balanced Budget Amendment. That was in 1995 when the Federal deficit was $4.9 trillion—a level that I considered unacceptable to pass on to our children and grandchildren. And we came so close, Madam Speaker. The Balanced Budget Amendment passed by a two-thirds majority in the House.

This included 72 Democrats. Many of my colleagues from the other side of the aisle that I see here today stood with us to do what is best for the future of our country.

We came just one vote shy of passing it in the Senate, and have paid for this failure every day since, Madam Speaker. It has been 16 years and over 10 trillion dollars more in debt since I voted for the Balanced Budget Amendment.

The Federal deficit was unacceptable then, and it is unconscionable today—growing an incredible $1.6 billion per day.

This has led us to where we are today—facing a $15 trillion dollar debt that leaves future generations in even greater jeopardy and is causing serious harm to our economy.

Former Joint Chiefs of Staff Admiral Mike Mullen recently said that the greatest threat to our country is not Al-Qaeda—it is our national debt.

It is threatening our economy, our standard of living, and our very way of life.

Madam Speaker, just think of how different our country would be if we had succeeded in 1995.

It seems like such a simple concept—only spending as much as we take in.

This is our chance to make history. Let's not force future generations to look back and see how Congress once again failed to change the course of American history and get our economy back on track.

As a grandfather, Madam Speaker, I strongly urge all of my colleagues, regardless of political affiliation, to stand up for the future of our country and join me in voting for this vital resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in opposition of the proposed Balanced-Budget Amendment to the U.S. Constitution.

The constitutional balanced budget amendment we are debating this week could force Congress to indiscriminately cut all programs by an average of 17.3 percent by 2018. According to the Center on Budget and Policy Priorities, if revenues are not raised and all programs are cut by the same percentage, Social Security would be cut $184 billion in 2018 alone and almost $1.2 trillion through 2021; Medicare would be cut $117 billion in 2018 and about $750 billion through 2021; and Medicaid and the Children's Health Insurance Program (CHIP) would be cut $80 billion in 2018 and about $500 billion through 2021.

I am also concerned the measure adds arbitrary caps on Federal spending that achieves nothing but to cripple this government's ability to jumpstart the economy, make the important investments to secure our future, and ultimately put Americans back to work.

That is why I, along with leading economists and Nobel laureates in economics, strongly oppose this radical and debilitating method for addressing our budget woes.

My republican colleagues have already had countless opportunities in this Congress to work with us to develop a tangible plan to reduce the deficit and fix this economy. In fact, Republicans have voted seventeen times against Democratic proposals or efforts to simply consider proposals to create or protect American jobs.

Fervent calls for a balanced budget make for great political talking points. However, it makes little to no practical sense to stymie this government indefinitely in its ability to borrow reasonable amounts of money to make smart investments in infrastructure, public services, and education. Nobody in this Congress or across the country is claiming that there is anything reasonable about borrowing fifteen trillion dollars. However, what some of my colleagues and I are going even further to say is that it is unreasonable to make severe cuts to vital programs that benefit the majority of Americans at a time when this type of investment is needed the most.

Even ignoring all of these points, a balanced-budget amendment would not even take effect in time to address the budget problems that Americans are experiencing today. In fact, if ratified by three-quarters of the States, the amendment would not take effect until the second fiscal year beginning after ratification, or the first fiscal year beginning December 31, 2016, whichever is later.

The economic problems we are experiencing are a very real threat today. Ignoring all of the fundamental problems with this amendment, it does nothing to address the problems we are having today. Americans are hurting today and we must do what we can today to address these problems. The Balanced-Budget Amendment to our Constitution is not the right solution.

This country is at a crossroad. I am not talking about finances or the economy. I am talking about a fundamental crossroads in beliefs that will affect generations after generations to come. This debate we are having today goes well beyond the national debt. It is about the fundamental beliefs whether or not we want government to provide the vast amounts of public services we enjoy today or to rely on for-profit private entities to provide those services to us on a for-profit basis.

This amendment would force us to shrink government to impractical levels, paving the way for severely reduced public services, very little oversight in the way private entities provide goods and services, and free reign for businesses to operate with the sole purpose in mind of making a profit.

Madam Speaker, I strongly oppose this Balanced-Budget Amendment that is being considered by the House. I implore my colleagues to see reason and oppose this measure that is before us today. It is a radical measure that would prove catastrophic for this country for generations to come.

Mr. BLUMENAUER. Madam Speaker, I oppose this amendment to our Constitution that purports to balance our nation's budget, but instead serves merely as an excuse for Congress to avoid the real responsibilities of governing. When the balanced budget amendment freight train was moving through Congress in 1995 and a number of people piled

on, it passed in the House overwhelmingly, but it failed in the Senate by one vote. The only Republican who voted no was Senator Mark Hatfield. As Chairman of the Appropriations Committee, he was visited repeatedly by some of the most ardent proponents of a ''balanced budget,'' asking him for special treatment so that they might spend more money in their home states. Senator Hatfield recognized that, in his words, a vote for a balanced budget amendment is, ''not a vote for a balanced budget, it is a vote for a fig leaf.''

Amending the Constitution to require a balanced budget is an irresponsible approach to fiscal discipline. It does not balance the budget; instead, it would restrict the government's ability to provide for the common welfare, to respond to economic crises and natural disasters, and to invest in America. Under a balanced budget amendment, recessions would be longer and deeper because Congress would be forced to raise taxes, cut spending, or both in order to meet the constitutional mandate. This flies in the face of sound economic policy. If the balanced budget amendment were in effect today, it would throw 15 million more people out of work, double the unemployment rate, and slash our economy by 17 percent.

It would also require devastating cuts to critical programs like Social Security, Medicare, and veteran's benefits. No program would be spared: education, job training, natural resources, environmental and financial protection, and transportation would all suffer under spending cuts. Yet a balanced budget amendment would do nothing for the corporate tax loopholes and benefits for the wealthy that cost taxpayers billions of dollars.

A balanced budget amendment limits the government's response to natural disasters. This year alone, our country has experienced flooding, tornadoes, hurricanes and earthquakes that have taken hundreds of lives and caused billions of dollars in damage. Our communities need immediate support to help those who are injured and without a home, and to help clean up the devastation. A balanced budget amendment would tie the government's hands by requiring the slow machinery of Congress to act before relief could be given to suffering families.

A popular argument in favor of a balanced budget amendment is that families across the country must live within their means, and thus, so should Congress. But few families paid cash for their home. And few students paid cash for their college education. Families in Oregon borrow money for important investments that will build their lifetime wealth and improve the quality of their lives. Congress must be able to make similar investments to rebuild and renew America—shoring up the country's crumbling infrastructure, repairing our dilapidated schools, and creating the energy resources that will drive the future of our economy.

Balancing the budget does not require a constitutional amendment. It requires courage and compromise.

After Senator Hatfield courageously voted no on the balanced budget amendment in 1995, Congress in fact was able to move forward to rein in spending and raise an appropriate level of revenue that balanced the budget for four consecutive years. Unfortunately, when Republicans took control of Congress and the Bush administration took power, restraint was lost, our nation's wealth was given away, deficits skyrocketed, and their tax cut and spending policies drive our deficit to this day.

A balanced budget amendment is a phony solution. Instead, members of Congress must stand up and work together to provide a balance of increased revenues and sensible spending cuts. Doing otherwise merely avoids our responsibilities and is an insult to the people who sent us to represent them in Congress.

Mr. WAXMAN. Madam Speaker, I am unalterably opposed to this proposed Constitutional amendment. President Obama stated it succinctly earlier this year: ''We won't need a constitutional amendment to do our job.'' He is right. President Clinton and Congress enjoyed balanced budgets in 1998, 1999, 2000 and 2001. The proponents of this deeply flawed and highly dangerous tampering with our Constitution are dead wrong. All that is needed is the responsible exercise of choices about our budget.

This proposed constitutional amendment fails on several counts:

First and foremost, the proposed amendment does not pass the truth in labeling test. There is nothing in it that requires Congress, under any and all conditions, to pass a balanced budget. Under the voting procedures that are established, Congress can pass an unbalanced budget.

Second, there is a dangerous tampering with the fundamental principle of majority rule in the House of Representatives. Today, the majority rules in votes on the budget. Under this proposed constitutional amendment, it will require a three-fifths (60%) vote of the House to pass a budget that is not in balance. The last thing the United States House of Representatives needs is to become more like the United States Senate in its rules for voting on legislation. We need coherence, not paralysis. We elect a President with a majority of the Electoral College. We should certainly be permitted to pass a budget through a simple majority vote in the House of Representatives—just as we do today. That's democracy. This proposed constitutional amendment is undemocratic.

Third, this amendment, by requiring a three-fifths vote in the House to approve any increase in the public debt limit, guarantees an annual repeat of the debacle we experienced this summer. Our debt goes up—or down—based on spending and tax decisions previously taken by Congress. The debt that exists is simply an expression of spending and tax bills already enacted into law. Increasing the public debt should therefore be a simple, technical legislative act. By imposing a supermajority requirement on any increase in the public debt, this guarantees that we will face a recurring risk of default on the full faith and credit of the United States. This summer, we saw fear spread in households across America, and havoc in markets worldwide, out of grave concern over what a default would mean. This amendment would cement such instability into the Constitution itself. To perpetuate uncertainty over whether the United States will default on its obligation is dangerous and irresponsible.

Fourth, this so-called balance budget amendment is, at its heart, a fraud. Section 7 of the proposed amendment provides that the budget is deemed in balance when outlays match receipts—except for revenues derived from borrowing and outlays of interest payments on the national debt. In other words, carrying the national debt does not count. This is not a balanced budget, as payment of the debt will require trillions in spending on interest for decades to come. Even under the draconian Republican budget plan adopted earlier this year by the House, the budget, with all its harsh cuts to Medicare, Medicaid and Social Security, would not approach being truly balanced until the 2030s or later. The House Republicans may want the American people to think this is a vote on a balanced budget constitutional amendment. What they are not telling you up front is that the United States budget will be in deficit for decades even if this becomes part of the Constitution. The American people should not be fooled.

Fifth, this amendment will gravely injure our seniors, and those who rely on Medicare and Medicaid. This amendment will require cuts at least as harsh as those rammed through the House by the Republicans earlier this year.

This will mean the end of Medicare as we know it, and it will be devastating for Medicare beneficiaries. The Congressional Budget Office concluded that the Republican budget, by privatizing Medicare, will more than double beneficiary costs for new enrollees. The average senior will face increased costs of over $6,000 annually when the program begins. And all of that extra spending by seniors and people with disabilities will go to private health insurance plans. The transfer of seniors into private plans will raise costs by over $11,000 per beneficiary by 2030. To add insult to injury, the Republican budget reopens the donut hole under the Part D prescription drug benefit, increasing the burden on seniors within 5 years.

For Medicaid, the Republican budget approved by the House was even worse. Medicaid accounts for 43% of total long term care spending in the U.S. But the Republican budget cuts Medicaid in half by 2022, and turns it into a block grant for the states. Moreover, by cutting reimbursement rates, Medicaid will lose health providers. At least 18 million people will be cut off from access to Medicaid. There will be a loss of quality and staffing in nursing homes—which means job losses in the health professions—as well as cuts to programs that provide in-home services to keep seniors independent.

There are other deep flaws in this proposal. The amendment puts our ability to respond to national crisis in a straightjacket. Section 5 of the proposed amendment permits an absolute majority of the House to vote to waive the balanced budget requirement if we are at war. But if we face an economic emergency—like we do today—the balanced budget requirement can only be waived by a three-fifths vote of the House. The economic crisis we face today is at least as significant as the Iraq war—but this amendment would make it harder to respond to recession and unemployment.

Also troubling is the prospect that the courts will become involved in budgets passed by Congress. By placing the budget under a specific constitutional amendment, it is likely that the courts could be asked to rule on whether a budget, as passed, complies with the requirements of the constitutional amendment. Is it really balanced? If this amendment is passed, we head down a dangerous legal road.

Madam Speaker, this week, 273 organizations representing health, welfare, labor, public advocacy and community groups across the Nation, have written to the Congress to insist that we reject this balanced budget constitutional amendment. Their letter states:

A balanced budget constitutional amendment would damage the economy, not strengthen it. Demanding that policymakers cut spending and/or raise taxes, even when the economy slows, is the opposite of what is needed to stabilize a weak economy and avert recessions. Such steps would risk tipping a faltering economy into recession or worsening an ongoing downturn, costing large numbers of jobs while blocking worthy investments to stimulate jobs and growth and address the nation's urgent needs in infrastructure and other areas . . .

A balanced budget amendment has no place in the Constitution of the United States. Our Constitution has served the nation well because it represents enduring principles that are the foundations of our government. It should not be used as a substitute for real leadership on fiscal policy.

We do not need a constitutional amendment to balance the budget. We do not need to turn the House into the Senate. We do not need to impose inhumane cuts on the most vulnerable in our society. And we do not need to ruin the fabric of the Constitution of the United States of America.

Mr. SENSENBRENNER. Madam Speaker, I rise today in strong support of H.J. Res. 2, which proposes a Balanced Budget Amendment to the Constitution. It's time to tighten the nation's purse strings and keep Washington from spending more than we can afford.

For too long Congress and the President, on a bipartisan basis, have let down the American people in our unwillingness and inability to be responsible with our nation's finances. We have spent too much, borrowed too much, and have failed to face the fact that we can no longer continue to spend money that we do not have. A Balanced Budget Amendment to the Constitution would legally force our government to live within its means. It's interesting to see that while many of my colleagues on the other side of the aisle, including our President, have argued that a constitutional amendment is not necessary, 49 states currently abide by some form of a balanced budget requirement.

President Obama urged opposition to this legislation, clearly showing how out of touch he is. He just doesn't seem to get it. Americans overwhelmingly support a Balanced Budget Amendment to the Constitution because their government has proven that it is unable to be responsible with their money. The arguments against a Balanced Budget Amendment appear to rest on the concerns that this will finally stop out-of-control spending; meaning Congress will no longer be able to spend at will on programs that may be nice to have, but are unnecessary or unaffordable.

The measure on the floor today is a good compromise between those who wanted a stronger Balanced Budget Amendment, and those who felt such proposals went too far. While I would have preferred the version that placed greater restriction on Congress's ability to tax and spend, I am pleased to support his legislation.

It is simply unfair to continue to pass our financial burdens along to our children and grandchildren. Given Congress's history of not being responsible with the American people's hard earned money, it is time we put in place these limitations on spending. A Balanced Budget Amendment would finally force us to make tough decisions about how we spend our money. This is not a silver bullet; however, it is an important step in controlling spending and restoring confidence among the American people. I strongly support passage of this important legislation, and urge my colleagues to support the bill.

Mr. JACKSON of Illinois. Madam Speaker, I rise in strong opposition to H.J. Res. 2—the Balanced Budget Amendment.

We do need to responsibly reduce our budget deficits and debt, but the best way to do that is by investing, building and growing our economy—or through balanced economic growth—not a Balanced Budget Amendment.

What is the most important question to be raised with respect to the BBA?

We have serious gaps in our society that need to be narrowed: Economic gaps between the rich and the poor—ask the 99%; social gaps between racial minorities and the majority population; gender gaps—women earn 76 cents of what men earn; generational gaps—will Social Security be there for the next generation?; and infrastructure gaps—upgrades to roads, bridges, ports, levees, water and sewer systems, high speed rail, airports and more in order to remain competitive in the world marketplace.

So the most important question is this: How does the BBA narrow these economic, social, gender, generational and infrastructure gaps? It won't! It will exacerbate them!

The BBA will permanently establish the United States as a ''separate and unequal'' society!

The BBA will balance the federal budget on the backs of the poor, the working class and the middle class.

The Center on Budget and Policy Priorities and Citizens for Tax Justice says the BBA would: Damage our economy by making recessions deeper and frequent; heighten the risk of default and jeopardize the full faith and credit of the U.S. Government; lead to reductions in needed investments for the future; favor wealthy Americans over middle- and low-income Americans by making it far more difficult to raise revenues and easier to cut programs; and weaken the principle of majority rule.

Before we affirm a BBA, we need to consider our future—not just the future of America's debt, but America's future. Do we want a future that is bright with promise? A future with innovation? A future with the best schools, the brightest students, and the strongest and healthiest workers? Do we want to continue to lead the world?

My answer is ''yes.''

Madam Speaker, I respectfully urge my colleagues to vote ''no'' on this irresponsible and short-sighted amendment.

Mr. HONDA. Madam Speaker, I rise in opposition to House Joint Resolution 2, the ''Balanced Budget'' Constitutional Amendment. This misguided proposal would harm our economic recovery by destroying jobs, cutting Medicare and Social Security, and increasing the likelihood that the United States will default on its debt.

With the nation struggling to recover from the economic crisis, the American people want Congress to focus on addressing the root causes of our country's economic hardships, not passing pointless message pieces to satisfy the Republican base that fail to get Americans back to work.

In fact, if we amend our Constitution in the way that H.J. Res. 2 proposes, it will wreak havoc on our economy. If enacted in Fiscal Year 2012, this Balanced Budget Amendment would cost 15 million people their jobs, double our unemployment rate to 18%, and cause our economy to shrink by 17%. As Bruce Bartlett, former advisor to President Ronald Reagan, correctly points out, rapidly cutting spending to balance our budget would throw our country into a recession.

This Balanced Budget Amendment would harm our middle class, seniors, and veterans at a time when they are most vulnerable. This amendment could force Congress to cut all programs by 17% by 2018. Furthermore, it would cut Social Security by $1.2 trillion, Medicare by $750 billion, and veterans' benefits by $85 billion through 2021.

Proponents are suggesting this is a simple balanced budget amendment, but it is not. Instead, H.J. Res. 2 would enshrine in our Constitution a requirement that Congress would need a three-fifths supermajority vote to raise the debt ceiling. This would make permanent the dysfunction we witnessed this summer, which created chaos in our financial markets and nearly unleashed a catastrophic default, and raise the likelihood that our country would default on its debts.

Madam Speaker, this Constitutional Amendment is not only bad for our country, but it is entirely unnecessary. If we want to balance our budget, we should instead allow the Bush Tax Cuts sunset, and bring our wars in Afghanistan and Iraq to an end. This would cut $5 trillion in spending and leave our country on sounder financial footing without harming our economic growth and our most vulnerable citizens.

This Balanced Budget Amendment would put the federal government under far tighter constraints than States and families operate under every day, and it would open the door to federal courts making the budget decisions that should be made by our elected officials. Our nation needs real legislation that will create jobs and stimulate growth, not a Constitutional Amendment that will cut jobs, kill growth, all in the name of balancing the budget. Our budget problems can instead be resolved in a responsible manner, but this amendment is not it. I urge my colleagues to reject H.J. Res. 2.

Mr. SESSIONS. Madam Speaker, earlier this week the federal budget eclipsed 15 trillion dollars. The passing of this milestone underscores the real, substantive need to address our ballooning debt crisis. It is past time for Congress to take action and put this nation on a path to fiscal responsibility. That is why today I will vote in favor of a balanced budget amendment to the United States constitution.

Madam Speaker, this country has a spending problem and a balanced budget amendment is the only permanent fix to ensure that we stop burdening our children and grandchildren with a debt they cannot afford. Last year alone, the United States ran a 1.3 trillion dollar budget deficit. That means we spent 1.3 trillion dollars that we do not have. Under this balanced budget amendment, Congress would be forced to live within its means and balance our checkbook, just like millions of Americans

across this country. I urge my colleagues to help ensure that America's best days lie in its future and join me in passing this balanced budget amendment.

Mr. STARK. Madam Speaker, I rise in opposition to H.J. Res. 2, the Balanced Budget Amendment. This amendment is just another opportunity for the House Majority to pander to their right wing base instead of focusing on the issue that ordinary families care about—jobs.

The families in my district are concerned about their next paycheck and how they will make that next mortgage or rent payment. Unemployment is unacceptably high, and in California it's even higher than the national average. There are five applicants for every available job. Unemployment benefits are set to expire at the end of the year for 305,000 people in my state, and millions nationwide. Our highest priority should be creating jobs and helping those who need help staying afloat while they search for work.

Instead of creating jobs the Congress is voting on this reckless amendment to the Constitution that would damage our shaky economy and end Social Security and Medicare as we know them. This balanced budget amendment would prevent the U.S. from responding to an economic crisis or making the investments we need to repair our infrastructure. H.J. Res. 2 is designed to guarantee that working families will bear the burden of deficit reduction through steep cuts to vital programs, instead of asking the wealthy to pay their fair share in taxes.

The balanced budget amendment is a distraction. The legislation has no chance of getting 2/3 support in the House and Senate or the support of 3/5 of the states, which is needed for ratification. We certainly won't be seeing a balanced budget amendment added to our Constitution anytime soon. This vote is typical for this Republican Congress. It is no surprise that our approval rating is 9%. Since Republicans took control of the House, the agenda has been dominated by symbolic votes to wipe out environmental protections, eliminate states' abilities to control guns, reaffirm our national motto which no one has threatened, limit access to abortion, weaken social insurance programs, and outsource American jobs.

There are plenty of good ideas to get our economy back on track. We could extend unemployment insurance, create jobs by repairing our infrastructure, and reform our tax code so the wealthy and Wall Street are paying their fair share. This balanced budget amendment doesn't impact our economy at all. Instead, it is a distraction from that work. I urge my colleagues to join me in voting no.

Mr. MICA. Madam Speaker, today I rise in support of the amending the Constitution to include a Balanced Budget Amendment requiring government to live within its means.

This week, our national debt surpassed $15 trillion. Our nation faces difficult economic times, a good part due to spending beyond our means. Debt per household and for every American is at an unsustainable level and jeopardizes our future. We can balance our budget. I helped and voted for that responsible path which we achieved from 1996 to 2001.

We have today the opportunity to take an important step toward reestablishing fiscal order to our nation. Congress must ensure that the reckless spending and poor choices of today do not doom our children and grandchildren to insurmountable indebtedness.

Having balanced our budgets in the past, and, while it will not be easy, it can be done again. Families and businesses have made the tough choices that are required. Government must now follow.

I strongly encourage my colleagues to support the passage of this resolution and provide Americans the opportunity to vote on a Balanced Budget Amendment. This is a decision not just for the House of Representatives or Congress, but for the American people. History will judge us today on how we have laid the foundation for the success of future generations. I urge my colleagues to make the right choice.

Ms. FOXX. Madam Speaker, today's debate over the balanced budget amendment is highly instructive. It throws the differences between those who believe in limited government and those who believe in an ever-expanding federal government into sharp relief.

This debate brings to mind what American founder Alexander Hamilton wrote in Federalist Paper 84.

He said that the Bill of Rights was ". . . not only unnecessary in the proposed Constitution, but would even be dangerous."

He thought that it "would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed?"

He made a good point, but the Bill of Rights was adopted and has served to secure many of the liberties we enjoy.

Even though he was somewhat wrong about the Bill of Rights, he was correct in understanding the nature of power and government.

After all, if a power is implied, enthusiasts of big government are bound to leverage the slightest constitutional hiccup into a new "enumerated power." It appears that Hamilton understood very well the tendency of some to rush to the federal government to solve problems, create programs and expand in size and scope. In this sense, Hamilton was correct; the specter of an expanded and powerful central government is one that destroys and suppresses freedom.

That is why this debate over a balanced budget amendment is so important, if only for the sharp contrasts it unveils between the various parties to this crucial debate and the visions for limited government and big government.

Mr. FARR. Madam Speaker, I rise today in strong opposition to the Balanced Budget Amendment. The purpose of Congress is to serve the American people and this Amendment is an unforgiveable disservice to our constituents. Let's look at the facts: the American people want jobs. But this amendment would destroy some 15 million jobs, double unemployment, and contract the economy by an estimated 17%. The American people want security. But this amendment requires draconian cuts to critical lifelines like Medicare, Social Security, and veterans' benefits. The American people want a future for their children. But this amendment blocks investments in education and infrastructure, elevates the risk of federal default, and as Reagan's Economic Advisor Bruce Bartlett said would unquestionably cause another recession. But here's the one thing this Amendment would do for the American people: reinforce their belief that Congress can't get anything good done.

This legislative body is better than that. And it is better than this amendment, which is nothing more than political theater. And at a time of 9% unemployment and a contracted economy, there is no excuse to waste taxpayer dollars on petty political gamesmanship.

Madam Speaker, I urge my colleagues to oppose this amendment and get down to the serious legislative business of restoring order to our fiscal house. I have joined with many of my Democratic colleagues in fighting to stabilize the economy, create jobs, and build a better future for our children and grandchildren. And I will not stop this fight until we have rebuilt our economy so that the men and women of America can get back to work.

Mr. KIND. Madam Speaker, today I rise in support of H.J. Res. 2, the Balanced Budget Amendment.

The Balanced Budget Amendment is now the only check on the last decade Republican fiscal mismanagement. It is a practical solution to the last decade of Republican irresponsible spending. Of course, the easier response than going through the process of amending the U.S. Constitution is reinstituting pay-as-you-go budgeting rules, which I fully support. Unfortunately, my Republican colleagues do not.

Pay-as-you-go budgeting led our country into the healthy economic dynamic we saw in the 1990's under President Clinton. It, too, forced us to make tough decisions about our spending, but led to four years of budget surpluses, 27 million private sector jobs, and excess payments on our national debt. Unfortunately, the Republicans squandered all of that away as they recklessly cast aside fiscal discipline to enter two wars, enact two large tax cuts, and increase entitlement spending, all of which were not paid for. And all of which transformed our country from one with a budget surplus to one with a $1.5 trillion budget deficit in just eight short years.

I share my colleagues' concerns about the requirement for a supermajority to raise the debt ceiling in light of the irresponsible actions of House Republicans earlier this year when they nearly forced the U.S. Government into default.

We must act with fiscal responsibility and attention to long-term deficit reduction. And time is of the essence for the sake of economic growth and job creation—now and for future generations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the joint resolution, H.J. Res. 2, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds not being in the affirmative, the noes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-

minute vote on the motion to suspend the rules will be followed by a 5-minute vote on adoption of House Resolution 470.

The vote was taken by electronic device, and there were—yeas 261, nays 165, not voting 8, as follows:

[Roll No. 858]

YEAS—261

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Boehner
Bonner
Bono Mack
Boren
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
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
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
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunnelee
Olson
Palazzo
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
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
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—165

Ackerman
Amash
Andrews
Baca
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
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
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gohmert
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
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)
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—8

Bass (CA)
Deutch
Filner
Giffords
Napolitano
Nunes
Olver
Paul

□ 1358

Mr. FRANK of Massachusetts changed his vote from ''yea'' to ''nay.''

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

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 858, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

Mrs. NAPOLITANO. Madam Speaker, I was absent during rollcall vote No. 858 in order to attend an important event in my district. Had I been present, I would have voted "nay" on the Motion to Suspend the Rules and Pass, As Amended H.J. Res. 2—Proposing a Balanced Budget Amendment to the Constitution of the United States.

Ms. BASS of California. Madam Speaker, on rollcall No. 858 I was unable to be present as I was in California attending a family funeral. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H.R. 3094, WORKFORCE DEMOCRACY AND FAIRNESS ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 167, not voting 27, as follows:

[Roll No. 859]

YEAS—239

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Royce
Runyan
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler

Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
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—167

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

NOT VOTING—27

Baca
Bass (CA)
Butterfield
Capuano
Courtney
Crenshaw
Deutch
Doyle
Ellison
Filner
Gallegly
Giffords
Hirono
Larson (CT)
Marchant
Napolitano
Neal
Nunes
Olver
Pascrell
Paul
Roskam
Ryan (WI)
Sanchez, Loretta
Sires
Tierney
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1405

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RYAN of Wisconsin. Madam Speaker, today, I missed rollcall vote 859. Had I been present, I would have cast the following vote: rollcall 859—H. Res. 470, Providing for consideration of H.R. 3094—"yea."

Stated against:

Mrs. NAPOLITANO. Madam Speaker, I was absent during rollcall vote No. 859 in order to attend an important event in my district. Had I been present, I would have voted "nay" on agreeing to H. Res. 470—Rule providing for consideration of H.R. 3094—Workforce Democracy and Fairness Act.

Mr. PASCRELL. Madam Speaker, I missed the last rollcall vote today.

Had I been present, I would have voted "nay" on rollcall vote No. 859, on H. Res. 470—Rule providing for consideration of H.R. 3094—Workforce Democracy and Fairness Act.

Mr. FILNER. Madam Speaker, on rollcall 859, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

Mr. ELLISON. Madam Speaker, today I inadvertently missed rollcall vote No. 859. Had I been present I would have voted "nay."

PERSONAL EXPLANATION

Mrs. BIGGERT. Madam Speaker, on rollcall No. 857, I was unavoidably detained. Had I been present, I would have voted ''no.''

ADJOURNMENT TO TUESDAY, NOVEMBER 22, 2011

Mr. LoBIONDO. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Tuesday, November 22, 2011; when the House adjourns on that day, it adjourn to meet at 1 p.m. on Friday, November 25, 2011; and when the House adjourns on that day, it adjourn to meet at 2 p.m. on Tuesday, November 29, 2011.

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

There was no objection.

AMERICA'S CUP ACT OF 2011

Mr. LoBIONDO. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3321) to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''America's Cup Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) 34TH AMERICA'S CUP.—The term ''34th America's Cup''—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA'S CUP RACE MANAGEMENT.—The term ''America's Cup Race Management'' means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term ''Eligibility Certification'' means a certification issued under section 4.

(4) ELIGIBLE VESSEL.—The term ''eligible vessel'' means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term ''supporting vessel'' means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SEC. 7. WAIVERS.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).

(2) OCEAN VERITAS (IMO number 7366805).

(3) LUNA (United States official number 280133).

(b) DOCUMENTATION OF LNG TANKERS.—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) LNG GEMINI (United States official number 595752).

(B) LNG LEO (United States official number 595753).

(C) LNG VIRGO (United States official number 595755).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(3) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) OPERATION OF A DRY DOCK.—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

Mr. LoBIONDO (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Without objection, the reading is dispensed with.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION

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

Mr. DOLD. Madam Speaker, as the largest manufacturing district in the country, and as part of a jobs plan that I think is important for our country, I'm focused on manufacturing throughout not only the country, but specifically Illinois' Tenth Congressional District. That's why I have been focused on science, technology, engineering and mathematics education, or STEM, so that those that are currently unemployed, or those students who will soon be entering the work force can learn new skills and go into a field with good, high-paying jobs.

In my district, I'm working with high schools and manufacturers on recruiting students to go into STEM fields. We're working on connecting students with manufacturers who are looking for employees.

I want to recognize the efforts of Medusa Consulting, Illinois Worknet and Manufacturing Careers, Incorporated for their leadership in bringing a manufacturing jobs fair to the District 214 Field House in Arlington Heights this upcoming December 5.

I want to encourage my colleagues to support STEM education and to work with their local businesses on hosting these important jobs fairs and manufacturing workshops. This is absolutely critical if we want to get America back to work.

□ 1410

NORTH FOREST INDEPENDENT SCHOOL DISTRICT

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, one of the reasons that I rose to the floor of the House to oppose the balanced budget amendment—and I hope the American people and our colleagues can see the value of the vigorous debate, and I applaud the Rules Committee for allowing us the time to deliberate on the issue of the balanced budget amendment—is for the very good reason that my good friend and colleague just spoke about: our young people and opportunities for jobs.

I join him in finding pathways for young people to be transitioned into jobs and others into jobs, along with a college education.

The North Forest Independent School District, a small school district in Texas designated to be closed by Governor Perry's Texas Education Agency, is trying to do just that, to have job training, to have partnerships with the Houston Community College, and I congratulate Mr. Ivory Mayhorn for getting some 7,000-plus signatures to oppose the closing of this school district, a high school that is on the verge of training individuals in the trades and the skills of manufacturing and then bridging them on to community college and then on to college.

We've got to recognize that we've got to build the human resource—and a balanced budget amendment ignores the need to protect Medicare, Social Security, and Medicaid—investing in our children, providing them with the opportunity and the bridge to move on.

So I look forward to working, Mr. Speaker, with the North Forest Independent School District and working with this Congress to invest in human resources.

WELD COUNTY, COLORADO

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

Mr. GARDNER. Mr. Speaker, I rise to honor the 150th anniversary of Weld County, Colorado. Weld County takes its name from Lewis Ledyard Weld. Weld was appointed by President Lincoln as Colorado's first territorial secretary.

On November 1, 1861, the Colorado Territory's General Assembly officially organized Weld County. This November marks the 150-year anniversary.

As with most Western settlements during the 1860s, Weld County had an extremely sparse population. Today it's got over 250,000 people. From a humble start as an area based predominantly on coal mining, Weld County has flourished with a thriving business sector and strong agricultural economy. In fact, Weld County is the eighth-leading agricultural county in the entire United States and the only county outside of California ranked in the top 10.

From small businesses, great land for farming, Weld County is also home to the University of Northern Colorado and the Pawnee National Grasslands. It's home to over 19 different towns, each one with a unique identity that makes this area of Colorado distinctive. And it's home to thriving energy interests and some of the Nation's leading water pioneers.

One of my favorite events every year is the Fourth of July Greeley Stampede and Parade. It reminds me of what it means to call Colorado home.

Weld County embodies everything that is great about heading West, and I am proud to recognize their 150th anniversary.

SERVING FELLOW AMERICANS ON THANKSGIVING

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

Ms. KAPTUR. Mr. Speaker, with Thanksgiving approaching, let us think about our fellow Americans and ask ourselves the question, what can we do to serve them this coming week and into the future?

Average incomes for Americans, for the average family, have gone down about 6.7 percent, and we know poverty rates have risen 15 percent. For all of those listening today as we look across our country, think about what you can do this week and every week to help our food banks that are short on supplies across our country. Every class, every religious organization, every person can do something extra to help this week to give every American a good Thanksgiving.

Think about how you can help a local feeding kitchen. Think about how you might challenge your sports team to go glean in the fields and to collect, if you live in a part of the country where agriculture exists, the extra cabbage, the extra apples that are there and will be plowed under if you don't pick them.

Across our country this is a year when Americans can say to one another, Happy Thanksgiving, we believe

in you, we want to help you through these difficult times. It reaches the true heart of the American people, the people full of goodness who know what's right to do. And let's give every American a happy Thanksgiving every day. God bless America.

AMERICAN ENERGY & INFRASTRUCTURE JOBS ACT

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

Mr. MURPHY of Pennsylvania. Mr. Speaker, this week Speaker BOEHNER announced a bill that will be introduced soon to Congress to deal with our jobs issue. It's not one that raises taxes. It's not one which is going to add to the deficit. It is the American Energy & Infrastructure Jobs Act, which will be introduced soon.

It is an act that in part is related to a bill that I have presented in this Chamber for several years now in a bipartisan move to get America back to work.

Instead of importing $129 billion worth of oil every year and sending them our wealth, it uses our oil off our coasts to create jobs.

Our infrastructure in America has a $2 trillion pricetag to repair our roads, highways, and bridges. We also still have 14 million Americans out of work and another 10 million looking for work. It's time America got back to work, and we can do it with this bill. I urge all of my colleagues to make sure they're part of this bill when it comes out and get Americans back to work and rebuild America once again.

YUCCA MOUNTAIN

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

Mr. SHIMKUS. Mr. Speaker, I come down to the floor once a week to talk about the high level of nuclear waste in this country and the fact that this country still doesn't have a single repository to store high-level nuclear waste.

Throughout this last year, I've talked about Hanford, Washington, which has multiple gallons of high-level nuclear waste. I then went to Zion nuclear power plant right off Lake Michigan to talk about its nuclear waste right next to the lake. A couple of weeks ago, I went to Savannah, Georgia, to talk about the Savannah River and the nuclear power plant that sits right next to the river. Then I went to the Pacific Ocean between Los Angeles and San Diego, San Onofre, where there's a nuclear power plant right on the Pacific Ocean.

Today I take the Nation to Idaho, where Idaho National Laboratory is located, comparing this site, as I do weekly, to the fine location under Federal law in the 1982 Nuclear Waste Policy Act which is Yucca Mountain.

Look at what we have at Idaho National Laboratory. At the national labs we have 5,090 canisters of nuclear waste. Yucca Mountain, none. At Idaho, the waste is stored above ground and in pools. At Yucca Mountain, the waste would be stored 1,000 feet from the surface of the ground. At Idaho, the waste would be 500 feet above the water table. At Yucca Mountain, the waste would be 1,000 feet above the water table. Idaho National Laboratory, 50 miles from Yellowstone Park; Yucca Mountain, the waste would be 100 miles from the Colorado River.

Now, why is it important to address these different locations of high-level nuclear waste across the country? Because there's 104 nuclear reactors in this country, not including all of the high-level nuclear waste that we have at our defense labs, our DOE labs, and the like.

So what this country needs to understand is there's nuclear waste all over the place and next to major population centers and next to major water reserves.

What I've also done in coming down here has been to highlight how do the Senators from the States that surround the Idaho nuclear lab—what are their positions? And their positions are as follows.

Senator BARRASSO from Wyoming is a supporter of Yucca Mountain and has stated that the end result of this saga is a 5-mile long, 25-foot-wide hole in the Nevada desert. It was meant to store America's nuclear waste but instead, because of politics, it stands as a monument to bureaucratic waste of taxpayer dollars.

What does Senator ENZI say, who's also supported and voted for Yucca Mountain in 2002? ''In his campaign, President Obama promised change. He promised politics wouldn't interfere when sound science spoke. I'm disappointed that his Yucca Mountain policy ignores that campaign promise.''

MIKE CRAPO voted ''yes'' for Yucca Mountain, and he's disappointed in the administration.

And the new Senator from Idaho, Senator RISCH, says:

''The President's decision to kill the Nation's congressionally directed repository for high-level nuclear waste as a favor to one State is politics at its worst. The Administration's decision to knowingly undermine their commitments to Idaho and 33 other States with no clear alternative cannot stand. This has become a hallmark of this administration, first with the Guantanamo prison site and now Yucca Mountain—to jump without knowing where they are going to land.''

□ 1420

The other thing I've been doing has just been highlighting, as I've been taking the country through the high-level nuclear waste areas around this country: Where are the Senators based upon their past votes or current statements?

Right now, we have 17 Senators in support; we have three in opposition; and we have four who really have no defined positions as of yet. Senator FEINSTEIN, of course, has spoken in opposition to Yucca Mountain; but with Fukushima Daiichi and with the fact that she has nuclear power plants on the shore of the Pacific Ocean, I think she is reevaluating that position.

We need 60 votes in the Senate to move forward and to finish the science on Yucca Mountain so that, by Federal law, Yucca Mountain becomes the single repository for high-level nuclear waste in this country.

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

COMMERCE CLAUSE

The SPEAKER pro tempore. The Chair reallocates the balance of the majority leader's time to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. In Hosea 4:6, God says:

> My people are destroyed from lack of knowledge. Because you have rejected knowledge, I also reject you as My priests; because you have ignored the law of your God, I also will ignore your children.

This is a promise from a holy, righteous God who could do nothing else but fulfill that promise. We have to look at this and understand that, in this country, we have a tremendous lack of knowledge about our U.S. Constitution and that we have a tremendous lack of knowledge about the biblical foundations of our Nation and of how our Founding Fathers believed in liberty. We're losing that liberty tremendously because we have a tremendous lack of knowledge.

In Psalm 11, God says:

> If the foundations are destroyed, what are the righteous to do?

I believe it's a call to duty to rebuild the foundational principles that are behind liberty.

Sworn officers of the United States—in fact, all public servants—have taken an oath to uphold the Constitution against enemies both foreign and domestic; and for decades, sworn officers of the United States have been violating that oath to uphold and protect our Nation's most precious document, the U.S. Constitution. Domestically, there are many by their actions, either intentionally or unintentionally, who undermine our governing document.

Every day, officials, ranging from Federal judges to U.S. Senators to Members of the House to leadership, ignore the original intent of our Founders that was put in the Constitution of the United States. The distortion is so great now that there is little correlation between their words and our actions here in Washington, D.C. This has become the norm for today's body of government, but it was not what the great lawmakers of the past envisioned for America's future.

Today, I would like to focus in particular on one clause of the Constitution in which we have seen a dramatic and dangerous distortion of our Founding Fathers' original intent. The Commerce Clause has slowly been eroded by the selfishness of politicians and of the courts alike. Nowadays, it can be carelessly applied to almost any case that expands the size and scope of the Federal Government as it relates to our economy.

Today, I want to walk you through time, starting with our Founding Fathers' original intent for the clause and then moving through the years to point out specific cases that have led to the deterioration of the Commerce Clause. We'll end with a modern-day situation that I know everybody in this country is familiar with—that being the constitutionality of ObamaCare. I hope that all of our viewers will stay with me throughout the hour, because it is so important that you help me to educate the rest of your neighbors, your families, your friends on how the Federal Government has spiraled out of control.

It's up to the American people—we the people—to demand that Washington gets back to constitutionally limited government as our Founding Fathers intended. We've gotten away from their thoughts; we've gotten away from their intent of our government; and we see the problems that we have today because of that.

There are many aspects that have contributed to the overreach of today's government, but the single biggest offender has been the ever-expanding interpretation of the Commerce Clause in article I, section 8 of the Constitution. In fact, as an original intent constitutionalist, I say we should not interpret the Constitution; we must apply the Constitution as it was intended.

Article I, section 8 of the Commerce Clause states:

> To regulate commerce with foreign nations and among the several States and with the Indian tribes.

So what does it mean ''to regulate commerce''?

To understand what is meant by the word ''commerce,'' a great place to start is with the Constitution, itself.

Article I, section 9 of the document states:

> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear or pay duties in another.

What does that mean? ''Commerce'' is between States. Commerce is supposed to go across State lines. That's what ''commerce'' means. The word ''commerce'' was regularly understood by both the Framers of the Constitution and the general public at that time to mean ''trade between States.''

Now, what about the words ''to regulate''?

During that period of time, the term ''regulate'' meant ''to make regular,'' not ''to control'' as it is so often used today. It means to make regular, to make it work, to expand commerce—not to control it. To put it in plain words, the original intent of the Commerce Clause was to make that commerce and trade between the States ''normal,'' or ''regular.'' It was designed to promote trade and exchange, not to hinder it with crushing regulations. Moreover, the Framers of the Constitution wanted to make sure that commerce between the States was not limited by taxes or tariffs. Here are some examples of what James Madison and Alexander Hamilton envisioned.

In Federalist 45, James Madison wrote:

> The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite.

I encourage people to read the Constitution of the United States. The 10th Amendment says, if a power is not specifically given to the Federal Government by the Constitution, then the 18 things in article I, section 8—that begin here and end here in this little booklet, these 18 things—are all the Constitution gives Congress the authority to vote upon—18. That's it. National defense-national security should be the major function of the Federal Government. It's certainly not meant to expand beyond what the Constitution says, as James Madison wrote in Federalist 45.

□ 1430

Simply put, Madison was reinforcing the point that the powers of the Federal Government, under the proposed Constitution, should be very limited, while the powers within the States are broad in scope and are more individualized and are extremely broad in character.

Again, the commerce clause was not meant to be stretched as thin as it is today, where it can be applied to almost all forms of economic prosperity at both the State as well as the Federal levels. We'll get into more specific examples in just a few minutes.

Here is a quote from Alexander Hamilton, one of the Federalists who wanted a strong Federal Government. He wrote in Federalist 11, where he makes the case that the States should have unrestrained economic interaction with each other to, therefore, bolster U.S. productivity and make our exports more desirable to foreign markets:

> An unrestrained intercourse between the States themselves will advance the trade of each by an interchange of their respective productions, not only for the supply of reciprocal wants at home, but for exportation to foreign markets. The veins of commerce in every part will be replenished, and will acquire additional motion and vigor from a free circulation of the commodities of every part.

Hamilton felt as though enterprise would have a greater scope from the diversity in the goods of different States. He also felt as though when an industry suffered in one State, it should be able to ask for assistance from other States.

Hamilton went on to say:

> The variety, not less than the value, of products for exportation contributes to the activity of foreign commerce. It can be conducted upon much better terms with a large number of materials of a given value than with a small number of materials of the same value; arising from the competitions of trade and from the fluctuations of markets. Particular articles may be in great demand at certain periods, and unsalable at others; but if there be a variety of articles, it can scarcely happen that they should all be at one time in the latter predicament, and on this account the operations of the merchant would be less liable to any considerable obstruction or stagnation. The speculative trader will at once perceive the force of these observations, and will acknowledge that the aggregate balance of the commerce of the United States would bid fair to be much more favorable than that of the thirteen States without union or with partial unions.

He is saying this in an argument geared towards a strong union of Federal Government. But what's he saying there? That the commerce of the States in a whole should be considered. So to sum it up, it is without a doubt that the commerce clause was intended to ensure free trade between the States and to ultimately create the most balanced and desirable American products to sell to foreign buyers.

Let's take a look at some specific cases that led to the destruction of the commerce clause. In the first case, we are going to examine Gibbons v. Ogden. This was in 1824. It is the first case in which the commerce clause was broadened beyond its original meaning under the Constitution. Here's a little background on the case:

The State of New York had passed a law granting two operators, Robert R. Livingston and Robert Fulton, the exclusive right to operate steamboats within the waters of the State of New York. Operators from outside the State of New York wishing to navigate waters within New York were required to get a special permit in order to do so. Aaron Ogden filed suit, arguing that this State-sponsored monopoly was in opposition to Congress' constitutional authority to regulate interstate commerce.

In his opinion, Chief Justice John Marshall ruled that the word ''commerce,'' as found in the Constitution, includes in its definition the transport of goods between States. This ruling is inconsistent with the Framers' intent, as you can see in Federalist 42 when James Madison wrote:

> To those who do not view the question through the medium of passion or of interest, the desire of the commercial States to collect, in any form, an indirect revenue from their uncommercial neighbors, must appear not less impolitic than it is unfair; since it would stimulate the injured party, by resentment as well as interest, to resort to less convenient channels for their foreign trade.

''Foreign trade,'' commerce opening up between the States, not control

within the States, is what he's saying here.

Madison went on to equate commerce with what he described as ''intercourse'' between States and wrote that the definition of ''among the States,'' as stated in the Constitution, was quite broad. He wrote:

> The word ''among'' means intermingled with. A thing which is among others is intermingled with them. Commerce among the States cannot stop at the external boundary line of each State, but may be introduced into the interior. It may very properly be restricted to that commerce which concerns more States than one.

As a result, subsequent courts have ruled that Congress has the power to regulate commerce that not only is truly interstate in nature but also commerce which affects more than one State.

As Matthew Clemente of FreedomWorks pointed out in a recent series on how the commerce clause relates to the expansion of the Federal Government through health care, this broad interpretation of the commerce clause has resulted in justifications of a number of Federal laws that regulate purely intrastate activities.

In the end, the Marshall court struck down New York's law because of its view that Congress, not the States, has the power to control navigation within each State so long as it relates to interstate commerce. And this opened the door for even looser readings of the commerce clause in later cases.

So just to quickly recap, in this case the court ruled that Congress has both the power to regulate both commerce that is truly interstate in nature and actions related to commerce which affect more than one State, even if not through one common channel.

But the reality is that in the Federalist Papers, Alexander Hamilton repeatedly equates commerce with trade between nations, as we've already seen. He does not ever give it a broader meaning related to activities carried out within each State, which may also affect activities in other States.

Let's look at another case. In this one, it's Swift & Co. v. United States in 1905. The case revolved around a number of meat dealers in Chicago that had formed a meat trust in which they agreed not to bet against one another in an effort to control meat prices. At the same time, the members of the trust convinced the railroads to charge them below normal rates to transport their product. The U.S. Government stepped in, attempting to use the Sherman Antitrust Act to break up this trust.

Using the open door left by Marshall's expansion of the language of the commerce clause in Swift, the court went a step further and ruled that ''activities involved in the 'stream of commerce' were fair game for congressional regulation''—totally against the original intent. In his opinion, Justice Oliver Wendell Holmes wrote that the elements of the meat trust's scheme were such that it was clear that ''the participants meant to monopolize the meat trade within the State of Illinois.''

Holmes took this observation a step further by saying that while the trust's intention may only have been to create a monopoly within its own State, the trust's ''effect upon commerce among the States is not accidental, secondary, remote, or merely probable.'' He went on to differentiate this case from cases related to manufacturing, stating that ''here, the subject matter is sales, and the very point of the combination is to restrain and monopolize commerce among the States in respect of such sales,'' due to the fact that the meat at issue likely had roots in several different States, not just Illinois, and that its end destination could also have been within a different State, that, in effect, it was affecting the ''stream of commerce.''

□ 1440

Thus, the ruling in Swift had the effect of allowing congressional regulation of actions which could potentially affect commerce in other States—not what actually would affect commerce, but potentially affect commerce in other States—such as the sale of items which could be considered to be within the stream of commerce. Again, a further expansion of the original intent.

Again, to recap what this case has shown us, the court ruled that activities involved in the stream of commerce, or potentially could be involved in the stream of commerce, may be regulated by Congress. But in reality, this decision had the effect of allowing Congress to regulate not just actions which could affect more than one State, but also actions which are considered to be within the stream of commerce. As a result, it widens the breadth of issues over which Congress might assert authority under the commerce clause, totally against the original intent.

Next in Stafford v. Wallace in 1921, we see Congress passed the Packers and Stockyards Act in 1921 to create new regulations on meatpackers in response to charges that their practices were unfair, discriminatory, and encouraged the formation of monopolies.

In Stafford, the court reaffirmed its decision in Swift that we just talked about, finding that Congress could regulate activities within stockyards—seen as local in nature—because they are a part of a channel of commerce.

Writing the decision, Chief Justice William Howard Taft stated that ''the object to be secured by the act is the free and unburdened flow of livestock from the ranges and farms of the West and the Southwest through the great stockyards and slaughtering centers on the borders of that region, and thence in the form of meat products to the consuming cities of the country in the Middle West and East, or, still, as livestock, to the feeding places and fattening farms in the Middle West or East for further preparation for the market.''

And he went on to state that in his opinion any practice which ''unduly and directly'' affects the expenses incurred during the passage of livestock through stockyards is an ''unjust obstruction to that commerce,'' and as a result, Congress has the ability to step in and regulate it.

Here the court rules that the commerce clause allows Congress to act if it believes that a local entity is preventing the ''free and unburdened'' flow of a good which could have its roots in multiple States, such as cattle moving to stockyards and to packing plants. But in reality, this simply reaffirmed the Swift decision which allowed Congress to insert itself into any activity that affects more than one State.

Then in Wickard v. Filburn, this case threw open the doors, widely opened the doors to allow Congress to regulate any activity that might relate to interstate commerce. I'm sure the Founding Fathers would roll over in their graves if they knew what kind of power the court bestowed on the Federal Government with the decision in this particular case.

So let me give you a little background information on this case so you can grasp how ridiculous the court's decision was in this case. Roscoe Filburn was a farmer who was penalized by the U.S. Department of Agriculture for harvesting more wheat than he was allotted by a USDA regulation that set quotas for wheat crops. Filburn filed suit, claiming that he was not going to sell the extra wheat, that he was only going to be using it on his own farm for his own family; and, therefore, the Federal Government should not have any say in the matter. Justice Robert H. Jackson wrote in his opinion that ''the commerce power is not confined in its exercise to the regulation of commerce among the States. It extends to those activities interstate which so affect interstate commerce.''

He went on to write, as this poster shows:

> Even if an activity be local, and though it may not be regarded as commerce, it may still, whatever its nature, be reached by Congress if it exerts a substantial economic effect on interstate commerce.

In other words, anything could be considered under the commerce clause. Anything could be regulated by Congress. Anything. And that's what we see today.

Most recently, in 2005, the court reaffirmed the decision in Wickard v. Filburn in the ruling of Gonzales v. Raich, which shows the court's anti-original intent interpretation of the commerce clause to date. This, I remind you, was just a few years ago in 2005. This is the widest interpretation of the commerce clause, showing that Congress may not even need to show evidence that an action could affect interstate commerce before it is able to regulate it.

This case also established that Congress needs only to find that a ''rational basis'' exists for believing that an action could affect interstate commerce in order to regulate it. Again, in this case the court ruled that Congress may regulate any activity which might relate to interstate commerce. How inane. How unconstitutional. The reality is it's just absurd that Congress should have this power under the commerce clause to stop a farmer from using his own crops to feed his own livestock and his own family simply because his doing so may result in his not purchasing wheat from elsewhere within the marketplace.

The cases we just discussed show the court's willingness to use the commerce clause to justify congressional regulation on just about any activity which might affect commerce. However, the Rehnquist court broke from this trend and decided two key cases which limited the use of the commerce clause when the regulation was not firmly based on economic activity. I firmly believe that we need to move even more drastically in the direction that the Rehnquist court established.

In 1995, U.S. v. Lopez was the first case where a distinction was drawn between using the commerce clause to regulate economic activity and using it to regulate any activity which could potentially impact commerce.

Alfonzo Lopez was a high school student who was charged with possessing a firearm on school property under the Gun-Free School Zones Act of 1990. Lopez challenged the act, claiming that the commerce clause does not grant Congress the authority to say where someone may or may not carry a gun. Attorneys for the Federal Government argued that the possession of a gun—and this is just so far out and crazy, it's hard to believe, but this is exactly what they argued—the Federal Government attorneys argued that possession of a gun on school grounds could lead to violent crime—well, the gun doesn't make it lead to violent crime, but that's what they were claiming—and this would increase insurance costs. And it would also deter visitors from coming to the general area, thus dampening the local economy. They also argued that students who fear violence at their schools are more likely to be distracted in the classroom, resulting in a less-educated workforce and an overall weaker national economy. Boy, that's far reaching, but this is what your Federal Government attorneys argued in this case.

In his opinion, Chief Justice William Rehnquist wrote:

> The possession of a gun in a local school zone is in no sense an economic activity that might substantially affect any sort of interstate commerce. To uphold the government's contentions here, we would have to pile inference upon inference in a manner that would bid fair to convert congressional authority under the commerce clause to a general police power.

We have seen that over and over where Congress has generated a bigger and bigger Federal criminal justice system under the Commerce Clause when we have absolutely no constitutional authority to do that.

□ 1450

Rehnquist went on to say:

> Congress could regulate any activity that it found was related to the economic productivity of individual citizens: family law, including marriage, divorce and child custody, for example. Under theories, it is difficult to perceive any limitation on Federal power, even in areas such as criminal law enforcement or education where States historically have been sovereign. Thus, if we were to accept the government's arguments, we are hard pressed to posit any activity by an individual that Congress is without power to regulate.

And he is absolutely correct. He added:

> Admittedly, some of our prior cases have taken long steps down that road, giving great deference to congressional action, but we decline here to proceed further.

The quote on this poster shows Rehnquist admitting how in cases I have already talked to you about, the cases in the past, the Commerce Clause has been stretched very thin and often misapplied. In Lopez, Rehnquist ruled that Congress may not use the Commerce Clause to regulate noneconomic activity, even in cases where it could find a tangential connection between that activity and the health of the economy at large.

U.S. v. Morrison, in 2000, built on the findings of Lopez and reaffirmed the Court's opinion that Congress could not reach to the Commerce Clause to regulate activity which only tangentially touched interstate commerce.

In 1994, Christy Brzonkala was sexually assaulted by two of her college classmates. She filed suit against them under the Violence Against Women Act of 1994, which provided a Federal civil remedy for ''victims of gender-motivated violence.'' Her classmates argued that Congress had no authority to regulate violence against women under the Commerce Clause. Attorneys for the Federal Government argued that gender-motivated violence, and the fear of such violence, substantially affects interstate commerce.

Again writing the opinion of the Court, Chief Justice Rehnquist stated:

> The Violence Against Women Act is supported by numerous findings regarding the serious impact that gender-motivated violence has on victims and their families.

And it certainly does.

> But the existence of Congressional findings is not sufficient, by itself, to sustain the constitutionality of Commerce Clause legislation. As we stated in Lopez, ''simply because Congress may conclude that a particular activity substantially affects interstate commerce does not necessarily make it so.''

He added:

> Thus far in our Nation's history our cases have upheld Commerce Clause regulation of intrastate activity only where that activity is economic in nature.

In this case, the Court ruled that Congress is not able to use the Commerce Clause to regulate noneconomic behavior. At the same time, the Constitution delegates such regulation to the States as an exercise of the State's police powers, not the Federal Government's, but the police's, the State's police powers.

This particular case is just chock full of great quotes, and I'd like to just take a few minutes to read some of them, the first being on this poster.

> The Constitution requires a distinction between what is truly national and what is truly local.
>
> Given petitioners' arguments, the concern that we expressed in Lopez that Congress might use the Commerce Clause to completely obliterate the Constitution's distinction between national and local authority seems well founded.

The next quote out of that decision reads:

> If accepted, petitioners' reasoning would allow Congress to regulate any crime as long as the nationwide, aggregated impact of that crime has substantial effects on employment, production, transit, or consumption.

He went on to say:

> Indeed, we can think of no better example of the police power, which the Founding Fathers denied the Federal Government and reposed in the States, than the suppression of violent crime and vindication of its victims.

Lastly, Rehnquist closed this case by saying this:

> If the allegations here are true, no civilized system of justice could fail to provide her a remedy for the conduct, but under our Federal system that remedy must be provided by the State and not by the United States.

As you can see through Rehnquist's decisions in these two cases that we just talked about, the Commerce Clause cannot and should not be utilized to expand the police powers of the Federal Government. The crimes in these cases that were treated as Federal crimes should have been handled either by the State or locally. We do not have constitutional authority to create an ever larger Federal criminal justice system. In fact, initially, there were only three Federal felonies: treason, piracy, and counterfeiting. And that is counterfeiting against coinage, money.

Now let's come to an issue that is important right now. It's one of the biggest assaults on freedom to date, and one of the worst perversions of the Commerce Clause that I have ever seen. And I'm talking about the Patient Protection and Affordable Care Act, commonly known as ObamaCare.

Using the decisions in Lopez and Morrison, it is clear that Congress lacks the authority to institute the individual mandate set forth in ObamaCare, as well as all the State mandates that are in that law.

The individual mandate requires all citizens to have some form of health insurance, whether they want to have it or not. Chief Justice Rehnquist made it clear in Morrison that just because Congress has stated that it has an interest in regulating what kind of health care Americans purchase—or whether they purchase it at all, whether they purchase it or don't purchase it—does not make it so.

And it is not a stretch to infer from Rehnquist's decision that he would have also struck down the individual mandate, especially given the fact that he opposed the idea of the Commerce Clause allowing Congress to regulate anything that could have a substantial effect on employment, production, transit, or consumption.

In a series of articles written by Matthew Clemente of FreedomWorks, he argues that even in the wildest expansions of the Commerce Clause, the cases all involved an individual or company which was proactively trying to engage in commerce.

Here, we see the opposite. Individuals are being told that in order to go about their lives free from penalty, they must purchase a certain product.

Folks, this is socialism. This is not freedom and liberty. The argument has never been made that the Federal Government can mandate that all citizens must purchase a certain product. My Democrat colleagues mandated it through this bill, through this law, that the President has demanded, ObamaCare. If Congress wants to promote the purchase of health insurance in a constitutional way, it should pass legislation which is constitutional under the original intent of the Commerce Clause that would allow individuals to buy coverage across State lines. This would adhere to the original intent of the Constitution and would allow people to buy insurance, health insurance, at a much lower price than they can today and would get a whole lot better products.

Congresses, Presidents, court judges, every public official in this country swears an oath. I swore the oath when I was sworn into the United States Marine Corps in 1964.

□ 1500

I swore the same oath in 2007, when I came and stood behind this podium. In 2007, I swore to that oath, in 2009, and 2011. Every Member of this body swears to uphold and protect the Constitution against enemies both foreign and domestic.

We have a lot of domestic enemies of the Constitution. A lot of those domestic enemies of the Constitution are wearing black robes and they're sitting on benches in Federal courts all across this land. They have violated their oath of office. Every Member of this body swears to uphold the Constitution. There's violation after violation that occurs right here on this floor.

Think about it: if we don't have a solid foundation upon which to build all our laws, all of our society, then we have no foundation at all and the society is going to fall; it's going to fail. As we read in Proverbs, God says:

> There is a way that seems right in the eyes of man, but its path is the way of death.

It's going to be the death of this Nation.

I hear colleagues, particularly on the other side, say the Constitution is a living and breathing document; the Supreme Court is the final arbiter of what is constitutional. And that, my friends, is not factual. The only arbiter of what is constitutional or not is the Constitution and what our Founding Fathers said about it.

If we don't restore a constitutionally limited government, we're going to lose our freedom, we're going to lose our liberty. The bright and shining star of liberty that's been over this Nation for over 200 years is upheld by six pillars. The first of those is a constitutionally limited government as our Founding Fathers meant it. The second one is the free enterprise system, uninhibited by taxes and regulation. The third is the rule of law, where everybody, every entity in this country is treated equal under the law. And certainly we're not being treated equally under the law today.

The fourth is property rights, where people can own and control their property and government cannot interfere with that ownership. And if it does, if it takes it or devalues it, the Constitution says that they should be appropriately compensated for the loss or the devaluation of that private property.

The fifth pillar that holds up that bright and shining star of liberty is the pillar of personal responsibility and accountability. And the middle pillar that holds up the center of the star of liberty is the pillar of morality. In fact, John Adams said our Constitution is written for a moral and religious people. It is wholly inadequate for the governing of any other. I hear colleagues say, well, you can't legislate morality. They are so wrong. Every law, every piece of legislation, no matter what level of government, is somebody's idea of what's right and what's wrong.

Every law is legislating morality. Our Nation was founded on the premises of Biblical truths, on the Judeo-Christian principles that have made this country so great and have given us the liberty that we have as a Nation.

But, friends, we are standing right on a precipice. We are staring down into a deep, dark chasm of socialism. And the question is, are we going to be pushed off, are we going to leap off and fall into that deep, dark chasm of socialism, where we're going to lose our freedom and liberty? Or are we going to turn around and march up the hill of liberty and regain for this Nation what our Founding Fathers fought and died and sacrificed so nobly for, that liberty? It's up to us.

Right now, today, we are getting the kind of government that the American people have allowed or demanded. We cannot afford to do so anymore. We have to turn around and march up that hill of liberty and reclaim it and start rebuilding those six pillars of liberty that are being eroded. They're being eroded by Democrats and by Republicans, by conservatives and liberals alike.

Going back to that first poster I put up here where God talks in Hosea 4:6, He says, ''My people are destroyed for a lack of knowledge.'' We have a tremendous lack of knowledge of how we've gotten away from the intent of the Constitution. Even lawyers and justices and judges don't have a concept of the original intent of the Constitution. In fact, in most law schools in this country, even in the course of constitutional law they do not teach the Constitution, they do not teach the original intent. They do not teach the principles that have made this country so powerful, so rich, so successful as a political experiment, the greatest of all of human history.

What do they teach? They teach case law, where Justices in the Supreme Court have ruled on the constitutionality of a case and have ruled unconstitutionally. They should be removed from office because they're destroying our liberty, they're destroying our freedom. And it's up to the American people to say, no, we're not going to put up with this anymore; we're going to make a change.

You see, the most powerful political force in this Nation is embodied in the first three words of the U.S. Constitution: ''We the people.'' We the people can make a difference. I want to remind you of what one U.S. Senator, Everett Dirksen—former U.S. Senator—at one time said. He said when he feels the heat, he sees the light. What he means is if he's heading in one direction and enough of his constituents contact him and say, buster, you're heading in the wrong direction, if enough people contact him, because he's going to stand firm on the principle of his reelection, then he will begin to see the light.

There are Members of this body and the one across the way in the U.S. Senate, as well as Presidents and our Presidential candidates, that need to feel the heat. They need to feel the heat of liberty. They need to feel the heat of ''we the people'' that demands that different kind of governance, demands going back to the original intent of the Constitution. Because if we don't, our children and our grandchildren are going to live in a socialistic state such as we see in Cuba and Venezuela, we saw in Communist China and the Soviet Union.

We the people have to get up in arms and start building grass fires of grassroot support all over this country for candidates and for Members who are already elected and say we're not going to put up with this anymore.

The only arbiter of the constitutionality is the Constitution and what was meant in the Constitution by those who wrote it. Now, I'm asked all the time, Paul, you weren't around then, how do you know what they meant? Our Founding Fathers didn't have video games and TV and the Internet. They wrote. They read. I encourage American citizens all over this country to read, read what our Founding Fathers said about the Constitution. Read what they meant by it. Because if we

are destroyed by a lack of knowledge, if you turn that around, think about it, we're not destroyed with knowledge.

Then you go on in Hosea 4:6, God says He's going to ignore our children, He's going to reject our children. The future of this Nation depends upon we the people standing firm and saying we're not going to put up with this anymore. We're going to go back to the original intent. We're going to do the hard work of knowing what our Founding Fathers said. We're going to do the hard work of demanding of our elected representatives that they stand by the principles, the foundations that have made this country so great, so powerful, so successful.

□ 1510

There are many Members of this body that need to feel the heat. There are many of the people in this body that need to see the door because they don't stand on the Constitution, they don't uphold the oath of office, they don't do what they have promised their constituents and the American people that they're going to do.

There are judges all over this country, Federal judges, that need to be impeached and removed from office because they're not upholding the Constitution. They're not defending the Constitution. They're not doing what they promised that they would do. They're violating their oath of office.

It has to stop, and the only way we're going to stop it is for we the people to stand up and say, no more. We're not going to elect anybody who's not going to uphold the Constitution in its original intent. We've got to get the hard work done of restoring those six principles, the six principles that have upheld that bright shining star of liberty over this country for so long.

And I'm excited because we see grass roots all over this country beginning to rise up. We see a sleeping giant that's beginning to wake up and stretch its arms and legs and beginning to walk. The press calls it the Tea Party. Well, there's not a Tea Party. There are many tea parties. There's FreedomWorks, there's Americans for Prosperity. There are groups, grassroots groups like the NRA and Gun Owners of America and Right to Work and other groups that believe in the Constitution.

We're beginning to see the sleeping giant of we the people waking up. It's time to not only wake up and stretch our arms and legs and to walk, but we've got to run. We've got to do the hard work of re-establishing liberty in this country.

We're losing our liberty, friends, and we're going to lose it all. We're standing on that precipice staring down in that deep, dark chasm of socialism. Are we going to allow ourselves to be pushed off by courts, by Congresses, by Presidents, Democrats and Republicans alike?

Or are we going to turn around as a people and demand liberty and start marching up that hill of liberty? It's going to be a mountain climb, but we can do it.

I'm excited because I see that great sleeping giant, the most powerful political force in America, embodied in those first three words of the U.S. Constitution, We the People. Our Founding Fathers believed in we the people. That's the reason, when they wrote the document they put the letters in such large script, much, much larger, probably four or five times larger than the rest of the text in the document, because we the people is the key, that force of we the people.

So the question I have to ask today, Are we going to jump or be forced down into that deep, dark chasm of socialism, or are we going to be a free people? Are we going to demand the liberty?

It's up to each and every freedom-loving citizen in this country today to demand a different kind of governance. I believe we can do it, I believe we will do it because we the people love liberty in America. And I'm trusting in we the people to do the right thing and demand constitutional limited government at all levels.

God bless you, and God bless America.

I yield back the balance of my time.

THE CRITICAL ROLE OF THE FEDERAL GOVERNMENT IN SUPPORTING BIOMEDICAL RESEARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MALONEY. Mr. Speaker, last year, when I was chair of the Joint Economic Committee, we held a hearing on the pivotal role of government investment in basic research. We found that basic research spurs exactly the kind of innovations that business leaders, academics and policymakers have all identified as critical for our Nation's economic growth.

But we also found that the private sector tends to underfund basic research because it is undertaken with no specific commercial applications in mind. Businesses, understandably, concentrate their research and development spending on the development of products and processes that may have direct commercial value.

A report produced by the Joint Economic Committee showed that the Federal Government funds almost 60 percent of basic research in the U.S. and highlighted one study that estimated that actual R&D expenditures in the United States may be less than half of what the optimal levels would be.

We are now engaged in an important national debate about how much and where to cut Federal spending. And I wish to make the case for how reckless and shortsighted it would be to cut into the budget lines that fund the kind of vital, basic research that led to discovery, innovation, and economic growth, because doing so would be, as that bit of old folk wisdom goes, like cutting off our nose to spite our face.

Take the budget for the National Institutes of Health, for example. The NIH strongly supports the kind of basic scientific research that may not be directly useful in creating practical products yet, but it's precisely this kind of research that can lead to the future development of new and undreamed of biotech and pharmaceutical advances. It is work that can lead to the kind of advances that will allow the establishment of new products, grow new businesses, and produce private sector jobs.

Studies have shown that the money we spend supporting such scientific research is one of the best investments our country can make. For instance, out in Los Angeles, UCLA generates almost $15 in economic activity for every taxpayer dollar that it invests, resulting in a $9.33 billion, with a B, impact on the Los Angeles region.

In Houston, Texas, the estimated economic impact of Baylor is more than $358 million, generating more than 3,000 jobs.

In my own district in New York, Dr. Samie Jaffrey, a pharmacologist and faculty member at Weill Cornell Medical College, has just recently developed a promising new technology for studying RNA in cells and has just started a biotech company, all with NIH support.

Time and time again, basic research has been a game changer and an economic incubator. Take the biotechnology company Genentech as an example. It was founded on discoveries that were made within our universities, and those discoveries were made with financial support of grants from the National Institutes of Health. And those Federal funds proved to be a very good investment.

Genentech has created over 11,000 jobs, and the company created products that have had major effects on the health and economic well-being of our Nation. Genentech developed drugs that treat certain leukemias and arthritis and breast cancer.

NIH-funded research has also had a major impact on the lives of those suffering from multiple sclerosis. MS is a painful, painful disease that often strikes young women with children. Thanks to NIH research, drugs have been developed that are now in the marketplace that mean MS patients now live longer and have higher quality lives.

Since 1970, over 150 new FDA-approved drugs and vaccines or new indications for existing drugs have been discovered in university laboratories, most funded by NIH. And millions of Americans are hoping that somewhere, just over the horizon, there will be new discoveries and new breakthroughs leading to more effective treatments

for cancer, Alzheimer's, Parkinson's, AIDS, autism, bacteria, ADHA, schizophrenia, depression and much more.

□ 1520

But treating these and other diseases will depend on discoveries yet to be made. Discoveries of basic science. Discoveries that can only be made with Federal funding and the work of agencies like the NIH. I suspect that to some this might just sound like pie in the sky.

But just think back into our not too distant past. Think back to the polio of the 1950s, to the children who were crippled and to the patients in iron lungs. Think about 30 years ago, when almost all the children who were diagnosed with non-Hodgkins lymphoma were not expected to live more than 5 years. Think back to the time when AIDS was the equivalent of a death sentence. Polio is now eradicated. The 5-year survival rate for NHL is over 84 percent, and AIDS is treatable, survivable.

This is all because of basic research, much of which was funded by the NIH. Because of the basic research we have funded and made possible. Because of our past investments in our Nation's future. The Founding Fathers had the wisdom and the foresight to write into the Constitution a role for the Federal Government in promoting the progress of science and useful arts. If we are to remain competitive in the global economy, if we hope to remain a leader in biotechnology, if we hope to continue to advance the world's understanding and treatment of diseases such as cancer and Alzheimer's disease, we must continue to invest in the basic research and in the dedicated young scientists who make it all possible.

I yield back the balance of my time.

THANKSGIVING

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

Mr. GOHMERT. Thank you, Mr. Speaker.

Even though this body is composed of a lot of people who have a lot of different political steadfast beliefs, it is still an honor and pleasure to serve with friends like CAROLYN MALONEY.

So it is an honor to serve, and even though we disagree sometimes on the way we get to the end, I know that, for example, Mrs. MALONEY's heart is always in the right place.

It is a pleasure to serve with her.

Mrs. MALONEY. Will the gentleman yield?

Mr. GOHMERT. Certainly.

Mrs. MALONEY. I would like to thank you for that very kind statement, and I look forward to finding common ground on things we can agree on and work to help the economy and growth of this great Nation, and I hope you can help and support the funding of NIH and basic research which has been so helpful to your great State and your great universities and scientists.

Mr. GOHMERT. Thank you. I certainly appreciate my friend from New York.

There are some areas of research that if the Federal Government doesn't do it, it's not going to get done, and I'm sure there are areas we can certainly agree on.

BALANCED BUDGET AMENDMENT

Mr. GOHMERT. I wish I were coming to the floor just full of excitement because we had a vote today on the balanced budget amendment. I came to Congress nearly 7 years ago believing we needed a balanced budget amendment, knowing that Thomas Jefferson regretted not having one, that Ronald Reagan wished there had been one. But since I have been in this body, it has become abundantly clear that this body is more likely to have the will to raise taxes than it is to cut spending.

I came here not believing that that was the case. But after we added over 80 fantastic freshmen coming up here with the right motivation, wanting to get our fiscal House in order, knowing that we went from 2006, when we were last in the majority before this year, when we spent $160 billion or so over what we took in, and then, because we didn't have our fiscal house in order as the Republican majority, it's my belief that's the reason, the biggest reason, actually, that the public turned over the reins to our Democratic friends. We haven't done a good job of avoiding overspending.

But also in 2006, November, when we lost the majority, I would never have believed that we would go from a time when we were spending $160 billion more than we were bringing into the Treasury in just a few short years to spending a trillion dollars more than we were bringing into the Treasury. That was just unfathomable. And it appeared very clear that after a year ago, when the majority—we were in the minority at the time—made a pledge, we were going to return to pre-bailout, pre-stimulus spending, and in the first year, we pledged we would cut $100 billion.

And here we are, we have just at the end of September finished the fiscal year of 2011, and we really didn't make any cuts. The jury's out. Initially we were told we may save $27 billion over the year before. It is just chicken feed when you're bringing in $2.2 trillion or $2.3 trillion and you're spending about $1.3 trillion more than that, $3.6 trillion, $3.7 trillion. And all we could find to cut was $27 billion?

Then we have had more recent word that we may not even save that much. Some have told me that actually we may have spent just a hair more than we did.

So it became abundantly clear to me, and I know that my friend, Chairman PAUL RYAN, voted against the balanced budget amendment because he knew it ought to have more restraint on spending in there, a spending cap. And Mr. AMASH, I haven't talked to him about his reasons for voting no, and Mr. DREIER, who doesn't believe we should have one at all.

It's really not fun not voting with the people that you serve with, that you're in the same party with. You share so much in the way of common experiences. Because I am a strong advocate for a balanced budget amendment.

But the bill on the floor today did not have a spending cap. This past year, we had just witnessed the largest wave election since the 1930s. And all of the over 80 new freshmen came forward with one central charge: stop the wasteful government spending.

Following a pledge to make massive cuts in spending, it really appears that Congress finds it easier to talk about ''new revenue'' which is just code for more taxes, than to cut spending.

It doesn't live up to the pledge that we made.

We made a pledge to the American people to restrain government and to get our fiscal house in order. And we should be doing it. Eleven months into this majority, we should have made more progress than we have.

President Obama has ramped up spending with the help of former Speaker PELOSI, Leader REID, both majorities in the Houses when they were Democrats, by over an additional trillion dollars. It's far more than the Democratic Congress increased the debt under President Bush in 2007 and 2008.

□ 1530

It just is mind-boggling that we could not find enough Members to return even to the liberal Democratic spending of 2007 or 2008. It's clear that, if we had passed a balanced budget amendment without at least having a spending cap, then future Congresses would use the requirement of a balanced budget to increase taxes in order to balance the budget.

We are already at a point at which almost 50 percent of the American public is not paying income tax. We are on the threshold of arriving at that point beyond which no representative societies have ever been able to come back to greatness. When one more than half who is voting is receiving more from the government than they're putting in, you're done. You're doomed. It's over. All that's left is the slow walking and the low talking, but you're virtually at the end.

And we are getting close.

On Wednesday, the national debt exceeded $15 trillion, which left the United States with one of the highest public debt-to-GDP ratios in the world. This $15 trillion mark further enhances the uncertainty that is thwarting our economy from moving ahead. It's apparent America is on a route headed for ruin, and if we continue to spend more money that we don't have, we will arrive at that destination.

Washington, this government, needs to stop the runaway train of spending. This President's policies have added $4.4 trillion to the national debt, all in a fraction of the time that that debt accumulated under President George W. Bush. If we'd at least had a spending cap as part of the balanced budget amendment, which wasn't even demanding the two-thirds supermajority in order to raise taxes—just a spending cap, make it a relevant spending cap—then what we voted out of committee in the regular order—which we promised that we wouldn't bring bills to the floor unless they went through the regular order—produced a balanced budget amendment that had a two-thirds requirement in the way of a vote before taxes could be raised. It had an 18 percent spending cap, where 18 percent of the GDP was the most we could spend. That was produced through the regular order, but that's not what we voted on here today.

I deeply regret having to vote ''no,'' but I've seen what we're capable of and what we're not; and we need it in the Constitution that the budget must be balanced and that a spending cap must be there.

Some have said, Well, States don't really have a spending cap. They can't print their own money. They can't go out and borrow money the way we do in the Federal Government. It's different, and it needed to be addressed differently.

We were told, Well, we had to vote for this as Republicans because it's the only one that had a chance to pass. Then, on further inquiry, we were told the people who were saying that didn't believe it was going to pass the Senate, that they knew it wouldn't pass in the Senate, and didn't think it had much chance of passing in the House. Then why weren't we pushing what came out of regular order?—which is what I think most of the Republicans believed was the best bill.

I don't know.

I also know, in going back through this country's history, that, even during some of its most difficult and darkest days, there was a day set aside, sometimes many days set aside, for thanksgiving.

Mr. Speaker, may I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman has 19 minutes remaining.

Mr. GOHMERT. I want to share a Proclamation of Thanksgiving from the year 1798, signed by President George Washington.

In 1798, it was toward the end of President Washington's time as President. It was a difficult time; we were not a strong Nation. We were struggling, and some thought we ought to run to the aid of France; but their convictions in France did not appear to be based on sound doctrine and a desire for liberty. There was too much envy and jealousy involved in that revolution, and we were not a strong Nation.

Despite all the difficulties in the United States in those early days, George Washington proclaimed the following:

Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor; and whereas both Houses of Congress have, by their joint committee, requested me to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness.

Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the signal and manifold mercies and the favor, able interpositions of His providence in the course and conclusion of the late war; for the great degree of tranquillity, union, and plenty which we have since enjoyed; for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.

And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations, and beseech Him to pardon our national and other transgressions; to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually; to render our National Government a blessing to all the people by constantly being a Government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed; to protect and guide all sovereigns and nations (especially such as have shown kindness to us), and to bless them with good governments, peace, and concord; to promote the knowledge and practice of true religion and virtue, and the increase of science among them and us; and, generally, to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best.

Signed by George Washington in 1798.

But in the darkest throes of this country, in 1863, during a war that saw the death of more Americans than in any war in our history—more than the Revolution, more than World War I, World War II, Vietnam, Korea, more than any of the wars—the Spanish-American War—there was this proclamation from President Abraham Lincoln simply entitled ''A Proclamation.''

Lincoln said this:

The year that is drawing towards its close, has been filled with the blessings of fruitful fields and healthful skies. To these bounties, which are so constantly enjoyed that we are prone to forget the source from which they come, others have been added, which are of so extraordinary a nature, that they cannot fail to penetrate and soften even the heart which is habitually insensible to the ever watchful providence of Almighty God.

In the midst of a civil war of unequaled magnitude and severity, which has sometimes seemed to foreign States to invite and to provoke their aggression, peace has been preserved with all nations, order has been maintained, the laws have been respected and obeyed, and harmony has prevailed everywhere except in the theatre of military conflict; while that theatre has been greatly contracted by the advancing armies and navies of the Union. Needful diversions of wealth and of strength from the fields of peaceful industry to the national defence, have not arrested the plough, the shuttle or the ship; the axe has enlarged the borders of our settlements, and the mines, as well of iron and coal as of the precious metals, have yielded even more abundantly than heretofore.

Population has steadily increased, notwithstanding the waste that has been made in the camp, the siege and the battlefield; and the country, rejoicing in the consciousness of augmented strength and vigor, is permitted to expect continuance of years with large increase of freedom. No human counsel hath devised nor hath any mortal hand worked out these great things. They are the gracious gifts of the Most High God, who, while dealing with us in anger for our sins, hath nevertheless remembered mercy.

It has seemed to me fit and proper that they should be solemnly, reverently and gratefully acknowledged as with one heart and one voice by the whole American People. I do therefore invite my fellow citizens in every part of the United States, and also those who are at sea and those who are sojourning in foreign lands, to set apart and observe the last Thursday of November next, as a day of Thanksgiving and Praise to our beneficent Father who dwelleth in the Heavens. And I recommend to them that while offering up the ascriptions justly due to Him for such singular deliverances and blessings, they do also, with humble penitence for our national perverseness and disobedience, commend to His tender care all those who have become widows, orphans, mourners or sufferers in the lamentable civil strife in which we are unavoidably engaged, and fervently implore the interposition of the Almighty Hand to heal the wounds of the nation and to restore it as soon as may be consistent with the Divine purposes to the full enjoyment of peace, harmony, tranquillity and Union.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States to be affixed.

Done at the City of Washington, this Third day of October, in the year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the Unites States the Eighty-eighth.

By the President: Abraham Lincoln.

□ 1540

We all know—or hopefully most know that John Hancock presided over the Continental Congress from which we got the Declaration of Independence. In 1791, he was Governor of the Commonwealth of Massachusetts and signed this proclamation, from John Hancock:

In consideration of the many undeserved Blessings conferred upon us by God, the Father of all Mercies; it becomes us not only in our private and usual devotion, to express our obligations to Him, as well as our dependence upon Him; but also specially to set a part a day to be employed for this great and important purpose: I have, therefore, thought fit to appoint, and by the advice and consent of the council, do hereby accordingly appoint, Thursday, the seventeenth of November next, to be observed as a Day of Public Thanksgiving and Praise, throughout this

Commonwealth: Hereby calling upon ministers and people of every denomination, to assemble on the said day—and in the name of the Great Mediator, devoutly and sincerely offer to Almighty God, the gratitude of our hearts, for all His goodness towards us; more especially in that He has been pleased to continue to us so a great a measure of health—to cause the Earth plentifully to yield her increase, so that we are supplied with the Necessaries, and the comforts of life—to prosper our merchandise and fishery—and 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: And together with our cordial acknowledgments, 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 of this, and the other States in the Union—to afford Him further smiles on our agriculture and fisheries, commerce and manufactures—to prosper our university and all seminaries of learning—to bless the virtuously struggling for the rights of men—so that universal happiness may be allies of the United States, and to afford His almighty aid to all people, who are 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.

And I do also earnestly recommend to the good people of this Commonwealth, to abstain from all servile labor and recreation, inconsistent with the solemnity of the said day. Given at the Council-Chamber, in Boston, the fifth day of October, in the year of our Lord, One Thousand Seven Hundred and Ninety-One, and in the sixteenth year of the Independence of the United States of America.

This is from James Madison, the fourth President, 1815. Many credit James Madison as being the most productive person in the writing of our United States Constitution. The greatest building block for any Nation in the history of man.

This is James Madison's proclamation:

No people ought to feel greater obligations to celebrate the goodness of the Great Disposer of Events of the Destiny of Nations than the people of the United States. His kind providence originally conducted them to one of the best portions of the dwelling place allotted for the great family of the human race. He protected and cherished them under all the difficulties and trials to which they were exposed in their early days. Under His fostering care their habits, their sentiments, and their pursuits prepared them for a transition in due time to a state of independence and self-government.

Signed James Madison, fourth President, March 4, 1850, Thanksgiving Day proclamation.

And then in conclusion:

Know that the Lord Himself is God; It is He who has made us, and not we ourselves; We are His people and the sheep of His pasture. Enter His gates with thanksgiving and His courts with praise. Give thanks to Him, bless His name. For the Lord is good; His loving kindness is everlasting and His faithfulness to all generations.

Mr. Speaker, it is the wish here that you and all those in this body and around the country have a wonderful day of Thanksgiving in the week ahead.

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

THE FAIR TAX

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

Mr. WOODALL. Mr. Speaker, this is my first time down here as a freshman during Special Orders, my first time trying to coordinate charts and talk the talk and walk the walk all at the same time.

But I'm excited about it because I'm down here to talk about the Fair Tax. And if folks don't know what the Fair Tax is, it's H.R. 25. You can find it at www.thomas.gov, that site that everybody should have bookmarked if you care about what goes on here on the House floor. Because if you don't know, everything that goes on here is available in realtime at www.thomas.gov. It's done through the Library of Congress. It's not a Republican thing or a Democrat thing. It's just the real deal, what's actually happening down here.

And if you go and you look up H.R. 25, it's the Fair Tax. What the Fair Tax is is a bill that repeals all income-based Federal taxes and replaces them with consumption-based taxes.

Now, my friend from Texas (Mr. GOHMERT) was just down here on the House floor, Mr. Speaker. He was talking about our Founding Fathers and those things that were happening between 1776 and 1787. And in that time, we funded all the Federal Government with consumption taxes—it was not income taxes; it was consumption taxes—under the theory that if you had enough resources to go out and buy that silver tea set from England, then you had enough resources to help fund the Republic. And if you spent all your time working on your farm, and you just barely had enough money to buy thread at the local five-and-dime, then we weren't going to tax you as heavily.

□ 1550

If you look at this poster, Mr. Speaker, in 1913, right before the income tax began, we had 400 pages of Tax Code in America. Just the last century, in the 1900s, 400 pages of Tax Code and regulations. By World War II, that 400 pages had grown to 8,000 pages, 20 times as much Tax Code by the end of World War II. By the time we were in Korea, 14,000 pages of code and regulation. By the 1970s, 19,000 pages of code and regulation. And in the 1980s, 26,300 pages of Tax Code and regulation.

Now, Mr. Speaker, I'm a reader. I love to sit down and educate myself through the written word; but I have to tell you, 26,000 pages of Tax Code and regulation is going to make a criminal out of all of us because you can't possibly understand all of the ramifications of the tax consequences of your decision.

Do you remember 1986? That was the last time we fundamentally overhauled the Tax Code. 1986. In fact, if you go to www.Thomas.gov, like I suggested, and you look at the laws and regulations, you'll see the Tax Code of 1986. It was the Tax Code of 1954, updated Tax Code to 1986. That was the last time we flattened rates and broadened the basis. Flattened the rates and broadened the base. And where did we end up? Between 1984 when we had 26,000 pages of Tax Code and regulation, we went through this process of simplifying the income tax, and 10 years later in 1995, we have 40,000 pages of Tax Code. By simplifying the income tax, we grew it from 26,000 pages to 40,000 pages.

Now, Mr. Speaker, if you're like me, you go out and you shop around. Are you going to use the H&R Block tax software? Are you going to use the Microsoft tax software? What kind of tax software are you going to use, because you hate paying accountants to do your taxes for you.

You know, I used to just sit down with a pen and paper and do it myself. I used to go through with my calculator and do it myself, but it has gotten too complicated. Why? Because since I have reached the age of majority in 1988, here we have 1995 when I'm coming out of college, between 1995 and 2004, we added another 20,000 pages to the Tax Code, from 40,000 pages to 60,000 pages. In 2007, to 67,000 pages; 2008 kept it to just a little over 67,000 pages. And in 2009, it jumped another 3,000 pages; 70,000 pages of tax legislation.

And to be clear, Mr. Speaker, when we talk about tax legislation, we're talking about the ways in which the government separates you and me and all of the American people from our paycheck. That's all there is in the Tax Code. All the Tax Code is, is how do we separate the American people from their productivity? It takes 70,000 pages in 2009 to sort that out. And 71,000 pages in 2010. And now, 72,000 pages of Tax Code in 2011.

Folks, what the FAIR Tax does, H.R. 25, it asks the question that if we could start from scratch—and by scratch I mean from the 72,000 pages that we do today, to just a blank sheet of paper—if you could start from scratch and draft the Tax Code that America ought to have instead of the one that has been forced upon us, what would you do? What would you do?

Well, there's a lot of difference of opinion on what to do, but simplification seems to be one of those things that we can all agree on.

You know, I didn't come to this House to try to be a good Republican. I came to this House to try to be a good American, and there are lots of opportunities to do that. I like to think those things occur simultaneously more often than not. But look at what folks are saying about the United States Tax Code.

I'll quote House minority leader NANCY PELOSI: Any tax reform and

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

Right, because if you close the loopholes, if you close all of the lobbyist-funded loopholes, close all of the special exemptions and exceptions and carve-outs, by definition it brings in more money.

Mr. Speaker, did you get the free golf cart in the 2009 tax bill? Does anyone want to admit to having gotten the free golf cart?

In 2009, in the name of a good energy bill, in the name of green energy, we in the wisdom here in the U.S. House and across the way in the United States Senate, of course I wasn't here at that time, but in our wisdom we created a tax credit, a $6,500 tax credit if you would go out and buy an electric vehicle.

Well, Americans are smart, and I love that about America. We are ingenious folks. And what folks figured out was that the $6,500 that folks were giving them if they'd go out and buy an electric vehicle, if you put brake lights, seat belts and side view mirrors on your golf cart, you could get yourself a free golf cart.

Well, it turns out, because we produce golf carts in the great State of Georgia, you couldn't actually get an American golf cart for $6,500. But our friends in China were willing to import a golf cart to America for $6,500, Mr. Speaker.

And so in the fall of 2009 and the spring of 2010, the IRS had to release guidance—hear this, Mr. Speaker—the IRS had to release guidance that said when we first crafted the free golf cart regulations, we said you actually had to have delivery of the cart by December 31. But so many Americans are trying to avail themselves of the free golf cart provision that we're going to change the rules here in late December and say really all you need is a VIN number from the manufacturer, and that'll give them several more months to fill all the orders.

Really, Mr. Speaker? Is that what we need in the Tax Code, a Tax Code that distributes free golf carts to folks who likely didn't even want a golf cart but it was free, and so they availed themselves of it?

NANCY PELOSI agrees with me that we need to get rid of those loopholes.

Senate majority leader HARRY REID: Our tax system is broken and needs to be fixed.

Let's take the poll, Mr. Speaker. Let's go to the most liberal Democrat in the House, to the most conservative Republican in the House, who doesn't agree with majority leader HARRY REID? Our tax system is broken and needs to be fixed.

And we have the ability to start with a blank sheet of paper and make it the way we want to make it. Listen to our President, Mr. Speaker.

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

That's true. Talk to any small business owner, find anybody who's at a CFO or CEO level in a business close to you and ask that question: Are you making business decisions, or are you making tax decisions?

And every single time they make a tax decision instead of a business decision, America loses. Their shareholders may win in the short term. Profits may gain in the short term. But when we in America decide we're going to do something to comply with these ridiculous 75,000 pages of Tax Code, instead of doing what's best for business, instead of what's best for customers, instead of what makes sense, America loses. And in these challenging economic times, we cannot lose that productivity.

Let me go back to President Barack Obama. He says this: We need to make America the best place on Earth to do business. The Tax Code is a barrier government can remove, a burdensome corporate Tax Code with one of the highest rates in the world.

Hear that. We talk so much about Republicans and Democrats. Here, common sense coming from the President of the United States: We need to make America the best place on Earth to do business. A barrier government can remove is a burdensome corporate Tax Code with one of the highest corporate tax rates in the world.

Folks, that's agreement. I will tell you, if I had to characterize him, Mr. Speaker, I would tell you that the President sits a little further to the left than I do. If I had to characterize my own voting record, I'd say I sit a little further to the right than most folks here in this House. But this is common is ground that we can all agree on.

Let me just show you what that tax rate is.

□ 1600

I hope the colors are showing up, Mr. Speaker, for folks back in their offices watching on TV because the red line here is the U.S. corporate tax rate. The blue line is the OECD average excluding the U.S. Now the OECD is that group of developed nations around the world, those folks that we would say have free economies and growing economies.

This chart goes back to 1981. It goes back to the beginning of the Reagan era. You see America's corporate tax rate higher than the average tax rate in the rest of the world. This is that tax reform that I talked about in 1986 where you see the tax rate dramatically drop—dramatically drop—and for a short period of time, Mr. Speaker, we became, on the red line, more productive and more competitive with the rest of the world as the rest of the world was on the blue line.

And look at those years. Do you remember those years—1988, 1989, 1990? Do you remember those productive years? I think that's when the yuppie label came around and folks were buying all their fancy automobiles and the first of the big houses. I was just coming of age in that time, but I remember the conspicuous consumption. And why? Because America was creating wealth. And then what happened? Here's the tax increase of the Clinton years, bumps right up there, and you see a flat line of American corporate taxation at about 39 percent, that flat red line of corporate taxation. Fair enough. I prefer predictability. I think we ought to know the direction things are going, and I think we ought to be able to plan to make business decisions.

Here is a very predictable line of corporate taxation. But what's the rest of the world doing? While America has a very predictable 39 percent tax rate, what's the rest of the world doing? Getting lower and lower and lower. Lower and lower and lower and lower. Folks, do you know who can't leave America? The American worker. Folks in my district. They can't leave. Capital can leave. A click of a mouse and you can take a billion dollars and move it overseas. If you have a business in America, you can pack up your bags and go. I talk to CEOs every day who do exactly that. They say, Rob, it's just not worth it doing business in America.

Why? Because we're not competitive. Do you want to talk about growing jobs? Mr. Speaker, let's talk about keeping the jobs that we've already got.

I see in the Chamber my friend from Iowa, Mr. STEVE KING, who has struggled with these issues firsthand and who I know understands as a small businessman before he came to this House what it means to be out there trying to make payroll and trying to stay competitive.

And if the gentleman would indulge me, what do you think it would mean for jobs in America if we got this U.S. corporate tax rate line below that world average, if we, once again, made it competitive to build jobs in America?

Mr. KING of Iowa. If the gentleman would yield.

Mr. WOODALL. I would be happy to yield.

Mr. KING of Iowa. I'd pose a question back. What do you think about taking it to zero?

Mr. WOODALL. Taking it to zero?

Mr. KING of Iowa. Yes.

Mr. WOODALL. Why not take it to zero? Well, I'll tell you what I might hear back home, I say to my friend. And what do you want to do? Do you want to give business a free pass? Because my understanding is there are only two places we can get taxes. We can either take them from me or we can take them from McDonald's. And wouldn't I rather tax McDonald's than tax me?

Mr. KING of Iowa. Of course we know if the gentlemen would yield——

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

Mr. KING of Iowa. The folks that are buying food in McDonald's are going to pay the tax if we try to get it from McDonald's. So we know corporations don't pay taxes; they are aggregators of taxes that are paid by individuals, by consumers on the last stop. And so they're efficient aggregators of those taxes. They are actually the tax collectors on behalf of the Federal Government. The corporations that collect taxes don't pay them; they transfer it through them by the way they charge us for the $152 billion a year that it costs to comply with the Federal Tax Code.

And so I find it an act of frustration to seek to try to collect taxes from corporations when what I'm really doing is adding to the administrative costs for corporations so they add the taxes and the administrative costs on to the cost of the goods that have to be competitive in this marketplace, and that makes it that individuals pay taxes. But it also means that jobs go overseas because corporations that are taxed in America are at a disadvantage to the corporations that are overseas who aren't very good aggregators of America's tax dollars, and so they have to raise the taxes here more.

That's kind of the vision that I see that I would lay out here for the gentleman from Georgia. And we've got a long ways to go before America embraces the concept that I think will solve this problem.

Mr. WOODALL. But you ask the all important question, I say to my friend. Why not take the rate to zero? Why are we arguing about whether it ought to be 25 or 23? I just quoted the President of the United States. He said, let's make America the most competitive place in the world to do business. Well, if we were to lower it to 10, maybe somebody else is going to lower it to 9. If we lower it to 8, maybe somebody else lowers it to 7. What if we take it to zero? And I have voiced my concern that, well, if you take it to zero, that means I, as the American consumer, have to pay all the taxes because corporations won't be paying taxes anymore.

And what my friend, who has years and years, decades and decades of experience in the private sector says is, there's no secret drawer where American businesses get the money to pay taxes. I go out and I buy a Coca-Cola. Where does Coca-Cola get the money to pay taxes? They charge it to me in the price of the product.

My friend is saying that the only taxpayer in America today is the American consumer. There is no other taxpayer. Businesses don't pay taxes—people pay taxes, whether it's the CEO of that business who has a high salary and he pays taxes on his salary, whether it's the consumer of that business who pays in a higher price, or whether it's the shareholder of that business who pays through lower dividends and lower rates of return.

Why not take the corporate tax rate to zero so we will be the most competitive economy in the world?

I yield to my friend.

Mr. KING of Iowa. Just to explore that a little further and that would be, looking at the corporate tax structure, there's corporate income tax, and then there are all of the wages that are paid out in payroll taxes to the employees. And of course one of the most regressive taxes we've is the payroll tax. And so one might argue that, well, those taxes are paid by the corporation, that half of the payroll, that .0765 that I have multiplied so many times with my employees that I've had over the decades. And of course that .0765 which is half of the 15.3 percent in payroll tax, half comes out of the employer, half comes out of the employee.

However, the half that comes out of the employer would be wages for the employee because it is a cost of doing business, it's a cost of competitiveness. And so when we add into the price of the goods and services provided by corporations, and I don't mean just corporations, they can be LLCs, they can be partnerships, sole proprietorships, you name it, a business entity that hires employees and/or provides goods and services for retail market or supplies to those who do, all of that structure of their taxes is built into the price.

And a fair amount of research brings us to a number that is generally considered to be about 22 percent of the retail price of goods and services sold in the United States as the tax component paid by the suppliers that get it into the marketplace and in the end paid by the consumer.

So those corporations that move overseas have a different tax structure, but those products that come in from overseas have a 28 percent marketing advantage over the products produced here in the United States because they don't have the burden of U.S. corporate taxes, and that includes the payroll taxes that are part of that taxing structure.

So I'd say that if we can remove the taxes from productivity in America, we end up with a 28 percent marketing advantage for U.S.-made products over those made in foreign countries.

And by the way, one more thing: I would not have picked up a nice Georgia company like Coca-Cola to use them as an example, but then that's just me.

Mr. WOODALL. As Coca-Cola is spread out all over the world, where they happen to have their corporate headquarters in Atlanta, but for how long? But for how long? We talk so much about trying to grow jobs in America. What about just trying to keep the jobs that we've got? What about just trying to make it a joy to do business in America instead of making it a hassle to do business in America?

You might not believe this, Mr. Speaker, but this is a $10 haircut I just got over the weekend. You probably think I paid a lot more than that for this haircut. But as you think about what the gentleman from Iowa said about where costs are hidden, where taxes are hidden, I paid $10 for this haircut. But Derek, my barber, he had to pay 15.3 percent in self-employment taxes. So $1.50 of that $10 went straight to the Federal Government in self-employment taxes. Now he's a good barber, so I suspect he is in higher than the 15 percent tax bracket, but let's just say for the sake of argument, he's in the 15 percent income tax bracket. So out of my $10 haircut, he had to take a $1.50 right off the bat and send it to the government in self-employment taxes, then take another $1.50 right off the bat and send it to the Federal Government in income taxes. So for the $10 haircut he charged me, he's only taking home $7 to feed his wife and kids. So is it a $10 hair cut, or is it a $7 haircut?

What we tell Americans is, oh, we're going to lower your tax burden. But what we've done is to hide that tax burden in the cost of everything we buy because if Derek didn't have to pay those $3, he'd be charging me $7 for a haircut, and he would still take $7 home to feed his kids.

□ 1610

To have an honest discussion about what kind of spending we ought to do in this place, I think we have to bring all of those hidden taxes out of price. Not only does it make us more competitive, as you suggested, but it makes it possible for us as Americans to have an honest discussion about is government doing too little or is government doing too much.

And I think, as you suggested the studies suggest, it's about 22 percent of the cost of everything that we buy, on average, that is hidden taxes that we think we're getting away with, but that we are actually paying at the checkout counter.

Mr. KING of Iowa. If the gentleman would yield, I'd slip another anecdote into this that comes from just last weekend. I was over in eastern Iowa doing an event, and I happened to get reacquainted with a young gentleman by the name of Michael Dicks. Now, he is 13 years old; soon he'll be 14. But when he was 8 years old—I've told this story in the CONGRESSIONAL RECORD in the past—he saved up his money to go buy a little box of Skittles. So he had his change counted out just right in his pocket—89 cents for a box of Skittles—and had to reach up to the counter, I presume, and got his Skittles off the shelf and put them up on the counter. And he counted out his 89 cents and the checker rang it up and said, that will be 96 cents. And he said, but the price says 89 cents. And the checker said, but you have to pay the tax—that's the sales taxes in Iowa—so that's 96 cents, young man.

And he turned to his dad and he said, Dad, I have to pay taxes on Skittles? What a painful experience for an 8-

year-old young man. But think of what that means if our taxes are transparent. That young man is going to grow up to be a conservative. He's going to put fewer demands on government. He's going to demand one thing—less taxes, less services. We're going to want to have more personal and individual responsibility, and we're going to let people provide for their own security in a lot of ways and achieve on their own. That is a cultural transformation that comes if you have a transparent tax and if you take the tax and stop punishing productivity and put it on consumption.

Mr. WOODALL. Well, I would say to my friend, you talk about cultural transformation, I would tell you that transformation is actually taking us back to that entrepreneurial, self-reliant experience that America began as a Nation. This business of hiding taxes and trying to make people think they're getting something for nothing, that's a relatively new experience in American culture, and it has transformed this country.

I'm big on saying you've got to have skin in the game. To make good decisions you have to have skin in the game. Right now, 50 percent of the American population isn't paying any income taxes. They don't think they have skin in the game. Now, they do because they're paying tax in all of these hidden consumption opportunities that you and I are talking about, but they vote as if they're getting something for free.

And as a Nation, if we're going to make responsible decisions—particularly as it comes to borrowing from our children and our grandchildren—we have to let Americans know what they are really paying for the size and scope of government. And that's not to say they can't say, I understand how much I'm paying and I'm willing to pay even more, or I hate how much I'm paying and I'm going to pay less. But it will absolutely bring us away from a culture that believes there is a free lunch and back to a culture that understands that decisions have consequences and that there is no taxpayer in America except for we, the American consumers.

Mr. KING of Iowa. Will the gentleman yield?

Mr. WOODALL. I'm happy to yield.

Mr. KING of Iowa. History is replete with the Founding Fathers, literary giants of the time, philosophers of the time, who looked at the Greek democracy and they were appalled at what it had produced. They produced for us a republic instead. But many of them spoke eloquently about what happens when the public would realize that a majority of them could vote themselves benefits from the public treasury. Some of them said democracy ceases to exist; some of them said that will destroy our republic. But I want to guess that most of the people that were providing the wisdom at the time commented on their fear that this country would move towards a majority voting themselves benefits from the public treasury.

So that is one of the reasons that we have a Republic instead of a democracy is because those of us who are elected as representatives of the citizens of the Republic are to have a higher responsibility than to listen to, let's say, people who want the fruits of someone else's labor and don't want to labor themselves.

And so we're at this situation now where, in the early part of this country, there was a policy that you had to be a land-owning male of age and other qualifications in order to vote because they wanted the public policy to be established by people that had skin in the game. And today we saw a constitutional amendment requiring a balanced budget fail here on the floor of the House of Representatives. I'd like to have seen a stronger one, but it failed here on the floor of the House. And that was a constitutional amendment with a cap at 18 percent of GDP and a supermajority to raise taxes.

Put some of that philosophy back in where it requires a supermajority to raise taxes, there is a restraint there that brings back some of that philosophy that helps offset the disadvantage that the working American has today who's paying those taxes. Your barber is at a disadvantage because some of the hair that he cuts is of people that aren't working. I'd say at least one out of every three heads of hair that your barber cuts is somebody that is in that role of 100 million Americans of working age who are not in the workforce, many of them are voting, they are voting themselves benefits from the public trough.

And I'd suggest that we take the tax off of productivity in America, stop punishing production, put it over on consumption. And I'm just looking around for a bill number that I could attach myself to because I'm drawing a blank.

Mr. WOODALL. I thank my friend.

You're absolutely right. When I talk to young people—I try to get out to the middle schools and high schools in my district every week when we have time back home—I say, I've got a $10-an-hour job in my congressional office. Who wants to come to work for me? Who wants to come to work for me? And I just gave a powerful presentation about how you can come here and return America to its foundational roots. All the hands go up. And I say, now, just to be clear, though, we're going to have to put a $9 income tax on that $10 an hour, so you're only going to be able to take home $1 at the end of the day. Now, who wants to come work 80 hours a week for me? And all of the hands go down.

The power to tax is the power to destroy, and we use that power here. With all due respect to our colleagues on both sides of the aisle, the Fair Tax that I supported—that you were such a strong supporter of—it has detractors on both sides of the aisle, because what the Fair Tax says is we're not going to manipulate your behavior through the Tax Code anymore. Because the Tax Code allows us to say, if you buy wool sweaters, we're going to give you a tax credit; if you buy polyester sweaters, we're going to take taxes away from you. If you go out and buy Levi's jeans, we're going to give you a tax credit; if you go out and buy Lee jeans, we're going to take taxes away from you.

Over and over and over again we decide who's supposed to win and who's supposed to lose, and we punish or reward the American people and the American small business environment through the Tax Code. And what you and I have said in the Fair Tax is, I don't want that power in Washington. I give that power back to the American people. You choose what kind of jeans you want to wear. You choose what kind of sweater you want to buy. You choose whether you want a golf cart or not.

We are not in the business of picking winners and losers. We're in the business of raising as little revenue as is necessary to run this Federal Government. And that takes power away from this body right here. And it is only those folks who believe that the American people are still smarter than you and I are who want to return that power. And I thank you for being my partner in that.

Mr. KING of Iowa. And I appreciate the opportunity to be your partner in this.

And I would say to the folks on either side of the argument that disagree, they're both wrong, whether they're from the left or from the right. And the bottom line is this: the Fair Tax does everything good that anybody's tax proposal does that is good; it does them all and it does them all better. And I'm happy to take that debate anywhere in this land and have folks that will try that on and we'll finish second in that debate.

I quickly yield back because the gavel is in the air.

Mr. WOODALL. If the gavel is in the air, I'll just say to the Speaker, if you needed more information, Mr. Speaker, you could find it at www.fairtax.org, or you could visit my Web page at Woodall.house.gov. This really does speak to the challenges of America.

I thank the Speaker for the time, and I thank my friend from Iowa.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 99. An act to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; to the Committee on Energy and Commerce; in addition to the Committee on Science, Space and Technology and the Committee on the Budget for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1637. An act to clarify appeal time limits in civil actions to which United States officers or employees are parties.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reports that on November 17, 2011, she presented to the President of the United States, for his approval, the following bill:

H.R. 2112. Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. 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 Tuesday, November 22, 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:

3930. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Bromeliad Plants in Growing Media From Belgium, Denmark, and the Netherlands [Docket No.: APHIS-2010-0005] (RIN: 0579-AD36) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3931. A letter from the Regulatory Officer, Department of Commerce, transmitting the Department's final rule — Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2011 Tariff-Rate Quota Year received October 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3932. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3933. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Access Authorization Program For Nuclear Power Plants, Regulatory Guide 5.66, Revision 2, received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3934. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Standard Format and Content of License Applications for Mixed Oxide Fuel Fabrication Facilities, Regulatory Guide 3.39, Revision 1, received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3935. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Notice of Availability of Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection'' Project No. 753 received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3936. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Assuring the Availability of Funds for Decommissioning Nuclear Reactors, Regulatory Guide 1.159, Revision 2, received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3937. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-31, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3938. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-42, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3939. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-37, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3940. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States [Docket No.: 100804325-0351-01] (RIN: 0694-AE97) received October 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3941. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Libya and UNSCR 2009 (RIN: 1400-AC97) received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3942. A letter from the Chief Counsel — Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Offering of United States Savings Bonds, Series EE; Regulations Governing Definitive United States Savings Bonds, Series EE and HH; Offering of United States Savings Bonds, Series I received November 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3943. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — United States — Peru Trade Promotion Agreement (RIN: 1515-AD79) received November 1, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3012. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, with an amendment (Rept. 112–292). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. H.R. 10. 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, with an amendment (Rept. 112–278, Pt. 2). 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 Mr. RAHALL (for himself and Mr. PETRI):

H.R. 3473. A bill to provide employment opportunities for veterans in transportation construction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS:

H.R. 3474. A bill to amend titles XI and XVIII of the Social Security Act to prevent fraud and abuse under the Medicare program and to require National Provider Identifiers for reimbursement of prescriptions under part D of the Medicare program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BERG, Mr. BRADY of Texas, Mr. HERGER, Ms. JENKINS, Mr. MARCHANT, Mr. SCHOCK, and Mr. TIBERI):

H.R. 3475. A bill to protect information received by the Commissioner of Social Security related to deceased individuals; to the Committee on Ways and Means.

By Mr. HANNA (for himself and Mr. KEATING):

H.R. 3476. A bill to provide incentives for economic growth, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Financial Services, 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. POE of Texas (for himself, Mr. PAUL, Mr. CARTER, Mr. MCCAUL, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. HINOJOSA, Ms. GRANGER, Ms. JACKSON LEE of Texas, Mr. SMITH of Texas, Mr. FLORES, Mr. CONAWAY, Mr. CULBERSON, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. OLSON, Mr. FARENTHOLD, Mr. THORNBERRY, Mr. CANSECO, Mr. HALL, Mr. GOHMERT, Mr. SESSIONS, Mr. BARTON of Texas, Mr. CUELLAR, Mr. REYES, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. HENSARLING, Mr. BURGESS, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DUNCAN of South Carolina, Mr. BOUSTANY, Mr. CHAFFETZ, Ms. HAYWORTH, Mr. BACA, and Mr. PENCE):

H.R. 3477. A bill to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building; to the Committee on Oversight and Government Reform.

By Mr. GONZALEZ:

H.R. 3478. A bill to amend the Internal Revenue Code of 1986 to extend bond authority for those empowerment and enterprise zones with unused bond limitation at the end of 2011; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. NEUGEBAUER, Mr. SMITH of Texas, Mr. HALL, and Mr. PALAZZO):

H.R. 3479. A bill to reauthorize Federal natural hazards reduction programs, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, 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. GRIFFIN of Arkansas:

H.R. 3480. A bill to amend title 5, United States Code, to provide for the termination of further retirement benefits for Members of Congress, except the right to continue participating in the Thrift Savings Plan, and for other purposes; 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. GRIFFIN of Arkansas:

H.R. 3481. A bill to prohibit universal service support of commercial mobile service through the Lifeline program; to the Committee on Energy and Commerce.

By Ms. CASTOR of Florida:

H.R. 3482. A bill to prevent identity theft and tax crimes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Mr. MCINTYRE, Mr. CARDOZA, and Mr. JONES):

H.R. 3483. A bill to amend title 38, United States Code, to provide equity for tuition and fees for individuals entitled to educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs who are pursuing programs of education at institutions of higher learning, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FARR (for himself, Ms. BERKLEY, Mrs. CHRISTENSEN, Ms. HIRONO, Mr. CICILLINE, Mr. RAHALL, Mr. ENGEL, Mr. FATTAH, Mr. OLVER, Mr. DICKS, and Mr. REYES):

H.R. 3484. A bill to direct the Secretary of Commerce to establish a competitive grant program to promote domestic regional tourism; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Ms. ROS-LEHTINEN, Mr. CICILLINE, Mr. POLIS, Mr. FRANK of Massachusetts, Mr. SERRANO, Ms. SPEIER, Mr. HINCHEY, Mr. HOLT, Mr. CLAY, Mr. JACKSON of Illinois, Ms. LEE of California, Mrs. MALONEY, Mr. SMITH of Washington, Mr. GRIJALVA, Mr. GUTIERREZ, Mrs. DAVIS of California, Mr. LANGEVIN, Ms. TSONGAS, Ms. PINGREE of Maine, Mrs. CAPPS, Mr. HONDA, Mr. STARK, Mr. NADLER, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Ms. MOORE, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. GEORGE MILLER of California, Mr. ACKERMAN, Mr. MORAN, Mr. DOGGETT, Ms. ROYBAL-ALLARD, Mr. QUIGLEY, Mr. SARBANES, Mr. BERMAN, Mr. CUMMINGS, Mr. CAPUANO, Ms. WOOLSEY, Mr. DINGELL, Mr. YARMUTH, Ms. ZOE LOFGREN of California, Mr. FILNER, Ms. DEGETTE, Mr. MICHAUD, Ms. MCCOLLUM, Mr. COHEN, Mr. FARR, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. WELCH, and Mr. MCGOVERN):

H.R. 3485. A bill to provide certain benefits to domestic partners of Federal employees; to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce, House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BASS of California (for herself, Mr. SCHILLING, Mr. MCDERMOTT, Mr. FORTENBERRY, Mr. CARNAHAN, Mr. TOWNS, Ms. WILSON of Florida, Mr. LOEBSACK, Ms. CLARKE of New York, and Ms. RICHARDSON):

H.R. 3486. A bill to amend the Child Abuse Prevention and Treatment Act to require States receiving funds under section 106 of such Act to have in effect a State law providing for a criminal penalty on an individual who fails to report witnessing another individual engaging in sexual abuse of a child; to the Committee on Education and the Workforce.

By Mr. BUCHANAN:

H.R. 3487. A bill to encourage job creation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, the Judiciary, Energy and Commerce, Science, Space, and Technology, Education and the Workforce, Small Business, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUCSHON (for himself and Mr. LANDRY):

H.R. 3488. A bill to prohibit foreign assistance to countries with a gross domestic product of $1,500,000,000,000 or more; to the Committee on Foreign Affairs.

By Mr. BURTON of Indiana (for himself, Mrs. MALONEY, Mr. KING of New York, and Mr. SMITH of New Jersey):

H.R. 3489. A bill to require the President to call a White House Conference on Autism; to the Committee on Energy and Commerce.

By Mr. CHANDLER (for himself and Mr. LOEBSACK):

H.R. 3490. A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CICILLINE:

H.R. 3491. A bill to amend title 18, United States Code, to prohibit former Members of Congress from engaging in lobbying contacts; to the Committee on the Judiciary.

By Ms. HAHN:

H.R. 3492. A bill to amend section 70107 of title 46, United States Code, to authorize appropriations for the port security grant program through 2015; to the Committee on Homeland Security.

By Mr. HASTINGS of Florida:

H.R. 3493. A bill to establish a commission to study employment and economic insecurity in the United States workforce; to the Committee on Education and the Workforce.

By Mr. HECK:

H.R. 3494. A bill to restore faith and trust in the United States economy and financial system by reducing Federal spending, reducing the size of the Federal workforce, liquidating certain property and assets of the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Appropriations, the Budget, and Natural Resources, 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. HONDA (for himself, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. GRIJALVA, Ms. LEE of California, Mr. CARSON of Indiana, Ms. WILSON of Florida, Mr. CICILLINE, Mr. DAVIS of Illinois, Mr. CONYERS, Ms. CLARKE of New York, and Mr. JACKSON of Illinois):

H.R. 3495. A bill to amend the Internal Revenue Code of 1986 to provide market-based manufacturing incentives, and for other purposes; to the Committee on Ways and Means.

By Mr. KIND (for himself and Mr. REICHERT):

H.R. 3496. A bill to sustain fish, plants, and wildlife on America's public lands; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE:

H.R. 3497. A bill to promote the development of meaningful treatments for patients; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON (for himself, Mr. ANDREWS, and Mr. HUNTER):

H.R. 3498. A bill to provide for high-quality academic tutoring for low-income students, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PRICE of North Carolina:

H.R. 3499. A bill to require the Secretary of Agriculture to use section 32 of the Act of August 24, 1935, to provide compensation to certain poultry producers whose poultry production contracts were terminated or not renewed because of the closure of poultry processing plants and other cost cutting measures undertaken by a poultry processing company in bankruptcy protection; to the Committee on Agriculture.

By Mr. REHBERG (for himself and Mr. MILLER of Florida):

H.R. 3500. A bill to provide for the conveyance of a small parcel of National Forest System land in the Flathead National Forest in the State of Montana containing a World War II memorial to the Whitefish Mountain Resort; to the Committee on Natural Resources.

By Mr. STUTZMAN:

H.R. 3501. A bill to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office''; to the Committee on Oversight and Government Reform.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. ACKERMAN, Mr. CLAY, Mr. MILLER of North Carolina, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. CARSON of Indiana, Mr. PETERS, Ms. NORTON, Ms. RICHARDSON, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. CICILLINE, Ms. JACKSON LEE of

Texas, Mr. KILDEE, and Mr. CARNAHAN):

H.R. 3502. A bill to create jobs and reinvest in communities through the rehabilitation of abandoned and foreclosed residential and commercial properties, and for other purposes; to the Committee on Financial Services.

By Mr. WESTMORELAND:

H.R. 3503. A bill to amend the Sarbanes-Oxley Act of 2002 to make Public Company Accounting Oversight Board disciplinary proceedings open to the public; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 3504. A bill to provide for a website to receive gifts to reduce the public debt; to the Committee on Ways and Means.

By Mr. DEUTCH:

H.J. Res. 90. A joint resolution proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures; to the Committee on the Judiciary.

By Mr. HALL (for himself and Mr. DINGELL):

H. Con. Res. 89. Concurrent resolution expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, 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. HARPER:

H. Con. Res. 90. Concurrent resolution authorizing the printing of the 25th edition of the pocket version of the United States Constitution; to the Committee on House Administration.

By Mr. DREIER (for himself and Mr. MEEKS):

H. Res. 472. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a free trade agreement with Egypt; to the Committee on Ways and Means.

By Ms. RICHARDSON (for herself, Mr. LANGEVIN, Mr. MEEKS, Ms. JACKSON LEE of Texas, and Ms. NORTON):

H. Res. 473. A resolution expressing support for the goals and ideals of National Family Caregivers Month; to the Committee on Education and the Workforce.

By Mr. BOSWELL:

H. Res. 474. A resolution recognizing the valuable contributions of community colleges and encouraging local partnerships with such institutions to train and revitalize the United States workforce, inspire entrepreneurship, educate skilled workers, and invest in local communities; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. MYRICK introduced a bill (H.R. 3505) for the relief of Bruce William Stewart, Dianne Stewart, Sarah Jane Caitlin Stewart, and Michael Bruce Albert Stewart; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RAHALL:

H.R. 3473.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3

By Mr. STEARNS:

H.R. 3474.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. SAM JOHNSON of Texas:

H.R. 3475.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to ''provide for the common Defence and general Welfare of the United States.''

By Mr. HANNA:

H.R. 3476.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Section 8 of Article 1 of the United States Constitution, including Clause 1 and Clause 4.

By Mr. POE of Texas:

H.R. 3477.

Congress has the power to enact this legislation pursuant to the following:

Clause 6, Section 8 of Article 1.

By Mr. GONZÁLEZ:

H.R. 3478.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

Article 1, Section, 8, Clause 18

16th Amendment

By Mrs. BIGGERT:

H.R. 3479.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. GRIFFIN of Arkansas:

H.R. 3480.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 6, Clause 1, of the U.S. Constitution: The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States.

By Mr. GRIFFIN of Arkansas:

H.R. 3481.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Ms. CASTOR of Florida:

H.R. 3482.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article 1 of the U.S. Constitution

By Mr. BUTTERFIELD:

H.R. 3483.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 1 of the Constitution, Congress has the power to collect taxes and expend funds to provide for the general welfare of the United States. Under Article I, Section 8, Clause 18 of Section 8 of the Constitution, Congress may make all laws which shall be necessary and proper for carrying into execution its powers and all powers vested by the Constitution in the government of United States.

By Mr. FARR:

H.R. 3484.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. BALDWIN:

H.R. 3485.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Ms. BASS of California:

H.R. 3486.

Congress has the power to enact this legislation pursuant to the following:

Article. I.

Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. BUCHANAN:

H.R. 3487.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as enumerated in Article I Section 7 and 8, Article III Section 1 and 2, and Article V of the United States Constitution.

By Mr. BUCSHON:

H.R. 3488.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article 1, Section 8, Clauses 1 and 2.

By Mr. BURTON of Indiana:

H.R. 3489.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8, of Article 1, which gives Congress the power to provide for the general welfare.

By Mr. CHANDLER:

H.R. 3490.

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 3: ''The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

By Mr. CICILLINE:

H.R. 3491.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. HAHN:

H.R. 3492.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Mr. HASTINGS of Florida:

H.R. 3493.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const., Art. I, §8, cl. 3: Congress shall have the power to regulate commerce with foreign nations and among the various states.

By Mr. HECK:

H.R. 3494.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. HONDA:

H.R. 3495.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the United States Constitution.

By Mr. KIND:
H.R. 3496.
Congress has the power to enact this legislation pursuant to the following:
Article I Section 8
By Mr. LANCE:
H.R. 3497.
Congress has the power to enact this legislation pursuant to the following:
Article I of the Constitution of the United States.
By Mr. MCKEON:
H.R. 3498.
Congress has the power to enact this legislation pursuant to the following:
Article I, section 8 of the Constitution of the United States.
By Mr. PRICE of North Carolina:
H.R. 3499.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 of the United States Constitution.
By Mr. REHBERG:
H.R. 3500.
Congress has the power to enact this legislation pursuant to the following:
Article I, §8, clause 3
By Mr. STUTZMAN:
H.R. 3501.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 7 of the United States Constitution.
By Ms. WATERS:
H.R. 3502.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause I of the Constitution of the United States
By Mr. WESTMORELAND:
H.R. 3503.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution.
By Mr. YOUNG of Alaska:
H.R. 3504.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 2
By Mr. DEUTCH:
H.J. Res. 90.
Congress has the power to enact this legislation pursuant to the following:
Article 5 of the Constitution
Mrs. MYRICK:
H.R. 3505.
Congress has the power to enact this legislation pursuant to the following:
Clause 4 of Section 8 of Article I of the United States Constitution, which gives Congress the power to establish a uniform Rule of Naturalization.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. MACK.
H.R. 49: Mr. POSEY.
H.R. 132: Mr. HINCHEY.
H.R. 154: Mr. MCCAUL.
H.R. 157: Mr. LANCE and Mr. SCHILLING.
H.R. 178: Mr. SMITH of Texas.
H.R. 181: Mr. HOLT.
H.R. 308: Mr. LEVIN.
H.R. 321: Mr. STARK.
H.R. 361: Mr. SCHILLING.
H.R. 420: Mr. CUELLAR, Mr. CASSIDY, and Ms. HAYWORTH.
H.R. 451: Mr. QUAYLE.
H.R. 466: Mr. COHEN.
H.R. 539: Ms. WOOLSEY.
H.R. 589: Mr. PIERLUISI.
H.R. 645: Mr. AMODEI.
H.R. 668: Mr. DUNCAN of South Carolina.
H.R. 721: Mr. JOHNSON of Illinois, Mr. MACK, Mr. DAVIS of Kentucky, Mr. SMITH of Texas, and Mr. SCOTT of South Carolina.
H.R 733: Mr. CASSIDY.
H.R. 749: Mr. DAVIS of Kentucky.
H.R. 763: Ms. DEGETTE and Mr. SESSIONS.
H.R. 835: Mr. DICKS, Mr. PERLMUTTER, and Mr. BRALEY of Iowa.
H.R. 862: Mrs. LOWEY.
H.R. 886: Mr. MCINTYRE.
H.R. 920: Mr. MCKINLEY.
H.R. 942: Ms. BALDWIN.
H.R. 953: Mr. JOHNSON of Illinois.
H.R. 1005: Mr. ALTMIRE.
H.R. 1148: Mrs. MILLER of Michigan, Mr. MURPHY of Pennsylvania, Ms. LEE of California, Ms. KAPTUR, Mr. HOLT, Ms. EDWARDS, Mr. CLEAVER, Mr. LIPINSKI, Mr. BOSWELL, Mr. MCDERMOTT, Mr. KILDEE, Ms. NORTON, Mr. BUCHANAN, Mr. JOHNSON of Illinois, Mr. AUSTIN SCOTT of Georgia, Ms. WOOLSEY, Mrs. NOEM, Mr. THOMPSON of California, Mr. REICHERT, Ms. ESHOO, Mr. BOREN, Mr. PASTOR of Arizona, Mr. MATHESON, Mr. LANGEVIN, Ms. HIRONO, Mr. MILLER of North Carolina, and Mrs. DAVIS of California.
H.R. 1179: Mr. GRIFFIN of Arkansas.
H.R. 1236: Mrs. SCHMIDT and Mr. BUTTERFIELD.
H.R. 1265: Mr. ROSS of Florida.
H.R. 1366: Mr. SCHIFF.
H.R. 1370: Mr. PAULSEN.
H.R. 1416: Mr. PASTOR of Arizona.
H.R. 1418: Ms. WATERS.
H.R. 1426: Ms. HERRERA BEUTLER.
H.R. 1454: Mr. RIBBLE.
H.R. 1499: Mr. GRAVES of Missouri and Mrs. EMERSON.
H.R. 1513: Mr. WALBERG, Mr. FARR, and Mr. RAHALL.
H.R. 1515: Mr. GUTIERREZ.
H.R. 1533: Mr. LARSEN of Washington and Mr. KUCINICH.
H.R. 1546: Mr. DUNCAN of South Carolina, Mrs. BLACKBURN, and Mr. CARNAHAN.
H.R. 1550: Mr. FALEOMAVAEGA and Mrs. CHRISTENSEN.
H.R. 1580: Mr. PAULSEN, Mr. CASSIDY, and Mr. GIBBS.
H.R. 1581: Mr. GRIFFIN of Arkansas.
H.R. 1614: Mr. BENISHEK.
H.R. 1633: Mr. THORNBERRY.
H.R. 1639: Mr. GIBSON.
H.R. 1653: Mrs. MYRICK, Mrs. BONO MACK, and Mr. ISRAEL.
H.R. 1697: Mr. LOEBSACK.
H.R. 1704: Mr. DOGGETT.
H.R. 1716: Ms. HOCHUL.
H.R. 1737: Mr. BARTLETT.
H.R. 1738: Mr. GONZALEZ and Mr. MILLER of North Carolina.
H.R. 1744: Mr. TURNER of Ohio.
H.R. 1815: Mr. GINGREY of Georgia, Mr. MURPHY of Connecticut, Mr. WOODALL, Mr. BASS of New Hampshire, and Mr. MACK.
H.R. 1834: Mr. FRELINGHUYSEN and Mr. MCINTYRE.
H.R. 1842: Mr. MURPHY of Connecticut.
H.R. 1897: Mr. DEUTCH, Mr. GALLEGLY, and Mr. DENT.
H.R. 1940: Mr. MCCOTTER, Ms. MOORE, and Mr. SMITH of Washington.
H.R. 1956: Mr. DUNCAN of South Carolina and Mrs. HARTZLER.
H.R. 1964: Mr. NADLER and Mr. ACKERMAN.
H.R. 1978: Ms. WILSON of Florida.
H.R. 1988: Mr. CICILLINE.
H.R. 2016: Mrs. CAPPS.
H.R. 2028: Mr. MILLER of North Carolina.
H.R. 2051: Mr. WESTMORELAND.
H.R. 2086: Mr. JONES and Mr. GARY G. MILLER of California.
H.R. 2092: Mr. ROSKAM.
H.R. 2139: Mrs. BLACK, Mr. FILNER, Mr. DUNCAN of South Carolina, Mr. MCCAUL, Mr. MURPHY of Connecticut, Mr. GONZALEZ, Mr. MARCHANT, and Mr. CARDOZA.
H.R. 2140: Mr. COURTNEY, Mr. BARTLETT, Mr. PASTOR of Arizona, and Mr. YOUNG of Florida.
H.R. 2229: Mr. MICHAUD.
H.R. 2233: Ms. JACKSON LEE of Texas.
H.R. 2277: Mrs. MALONEY.
H.R. 2284: Ms. ZOE LOFGREN of California.
H.R. 2288: Mr. CONYERS.
H.R. 2299: Mr. BURGESS.
H.R. 2305: Mr. MCGOVERN.
H.R. 2335: Mr. BOREN.
H.R. 2394: Mr. DAVIS of Illinois and Ms. WATERS.
H.R. 2397: Mr. PAUL.
H.R. 2412: Mr. GUTIERREZ and Mrs. NAPOLITANO.
H.R. 2461: Ms. JENKINS.
H.R. 2492: Mr. SCHILLING and Ms. HANABUSA.
H.R. 2499: Mr. MCGOVERN.
H.R. 2500: Mr. MCCAUL.
H.R. 2505: Mr. PAYNE and Mr. MCGOVERN.
H.R. 2514: Mr. KINZINGER of Illinois.
H.R. 2528: Mr. FINCHER.
H.R. 2538: Mr. LONG.
H.R. 2557: Mr. LATHAM.
H.R. 2568: Ms. ROS-LEHTINEN.
H.R. 2569: Mr. ALTMIRE, Mr. FINCHER, Mr. RIBBLE, Mr. BRADY of Texas, Mr. TIBERI, and Mr. TOWNS.
H.R. 2579: Mr. CARNAHAN.
H.R. 2580: Mr. TONKO.
H.R. 2595: Ms. HOCHUL.
H.R. 2655: Mr. GONZALEZ, Mr. SCHIFF, and Mr. PRICE of North Carolina.
H.R. 2672: Mr. HOLDEN and Mr. BURGESS.
H.R. 2697: Mr. FLAKE and Mr. POMPEO.
H.R. 2717: Mr. CUMMINGS and Mr. HOLT.
H.R. 2722: Mr. MICHAUD.
H.R. 2729: Mr. LATHAM and Mr. MICHAUD.
H.R. 2738: Ms. CHU.
H.R. 2750: Ms. MCCOLLUM.
H.R. 2780: Mr. ROSKAM.
H.R. 2827: Mrs. EMERSON and Mr. GIBSON.
H.R. 2834: Mr. ROKITA and Mr. MARCHANT.
H.R. 2866: Mr. HONDA, Mr. COBLE, and Mr. TOWNS.
H.R. 2874: Mr. NEUGEBAUER, Mr. MARCHANT, and Mr. SHIMKUS.
H.R. 2875: Mr. RUSH.
H.R. 2886: Mr. MEEHAN.
H.R. 2888: Mr. GALLEGLY.
H.R. 2902: Ms. BORDALLO, Ms. LINDA T. SÁNCHEZ OF CALIFORNIA, MR. DAVIS of Illinois, Ms. LEE of California and Ms. BROWN of Florida.
H.R. 2910: Mr. AKIN.
H.R. 2925: Mr. LIPINSKI.
H.R. 2948: Mr. ISRAEL, Mr. COURTNEY, and Mr. MURPHY of Connecticut.
H.R. 2964: Mr. WALSH of Illinois.
H.R. 2966: Mr. DICKS and Mr. ELLISON.
H.R. 2969: Mr. FITZPATRICK, Mr. CARNAHAN, Mr. MILLER of North Carolina, Mr. PLATTS, and Mrs. EMERSON.
H.R. 2970: Mr. COHEN.
H.R. 2980: Mr. GENE GREEN of Texas.
H.R. 2982: Mrs. MILLER of Michigan and Mr. HULTGREN.
H.R. 2985: Mr. RAHALL.
H.R. 2989: Ms. JENKINS.
H.R. 2992: Mr. ROYCE.
H.R. 2997: Mr. FRANKS of Arizona, Mr. GOSAR, Mr. JORDAN, Mrs. LUMMIS, Mr. PENCE, Mr. POMPEO, Mr. QUAYLE, Mrs. SCHMIDT, Mr. TURNER of New York, Mr. YOUNG of Indiana, Mr. WITTMAN, Mrs. ELLMERS, Mr. GRAVES of Georgia, Mr. CARNAHAN, Mrs. NOEM, Mr. MANZULLO, Mr. COFFMAN of Colorado, and Mr. BUCSHON.
H.R. 3010: Mr. WILSON of South Carolina, Mr. AUSTIN SCOTT of Georgia, Mr. FLAKE, Ms. JENKINS, and Mr. SHULER.
H.R. 3012: Mr. MORAN, Mr. FLAKE, and Mrs. MALONEY.
H.R. 3017: Mr. THOMPSON of California.

H.R. 3050: Mr. JOHNSON of Ohio.
H.R. 3057: Mr. PITTS.
H.R. 3059: Mr. POSEY, and Mr. MURPHY of Pennsylvania.
H.R. 3065: Mr. WELCH.
H.R. 3067: Mr. HANNA, Mr. PAULSEN, Mr. ACKERMAN, Mr. MCGOVERN, Mr. RANGEL, Ms. LEE of California, Mr. LOBIONDO, Mr. MARKEY, Mr. GUINTA, Mr. ROTHMAN of New Jersey, Mr. BISHOP of Georgia, Mr. ENGEL and Mr. LANCE.
H.R. 3068: Mrs. BLACKBURN, Mr. GARRETT, Mr. ROE of Tennessee, Mr. HUIZENGA of Michigan, Mr. WALBERG, Mr. GUINTA, Mr. BILBRAY, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. FLORES, Mr. BARTLETT, and Mr. ROKITA.
H.R. 3074: Mr. PAULSEN, Mr. ROSS of Arkansas, and Mr. MILLER of Florida.
H.R. 3077: Mr. HINCHEY, Mrs. CHRISTENSEN, Ms. JACKSON LEE of Texas, Ms. NORTON, Mrs. DAVIS of California, Mr. HONDA, Mr. LUJÁN, and Mr. FILNER.
H.R. 3090: Mr. WESTMORELAND.
H.R. 3091: Mr. HASTINGS of Washington and Mr. TIBERI.
H.R. 3123: Ms. JENKINS.
H.R. 3130: Mr. KLINE and Mr. CHABOT.
H.R. 3134: Ms. JACKSON LEE of Texas.
H.R. 3138: Ms. SUTTON.
H.R. 3159: Mr. DUNCAN of South Carolina.
H.R. 3176: Mr. CAMPBELL.
H.R. 3186: Mr. KING of New York.
H.R. 3192: Mr. WOLF.
H.R. 3207: Mr. COBLE.
H.R. 3210: Mr. MCCLINTOCK.
H.R. 3216: Mr. PASTOR of Arizona, Mr. GUTHRIE and Mr. GRIMM.
H.R. 3243: Mr. JONES, Mr. LONG and Mr. PRICE of Georgia.
H.R. 3260: Mr. ELLISON.
H.R. 3264: Mr. SCHWEIKERT.
H.R. 3266: Ms. RICHARDSON.
H.R. 3269: Mr. ALTMIRE, Mr. GOWDY, Mrs. NOEM, Ms. SUTTON, Mr. ROGERS of Alabama, Mr. LARSON of Connecticut, Mr. MARKEY, and Mr. BASS of New Hampshire.
H.R. 3271: Ms. HAHN.
H.R. 3308: Mr. HUELSKAMP, Mr. SCHWEIKERT, Mr. MCCLINTOCK, Mr. ROYCE, Mr. RYAN of Wisconsin, and Mr. DUFFY.
H.R. 3313: Ms. NORTON.
H.R. 3316: Mr. FARR and Ms. LEE of California.
H.R. 3317: Mr. FARR and Ms. LEE of California.
H.R. 3318: Mr. WALSH of Illinois, Mr. KING of Iowa, Mr. HALL, Mr. GINGREY of Georgia, Mr. COBLE, Mr. WEST, Mrs. BACHMANN, Mr. KELLY, and Mr. AMODEI.
H.R. 3323: Mr. JOHNSON of Illinois.
H.R. 3324: Mr. MORAN.
H.R. 3334: Ms. DEGETTE.
H.R. 3337: Mr. WITTMAN, Mr. BENISHEK, Mr. CARNAHAN, Ms. CHU, and Mr. COURTNEY.
H.R. 3341: Ms. BERKLEY.
H.R. 3346: Mr. ROTHMAN of New Jersey, Ms. TSONGAS, Ms. CASTOR of Florida, Ms. CHU, Mr. BISHOP of New York, and Mrs. CAPPS.
H.R. 3362: Mr. LONG.
H.R. 3364: Mr. GUTHRIE and Mr. CLARKE of Michigan.
H.R. 3366: Mr. MARCHANT and Mr. CROWLEY.
H.R. 3393: Mr. MILLER of Florida, Mr. ROONEY, and Mr. WEST.
H.R. 3395: Mr. HANNA.
H.R. 3400: Mr. WILSON of South Carolina, Mr. KLINE, Mr. WESTMORELAND, Mr. ROKITA, Mr. FLORES, Mr. GINGREY of Georgia, Mr. HARRIS, and Mrs. MYRICK.
H.R. 3410: Mrs. MILLER of Michigan.
H.R. 3418: Mr CONNOLLY of Virginia.
H.R. 3422: Mr. MARCHANT.
H.R. 3423: Mr. YOUNG of Alaska, Mr. WITTMAN, Mr. PAULSEN, Mr. MURPHY of Connecticut, Mr. BLUMENAUER, Ms. TSONGAS, Mr. LARSON of Connecticut, Mr. BERG, Mr. LIPINSKI, Mr. COURTNEY, and Mr. RYAN of Ohio.
H.R. 3424: Mr. ROTHMAN of New Jersey.
H.R. 3425: Mr. LEWIS of Georgia.
H.R. 3427: Mr. LEVIN and Mr. PALLONE.
H.R. 3435: Ms. CHU, Mr. LARSON of Connecticut, Mr. PALLONE, Ms. ZOE LOFGREN of California, Mr. FARR, Mr. CAPUANO, Mr. MCGOVERN, Mr. WELCH, and Mr. CARNAHAN.
H.R. 3440: Mr. KLINE and Mr. BARTLETT.
H.R. 3453: Mr. SENSENBRENNER.
H.R. 3466: Mr. BISHOP of New York.
H.J. Res. 20: Mr. GRIFFIN of Arkansas.
H.J. Res. 72: Mr. COHEN.
H.J. Res. 80: Mrs. MALONEY.
H.J. Res. 85: Mr. FLORES, Mr. DUNCAN of South Carolina, and Mr. POSEY.
H.J. Res. 88: Ms. SLAUGHTER, Mr. JONES, and Mr. COHEN.
H. Con. Res. 78: Mr. LEWIS of Georgia.
H. Res. 134: Mr. RIGELL and Mr. LAMBORN.
Res. 253: Mr. TURNER of Ohio, Mr. AUSTIN SCOTT of Georgia, and Mr. PEARCE.
H. Res. 306: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 341: Mr. MORAN, Mrs. NAPOLITANO, Mr. LEVIN, Mr. STARK, Mr. MCCOTTER, Mr. PRICE of North Carolina, and Ms. ZOE LOFGREN of California.
H. Res. 367: Mr. NADLER.
H. Res. 376: Mr. KEATING.
H. Res. 429: Mr. FORBES, Mr. GALLEGLY, Mr. GRIFFIN of Arkansas, and Mrs. MILLER of Michigan.
H. Res. 452: Ms. PINGREE of Maine.
H. Res. 454: Ms. MCCOLLUM, Ms. RICHARDSON, Mr. HASTINGS of Florida, Mr. MEEKS, and Ms. PINGREE of Maine.
H. Res. 460: Mr. LEVIN, Ms. BASS of California, Mr. FRELINGHUYSEN, Mr. CARNAHAN, Mr. COHEN, and Mr. MCGOVERN.
H. Res. 468: Mr. CICILLINE, Mr. WEST, Ms. HERRERA BEUTLER, and Mr. TOWNS.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, FRIDAY, NOVEMBER 18, 2011 No. 177

Senate

The Senate met at 9 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal Lord God, the center of our joy, give our Senators today a passion for You. May they find joy in doing Your will and delight in obeying Your precepts. Give them courage and resolve to do their duty as You give them the wisdom to see it. Create in them hearts that strive to be spent in Your service, doing all the good they can for as many people as they can.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 18, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from Michigan.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—Resumed

Mr. LEVIN. Mr. President, the pending business is S. 1867, the Defense Authorization Act; is that correct?

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

A bill (S. 1867) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Levin/McCain amendment No. 1092, to bolster the detection and avoidance of counterfeit electronic parts.

McConnell (for Kirk) amendment No. 1084, to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran.

Leahy amendment No. 1072, 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.

Paul/Gillibrand amendment No. 1064, to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002.

Merkley amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan.

Feinstein amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees.

Feinstein amendment No. 1126, to limit the authority of Armed Forces to detain citizens of the United States under section 1031.

Udall (CO) amendment No. 1107, to revise the provisions relating to detainee matters.

Landrieu/Snowe amendment No. 1115, to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Franken amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns.

Cardin/Mikulski amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland.

Begich amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

Begich amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska.

Shaheen amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense.

Collins amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Collins amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy.

Collins amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities.

Collins/Shaheen amendment No. 1180, relating to man-portable air-defense systems originating from Libya.

Inhofe amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities.

Inhofe amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling.

Inhofe amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for Traumatic Brain Injury and Post Traumatic Stress Disorder.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Inhofe amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury.

Inhofe amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base.

Inhofe amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces.

Inhofe amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan.

Inhofe amendment No. 1101, to strike section 156, relating to a transfer of Air Force C–12 aircraft to the Army.

Inhofe amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace.

Inhofe amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term.

Casey amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices.

Casey amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies.

Casey amendment No. 1140, to require a report by the Comptroller General on Department of Defense military spouse employment programs.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, Senators are encouraged to come to the floor to offer their amendments this morning. We are going to be here doing business. Senators who have remarks, speeches, proponents of the amendments, opponents of amendments are given an opportunity here today which may be one of the relatively few opportunities that are going to be available.

We will be here the Monday after we return as well before the vote at 5:30 on Monday, November 28, on a judicial nomination, but we will also be here before that time to hear from proponents and opponents of amendments and to have people offer amendments. We are not going to have the whole week, we have been told by the leader, when we come back for this bill, so we are going to have to make additional progress today. We made some progress last night. We cleared some amendments last night. We are going to try to clear some additional amendments this morning and adopt some amendments that can be cleared. We have 155 filed amendments, and we have 31 pending amendments. Again, we are going to try to clear some of those today and adopt some of those today, and we are going to try to do the same on Monday when we return.

Again, I urge that Senators who want to speak on pending or filed amendments, proponents of those amendments, opponents of those amendments, let us know immediately, if you would, whether you wish to speak in support of or in opposition to pending or filed amendments. Obviously, if people want to oppose amendments, then we are not going to clear them if we know about that, but we have to know about that. These are on file. The clerk has the amendments. We know which amendments are pending. The list is available.

The staff is going to be here for the first couple days, at least, next week prior to Thanksgiving. Our staffs will be here to work with staffs of Senators to try to revise amendments that may be open to revision. So that work is going to go on, and we have to use these time periods—today and next Monday and Tuesday—for work on amendments and the Monday we get back for work on amendments because we need to get this bill passed.

This is a critically important bill, and with 155 filed amendments, 31 of which are already pending, we have a lot of work to do. We are going to try to do the very best we can, but we have to get a bill passed and we have to debate some of the very significant amendments which have already been filed and are pending.

So I want to thank my friend from Arizona and see whether he might want to comment on my comments or otherwise.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator LEVIN and his staff for their hard work on this very important piece of legislation. I am glad to see the chairman announced that the staff will be in working next week. For a change, the taxpayers will get a return on their investment. I am very glad to know that. But in all seriousness, they did a lot of work late last night and will be working hard all this week.

I think that maybe our colleagues should plan on some late nights when we get back because we do need to get this done. There is a lot of important business before the Senate.

I would also like to point out that we spent the better part of yesterday on the detainee issue, and I appreciate that the detainee issue is one that is of transcendent importance. It certainly goes beyond just national security. It is a very controversial issue with the American people and Members on both sides of the aisle. On one side of the aisle, they would like to see much more restrictive policies, and on the other side of the aisle there is a very serious concern—and a legitimate concern, although I don't share it—about erosion of the constitutional rights and liberties of American citizens.

Hopefully, we can get a vote on that amendment so we can move forward to other very important amendments that Members obviously, by the large number of amendments, are very interested in in this process. I also hope we are able to get a unanimous consent agreement to limit, to cut off the number of pending amendments so that we can make progress on those that have been filed and those that are pending.

I thank the chairman again and our respective staffs and our colleagues. I thought it was a very beneficial debate we had yesterday that a lot of Members participated in, and I think it served not only to educate our colleagues and the American people who observed it, but I also think it was a healthy discussion that was held on both sides of the aisle and on both sides of this issue, and it very well informed Senators on this issue.

Again, I understand, for example, that the Senator from Illinois, Mr. DURBIN, came to the floor and said we need a very in-depth discussion on this issue. I think we had that. I also think this is a very important issue and one that deserved the attention of the Senate, but now I think it is time to move on.

I also congratulate all Members who took part in sort of a colloquy and discussion we had amongst Members on both sides of this issue yesterday. I have found that those colloquies add a great deal to the debate as we get the input and ideas and sometimes spirited discussion on these issues.

So I thank the chairman, and we look forward to getting this important piece of legislation done.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, first of all, I thank my friend and colleague from Arizona, the ranking member, for his comments and for all of his work on the committee. All of our colleagues on the committee have put in a lot of time.

I want to emphasize something he said about the opportunity here for debate—that we have a number of pending amendments, including the amendments on detainees. We are here to hear debate on those or any other amendments today and on Monday. We were here yesterday and had a long debate. As the Senator from Arizona said, we had a lengthy debate, and we were prepared to vote. The supporters were not. That is fair enough. If they want additional time to debate it, we should welcome that. But there is time, there is time today and there is time on Monday when we get back to debate that amendment and those amendments not only on the detainees but on many other issues that are important that are in this bill.

I agree with my friend from Arizona that we should ask the majority leader to make Monday night available for votes after the scheduled vote at 5:30. We need to have votes on amendments. I would hope that amendments that can't be agreed to will be voted on on Monday night after the vote on the judge, which is scheduled for 5:30.

I also agree with the Senator from Arizona about trying to get a limit on the number of amendments. We will try again today to see if we can get a

unanimous consent agreement. I haven't had a chance to talk this morning with the Senator from Arizona, but we will try—and he just has given me an indication that this is fine with him—to see if we can't set a time later on today, maybe at noon or 1:00, for the filing of amendments and to limit amendments to those that are filed by that time.

We are going to try to get that done with a safety valve, which I suggested last night and I think is acceptable to the Republican manager, my friend from Arizona, which is that, in addition to whatever amendments are filed by whatever time we put in the unanimous consent proposal, there be an additional two amendments on each side that would be available to the managers that would need to be relevant—just relevant amendments—to an amendment that is filed or relevant to the bill. I think you would need a safety valve, and people would understand that. Those two amendments would be allocable—two amendments each by the Republican manager and myself, if that is agreeable. It would take unanimous consent, but I think everyone realizes we have to have a universe here that we can work with during the next week.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I don't want to talk too much longer. I see our dear friend from New Mexico, who has been serious enough to come in this morning and debate and discuss his concerns about the bill and amendments.

But I would ask the chairman, we have, as the Senator mentioned, a large number of pending amendments—not just filed but pending—and one of them, of course, is for the detainee issue, there is another Paul amendment, and there are several others that perhaps we could vote on on Monday, as the chairman mentioned.

If any of our colleagues feel they haven't the time to amend it, they are welcome to come now and they are welcome to come on Monday. I understand that may cause them some small inconvenience in their schedule, but if they filed a pending amendment, then there is an amendment pending and they ought to be able to adjust their schedules to come and debate it. If they aren't able to do that, we should still be able to dispose of those amendments, I say with great respect and courtesy to all of my colleagues.

So I hope that Chairman LEVIN and I and others would say: Look, we are going to notify everybody that we are going to have votes on the following amendments on Monday afternoon after we vote on the judge. If you are interested in debating it, we will be here to debate it and discuss it with you.

We have to get this legislation passed for the good of the men and women who are serving this Nation with far greater inconvenience than, frankly, our colleagues might experience by having to come back on Monday or by coming over here today.

I yield.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I will be done in one moment so that our friend from New Mexico can schedule his presentation.

I just wanted to add one additional thing to what the Senator from Arizona said, in addition to agreeing with him. We will be here today and we will be here a week from Monday so that there will be plenty of opportunity to debate these pending amendments or other amendments, and people need to know we are going to be seeking votes on these pending amendments if we can't clear them or work them out. There will be an opportunity for debate before the vote.

One other comment; that is, I will have a detailed statement addressing the detainee issue a little later on this morning. It will address some of the statements that are incorrect and misleading which were in the administration's statement on this subject. Also, some of the statements of our colleagues need to be addressed and, I believe, corrected. Because this is a complex issue it is important to know what is in the bill and what is not in the bill. If it is properly characterized and if it is properly stated, it is still complex, but to misstate it or overstate it or to mischaracterize what is in our bill just confuses an issue which needs to be debated on its merits and not confused. It is complicated enough without obfuscation and confusion about what is in the bill on detention or other matters and what is not in the bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENTS NOS. 1200, 1066, 1067 AS MODIFIED, 1068, 1119, 1090, 1089, 1056, AND 1116 EN BLOC

Mr. MCCAIN. Mr. President, I appreciate the indulgence of my friend, Senator UDALL. If it is OK with the chairman, I ask unanimous consent that the following amendments be considered pending on behalf of their sponsors? Would that be agreeable?

For Senator CORNYN, amendment No. 1200, related to Taiwan F–16s; for Senator AYOTTE, amendment No. 1066, related to financial audits; for Senator AYOTTE, amendment No. 1067, as revised, related to the notification of Congress for the initial custody of members of al-Qaida; for Senator AYOTTE, amendment No. 1068, related to the authorization of lawful interrogation methods; for Senator BROWN of Massachusetts, amendment No. 1119, related to child custody rights; for Senator BROWN of Massachusetts, amendment No. 1090, related to housing allowance rates; for Senator BROWN of Massachusetts, amendment No. 1089, related to disclosures by schools participating in tuition assistance; for Senator WICKER, amendment No. 1056, related to military chaplains; and for Senator WICKER, amendment No. 1116, related to truck licenses for transitioning servicemembers.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Let me notify Senators on our side that we are more than willing to do that same courtesy for them if they would let our staff know at the cloakroom this morning. We can do the same thing for Senators on our side as the Senator from Arizona properly did for Senators on his side.

Mr. MCCAIN. Could I say, I hope Members on both sides, if they have amendments, get them to us this morning so we can bring this part of the process to an end.

Mr. LEVIN. And if I may, doing what the Senator from Arizona just did will also facilitate, hopefully, the acceptance of a unanimous consent request that there then be a cutoff as I described at perhaps noon or 1 o'clock today so we can know what the universe is and begin to whittle it down.

I yield the floor.

The ACTING PRESIDENT pro tempore. The clerk will report by number the amendments called up by the Senator from Arizona.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], proposes amendments numbered 1200, 1066, 1067 as modified, 1068, 1119, 1090, 1089, 1056, and 1116 en bloc.

The amendments are as follows:

AMENDMENT NO. 1200

(Purpose: To provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China)

At the end of subtitle H of title X, add the following:

SEC. 1088. SALE OF F–16 AIRCRAFT TO TAIWAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense, in its 2011 report to Congress on ''Military and Security Developments Involving the People's Republic of China,'' found that ''China continued modernizing its military in 2010, with a focus on Taiwan contingencies, even as cross-Strait relations improved. The PLA seeks the capability to deter Taiwan independence and influence Taiwan to settle the dispute on Beijing's terms. In pursuit of this objective, Beijing is developing capabilities intended to deter, delay, or deny possible U.S. support for the island in the event of conflict. The balance of cross-Strait military forces and capabilities continues to shift in the mainland's favor.'' In this report, the Department of Defense also concludes that, over the next decade, China's air force will remain primarily focused on ''building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia, deter Taiwan independence, or influence Taiwan to settle the dispute on Beijing's terms''.

(2) The Defense Intelligence Agency (DIA) conducted a preliminary assessment of the status and capabilities of Taiwan's air force in an unclassified report, dated January 21, 2010. The DIA found that, ''[a]lthough Taiwan has nearly 400 combat aircraft in service, far fewer of these are operationally capable.'' The report concluded, ''Many of Taiwan's fighter aircraft are close to or beyond

service life, and many require extensive maintenance support. The retirement of Mirage and F–5 aircraft will reduce the total size of the Taiwan Air Force.''

(3) Since 2006, authorities from Taiwan have made repeated requests to purchase 66 F–16C/D multirole fighter aircraft from the United States, in an effort to modernize the air force of Taiwan and maintain its self-defense capability.

(4) According to a report by the Perryman Group, a private economic research and analysis firm, the requested sale of F–16C/Ds to Taiwan ''would generate some $8,700,000,000 in output (gross product) and more than 87,664 person-years of employment in the US,'' including 23,407 direct jobs, while ''economic benefits would likely be realized in 44 states and the District of Columbia''.

(5) The sale of F–16C/Ds to Taiwan would both sustain existing high-skilled jobs in key United States manufacturing sectors and create new ones.

(6) On August 1, 2011, a bipartisan group of 181 members of the House of Representatives sent a letter to the President, expressing support for the sale of F–16C/Ds to Taiwan. On May 26, 2011, a bipartisan group of 45 members of the Senate sent a similar letter to the President, expressing support for the sale. Two other members of the Senate wrote separately to the President or the Secretary of State in 2011 and expressed support for this sale.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a critical element to maintaining peace and stability in Asia in the face of China's two-decade-long program of military modernization and expansion of military capabilities is ensuring a militarily strong and confident Taiwan;

(2) a Taiwan that is confident in its ability to deter Chinese aggression will increase its ability to proceed in developing peaceful relations with China in areas of mutual interest;

(3) the cross-Strait military balance between China and our longstanding strategic partner, Taiwan, has clearly shifted in China's favor;

(4) China's military expansion poses a clear and present danger to Taiwan, and this threat has very serious implications for the ability of the United States to fulfill its security obligations to allies in the region and protect our vital United States national interests in East Asia;

(5) Taiwan's air force continues to deteriorate, and it needs additional advanced multirole fighter aircraft in order to modernize its fleet and maintain a sufficient self-defense capability;

(6) the United States has a statutory obligation under the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities, in furtherance of maintaining peace and stability in the western Pacific region;

(7) in order to comply with the Taiwan Relations Act, the United States must provide Taiwan with additional advanced multirole fighter aircraft, as well as significant upgrades to Taiwan's existing fleet of multirole fighter aircraft; and

(8) the proposed sale of F–16C/D multirole fighter aircraft to Taiwan would have significant economic benefits to the United States economy.

(c) SALE OF AIRCRAFT.—The President shall carry out the sale of no fewer than 66 F–16C/D multirole fighter aircraft to Taiwan.

AMENDMENT NO. 1066

(Purpose: To modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014)

At the end of subtitle A of title X, add the following:

SEC. 1005. AUDIT READINESS OF FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE.

Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) is amended by inserting '', and that a complete and validated full statement of budget resources is ready by not later than September 30, 2014'' after ''validated as ready for audit by not later than September 30, 2017''.

AMENDMENT NO. 1067, AS MODIFIED

(Purpose: To require notification of Congress with respect to the initial custody and further disposition of members of al-Qaeda and affiliated entities)

At the end of subtitle D of title X, add the following:

SEC. 1038. REQUIRED NOTIFICATION OF CONGRESS WITH RESPECT TO THE INITIAL CUSTODY AND FURTHER DISPOSITION OF MEMBERS OF AL-QAEDA AND AFFILIATED ENTITIES.

(a) REQUIRED NOTIFICATION WITH RESPECT TO INITIAL CUSTODY.—

(1) IN GENERAL.—When a covered person, as defined in subsection (c), is taken into the custody of the United States Government, the Secretary of Defense and the Director of National Intelligence shall notify the specified congressional committees, as defined in subsection (d), within 10 days.

(2) REPORTING REQUIREMENT.—The notification submitted pursuant to paragraph (1) shall be in classified form and shall include, at a minimum, the suspect's name, nationality, date of capture by or transfer to the United States Government, location of such capture or transfer, places of custody since capture or transfer, suspected terrorist affiliation and activities, and agency responsible for interrogation.

(b) REQUIRED NOTIFICATION WITH RESPECT TO FURTHER DISPOSITION.—

(1) IN GENERAL.—Not later than 10 days before a change of disposition under section 1031(c) is effected, the Secretary of Defense and the Director of National Intelligence shall notify and inform the specified congressional committees of such intended disposition.

(2) REPORTING REQUIREMENT.—The notification required under paragraph (1) shall be in classified form and shall include the relevant facts, justification, and rationale that serves as the basis for the disposition option chosen.

(c) COVERED PERSONS.—For the purposes of this section, a covered person is a person who—

(1) is a member of, or part of, al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda; and

(2) has participated in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—In this section, the term ''specified congressional committees'' means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Armed Services of the House of Representatives;

(3) the Select Committee on Intelligence of the Senate; and

(4) the Permanent Select Committee on Intelligence of the House of Representatives.

(e) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act, and shall apply with respect to persons described in subsection (c) who are taken into the custody or brought under the control of the United States on or after that date.

AMENDMENT NO. 1068

(Purpose: To authorize lawful interrogation methods in addition to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations)

At the end of subtitle D of title X, add the following:

SEC. 1038. AUTHORITY FOR LAWFUL INTERROGATION METHODS IN ADDITION TO THE INTERROGATION METHODS AUTHORIZED BY THE ARMY FIELD MANUAL.

(a) AUTHORITY.—Notwithstanding section 1402 of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), the personnel of the United States Government specified in subsection (c) are hereby authorized to engage in interrogation for the purpose of collecting foreign intelligence information using methods set forth in the classified annex required by subsection (b) provided that such interrogation methods comply with all applicable laws, including the laws specified in subsection (d).

(b) CLASSIFIED ANNEX.—Not later than 90 days after the date of the enactment of this Act, and on such basis thereafter as may be necessary for the effective collection of foreign intelligence information, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Attorney General, ensure the adoption of a classified annex to Army Field Manual 2-22.3 that sets forth interrogation techniques and approaches, in addition to those specified in Army Field Manual 2-22.3, that may be used for the effective collection of foreign intelligence information.

(c) COVERED PERSONNEL.—The personnel of the United States Government specified in this subsection are the officers and employees of the elements of the intelligence community that are assigned to or support the entity responsible for the interrogation of high value detainees (currently known as the ''High Value Detainee Interrogation Group''), or a successor entity.

(d) SPECIFIED LAWS.—The law specified in this subsection is as follows:

(1) The United Nations Convention Against Torture, signed at New York, February 4, 1985.

(2) Chapter 47A of title 10, United States Code, relating to military commissions (as amended by the Military Commissions Act of 2009 (title XVIII of Public Law 111–84)).

(3) The Detainee Treatment Act of 2005 (title XIV of Public Law 109–163).

(4) Section 2441 of title 18, United States Code.

(e) SUPERSEDURE OF EXECUTIVE ORDER.—The provisions of Executive Order No. 13491, dated January 22, 2009, shall have no further force or effect, to the extent such provisions are inconsistent with the provisions of this section.

(f) DEFINITIONS.—In this section:

(1) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means an element of the intelligence community listed or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) FOREIGN INTELLIGENCE INFORMATION.—The term ''foreign intelligence information'' has the meaning given that term in section 101(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)).

AMENDMENT NO. 1119

(Purpose: To protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation)

At the end of subtitle I of title V, add the following:

SEC. _____. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

''(d) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

''(e) PREEMPTION.—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard.

''(f) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary concerned may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

AMENDMENT NO. 1090

(Purpose: To provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service)

At the end of title VI, add the following:

Subtitle D—Pay and Allowances

SEC. 641. NO REDUCTION IN BASIC ALLOWANCE FOR HOUSING FOR NATIONAL GUARD MEMBERS WHO TRANSITION BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY WITHOUT A BREAK IN ACTIVE SERVICE.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(6) The rate of basic allowance for housing to be paid a member of the Army National Guard of the United States or the Air National Guard of the United States shall not be reduced upon the transition of the member from active duty to full-time National Guard duty, or from full-time National Guard duty to active duty, when the transition occurs without a break in active service.''.

AMENDMENT NO. 1089

(Purpose: To require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense)

At the end of subtitle D of title V, add the following:

SEC. 547. DISCLOSURE REQUIREMENTS FOR POST-SECONDARY INSTITUTIONS PARTICIPATING IN DEPARTMENT OF DEFENSE TUITION ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations requiring post-secondary education institutions that participate in Department of Defense tuition assistance programs, as a condition of such participation, to disclose with respect to each student receiving such tuition assistance the following information:

(1) Whether the successful completion of the advertised education or training program by a student meets prerequisites for the purpose of applying for and completing an examination or license required as a precondition for employment in the occupation for which the program is represented to prepare the student.

(2) The completion date of degree, certification, or license sought by the student participating in the tuition assistance program.

(b) APPLICABILITY.—For purposes of this section, the term ''Department of Defense tuition assistance program'' applies to financial tuition assistance provided by the Department of Defense to active duty servicemembers and eligible spouses.

AMENDMENT NO. 1056

(Purpose: To provide for the freedom of conscience of military chaplains with respect to the performance of marriages)

At the end of subtitle C of title V, add the following:

SEC. 527. FREEDOM OF CONSCIENCE OF MILITARY CHAPLAINS WITH RESPECT TO THE PERFORMANCE OF MARRIAGES.

A military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.

AMENDMENT NO. 1116

(Purpose: To improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector)

At the end of subtitle H of title X, add the following:

SEC. _____. IMPROVING THE TRANSITION OF MEMBERS OF THE ARMED FORCES WITH EXPERIENCE IN THE OPERATION OF CERTAIN MOTOR VEHICLES INTO CAREERS OPERATING COMMERCIAL MOTOR VEHICLES IN THE PRIVATE SECTOR.

(a) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall jointly conduct a study to identify the legislative and regulatory actions that can be taken for purposes as follows:

(A) To facilitate the obtaining of commercial driver's licenses (within the meaning of section 31302 of title 49, United States Code) by former members of the Armed Forces who operated qualifying motor vehicles as members of the Armed Forces.

(B) To improve the transition of members of the Armed Forces who operate qualifying motor vehicles as members of the Armed Forces into careers operating commercial motor vehicles (as defined in section 31301 of such title) in the private sector after separation from service in the Armed Forces.

(2) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) Identification of any training, qualifications, or experiences of members of the Armed Forces described in paragraph (1)(B) that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code.

(B) Identification of the actions the Secretary of Defense can take to document the training, qualifications, and experiences of such members for the purposes described in paragraph (1).

(C) Identification of the actions the Secretary of Defense can take to modify the training and education programs of the Department of Defense for the purposes described in paragraph (1).

(D) An assessment of the feasibility and advisability of each of the legislative and regulatory actions identified under the study.

(E) Development of recommendations for legislative and regulatory actions to further the purposes described in paragraph (1).

(b) IMPLEMENTATION.—Upon completion of the study required by subsection (a), the Secretary of Defense and the Secretary of Transportation shall carry out the actions identified under the study which the Secretaries—

(1) can carry out without legislative action; and

(2) jointly consider both feasible and advisable.

(c) REPORT.—

(1) IN GENERAL.—Upon completion of the study required by subsection (a)(1), the Secretary of Defense and the Secretary of Transportation shall jointly submit to Congress a report on the findings of the Secretaries with respect to the study.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the legislative and regulatory actions identified under the study.

(B) A description of the actions described in subparagraph (A) that can be carried out by the Secretary of Defense and the Secretary of Transportation without any legislative action.

(C) A description of the feasibility and advisability of each of the legislative and regulatory actions identified by the study.

(D) The recommendations developed under subsection (a)(2)(E).

(d) DEFINITIONS.—In this section:

(1) MOTOR VEHICLE.—The term ''motor vehicle'' means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on land, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(2) QUALIFYING MOTOR VEHICLE.—The term ''qualifying motor vehicle'' means a motor

vehicle or combination of motor vehicles used to transport passengers or property that—

(A) has a gross combination vehicle weight rating of 26,001 pounds or more, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(B) has a gross vehicle weight rating of 26,001 pounds or more;

(C) is designed to transport 16 or more passengers, including the driver; or

(D) is of any size and is used in the transportation of materials found to be hazardous under chapter 51 of title 49, United States Code, and which require the motor vehicle to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations, or any corresponding similar regulation or ruling.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, let me first say, before I talk about my amendments, I had the opportunity yesterday to listen to Senator LEVIN, Senator MCCAIN, Senator DURBIN, and many other Senators with regard to the debate on this bill. I thought it was excellent debate. I thought it was lively, it was robust, it was to the point, and it was the Senate at its best. I don't know how we get to the point where we have the kind of debate they were having on this Defense authorization bill, but I hope we can do more of it, and I look forward to returning after Thanksgiving and having the opportunity to do that.

I compliment the two top Members of that committee and the other Senators who were here on that debate.

AMENDMENTS NOS. 1153, 1154, AND 1202 EN BLOC

Mr. President, I ask unanimous consent to set aside the pending amendments in order to call up amendments Nos. 1153, 1154, and 1202 by number en bloc, and that once the amendments are reported the Senate return to the regular order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. UDALL], for himself and others, proposes amendments numbered 1153, 1154, and 1202 en bloc.

The amendments are as follows:

AMENDMENT NO. 1153

(Purpose: To include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930)

At the end of subtitle H of title X, add the following:

SEC. 1088. INCLUSION OF ULTRALIGHT VEHICLES IN DEFINITION OF AIRCRAFT FOR CERTAIN AVIATION SMUGGLING PROVISIONS.

(a) AMENDMENTS TO THE AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.—

(1) IN GENERAL.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following:

''(g) DEFINITION OF AIRCRAFT.—As used in this section, the term 'aircraft' includes an ultralight vehicle, as defined by the Administrator of the Federal Aviation Administration.''.

(2) CRIMINAL PENALTIES.—Subsection (d) of section 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is amended in the matter preceding paragraph (1) by inserting '', or attempts or conspires to commit,'' after ''commits''.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

(b) INTERAGENCY COLLABORATION.—The Assistant Secretary of Defense for Research and Engineering shall, in consultation with the Under Secretary for Science and Technology of the Department of Homeland Security, identify equipment and technology used by the Department of Defense that could also be used by U.S. Customs and Border Protection to detect and track the illicit use of ultralight aircraft near the international border between the United States and Mexico.

AMENDMENT NO. 1154

(Purpose: To direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure)

At the end of subtitle H of title X, add the following:

SEC. _____. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) establish and maintain an open burn pit registry for eligible individuals who may have been exposed to toxic chemicals and fumes caused by open burn pits;

(2) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic chemicals and fumes caused by open burn pits;

(3) develop a public information campaign to inform eligible individuals about the open burn pit registry, including how to register and the benefits of registering; and

(4) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to toxic chemicals and fumes caused by open burn pits.

(b) REPORT TO CONGRESS.—

(1) REPORT BY INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to develop a report containing the following:

(A) An assessment of the effectiveness of actions taken by the Secretary to collect and maintain information on the health effects of exposure to toxic chemicals and fumes caused by open burn pits.

(B) Recommendations to improve the collection and maintenance of such information.

(C) Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits.

(2) SUBMITTAL TO CONGRESS.—Not later than 540 days after the date on which the registry required by subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the report developed under paragraph (1).

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means any individual who, on or after September 11, 2001—

(A) was deployed in support of a contingency operation while serving in the Armed Forces; and

(B) during such deployment, was based or stationed at a location where an open burn pit was used.

(2) OPEN BURN PIT.—The term ''open burn pit'' means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

AMENDMENT NO. 1202

(Purpose: To clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense)

At the end of subtitle B of title VIII, add the following:

SEC. 827. APPLICABILITY OF BUY AMERICAN ACT TO PROCUREMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k) PROCUREMENT OF PHOTOVOLTAIC DEVICES.—

''(1) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract described in paragraph (2) awarded by the Department of Defense includes a provision requiring any photovoltaic devices installed pursuant to the contract, or pursuant to a subcontract under the contract, to comply with the provisions of chapter 83 of title 41 (commonly known as the 'Buy American Act'), without regard to whether the contract results in ownership of the photovoltaic devices by the Department.

''(2) CONTRACTS DESCRIBED.—The contracts described in this paragraph include energy savings performance contracts, utility service contracts, power purchase agreements, land leases, and private housing contracts pursuant to which any photovoltaic devices are installed on property or in a facility—

''(A) owned by the Department of Defense;

''(B) leased to the Department of Defense; or

''(C) with respect to which the Secretary of the military department concerned has exercised any authority provided under subchapter IV of chapter 169 of this title (relating to alternative authority for the acquisition and improvement of military housing).

''(3) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—Paragraph (1) shall be applied in a manner consistent with the obligations of the United States under international agreements.

''(4) DEFINITION OF PHOTOVOLTAIC DEVICES.—In this subsection, the term 'photovoltaic devices' means devices that convert light directly into electricity.

''(5) EFFECTIVE DATE.—This subsection applies to photovoltaic devices procured or installed on or after the date that is 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 pursuant to contracts entered into before, on, or after such date of enactment.''.

(b) CONFORMING REPEAL.—Section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note) is repealed.

AMENDMENT NO. 1153

Mr. UDALL of New Mexico. Mr. President, I am offering this amendment, along with my cosponsors Senators HELLER, BINGAMAN, FEINSTEIN, and GILLIBRAND, to provide a simple fix to a loophole in the Tariff Act of 1930.

Our amendment will allow our Federal agents and prosecutors to crack down on smugglers who use ultralight aircraft, also known as ULAs, to bring drugs across the U.S.-Mexico border.

In the last Congress, then-Congressman HELLER introduced a very similar bill in the House with Congresswoman GABRIEL GIFFORDS. That bill passed overwhelmingly by a 412–3 vote. I hope we can have a similar bipartisan result here in the Senate.

ULAs are single-pilot aircraft capable of flying low, landing and taking off quickly, and are typically used for sport or for recreation. However, because of increased detection and interdiction of more traditional smuggling conveyances, ULAs have increasingly been employed along the Southwest border by Mexican drug trafficking organizations to smuggle drugs into the United States.

The use of ULAs by drug smugglers presents a unique challenge for law enforcement and prosecutors. Every year hundreds of ULAs are flown across the Southwest border and each one can carry hundreds of pounds of narcotics.

Under existing law, ULAs are not categorized as aircraft by the Federal Aviation Administration, so they do not fall under the aviation smuggling provisions of the Tariff Act of 1930. This means that a drug smuggler piloting a small airplane is subject to much stronger criminal penalties than a smuggler who pilots a ULA.

Our amendment will close this unintended loophole and establish the same penalties if convicted—a maximum sentence of 20 years in prison and a $250,000 fine—for smuggling drugs on ULAs as currently exist for smuggling on airplanes or in automobiles.

This is a common sense solution that will give our law enforcement agencies and prosecutors additional tools they need to combat drug smuggling.

The amendment would also add an attempt and conspiracy provision to the aviation smuggling law to allow prosecutors to charge people other than the pilot who are involved in aviation smuggling. This would give them a new tool to prosecute the ground crews who aid the pilots as well as those who pick up the drug loads that are dropped from ULAs in the U.S.

Finally, the amendment directs the Department of Defense and Department of Homeland Security to collaborate in identifying equipment and technology used by DOD that could be used by U.S. Customs and Border Protection to detect ULAs.

AMENDMENT NO. 1154

Mr. President, this next amendment would establish an Open Burn Pit Registry. This amendment, filed by myself and lead cosponsor Senator CORKER, is important to both our active duty troops and veterans.

In both Afghanistan and Iraq open air burn pits were widely used at forward operating bases. Disposing of trash and other debris was admittedly a major challenge. Commanders had to find a way to dispose of it while concentrating on the important mission at hand.

The solution that was chosen, however, had serious medical and environmental risks. In Afghanistan and Iraq, pits of waste were set on fire, sometimes using jet fuel for ignition. Oftentimes, these burn pits would turn the sky black.

Some burn pits were small, but others covered multiple acres of land. At Joint Base Balad, Iraq, over ten acres of land were used for burning toxic debris.

This was a base, that at the height of its operations, hosted approximately 25,000 military, civilian and coalition personnel. These personnel would be exposed to a toxic soup of chemicals released into the atmosphere. According to air quality measurements taken near the base, the air at Balad had multiple particulates harmful to humans.

These particulates ranged from plastics and Styrofoam, metals, chemicals from paints and solvents, petroleum and lubricants, jet fuel and unexploded ordnance, medical and other dangerous waste . . . all of this was in the air and being inhaled into the lungs of service members.

More specifically, air samples at Joint Base Balad turned up some nasty stuff: Particulate matter—chemicals that form from the incomplete burning of coal, oil and gas, garbage, or other organic substances—Volatile Organic Compounds such as acetone and benzene. Benzene is known to cause leukemia and dioxins associated with Agent Orange.

Our veterans have slowly begun to raise the alarm as they learn why, after returning home, they are short of breath, or experiencing headaches or other symptoms and in some cases developing cancer.

Many other independent organizations have also urged action on this issue, including the American Lung Association which has stated that:

> Emissions from burning waste contain fine particulate matter, sulfur oxides, carbon monoxide, volatile organic compounds and various irritant gases such as nitrogen oxides that can scar the lungs.

The registry created by this amendment will help our medical and scientific experts better analyze who was exposed and who is suffering.

In New Mexico, service members and veterans have begun to come forward about their medical conditions. Some, like MSG Jessey Baca, a member of the New Mexico Air National Guard who was stationed in Balad, Iraq, are facing serious ailments such as cancer and chronic bronchiolitis. It is stories like Master Sergeant Baca's which have motivated me to take action on this issue and I urge my colleagues to hear the stories of heroes like him in all 50 States.

During my meetings with veterans and active duty members of the military, I have truly learned how important it is that we act now.

Among active duty members there is uncertainty regarding the link between burn pits and the illnesses that they are suffering from. This uncertainty is discouraging service members from coming forward to have their illness diagnosed because they are fearful about the implications on their career.

A registry will help create the data set needed to bring certainty to the issue because it will improve our understanding of the link between the burn pits and illness. The information will also help DoD better understand the link and aid their efforts to improve treatment of our troops.

The Open Burn Pits Registry Act has bipartisan and bicameral support. In the House, Representative AKIN, a Republican, is sponsoring this important piece of legislation with a strong bipartisan group.

I thank all the supporters and champions for our veterans suffering from these hidden wounds and I urge my colleagues to support this amendment.

AMENDMENT NO. 1202

Mr. President, solar power increases energy security for American military installations and our troops in the field.

With solar power, our military is less dependent on the surrounding electricity grid or fuel supplies for generators.

As a result, the Department of Defense is a leader on utilizing solar power—not for environmental reasons, but national security reasons.

However, if we are going to use taxpayer funds to support military solar power—which also qualifies for solar energy tax incentives—we must provide a level playing field for U.S. solar manufacturers.

Last year's Defense Authorization bill took an important step, by clarifying that DOD's Buy American Act requirements apply to solar.

Previously, when solar was installed on DOD property, Buy American would not apply because DOD only owned the power, not the panels.

While last year's bill attempted to fix this situation, it left 2 loopholes:

No. 1, first, Buy American requirements still do not apply to many DOD facilities, including much of DOD housing, since these facilities are leased and not technically ''owned'' by DOD. If we do not close this loophole, several hundred megawatts of DOD taxpayer funded solar projects could go to Chinese firms.

No. 2, last year's bill only applied Buy American when solar devices are ''reserved for the exclusive use'' of DOD for the ''full economic life.'' Solar power projects often sell back to the grid, so the combined effect of both of

these loopholes is that Buy American does not apply to DOD-purchased solar on DOD property.

The amendment I am offering today, on behalf of myself and Senator SCHUMER, closes these loopholes and applies Buy American requirements to all solar panels that are part of contracts with DOD.

If American taxpayer funds are used to improve our military bases' energy security, American solar firms should have an ability to compete.

We know that other nations like China are spending vast resources to become leaders in the solar power market. They do not play by our trade rules, and they are taking advantage of our taxpayer funds.

This amendment halts that practice, while maintaining all existing provisions of the Buy American Act: nations who are in the WTO are not discriminated against and existing exemptions such as availability and cost still apply.

Our amendment is supported by a strong coalition of U.S. solar manufacturers, many of which are based overseas, and U.S. workers and labor unions.

I thank Sen. SCHUMER and his staff for their work on this and I urge the Senate's support.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. I thank the Senator from New Mexico for his remarks. I agree with him; it was a lively debate. I also agree with him it is to be desired that kind of debate occurs more often in the Senate. The Senator from New Mexico has been very active in the effort to have these kinds of debates by rules changes, which would make these kinds of debates a lot more likely, and by other mechanisms.

To make an inquiry, did the Senator from New Mexico restore the regular order to the Levin-McCain amendment? I missed that.

Mr. UDALL of New Mexico. I did. Let me say to Chairman LEVIN, not only lively, robust, but very informative. I learned a lot in the process of listening to him and to Senator MCCAIN and Senator DURBIN and the other Senators who came down about the issue. I think that is the way the Senate works best: to have the amendments and various provisions of the Defense authorization bill be a part of a lively and informative debate.

I thank the Senator for that, and I yield the floor.

Mr. MCCAIN. Mr. President, I assume, then, having watched the debate and been informed, that the Senator from New Mexico now takes the position that Senator LEVIN and I do on this issue, and his next mission is to convince his colleague from Colorado of the correctness of our position?

Mr. UDALL of New Mexico. At this point I am still listening and trying to ascertain as much as I can about the actual provisions of the Defense authorization bill. But the Senator is correct. There could be trouble in Udall Valley. There might be a split. We do not see that yet, but there is a possibility of it.

Mr. MCCAIN. One thing I have learned about the Senator from New Mexico is that he does give all issues a fair and objective hearing. He listens and he pays attention and he is informed in his decisions. I thank him for taking part in this one.

Mr. UDALL of New Mexico. I also know that when the two of my colleagues—when the chairman and Senator MCCAIN, the ranking member—come together on a prevision and are able to persuade their committee to go with it, that says something to the Senate itself, to have that before the Senate. I want to study it very carefully. I know Senator GRAHAM was down here, who has been very active on this issue and has a tremendous amount of experience. I look forward to the continuing debate, and I yield the floor.

Mr. LEVIN. Mr. President, I thank the Senator from New Mexico again for the comments, but also tell him how very much impressed I have been right from the first day I heard him with his openmindedness on subjects. It is very important that we keep open minds, and he has shown just how to do that. We appreciate that on an issue this complex, particularly on the Defense bill.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, our staff is working on various amendments that we could get approved by both sides. We think there are a number of those on which we can get agreement to make progress today. While we are going through that process, I would like to point out the front page of this morning's Wall Street Journal, I am sorry to note, may be a harbinger of events that will happen in the future, that will take place in the future, which will be unfortunate for the United States of America and indeed tragic for Iraq.

The front page of the Wall Street Journal today says ''Standoff Over U.S. Airbase in Iraq.''

A tense standoff between local police and the Iraqi Army played out on Thursday at the gate of the U.S. airbase in the northern city of Kirkuk, where a dispute over land and oil threatens national stability and unity as U.S. forces withdraw.

The territorial conflict, between the central government in Baghdad and the semiautonomous Kurdistan region, is just one flash point that some American and Iraqi officials say could boil over after the full pullout of U.S. troops at the end of December.

Fears of a clash between Iraqi troops and Kurdish forces were heightened on Thursday when the Kurdish-dominated police in Kirkuk blocked senior Iraqi Army commanders from entering the airbase, where they said they were planning to take over the facility from the U.S. military.

The Army officials brought reporters from Iraqi State-owned television to document the handover, in what appeared to be an effort to show the nation that Baghdad was in charge. The central government, headed by Prime Minister Nouri al Maliki, is increasingly eager to project its power ahead of the U.S. pullout.

This is about a volatile region, particularly in the area around Kirkuk, which is also symptomatic of the entire northern Iraq border between Kurdistan, the semiautonomous region of Iraq, and the rest of Iraq. The area is inhabited by different ethnic groups that range from Turkmen to Arab to other nationalities who all inhabit the area. One of the reasons some of us wanted to have a residual force remain in Iraq—one of actually three major reasons—was because of the tensions in this area which have already bubbled up on several occasions. In fact, there was a point some months ago where two forces were—the Pershmaga, the Kurdish military, and the Iraqi military—close to a shooting situation. The U.S. forces intervened. Obviously, they are not going to be there. Obviously, already before they have even left there has been a tense standoff at one of the major airbases in Iraq.

I greatly fear—I pray not, but I greatly fear that we will see more and more of these kinds of tensions between the Kurdish area and the rest of Iraq. A lot of it has to do with oil. A lot of it has to do with who is going to control the oil revenues in the area. Other parts go back to the era of Saddam Hussein, where he moved out Kurdish individuals and others and moved in people who were loyal to him. There are still enormous land disputes in the area as well. Suffice to say, it is a place of great tension. I continue to be deeply worried about this kind of tension which could lead to armed conflict, but also over time, in the view of some, could lead to an actual breakup of Iraq into Kurdish areas, Sunni areas, and even two different Shia areas of Iraq.

I am sorry to see this. I am sorry this is happening and that there are more people who are predicting greater tensions in the area, but I have to say, I am surprised. I am not surprised. The sad thing about all this—I had a rather, shall I say, spirited exchange with the Secretary of Defense the other day in the hearing that was held in the Armed Services Committee. This isn't a policy matter, this is a not an issue of whether we should have French fries served in school lunches. This is an issue we have shed the blood of well over 4,400 young Americans. I greatly fear that the opportunity that was purchased with their expenditure of American blood and treasure may go all for naught because of our failure to maintain a residual force in Iraq which, I repeat, was always envisioned when the

agreement for U.S. withdrawal was made by the previous administration—by the way, an agreement I disagreed with at that time.

So I hope that when Prime Minister Maliki comes to Washington next month some of these issues can be ironed out, that we can have greater cooperation. But I don't think there is any doubt that right now up in the area of Kirkuk, they are paying much attention to the statements that may be made by the U.S. Embassy in Baghdad.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. 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.

Mr. REED. Mr. President, I rise in support of the National Defense Authorization Act for Fiscal Year 2012. I wish to commend Senator LEVIN and Senator MCCAIN for their leadership in bringing this piece of legislation to the floor. All my colleagues in the Armed Services Committee have done a remarkable job and have done it with great discipline and dedication and concern for the men and women of our Armed Forces and the defense of the Nation.

This is the 50th consecutive Defense authorization bill that the Senate has considered, and I hope we will soon be able to send it to the President for his signature. We owe this to our service men and women who are devoting themselves, and indeed their families also, to the protection of the United States.

We made difficult decisions in putting together this bill, especially in these challenging economic times. We were able to find $26 billion in savings from the original budget request the President submitted earlier this year. But I am confident this bill provides a budget that allows the Department of Defense to combat current threats, plan for future threats and provide for the welfare and protection of those men and women and their families who serve this Nation.

I am pleased that at the start of the debate on this important measure, that we were able to take up and pass Senator AYOTTE's amendment on strategic airlift, which I was pleased to cosponsor. I was, indeed, very impressed with Senator AYOTTE's thorough understanding of this issue, her ability to seize on a point and make sure it is fully understood. We were able to also bring together leaders of our services, the Department of Defense, TRANSCOM, and the Air Force, so that this decision was based on a very thorough analysis. We owe a great deal of thanks to Senator AYOTTE for her extraordinary performance in this regard.

I am also working on several other amendments that would provide additional assistance, not just to the overall structure of the Defense Department but also to our military personnel. These deal with protecting the individual service men and women from exploitation by businesses and by other financial entities. We have taken some steps going forward with the creation of the new Consumer Financial Protection Bureau's Office of Service Members Affairs, headed by Holly Petraeus, but we have to do more. I hope we can in this bill.

I am also proposing amendments that would address some of the inconsistencies in the policies of National Guard dual-status technicians. A further area of concern is better coordination between the mental health care provided by the Department of Defense and the community providers, particularly for members of the National Guard and Reserve and their families. They often don't have the opportunity to be close to a major military installation and so coordination with local community providers is so critical to helping these members and their families. I hope, again, we can work together to get these provisions included in the legislation.

Let me highlight a few of the measures in the overall legislation that are very important. It authorizes a 1.6-percent across-the-board pay raise and reauthorizes over 30 types of bonuses and special pays for our men and women in uniform. This is critical in meeting the needs of our military personnel.

The legislation also authorizes the full funding of the DOD's Mine Resistant Ambush Protected Vehicle, the MRAP program, which provides for the sustainment of MRAPs and M–ATVs to protect our troops on the ground. Again, having recently returned about 3 weeks ago from Afghanistan, these are critical weapon systems. My colleagues on the committee who also frequently travel into these war zones will attest to that fact. I am pleased we included this provision in the legislation.

The proposed legislation also authorizes $11.2 billion for the Afghan Security Forces Fund to train and equip the Afghan Army and police. This is a $1.6 billion reduction from the President's request. The CENTCOM commander, General Mattis, and Lieutenant General Caldwell, who was the commander on the ground, determined that this reduction could be made because of the efficiencies being achieved by the NATO training mission in Afghanistan.

We have to be much more efficient going forward in terms of resources, and we also have to prepare for the long term support, not alone but with our international partners, of the creation and sustainment of the Afghan National Security Forces. It represents probably the most significant component, long term, of stabilizing Afghanistan. We cannot do it alone. There has to be political will and capacity. As we develop this military force, we also have to think ahead about how we are, not alone but together with our allies, going to ensure it is properly resourced in order to be a contributing factor in the stability of Afghanistan.

This year, once again, I also had the privilege of serving as the chairman of the Seapower Subcommittee alongside Senator WICKER, whom I wish to thank for his thoughtful and significant contribution to the legislation. The Seapower Subcommittee is focused on the needs of the Navy, Marine Corps, and the strategic mobility forces. The subcommittee put particular emphasis on supporting Marine and naval forces engaged in combat operations, improving efficiencies, and applying the savings to higher priority programs.

The subcommittee specifically included requested funding for two Virginia-class submarines, the DDG–1000 Program, the Aircraft Carrier Replacement Program, the DDG–51 Aegis Destroyer Program, the Littoral Combat Ship (LCS) Program, the LHA® Amphibious Assault Ship, the Joint High Speed Vessel, the Mobile Landing Platform, and the P–8 maritime patrol aircraft. All these weapons systems are important aspects of Navy and Marine projection power throughout the world.

I am particularly pleased, obviously, about the continued support for the Virginia-class submarine program and the DDG–1000, which are integral parts not only of our national security but of the economy of New England.

The subcommittee also included language that would require the Department of Navy to restructure plans to replace the canceled Expeditionary Fighting Vehicle system for the Marine Corps and to complete an analysis of the Amphibious Combat Vehicle alternatives before launching into a Marine Personnel Carrier acquisition program. Essentially, the Marine Corps is restudying their ability to move marines from ship to shore and then from shore inland to exploit the beachhead, and that careful study is necessary before they make a commitment for future programs for equipment.

We also included language that would permit the Navy to use multiyear procurement authority to buy common cockpits and avionic systems for the Navy's H–60 helicopters in the most efficient manner.

Let me conclude by once again thanking Senator WICKER, particularly for his help with respect to the Seapower Subcommittee, and thanking all my colleagues. I think we have a good piece of legislation before us. I hope in the process of amending it, we can improve the bill, and I look forward to sending such a bill to the President for his signature.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank the Senator from Rhode Island, my dear friend, for all the work he does on our committee and the other work he does for the Senate. He is an invaluable member of our Armed

Services Committee, and I just want to not let this moment pass without acknowledging that.

I yield the floor.

Mr. MCCAIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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.

AMENDMENTS NOS. 1171, 1172, AND 1173

Mr. MCCAIN. Mr. President, on behalf of Senator CORKER, I ask unanimous consent to temporarily set aside the pending amendment and call up the following amendments en bloc: amendment No. 1171, terrorist activities in Pakistan; amendment No. 1172, coalition support in Pakistan; and amendment No. 1173, Sense of the Senate regarding NATO.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. CORKER, proposes amendments en bloc numbered 1171, 1172, and 1173.

The amendments are as follows:

AMENDMENT NO. 1171

(Purpose: To prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies)

At the end of subtitle B of title XII, add the following:

SEC. 1230. PROHIBITION ON ASSISTANCE FOR PAKISTAN SECURITY FORCES WITH CONNECTIONS TO TERRORIST ORGANIZATIONS.

None of the amounts authorized to be appropriated by this or any other Act may be made available to any unit of the security forces of Pakistan if the Secretary of Defense determines that the United States Government has credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies.

AMENDMENT NO. 1172

(Purpose: To require a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom)

At the end of subtitle B of title XII, add the following:

SEC. 1230. REPORT ON ENDING COALITION SUPPORT FUND REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN FOR OPERATIONS CONDUCTED IN SUPPORT OF OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Special Representative for Afghanistan and Pakistan, shall submit a report to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A characterization of the types of reimbursements requested by the Government of Pakistan.

(2) An assessment of the total amount reimbursed to the Government of Pakistan, by fiscal year, since the beginning of Operation Enduring Freedom.

(3) The percentage and types of reimbursement requests made by the Government of Pakistan for which the United States Government has denied payment.

(4) An assessment of whether the operations conducted by the Government of Pakistan in support of Operation Enduring Freedom and reimbursed from the Coalition Support Fund have materially impacted the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to impede the operations of the United States in Afghanistan.

(5) Recommendations for, and a timeline to implement, a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

AMENDMENT NO. 1173

(Purpose: To express the sense of the Senate on the North Atlantic Treaty Organization)

At the end of subtitle C of title XII, add the following:

SEC. 1243. SENSE OF SENATE ON THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) historically set a target commitment for member states to spend two percent of their gross domestic product on their defense expenditures.

(2) In 2010, the North Atlantic Treaty Organization identified only 5 member states meeting this target for defense expenditures, including the United States, Albania, France, Greece, and the United Kingdom, leaving 23 member states short of meeting the target.

(3) Secretary of Defense Robert Gates made the following statement on the North Atlantic Treaty Organization on October 14, 2010, in a conversation with reporters: ''[m]y worry is that the more our allies cut their capabilities, the more people will look to the United States to cover whatever gaps are created. . . And at a time when we're facing stringencies of our own, that's a concern for me''.

(4) Secretary of State Hillary Clinton, in an interview with the BBC on October 15, 2010, stated that ''NATO has been the most successful alliance for defensive purposes in the history of the world, I guess, but it has to be maintained. Now each country has to be able to make its appropriate contributions''.

(5) On March 30, 2011, Admiral James G. Stavridis stated in a hearing before the Committee on Armed Services of the House of Representatives that ''[w]e need to be emphatic with our European allies that they should spend at least the minimum NATO 2 percent''.

(6) In a speech delivered in Brussels on June 10, 2011, Secretary of Defense Gates further stated that ''[i]n the past, I've worried openly about NATO turning into a two-tiered alliance: Between members who specialize in 'soft' humanitarian, development, peacekeeping, and talking tasks, and those conducting the 'hard' combat missions. Between those willing and able to pay the price and bear the burdens of alliance commitments, and those who enjoy the benefits of NATO membership – be they security guarantees or headquarters billets – but don't want to share the risks and the costs. This is no longer a hypothetical worry. We are there today. And it is unacceptable''.

(7) In that same speech on June 10, 2011, Secretary of Defense Gates added that ''I am the latest in a string of U.S. defense secretaries who have urged allies privately and publicly, often with exasperation, to meet agreed-upon NATO benchmarks for defense spending. However, fiscal, political and demographic realities make this unlikely to happen anytime soon, as even military stalwarts like the U.K have been forced to ratchet back with major cuts to force structure. Today, just five of 28 allies – the U.S., U.K., France, Greece, along with Albania – exceed the agreed 2% of GDP spending on defense''.

(8) Secretary of Defense Gates also stated that ''[t]he blunt reality is that there will be dwindling appetite and patience in the U.S. Congress – and in the American body politic writ large – to expend increasingly precious funds on behalf of nations that are apparently unwilling to devote the necessary resources or make the necessary changes to be serious and capable partners in their own defense. Nations apparently willing and eager for American taxpayers to assume the growing security burden left by reductions in European defense budgets''.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to commend the North Atlantic Treaty Organization for historically providing an extension to the United States security capabilities; and

(2) to call upon the President—

(A) to engage each of the member states of the North Atlantic Treaty Organization in a dialogue about the long-term health of the North Atlantic Alliance and strongly encourage each of the member states to make a serious effort to protect defense budgets from further reductions, better allocate and coordinate the resources presently available, and recommit to spending at least two percent of gross domestic product on defense; and

(B) to examine and report to Congress on recommendations that will lead to a stronger North Atlantic Alliance in terms of military capability and readiness across the 28 member states, with particular focus on the smaller member states.

Mr. MCCAIN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

AMENDMENTS NOS. 1117, 1187, AND 1211

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside to call up, on behalf of Senator BINGAMAN, amendment No. 1117; and on behalf of Senator GILLIBRAND, amendments Nos. 1187 and 1211.

Before the clerk reports, I also ask unanimous consent that Senator GILLIBRAND be added as a cosponsor of amendment No. 1092, the Levin-McCain counterfeit parts amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Senators Bingaman and Gillibrand, proposes amendments en bloc numbered 1117, 1187, and 1211.

The amendments are as follows:

AMENDMENT NO. 1117

(Purpose: To provide for national security benefits for White Sands Missile Range and Fort Bliss)

At the end of subtitle H of title X, add the following:

SEC. ___. WHITE SANDS MISSILE RANGE AND FORT BLISS.

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as ''Withdrawal Area'' on the map entitled ''White Sands Military Reservation Withdrawal'' and dated May 3, 2011;

(B) the approximately 37,600 acres of land depicted as ''Parcel 1'', ''Parcel 2'', and ''Parcel 3'' on the map entitled ''Doña Ana County Land Transfer and Withdrawal'' and dated April 20, 2011; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as ''Parcel 3'' on the map described in paragraph (2)(B) is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as ''Parcel 1'' on the map described in subsection (a)(2)(B)—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) FORCE OF LAW.—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) REIMBURSEMENT OF COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

AMENDMENT NO. 1187

(Purpose: To expedite the hiring authority for the defense information technology/cyber workforce)

At the end of title XI, add the following:

SEC. 1108. EXPEDITED HIRING AUTHORITY FOR DEFENSE INFORMATION TECHNOLOGY/CYBER WORKFORCE.

(a) EXPEDITED HIRING AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599e. Information technology/cyber workforce: expedited hiring authority

''(a) AUTHORITY.—For purposes of sections 3304, 5333, and 5753 of title 5, the Secretary of Defense—

''(1) may designate any category of Information Technology/Cyber workforce positions in the Department of Defense as positions for which there exists a shortage of candidates or for which there is a critical hiring need; and

''(2) may use the authorities provided in those sections to recruit and appoint qualified persons directly to positions so designated, and should appoint veterans to those positions to the maximum extent possible.

''(b) ANNUAL REPORT.—The Secretary of Defense shall submit an annual report to the congressional defense committees detailing the number of people hired under the authority of this section, the number of people so hired who transfer to a field outside the category of Information Technology/Cyber workforce, and the number of veterans who apply for, and are hired, for positions under this authority.

''(c) SUNSET.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2017.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1599e. Information technology/cyber workforce: expedited hiring authority.''.

AMENDMENT NO. 1211

(Purpose: To authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families)

At the end of subtitle H of title V, add the following:

SEC. 577. SUPPORT FOR NATIONAL GUARD COUNSELING AND REINTEGRATION SERVICES.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide assistance to a State National Guard to support programs to provide pre-deployment and post-deployment outreach, reintegration, and readjustment services to the following persons:

(1) Members of reserve components of the Armed Forces who reside in the State or are members of the State National Guard regardless of place of residence and who are ordered to active duty in support of a contingency operation.

(2) Members described in paragraph (1) upon their return from such active duty.

(3) Veterans (as defined in section 101(2) of title 38, United States Code).

(4) Dependents of persons described in paragraph (1), (2), or (3).

(b) ELEMENTS OF PROGRAMS.—Programs supported under subsection (a) shall use direct person-to-person outreach and other relevant activities to ensure that eligible persons receive all the services and support available to them during pre-deployment, deployment, and reintegration periods.

(c) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific State National Guard under subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(d) STATE DEFINED.—In this section, the term ''State'' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(e) FUNDING.—

(1) FUNDS AVAILABLE.—The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Army National Guard as specified in the funding table in section 4301 is hereby increased by $70,000,000, with the amount of the increase to be available for assistance authorized by this section.

(2) OFFSETS.—(A) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Army as specified in the funding table in section 4301 is hereby reduced by $33,400,000, with the amount of the reduction to be allocated to amounts otherwise available for the Army for recruiting and advertising.

(B) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Navy as specified in the funding table in section 4301 is hereby reduced by $16,200,000, with the amount of the reduction to be allocated to amounts otherwise available for the Navy for recruiting and advertising.

(C) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Marine Corps as specified in the funding table in section 4301 is hereby reduced by $11,700,000, with the amount of the reduction to be allocated to amounts otherwise available for the Marine Corps for recruiting and advertising.

(D) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Air Force as specified in the funding table in section 4301 is hereby reduced by $8,700,000, with the amount of the reduction to be allocated to amounts otherwise available for the Air Force for recruiting and advertising.

Mr. LEVIN. Mr. President, I ask for the regular order on the Levin-McCain amendment.

The ACTING PRESIDENT pro tempore. The amendment is now the pending question.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. 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.

AMENDMENTS NOS. 1239, 1256, 1257, AND 1258 EN BLOC

Mr. MERKLEY. Mr. President, I ask unanimous consent that the pending amendment be set aside. I call up en bloc 1239, 1256, 1257, and 1258.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes amendments numbered 1239, 1256, 1257, and 1258 en bloc.

Mr. MERKLEY. Mr. President, I ask that reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1239

(Purpose: To expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty)

At the end of subtitle H of title X, add the following:

SEC. 1088. EXPANSION OF MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.

(a) EXPANSION OF ENTITLEMENT.—Subsection (b)(9) of section 3311 of title 38, United States Code, is amended by inserting ''or spouse'' after ''child''.

(b) LIMITATION AND ELECTION ON CERTAIN BENEFITS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

''(2) LIMITATION.—The entitlement of an individual to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—

''(A) the date that is 15 years after the date on which the person died; and

''(B) the date on which the individual remarries.

''(3) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—A surviving spouse entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

AMENDMENT NO. 1256

(Purpose: To require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan)

On page 484, strike lines 8 through 24 and insert the following:

(8) During the course of Operation Enduring Freedom, members of the Armed forces, intelligence personnel, and the diplomatic corps have skillfully achieved the core goal of the United States strategy in Afghanistan, and Secretary of Defense Leon E. Panetta has noted that al Qaeda's presence in Afghanistan has been greatly diminished.

(9) On May 1, 2011, in support of the goal to disrupt, dismantle, and defeat al Qaeda, President Obama authorized a United States operation that killed Osama bin Laden, leader of al Qaeda. While the impact of his death on al Qaeda remains to be seen, Secretary of Defense Robert Gates called the death of bin Laden a ''game changer'' in a speech on May 6, 2011.

(10) Over the past ten years, the mission of the United States has evolved to include a prolonged nation-building effort in Afghanistan, including the creation of a strong central government, a national police force and army, and effective civic institutions.

(11) Such nation-building efforts in Afghanistan are undermined by corruption, high illiteracy, and a historic aversion to a strong central government in that country.

(12) The continued concentration of United States and NATO military forces in one region, when terrorist forces are located in many parts of the world, is not an efficient use of resources.

(13) The battle against terrorism is best served by using United States troops and resources in a counterterrorism strategy against terrorist forces wherever they may locate and train.

(14) The United States Government will continue to support the development of Afghanistan with a strong diplomatic and counterterrorism presence in the region.

(b) BENCHMARKS REQUIRED.—The President shall establish, and may update from time to time, a comprehensive set of benchmarks to evaluate progress being made toward the objective of transitioning and transferring lead security responsibilities in Afghanistan to the Government of Afghanistan by December 31, 2014.

(c) TRANSITION PLAN.—The President shall devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) SUBMITTAL TO CONGRESS.—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress.

AMENDMENT NO. 1257

(Purpose: To require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan)

On page 484, strike line 22 through line 24 and insert the following:

(c) TRANSITION PLAN.—The President shall devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) SUBMITTAL TO CONGRESS.—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress.

AMENDMENT NO. 1258

(Purpose: To require the timely identification of qualified census tracts for purposes of the HUBZone program, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. DESIGNATION OF QUALIFIED CENSUS TRACTS.

(a) DESIGNATION.—

(1) IDENTIFICATION OF HUBZONE QUALIFIED CENSUS TRACTS.—Not later than 2 months after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts necessary for such identification, the Secretary of Housing and Urban Development shall identify and publish the list of census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(2) SPECIFICATION OF EFFECTIVE DATES OF DESIGNATION.—

(A) HUBZONE EFFECTIVE DATE.—The Secretary of Housing and Urban Development, after consultation with the Administrator of the Small Business Administration, shall designate a date that is not later than 3 months after the publication of the list of qualified census tracts under paragraph (1) upon which the list published under paragraph (1) becomes effective for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(B) SECTION 42 EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall designate a date, which may differ from the HUBZone effective date under subparagraph (A), upon which the list of qualified census tracts published under paragraph (1) shall become effective for purposes of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that—

(1) describes the benefits and drawbacks of using qualified census tract data to designate HUBZones under section 3(p) of the Small Business Act (15 U.S.C. 632(p));

(2) describes any problems encountered by the Administrator in using qualified census tract data to designate HUBZones; and

(3) includes recommendations, if any, for ways to improve the process of designating HUBZones.

Mr. MERKLEY. Mr. President, I call for the regular order.

The ACTING PRESIDENT pro tempore. The amendment is now pending.

Mr. MERKLEY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. 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.

Mr. LEVIN. Mr. President, in a short while I hope we will have, and expect that we will have, some amendments that have been cleared on both sides that we are going to be able to offer and hopefully adopt.

What I thought I would do now is make a fairly lengthy statement about statements which have been made relative to the detainee provisions in S. 1867. First, I want to comment on the statements that were made in the Statement of Administration Policy—this is a so-called SAP. So when I refer to SAP during these comments, and I use that term, it is the acronym which means Statement of Administration Policy.

I am going to first quote exactly from the SAP, and then I am going to

comment and show why these statements I am referring to are inaccurate. From the SAP:

Section 1031 attempts to expressly codify the detention authority that exists under the authorization for Use of Military Force.

The authorization for use of military force is referred to as the AUMF. The quote continues:

The authorities granted by the AUMF, including the detention authority, are essential to our ability to protect the American people from the threat posed by al-Qaida and its associated forces, and have enabled us to confront the full range of threats this country faces from those organizations and individuals.

Well, Mr. President, given how important the administration says these authorities are, it should be helpful to have them codified so they can stand on the strongest possible footing.

The next quote:

Because the authorities codified in this section [1031] already exist, the administration does not believe codification is necessary and poses some risk.

The quote continues:

After a decade of settled jurisprudence on detention authority, Congress must be careful not to open a whole new series of legal questions that will distract from our efforts to protect the country.

The quote continues:

While the current language minimizes many of those risks, future legislative action must ensure that the codification in statute of express military detention authority does not carry unintended consequences that could compromise our ability to protect the American people.

Well, Mr. President, section 1031 was written by administration officials for the purpose of codifying existing authority. The description of persons covered is identical to the position taken by the administration and upheld in the courts. The provision specifically provides that nothing in the provision either limits or expands the authority of the President or the scope of the AUMF.

It is also worth noting that the SAP does not support the argument made by some Senators that section 1031 creates a new or unprecedented authority. On the contrary, the Statement of Administration Policy, the SAP, acknowledges the provision codifies existing law.

Now, this is hardly surprising since the committee accepted all of the administration's proposed changes to section 1031.

I am continuing to quote from the Statement of Administration Policy:

The administration strongly objects to the military custody provision of section 1032, which would appear to mandate military custody for a certain class of terrorism suspects. This unnecessary, untested and legally controversial restriction of the President's authority to defend the Nation from terrorist threats would tie the hands of our intelligence and law enforcement professionals.

Well, Mr. President, it is interesting that the SAP states the amendment would ''appear to'' mandate military custody. In fact, it does not mandate military custody and does not tie the administration's hands because it includes a national security waiver which allows suspects to be held in civilian custody.

Next quote:

Moreover, applying this military custody requirement to individuals inside the United States, as some Members of Congress have suggested is their intention, would raise serious and unsettled legal questions and would be inconsistent with the fundamental American principle that our military does not patrol our streets.

Well, the administration itself asked that we delete limitations in section 1031 on the applicability of detention authority inside the United States that would have excluded U.S. citizens and lawful residents based on conduct taking place inside the United States to the extent authorized by the Constitution. The exact words were ''except to the extent authorized by the Constitution.''

If it is appropriate to authorize military detention inside the United States under section 1031, it is not at all clear what ''serious and unsettled legal questions'' in this narrow category of cases could be raised by requiring such detention subject to a national security waiver. Further, nothing in section 1032 would require or even permit our military to ''patrol our streets.''

Section 1032 applies, by its very term, only to a person ''who has been captured in the course of hostilities'' authorized by the AUMF. The provision has no applicability to a person who has not already been so captured and does not speak to the question of when or where such a capture might be authorized.

The provision does not give the military authority to make arrests or conduct any law enforcement functions inside the United States.

Next quote:

We have spent ten years since September 11, 2001, breaking down the walls between intelligence, military, and law enforcement professionals; Congress should not now rebuild those walls and unnecessarily make the job of preventing terrorist attacks more difficult.

In answer to that, it is not clear what walls the administration thinks the provision builds. Nothing in this provision limits the participation of law enforcement or intelligence professionals in the interrogation of detainees in military custody or vice versa or the sharing of information.

Next quote:

Specifically, the provision would limit the flexibility of our national security professionals to choose, based on the evidence and the facts and the circumstances of each case, which tool for incapacitating dangerous terrorists best serves our national security interests.

The provision does not limit the flexibility of the executive branch to choose the appropriate tool for taking on terrorists. On the contrary, the provision expressly directs the President to establish procedures for making determinations of coverage, authorizes the executive branch waiver of military detention requirements where they do apply, and expressly authorizes the transfer of any detainee to civilian custody for trial.

The next quote from the SAP:

The waiver provision fails to address these concerns, particularly in time-sensitive operations in which law enforcement personnel have traditionally played the leading role.

It is not clear why the administration thinks the use of a waiver would be problematic in time-sensitive operations. The need for a waiver is not triggered until the executive branch determines an individual is covered. The President has control over who makes these determinations, how they are made, and when they are made, so the executive branch should not be faced by a determination of coverage for which it is not ready. And even if, for some reason, executive branch officials were not ready to deal with their own determination, the provision specifically provides that a determination of coverage may not be used to interrupt ongoing surveillance, intelligence gathering, or interrogation sessions.

The next quote from the SAP:

These problems are all the more acute because the section defines the category of individuals who would be subject to mandatory military custody by substituting new and untested legislative criteria for the criteria that the Executive and Judicial Branches are currently using for detention under AUMF in both habeas litigation and military operations. Such confusion threatens our ability to act swiftly and decisively to capture, detain, and interrogate terrorism suspects, and could disrupt the collection of vital intelligence about threats to the American people.

The SAP is wrong. Detention under section 1032 is expressly limited to persons for whom detention is authorized under criteria currently used by the executive branch and the courts. The new and untested legislative criteria about which the SAP expresses concern is language narrowing the application of the provision to a small category of those for whom detention is already authorized.

Also, because the provision addresses only the question of whether an individual should be transferred to military custody after capture, it is not clear how it could possibly threaten the ability of executive branch officials to act swiftly and decisively to capture anybody.

Because the provision expressly states it may not be applied to interfere with an ongoing surveillance, intelligence gathering, and interrogations, it is not clear how it could possibly threaten the ability of executive branch officials to interrogate terrorism suspects or disrupt the collection of vital intelligence about threats to the American people.

The next quote from the SAP:

Rather than fix the fundamental defects of section 1032 or remove it entirely, as the administration and the chairs of several congressional committees with jurisdiction over

these matters have advocated, the revised text merely directs the President to develop procedures to ensure the myriad problems that would result from such a requirement do not come to fruition.

The administration reviewed the language directing the President to develop procedures and they made several suggestions for improvements to that language. The committee adopted all of the administration's suggestions. The remaining change suggested by the administration, which the committee did not adopt, was a proposal to limit the application of the provision to persons captured abroad. This difference does not constitute a myriad of problems which are complex or hard to understand.

This is the last comment they make on that section:

Requiring the President to devise such procedures concedes the substantial risks created by mandating military custody, without providing an adequate solution. As a result, it is likely that implementing such procedures would inject significant confusion into counterterrorism operations.

The language referred to was included to address concerns expressed by the administration. That does not in any way constitute an acknowledgment that the concerns were valid. Whether these concerns were valid or not, they have now been resolved by specific language in the revised provision.

Continuing:

The certification and waiver, required by section 1033 before a detainee may be transferred from Guantanamo Bay to a foreign country, continue to hinder the Executive Branch's ability to exercise its military, national security, and foreign relations activities. While these provisions may be intended to be somewhat less restrictive than the analogous provisions in current law, they continue to pose unnecessary obstacles, effectively blocking transfers that would advance our national security interests, and would, in certain circumstances, violate constitutional separation of powers principles. The Executive Branch must have the flexibility to act swiftly in conducting negotiations with foreign countries regarding the circumstances of detainee transfers.

The provision is not only ''intended to be somewhat less restrictive'' than provisions that are included in previous authorization and appropriations acts signed by the President, it is less restrictive. Unlike last year's bill, this provision includes a waiver, which allows the administration to proceed with a transfer even if the certification requirements cannot be met.

Congress has expressed strong concerns about recidivism among Gitmo detainees who have been released in the past. It cannot be in our national security interests to ''act swiftly'' if we fail to provide adequate safeguards against terrorists rejoining the fight against us.

In discussions on this issue, administration officials have made a single priority request—that the provision be made a 1-year limitation instead of a permanent limitation. And the committee agreed to that change.

Section 1034's ban—

And I am now continuing the quote from SAP—

on the use of funds to construct or modify a detention facility in the United States is an unwise intrusion on the military's ability to transfer its detainees as operational needs dictate.

This provision is the same as the provisions included in last year's authorization and appropriations acts which were signed by the President. In discussions on this issue, administration officials made a single priority request—that the provision be made a 1-year limitation instead of a permanent limitation. The committee agreed to that change.

The next quote from the SAP:

Section 1035 conflicts with the consensus-based interagency approach to detainee reviews required under Executive Order No. 13567, which establishes procedures to ensure that periodic review decisions are informed by the most comprehensive information and considered views of all relevant agencies.

Section 1035 does not conflict with the Executive order of the interagency review process established in the Executive order; rather, it requires the issuance of procedures to implement the review process required by the Executive order.

The Executive order states that a Gitmo detainee will not be released if the interagency process results in a unanimous recommendation against release. The Executive order states that a Gitmo detainee will be released if the interagency process results in a unanimous recommendation for release. But it is silent as to what happens if the process does not result in a unanimous recommendation.

The provision in the bill addresses that issue by providing that no Gitmo detainee will be released without the consent of the Secretary of Defense. This does not contradict the Executive order; it is a truism, since nobody can be released without agreement of all of the agencies.

In discussions with the committee, administration officials did not even raise this provision as a priority issue.

Finally, on the Statement of Administration Policy, the SAP:

Section 1036, in addition to imposing onerous requirements, conflicts with procedures for detainee reviews in the field that have been developed based on many years of experience by military officers and the Department of Defense.

The only new requirement imposed by section 1036 is the requirement for a military judge and legal representation for any detainee who will be held in long-term custody. In discussions with the committee, the administration did not object to this new requirement. On the contrary, the only change requested by the administration in this provision was to strike the words ''long-term.'' The committee did not agree to this proposed change because it would have been onerous to impose this requirement in the case of all detainees, including those who are captured and released or held on a short-term basis.

Mr. President, I now would like to move to my comments on some of the statements of the senior Senator from California. The first comment of Senator FEINSTEIN that I wish to address is the one where she said: ''Section 1031 needs to be reviewed to consider whether it is consistent with the September 18, 2001, authorization for use of military force.''

On this one, the committee accepted all of the administration's language changes which were written to ensure that the provision is consistent with the AUMF. The provision specifically states it does not ''limit or expand the authority of the President on the scope of the AUMF.'' The SAP on the provision states that ''the authorities codified in this section already exist'' under the AUMF.

The next quote from the Senator from California is the following. Section 1031:

. . . would authorize the indefinite detention of American citizens without charge or trial. Do we want to go home and tell the people of America that we're going to hold them if such a situation comes up without any review, without any habeas?

The committee accepted all of the administration's proposed changes to section 1031, and as the administration has acknowledged, the provision does nothing more than codify existing law. Indeed, as revised pursuant to administration recommendations, the provision expressly ''affirms'' an authority that already exists. The Supreme Court held in the Hamdi case that existing law authorizes the detention of American citizens under the law of war in the limited circumstances spelled out here, so this is nothing new.

The initial bill reported by the committee included language expressly precluding ''the detention of citizens or lawful resident aliens of the United States on the basis of conduct taking place within the United States, except to the extent permitted by the Constitution of the United States.''

The administration asked that this language be removed from the bill. Mr. President, 1031 does not refer to habeas and in no way limits habeas, nor could it. No American can be held in military detention without habeas review and no non-American can be held in military detention inside the United States without habeas. For non-Americans outside the United States, the bill requires the administration to establish review procedures, including, for the first time, a military judge and access to a military lawyer for the status determination.

The next quote of the Senator from California is the following. Under Section 1032:

. . . any noncitizen al-Qaida operative captured in the United States would be automatically turned over to military custody. Military custody for captured terrorists may make sense in some cases, but certainly not all.

Mr. President, Section 1032 does not mandate military custody. It does not

tie the administration's hands because—and this is critically important—it includes a national security waiver which explicitly allows any suspect to be held in civilian custody. Nothing is automatic. The administration would have the discretion to waive military detention and hold a detainee in civilian custody if it decided to do so.

The next quote in the case of Najibullah Zazi:

If the mandatory military custody in the armed service bill was law—

The committee bill was law—

all of the surveillance activities, all of what the FBI did would have to be transferred immediately to the military. . . . Then the government would have been forced to split up co-defendants, even in cases where they otherwise could be prosecuted as part of the same conspiracy.

Zazi was a permanent legal resident. His co-conspirators were both U.S. citizens. They would be prosecuted on terrorist charges in Federal criminal court, but Zazi himself would be transferred to military custody. Two different detention and prosecution systems would play out and could well complicate a unified prosecution.

It is not accurate to say everything the FBI did in the Zazi case would have had to be ''transferred immediately to the military.'' First, it is not at all clear Zazi was covered by the provision because we don't know that he was al-Qaida, and in any event there is an exclusion because he is a lawful resident alien of the United States.

Second, until a coverage determination was made, no transfer would be required and the President would decide how and when that determination would be made.

Finally, even if Zazi were somehow determined to be covered, the requirement could have been waived and Zazi could have been kept in civilian custody in the discretion of the executive branch.

Also, as to this statement that the executive branch would be forced to split up codefendants in the Zazi case, even if he was covered by the provision or in any other case, that is because the provision includes a waiver that would have allowed him to be held in civilian custody from the outset if the executive branch officials decided to do so and also because the provision expressly authorizes the transfer of any military detainee to civilian custody for trial in the Federal courts even without a waiver. So executive branch officials are always able to consolidate cases should they decide to do so in the Federal courts.

The next statement which the Senator made was the following:

The Department of Justice has said that approximately one-third of terrorists charged in Federal court in 2010 would be subject to mandatory military detention, absent a waiver from the Secretary of Defense.

Taking the Justice Department at its word, there have been approximately 300 terrorist cases in Federal court over the last 10 years or about 30 a year. One-third of that number would be just 10 cases a year in which the executive branch officials would have to make determinations of coverage and, if necessary, exercise their waiver authority.

Even that number appears to be exaggerated. Cases of attempted al-Qaida attacks on American soil have been highly publicized and receive extensive scrutiny, understandably, in Congress. We are not aware of more than half a dozen cases, total, over the last decade. The reason the debate on this issue always seems to come back to the same handful of cases appears to be there only are a handful of cases that are covered by this provision potentially.

In her next quote:

The administration contends that the mandatory military custody is unwise because our allies will not extradite terror suspects to the United States for interrogation and prosecution or even provide evidence about suspected terrorists if they will be sent to a military brig or Guantanamo.

This provision expressly states that the waiver authority may be used to address these concerns and to assure an ally that a suspect will not be held in military custody if transferred to the United States and if that assurance is necessary to obtain that transfer. Administration officials suggested a wording change to preclude misinterpretation of this provision and the committee adopted the very wording proposed by the administration.

The next quote of the Senator from California is that Section 1033:

. . . essentially establishes a de facto ban on transfers of detainees out of Guantanamo, even for the purpose of prosecution in United States courts or in other countries.

There is no limitation at all in the bill on the transfer of Gitmo detainees to the United States for trial or for any other purpose. With regard to the transfer to other countries, Section 1033 is less restrictive than current law, which was signed by the President.

The next quote I would address is the following. Section 1033:

. . . requires the Secretary of Defense to make a series of certifications that are unreasonable and candidly unknowable before any detainee is transferred out of Guantanamo. Again, an example, the administration proposed eliminating the requirement that the Secretary of Defense certified that the foreign country from whence the detainee will be sent to is not quote 'facing a threat that is likely to substantially affect its ability to exercise its control over the individual.'

The same language was included in last year's authorization and appropriations bills that were signed by the President. We added a waiver provision this year to make it easier to transfer detainees. In discussion with the committee, the administration made a single priority request on this issue; that the provision be made a 1-year limitation instead of a permanent limitation, and the committee agreed to that change.

Finally, the last quote of the Senator from California from yesterday that I am going to address is the following:

In March, the President issued an executive order that laid out the process for reviewing each detainee's case to make sure that indefinite detention continues to be an appropriate and preferred course. Section 1035 essentially reverses the interagency process created by the President's order.

This was the same allegation made by the statement of administration policy. It is erroneous, and I addressed the answer to that allegation in my remarks a little earlier today, relative to the statement of administration policy, the SAP, so I am not going to comment further. But I would direct everyone back to those comments on the statement of administration policy similar to that statement of the Senator from California, which I addressed at that time.

I appreciate the patience of our Presiding Officer. This was a long statement, but I think it is essential we understand there are issues that need to be debated and should be debated, but there is nothing but confusion created on an issue that is already complex when misstatements are made about what is in a bill of the committee and what is not in the bill of a committee.

The words in the committee bill are words that are clear. They need to be debated, but they should not be exaggerated or misinterpreted. This is an important debate. We had a good debate yesterday, and I expect we will complete this debate on Monday so we can vote on these detention provisions and amendments relative thereto of Senator UDALL hopefully on Monday night.

I yield the floor.

AMENDMENT NO. 1087

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment be set aside, and amendment No. 1087, the Leahy FOIA amendment, be called up and then be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 1087.

The amendment is as follows:

(Purpose: To improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act)

Strike section 1044 and insert the following:

SEC. 1044. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN SENSITIVE NATIONAL SECURITY INFORMATION.

(a) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may exempt Department of Defense critical infrastructure security information from disclosure under section 552 of title 5, United States Code, upon a written determination that—

(A) the disclosure of such information would reveal vulnerabilities in such infrastructure that, if exploited, could result in the disruption, degradation, or destruction of Department of Defense operations, property, or facilities; and

(B) the public interest in the disclosure of such information does not outweigh the Government's interest in withholding such information from the public.

(2) INFORMATION PROVIDED TO STATE OR LOCAL FIRST RESPONDERS.—Critical infrastructure security information covered by a written determination under this subsection that is provided to a State or local government to assist first responders in the event that emergency assistance should be required shall be deemed to remain under the control of the Department of Defense.

(b) MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEM.—The Secretary of Defense may exempt information contained in any data file of the Military Flight Operations Quality Assurance system of a military department from disclosure under section 552 of title 5, United States Code, upon a written determination that the disclosure of such information in the aggregate (and when combined with other information already in the public domain) would reveal sensitive information regarding the tactics, techniques, procedures, processes, or operational and maintenance capabilities of military combat aircraft, units, or aircrews. Information covered by a written determination under this subsection shall be exempt from disclosure under such section 552 even when such information is contained in a data file that is not exempt in its entirety from such disclosure.

(c) DELEGATION.—The Secretary of Defense may delegate the authority to make a determination under subsection (a) or (b) to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate.

(d) TRANSPARENCY.—Each determination of the Secretary, or the Secretary's designee, under subsection (a) or (b) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the office of the Assistant Secretary of Defense for Public Affairs.

(e) DEFINITIONS.—In this section:

(1) The term ''Department of Defense critical infrastructure security information'' means sensitive but unclassified information that could substantially facilitate the effectiveness of an attack designed to destroy equipment, create maximum casualties, or steal particularly sensitive military weapons including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

(2) The term ''data file'' means a file of the Military Flight Operations Quality Assurance system that contains information acquired or generated by the Military Flight Operations Quality Assurance system, including the following:

(A) Any data base containing raw Military Flight Operations Quality Assurance data.

(B) Any analysis or report generated by the Military Flight Operations Quality Assurance system or which is derived from Military Flight Operations Quality Assurance data.

Mr. LEAHY. Mr. President, today I offer an amendment to the National Defense Authorization Act, NDAA, that would address an overbroad exemption to the Freedom of Information Act, FOIA, contained in the bill. This amendment is supported by a broad coalition of open government groups from across the political spectrum. I hope that the Senate will adopt it.

For 45 years, the Freedom of Information Act has been a cornerstone of open government and a hallmark of our democracy, ensuring that the American people have access to their government's records. My amendment will help ensure that FOIA remains a viable tool for access to information that impacts the health and safety of the American public.

I am concerned that the exemption included in the NDAA would allow the Department of Defense to keep secret important information that Americans need to know to protect their own health and safety. For example, there have been alarming reports about the Department of Defense keeping citizens in the dark about health hazards, such as groundwater contamination on military facilities, by claiming that this information was a matter of national security. While I certainly understand the need for the government to keep certain sensitive information confidential, I believe this exemption goes too far.

This amendment adds a public interest balancing test to the Secretary of Defense's determination about whether to withhold critical infrastructure information from the public. This change will help ensure that truly sensitive information is protected, while allowing the public to obtain important information about potential health and safety concerns. An essentially identical provision is contained in the House-passed version of this bill.

The amendment I offer today will also revise the language in section 1044 related to Military Flight Operations Quality Assurance Systems to ensure that truly sensitive flight information is protected, while maintaining the public's interest in obtaining information about the safety of military aircraft.

This amendment strikes an appropriate balance between safeguarding the ability of the Department of Defense to perform its vital missions and the public's right to know. I hope that all Senators will support this commonsense amendment and that the Senate will adopt it without delay.

I ask unanimous consent that the text of a letter in support of this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 17, 2011.

DEAR SENATORS: On behalf of the undersigned organizations, we are writing to urge you to support an amendment offered by Senator Patrick Leahy (D-VT) to fix an overbroad and ill-defined provision relating to ''critical infrastructure information,'' in Section 1044 of the National Defense Authorization Act that could prevent the public from having access to critical health and security information.

Section 1044, as written in the bill passed by the Senate Armed Services Committee, grants the Secretary of Defense, or his delegate, the authority to expand protections from public disclosure for any information that could result in the ''disruption, degradation, or destruction'' of Department of Defense (DoD) operations, property, or facilities. The language defining ''critical infrastructure information'' is exceedingly broad, encapsulating information that is crucial for the public to understand public health and safety risks and information already protected under one of the Freedom of Information Act's (FOIA) other exemptions.

We believe that the provision is intended to address agency concerns about protecting information since the Supreme Court threw out the broad use of FOIA Exemption Two in Milner v. Department of Navy. Granting DoD carte-blanche to withhold information under an exceedingly broad and ill-defined rubric of ''critical infrastructure information'' is not the right step, especially given that DoD has misused such authority to hide information in the past.

Between 1957 and 1987, the United States Marine Corps knowingly allowed as many as one million Marines and their family members at Camp Lejeune to be exposed to a host of toxic chemicals, including known human carcinogens benzene and vinyl chloride. Civilian employees who worked on the base and people who live in the communities around the base near Jacksonville, NC, are now reporting a high incidence of cancers. For years, the Marine Corps kept this secret, blocking many attempts to uncover the truth—even after the first news of water contamination broke in 1987. Many FOIA requests for information about the contamination were denied, sometimes using Exemption Two in a way that is no longer allowable after this year's Milner decision. The entire truth about the incident only came to light in part from information accidentally (and temporarily) posted on the internet by the Marine Corps.

We support language in Senator Leahy's proposed amendment that helps protect against such cover-ups by requiring DoD to weigh whether there is an over-riding public interest in disclosing the information and further protects public health and safety by tightening the definition of ''critical infrastructure security information'' to make it clear that the Secretary may withhold only information that could substantially increase effectiveness of a terrorist attack. The Leahy Amendment also would slightly modify another exemption to FOIA in Section 1044 for information in the data files of the Military Flight Operations Quality Assurance System, which we support, though we would prefer it to be further narrowed or stricken altogether.

We urge you to pass the Leahy Amendment to narrow the overly-broad Section 1044, and welcome an opportunity to discuss this issue with you further. To reach our groups, you or your staff may contact Patrice McDermott, Director of OpenTheGovernment.org, at 202–332–6736 or pmcdermottriOpenthegovernmentorg or Angela Canterbury, Director of Public Policy at the Project On Government Oversight, at 202–347–1122 or acanterburygpogo.org.

Sincerely,

3P Human Security; American Association of Law Libraries; American Booksellers Foundation for Free Expression; American Library Association; American Society of News Editors; Association of Research Libraries; Agency for Toxic Substances and Disease Registry's Camp Lejeune Community Assistance Panel; Center for International Policy; Californians Aware; Citizens for Responsibility and Ethics in Washington—CREW; Defending Dissent Foundation; Environmental Working Group; Essential Information; Federation of American

Scientists; Feminists for Free Expression; Freedom of Information Center at the Missouri School of Journalism; Friends of the Earth; Fund for Constitutional Government; Government Accountability Project—GAP.

Heart of America Northwest; Just Foreign Policy; Liberty Coalition; National Association of Social Workers, North Carolina Chapter; National Coalition Against Censorship; National Freedom of Information Coalition; Northern California Association of Law Libraries; OMB Watch; OpenTheGovernment.org; Project On Government Oversight—POGO; Public Employees for Environmental Responsibility—PEER; Reporters Committee for Freedom of the Press; Society of Professional Journalists; Southwest Research and Information Center; Special Libraries Association; Sunlight Foundation; Tri-Valley CAREs (Communities Against a Radioactive Environment); Washington Coalition for Open Government

AMENDMENT NO. 1186

Mr. LEAHY. Mr. President, I ask unanimous consent to call up the Leahy-Grassley amendment No. 1186, Fighting Fraud to Protect Taxpayers Act, and it then be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. GRASSLEY, proposes an amendment numbered 1186.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LEAHY. Mr. President, I am proud to have joined once again with Senator GRASSLEY to offer the bipartisan Fighting Fraud to Protect Taxpayers Act as an amendment to the National Defense Authorization Act. Combating fraud is a vital issue on which we have a long track record of working together, with great success. In these trying economic times, cracking down on fraud, which has harmed so many hardworking Americans, is more important than ever.

Fraud in military contracting and procurement is a persistent problem which costs taxpayers millions and hurts our military men and women. This amendment will help the critically important effort to crack down on fraud in the military and elsewhere, and so including this amendment with the Department of Defense authorization bill makes good sense. I urge Senators from both parties to support this amendment.

One of the first major bills the last Congress passed was the Leahy-Grassley Fraud Enforcement and Recovery Act. That bill gave fraud investigators and prosecutors additional tools and resources to better hold those who commit fraud accountable and has led to significant successes. Our work is not done though. Our amendment reflects the ongoing need to invest in enforcement to better protect hardworking taxpayers from fraud.

In the last fiscal year alone, the Department of Justice recovered well over $6 billion through fines, penalties, and recoveries from fraud cases—far more than it costs to investigate and prosecute these matters. The recovery of these vast sums of money demonstrates that investment in fraud enforcement pays for itself many times over.

The centerpiece provision of the Fighting Fraud to Protect Taxpayers Act capitalizes on this rate of return by ensuring that a percentage of money recovered by the government through fines and penalties is reinvested in the investigation and prosecution of fraud cases. That means that we can ensure more fraud enforcement, more returns to the government, and more savings to taxpayers, all without spending new taxpayer money.

The bill also makes other modest changes to promote accountability and to ensure that prosecutors and investigators, including the Secret Service, have the tools they need to combat fraud. For example, it extends the international money laundering statute to tax evasion crimes and increases key fines. The bill also promotes accountability through increased reporting and transparency.

The renewed focus on fraud enforcement we have seen from Congress and this administration has yielded significant results, but we must continue to strengthen the tools that law enforcement has to root out fraud. Hardworking, taxpaying Americans deserve to know that their government is doing all it can to prevent fraud and hold those who commit fraud accountable for their crimes. Fighting fraud and protecting taxpayer dollars are issues Democrats and Republicans have long worked together to address. I thank Senator GRASSLEY for his commitment to these issues, and ask all Senators to support this amendment.

AMENDMENT NO. 1160 AND AMENDMENT NO. 1253 EN BLOC

Mr. WYDEN. Mr. President, I ask unanimous consent for the pending amendment to be set aside, and to call up amendment No. 1160 and amendment No. 1253 en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes amendments en bloc numbered 1160 and 1253.

The amendments are as follows:

AMENDMENT NO. 1160

(Purpose: To provide for the closure of Umatilla Army Chemical Depot, Oregon)

At the end of title XXVII, add the following:

SEC. 2705. CLOSURE OF UMATILLA CHEMICAL DEPOT, OREGON.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Army shall close Umatilla Chemical Depot, Oregon, not later than one year after the completion of the chemical demilitarization mission in accordance with the Chemical Weapons Convention Treaty.

(b) BRAC PROCEDURES AND AUTHORITIES.—The closure of the Umatilla Chemical Depot, Oregon, and subsequent management and property disposal shall be carried out in accordance with procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) RETENTION OF PROPERTY AND FACILITIES.—The Secretary of the Army may retain minimum essential ranges, facilities, and training areas at Umatilla Chemical Depot totaling approximately 7,500 acres as a training enclave for the reserve components of the Armed Forces to permit the conduct of individual and annual training.

AMENDMENT NO. 1253

(Purpose: To provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life)

At the end of subtitle B of title V, add the following:

SEC. 515. TEMPORARY RETENTION ON ACTIVE DUTY AFTER DEMOBILIZATION OF RESERVES FOLLOWING EXTENDED DEPLOYMENTS IN CONTINGENCY OPERATIONS OR HOMELAND DEFENSE MISSIONS.

(a) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions

''(a) IN GENERAL.—Subject to subsection (d), a member of a reserve component of the armed forces described in subsection (b) shall be retained on active duty in the armed forces for a period of 45 days following the conclusion of the member's demobilization from a deployment as described in that subsection, and shall be authorized the use of any accrued leave.

''(b) COVERED MEMBERS.—A member of a reserve component of the armed forces described in this subsection is any member of a reserve component of the armed forces who was deployed for more than 269 days under the following:

''(1) A contingency operation.

''(2) A homeland defense mission (as specified by the Secretary of Defense for purposes of this section).

''(c) PAY AND ALLOWANCES.—Notwithstanding any other provision of law, while a member is retained on active duty under subsection (a), the member shall receive—

''(1) the basic pay payable to a member of the armed forces under section 204 of title 37 in the same pay grade as the member;

''(2) the basic allowance for subsistence payable under section 402 of title 37; and

''(3) the basic allowance for housing payable under section 403 of title 37 for a member in the same pay grade, geographic location, and number of dependents as the member.

''(d) EARLY RELEASE FROM ACTIVE DUTY.—(1) Subject to paragraph (2), at the written request of a member retained on active duty under subsection (a), the member shall be released from active duty not later than the end of the 14-day period commencing on the date the request was received. If such 14-day

period would end after the end of the 45-day period specified in subsection (a), the member shall be released from active duty not later than the end of such 45-day period.

''(2) The request of a member for early release from active duty under paragraph (1) may be denied only for medical or personal safety reasons. The denial of the request shall require the affirmative action of an officer in a grade above O–5 who is in the chain of command of the member. If the request is not denied before the end of the 14-day period applicable under paragraph (1), the request shall be deemed to be approved, and the member shall be released from active duty as requested.

''(e) TREATMENT OF ACTIVE DUTY UNDER POLICY ON LIMITATION OF PERIOD OF MOBILIZATION.—The active duty of a member under this section shall not be included in the period of mobilization of units or individuals under section 12302 of this title under any policy of the Department of Defense limiting the period of mobilization of units or individuals to a specified period, including the policy to limit such period of mobilization to 12 months as described in the memorandum of the Under Secretary of Defense for Personnel and Readiness entitled 'Revised Mobilization/Demobilization Personnel and Pay Policy for Reserve Component Members Ordered to Active Duty in Response to the World Trade Center and Pentagon Attacks–Section 1,' effective January 19, 2007.

''(f) REINTEGRATION COUNSELING AND SERVICES.—(1) The Secretary of the military department concerned may provide each member retained on active duty under subsection (a), while the member is so retained on active duty, counseling and services to assist the member in reintegrating into civilian life.

''(2) The counseling and services provided members under this subsection may include the following:

''(A) Physical and mental health evaluations.

''(B) Employment counseling and assistance.

''(C) Marriage and family counseling and assistance.

''(D) Financial management counseling.

''(E) Education counseling.

''(F) Counseling and assistance on benefits available to the member through the Department of Defense and the Department of Veterans Affairs.

''(3) The Secretary of the military department concerned shall provide, to the extent practicable, for the participation of appropriate family members of members retained on active duty under subsection (a) in the counseling and services provided such members under this subsection.

''(4) The counseling and services provided to members under this subsection shall, to the extent practicable, be provided at National Guard armories and similar facilities close the residences of such members.

''(5) Counseling and services provided a member under this subsection shall, to the extent practicable, be provided in coordination with the Yellow Ribbon Reintegration Program of the State concerned under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by adding at the end the following new item:

''12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions.''.

AMENDMENT NO. 1160

Mr. WYDEN. Mr. President, this first amendment has previously passed the Senate, and it would solve a problem created by the lawyers at the Pentagon who, in effect, at the last minute on a critical issue for eastern Oregon pulled the rug out from under our communities.

When we have a problem or conflict in our State, we solve it the Oregon way, by finding consensus and building common ground. That is why, when it became apparent 20 years ago that the U.S. Army's chemical depot in Umatilla, OR would be closing once all the chemical weapons were destroyed, the community leaders gathered all of the critical organizations together and began the process of planning what to do with the land once the facility closed.

The depot straddles two counties, several cities, and historic tribal lands. So suffice it to say, there are a lot of folks at home in my State who are interested in what happens to the land.

As progress was made in destroying the weapons at Umatilla, we were able to find consensus. The Federal Government helped. More than $1 million in grants was made available to move the project along. When the facility was listed in the 2005 BRAC recommendations for closure, the Pentagon eventually recognized the organizations that were involved in building this consensus in an official local reuse authority. Everything appeared on track, until last summer. That was, in effect, the time when at the last moment the Pentagon changed the rules.

After decades of planning and $1 million was spent pulling together an extraordinary communitywide consensus, a lawyer at the Pentagon decided to reinterpret the law and declared that the 2005 BRAC report, which became law when Congress didn't pass a resolution of disapproval, didn't matter. He decided that the Umatilla depot would be closed outside of the BRAC authority because the last of the chemical weapons wouldn't be destroyed until after the 6-year limit for completion of BRAC actions.

What this lawyer either didn't know, or chose to ignore, is this was precisely the intention of the BRAC Commission when they put the depot on the closure list. The BRAC report discusses the fact that the mission of destroying the chemical weapons wouldn't be completed until after deadline.

On page 239 of the report, the Commission found Secretary Rumsfeld's assertion that the chemical demilitarization would be complete by the second quarter of 2001 was optimistic. The Commission wrote:

> An examination of status information for the depot's mission completion and subsequent closure revealed that dates may slip beyond the six-year statutory period for completing BRAC actions.

Therefore, the Commission took the Secretary of Defense's recommendation: ''Close Umatilla Chemical Depot, OR'' and changed it to: ''On completion of the chemical demilitarization mission, in accordance with treaty operations, close Umatilla Chemical Depot, OR.''

These facts make it clear that the Commission did not, as this Pentagon lawyer claimed, make a conditional recommendation that the facility only be closed if the chemical demilitarization mission is completed by September of 2011. Rather, the Commission acknowledged that the closure will have to happen when the demilitarization mission is complete, even if that is after September 2011. That decision by the Commission became law.

It is also important to note that the Commission was aware that the demilitarization mission had a deadline of its own. Under the terms of the Chemical Weapons Convention treaty, Umatilla had to complete the mission by April 29, 2012. The fact is, they actually beat the deadline.

The depot should be closed under BRAC so that the will of the community in the form of this local reuse authority and the will of Congress and the BRAC law will be taken into account. The Pentagon has to implement the law as it is, not as it wants it to be. But since the lawyers at the Pentagon seem to think there is some ambiguity, I seek to clarify it for them with my amendment. The amendment would require the Pentagon to follow the BRAC commission's report and close the Umatilla depot under BRAC.

Once again, I would like to note that this has already passed the Senate once. I am very appreciative of Chairman LEVIN, Senator MCCAIN, and all our colleagues who are involved, and I thank them.

AMENDMENT NO. 1253

Briefly—and I appreciate the courtesy of Chairman LEVIN on this matter—I want to discuss my second amendment, which I call the Soft Landing Act. I think we all recognize the extraordinary contributions that are made by our Guard and Reserve. They do tour after tour after tour, and we all understand that never in our Nation's history has the American military relied more on the Guard and Reserve than it has in the last 10 years. More than 800,000 members of the Guard and Reserve have been called to Active Duty since 9/11. As I indicated, they are serving repeated tours in Iraq and Afghanistan.

I strongly believe that, for the period from when a Guard member is holding a rifle to the time when they are holding a child back at home in beautiful Oregon, there is not sufficient time being given in order to have what I call a soft landing—an opportunity to reintegrate and get your life back in order and get back into the community. What we have is a very abrupt period where a soldier faces the trauma of combat and comes right back to the community and really does not get an adequate time to readjust. Literally in a matter of days, these guardsmen go from holding guns in the chaos of a combat zone to holding their children in the serenity of their own homes. It is a difficult transition.

I want to make the point that it is a very different transition than most of our Active-Duty troops have. Many of our Active-Duty troops come back to communities that are close to facilities, close to bases. There is a variety of support services. Many of the guardsmen come back to communities that do not have the support of a large base.

It seems to me that the amount of personal and professional requirements that are placed on these patriotic, courageous Americans who serve in the Guard and Reserve warrants our making it possible for them to have what I call a softer landing getting back into their home communities.

I am very appreciative that Chairman LEVIN has given me the opportunity to discuss this briefly. He and I and his staff have talked about this before.

I will close by saying that to have all these men and women who have served with great valor in the Guard and Reserve coming home—we all understand they already face an unacceptably high unemployment rate. We know that in many instances they feel strongly about taking the time to get mental health services, to get back together again with their families, and very often the time period simply is insufficient for Guard members who come home. And right now, the reality can be pretty harsh. They go and serve their country. Their families are concerned about them being in harm's way for months on end, and then they come back with no job and no source of income to be able to support their families.

What this legislation does is provide a soft landing for Guard and Reserve members by allowing returning guardsmen and reservists to take up to 45 days—it is not a long period of time—to come back, get home, get their lives in order, and still get paid. My view is that this is part of the promise we have made in this country to take care of our troops. They did their best for us. We ought to do our best for them.

I am hopeful that the soft landing amendment, amendment No. 1253, will be included when this legislation passes here in the Senate.

I again express my appreciation to Chairman LEVIN. I know he is speaking on an important matter. I thank him for working on both of these amendments, and I look forward to working with him on these matters. He is our authority on these issues. I appreciate his courtesy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me thank the Senator from Oregon. We are happy to work with him. He is very deeply into these and so many other issues. His contribution is well known to all of us in the Senate. We are happy to work with him on these matters.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I would like to thank the chairman of the Armed Services Committee for such a thorough analysis of the detainee provisions represented in section 1031 through 1034 of the Defense authorization bill. This is a very important part of the Defense authorization bill, and I certainly appreciate the thoughtful analysis that the chairman did.

I would say that his thoughtful and detailed analysis addressed all the red herrings that have been raised about these particular provisions. Because if you read carefully the language in the provisions that were addressed by the Armed Services Committee, they do provide the flexibility that the administration says they have sought in making the best decisions on how to treat detainees, particularly those who become members of al-Qaida and come to our country to commit an attack against our country. We have to make sure we have the right provisions in place to protect Americans and the flexibility so the executive branch officials are able to decide what is the best track to handle a particular case or member of al-Qaida who comes to our country to, unfortunately, attack us.

I also wish to remind this body that these provisions of the Defense Authorization Act were passed out of the Senate Armed Services Committee on an overwhelming bipartisan basis. In fact, the entire Defense Authorization Act was voted out twice unanimously by the Armed Services Committee, including on Monday of this week, when we again voted out the entire provisions of this act unanimously.

So the particular provisions the chairman just discussed were the result of extensive discussions not only within the committee but also based upon testimony we heard over months from military officials regarding concerns they had about the lack of clarity in our detention policy, and that is where we came to the provisions in 1031 through 1034.

I wish to also remind this body there were many of us who would have gone much further in terms of how we would handle members of al-Qaida who come to our country to commit attacks against our citizens or those who would commit attacks against our citizens or soldiers overseas and our coalition partners. I brought forth an amendment on the CJS appropriations minibus that would have prohibited funding altogether for civilian trials of this same category for terrorists in the United States. So I would have liked to have gone much further. But I respect the amendment the committee voted out, which, in this instance, addressed the administration's concerns of allowing the administration a national security waiver to decide how to handle these cases whether they wanted to take a military track or a civilian track based on the national security interests of our country, which is, of course, what has to be foremost in these cases.

I wish to again remind everyone of the problem we have, which is that the priority, when we are dealing with a member of al-Qaida who is seeking to attack our country, has to be intelligence gathering. We have to make sure we give our executive branch agencies the tools they need to be able to gather information to know about future attacks and to protect our country.

What happens now in our civilian system is, if someone is arrested here, if they are in the civilian system, they are given rights that are part of our constitutional system, which is Miranda rights, for example. If they are in custody and there is interrogation, they have to be told they have the right to remain silent, that they have a right to a lawyer, and that they have a right to speedy presentment. These types of rights are incredibly important to our civilian system.

When we have a terrorist who is a member of al-Qaida, who is a foreigner, and who comes to this country to attack our country, the first thing they hear should not be ''you have the right to remain silent.'' We have to allow our executive branch officials the ability to make intelligence gathering the first priority. This amendment allows that and gives the executive branch the ability to decide in which system they want to treat them and to be able to prioritize intelligence gathering so we can protect Americans and make sure if someone who is a member of al-Qaida comes to our country to attack us, we can gather information without immediately having to tell them ''you have the right to remain silent.''

That is what is so important with this amendment. It was a bipartisan compromise. As I said, there are Members of the Senate, including myself, who would have liked to have gone much further. But we addressed so many of the concerns of the administration they came up with to make sure they had, with these provisions, the ability to not have to interrupt an interrogation, to conduct the interrogation as they saw fit, to make sure they could conduct ongoing surveillance, and to decide whether a military or civilian track was best based on our national security interests.

I will say just one thing with respect to the transfer provisions and the concerns that have been raised about the provisions set forth for transferring detainees from Guantanamo. This is an area that cried out for some clarification, and it is important that the standard the committee came up with is in statute. Actually, as the chairman mentioned, the reason the committee addressed this is because our defense officials raised some concerns about what the waiver provisions should be from Guantanamo. This has been an area of interest of mine because of where we are right now with the Guantanamo detainees.

Unfortunately, the reality is that 27 percent of those who have been released from Guantanamo have gotten

back into the fight and are back trying to kill us, our troops, and our coalition partners. This is an area where it was very important to have clear standards: where transfer would only be appropriate in the instances where we could ensure there wouldn't be recidivism so that we could protect our troops and our partners from having to see the very same individuals we had already had in custody at Guantanamo. So the provisions set forth here are very important to have that statutory standard for when transfers can be made and how they should be handled.

In fact, I would add, when we think about some of the detainees who have gotten back into theater whom we had in our custody at Guantanamo, they are conducting suicide bombings, recruiting radicals, and training them to kill Americans and our allies. Some of the former Gitmo detainees—and I think unfortunately it is a little bit of a badge of honor now to get back into theater and to be engaged in fighting again. Said al-Shihri and Abdul Zakir represent two examples of former Guantanamo detainees who returned to the fight and assumed leadership positions in terrorist organizations that are dedicated to killing Americans and our allies. Said al-Shihri has worked his way up to be No. 2 in al-Qaida in the Arabian Peninsula. We had him in our custody and, unfortunately, he was released. Abdul Zakir now serves as a top Taliban military commander and a senior leader in the Taliban Quetta Shura again fighting us and our allies.

Again, I am concerned that in the world of terrorists it has become a badge of honor to be released from Guantanamo and then to get back into the fight against us. So I just wanted to put in perspective what we heard from our senior defense officials over a period of months in the Armed Services Committee as to why it is important to have a standard that allows the Department of Defense, under limited circumstances and based on protecting our country, to transfer the detainees, but only when we have addressed the issue of recidivism and they are assured that these individuals aren't going to get back in theater and try to kill American soldiers or our allies. That is why this provision is in here, and I am very pleased it is in here to make sure we address this important issue to keep Americans protected and our allies protected.

I will repeat again that this was a bipartisan compromise. This morning the chairman very thoroughly went through each of the issues raised in the Statement of Administration Policy. Also, in my view, he thoroughly knocked down many of the red herrings that were raised about this provision on the Senate floor yesterday by Senators who are seeking to strike this provision from the Defense Authorization Act.

It is important that this body pass this Defense authorization. It is important for not only these provisions, but also so many of the provisions of this Defense authorization that give our troops the tools they need, as we tell them we are here to support them, to make sure we move forward with the Defense authorization, including these important provisions that address how we handle detainees.

Again, I wish to thank the chairman of the Armed Services Committee for his leadership on this issue. I know he has worked very hard in meeting with the administration, meeting with those of us on the other side of the aisle who actually wanted to go much further in coming up with a very strong, important piece of legislation that will protect Americans and move us forward and provide some clarity in an area where we need clarity to make sure our executive branch officials have the tools they need to gather intelligence to protect Americans from the terrorist attacks because, unfortunately, those who are members of al-Qaida still seek to kill us for what we believe, not for anything we have done, and we can't forget that.

So I thank the chairman.

AMENDMENTS NOS. 1179, 1230, 1137, 1138, 1247, 1246, 1229, 1230 AS MODIFIED, 1249, 1071, 1220, 1132, 1248, 1250, AND 1118 EN BLOC

Ms. AYOTTE. Mr. President, I ask unanimous consent on behalf of other Republican Senators to temporarily set aside the pending amendment and call up the following amendments en bloc: amendment No. 1179 on behalf of Senator GRAHAM; amendment No. 1230 on behalf of Senator MCCAIN; amendment No. 1137 on behalf of Senator HELLER related to the U.S. Embassy in Israel; also for Senator HELLER, amendment No. 1138 related to the repatriation of U.S. military remains from Libya; for Senator MCCAIN, amendment No. 1247 related to further restrictions on the use of defense funds on Guam; for Senator MCCAIN, amendment No. 1246 related to a commission for U.S. military force structure in the Pacific; for Senator MCCAIN, amendment No. 1229 related to a cybersecurity agreement between the Department of Defense and the Department of Homeland Security; for Senator MCCAIN, amendment No. 1230, as modified, related to the annual adjustment in enrollment fees for TRICARE Prime; for Senator MCCAIN, amendment No. 1249 related to cost-plus contracting—and this is also an amendment that I am cosponsoring; for Senator MCCAIN, amendment No. 1071 related to the oversight of the evolved Expendable Launch Vehicle; for Senator MCCAIN, amendment No. 1220 related to a GAO report of Alaskan Native Corporation contracting; for Senator MCCAIN, amendment No. 1132 related to a Statement of Budgetary Resource Auditability; for Senator MCCAIN, amendment No. 1248 related to authorizing ship repairs in the Northern Marianas; for Senator MCCAIN, amendment No. 1250 related to a report on the probation of the F–35B program; for Senator MCCAIN, amendment No. 1118 to modify the availability of surcharges collected by commissary stores.

I have to make a clarification on an amendment I previously offered on behalf of Senator MCCAIN: amendment No. 1230, as modified, Senator MCCAIN's amendment on TRICARE.

I ask unanimous consent from the chairman of the Armed Services Committee to allow the Senator from Alabama to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, before the Chair recognizes our friend from Alabama, let me thank the Senator from New Hampshire not just for her kind and warm remarks, but also for the great contribution she has made to our committee. It has been an extraordinary launch for her, if I may put it that way. I think—and I know our Presiding Officer would agree with me on this because he has been a witness as well—it has been a major contribution.

I thank the Senator. She has the kind of experience and is so committed to the security of this country that the Senator is already venerable as a member of our committee.

I yield the floor.

Ms. AYOTTE. I thank the chairman. He is very kind, and it has been wonderful to serve under his leadership on the Armed Services Committee, of which I would say, one of the great experiences in the Senate is that the Armed Services Committee—in a time when people see so much partisan—works on a very strong, bipartisan basis to ensure our country is protected.

With that, I would yield to my colleague who also serves on the Armed Services Committee, whom I have great respect for, Senator SESSIONS from Alabama.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. Without objection, the amendments the Senator from New Hampshire has offered will be considered to have been read and will be considered in the order they have been offered.

The amendments en bloc are as follows:

AMENDMENT NO. 1179

(Purpose: To specify the number of judge advocates of the Air Force in the regular grade of brigadier general)

At the end of subtitle A of title V, add the following:

SEC. 505. NUMBER OF JUDGE ADVOCATES OF THE AIR FORCE IN THE REGULAR GRADE OF BRIGADIER GENERAL.

Section 8037 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) Four officers of the Air Force designated as judge advocates shall hold the regular grade of brigadier general.''.

AMENDMENT NO. 1137

(Purpose: To provide for the recognition of Jerusalem as the capital of Israel and the relocation to Jerusalem of the United States Embassy in Israel)

At the end of subtitle H of title X, add the following:

SEC. 1088. RECOGNITION OF JERUSALEM AS THE CAPITAL OF ISRAEL AND RELOCATION OF THE UNITED STATES EMBASSY TO JERUSALEM.

(a) STATEMENT OF POLICY.—It is the policy of the United States to recognize Jerusalem as the undivided capital of the state of Israel, both de jure and de facto.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel since 1967;

(2) every citizen of Israel should have the right to reside anywhere in the undivided city of Jerusalem;

(3) the President and the Secretary of State should publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel;

(4) the President should immediately implement the provisions of the Jerusalem Embassy Act of 1995 (Public Law 104–45) and begin the process of relocating the United States Embassy in Israel to Jerusalem; and

(5) United States officials should refrain from any actions that contradict United States law on this subject.

(c) AMENDMENT OF WAIVER AUTHORITY.—The Jerusalem Embassy Act of 1995 (Public Law 104–45) is amended—

(1) by striking section 7; and

(2) by redesignating section 8 as section 7.

(d) IDENTIFICATION OF JERUSALEM ON GOVERNMENT DOCUMENTS.—Notwithstanding any other provision of law, any official document of the United States Government which lists countries and their capital cities shall identify Jerusalem as the capital of Israel.

AMENDMENT NO. 1138

(Purpose: To provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya)

At the end of subtitle H of title X, add the following:

SEC. 1088. EXHUMATION AND TRANSFER OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES BURIED IN TRIPOLI, LIBYA.

(a) IN GENERAL.—The Secretary of Defense shall take whatever actions may be necessary to—

(1) exhume the remains of any deceased members of the Armed Forces of the United States buried at a burial site described in subsection (b);

(2) transfer such remains to an appropriate forensics laboratory to be identified;

(3) in the case of any remains that are identified, transport the remains to a veterans cemetery located in proximity, as determined by the Secretary, to the closest living family member of the deceased individual or at another cemetery as determined by the Secretary;

(4) for any member of the Armed Forces whose remains are identified, provide a military funeral and burial; and

(5) in the case of any remains that cannot be identified, transport the remains to Arlington National Cemetery for interment at a an appropriate grave marker identifying the United States Navy Sailors of the USS Intrepid who gave their lives on September 4, 1804, in Tripoli, Libya.

(b) BURIAL SITES DESCRIBED.—The burial sites described in this subsection are the following:

(1) The mass burial site containing the remains of five United States sailors located in Protestant Cemetery in Tripoli, Libya.

(2) The mass burial site containing the remains of eight United States sailors located near the walls of the Tripoli Castle in Tripoli, Libya.

(c) REPORT.—Not later than 180 days after the effective date of this section, the Secretary shall submit to Congress a report describing the status of the actions under this section. The report shall include an estimate of the date of the completion of the actions undertaken, and to be undertaken, under this section.

(d) EFFECTIVE DATE.—This section takes effect on the date on which Operation Unified Protector of the North Atlantic Treaty Organization (NATO), or any successor operation, terminates.

(e) AVAILABLE FUNDS.—The Secretary shall carry out this section using amounts authorized to be appropriated for the Department of Defense by Acts enacted before the date of the enactment of this Act.

AMENDMENT NO. 1247

(Purpose: To restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met)

Beginning on page 534, strike line 8 and all that follows through page 535, line 17, and insert the following:

(a) RESTRICTION ON USE OF FUNDS.—None of the funds authorized to be appropriated under this title, or amounts provided by the Government of Japan for military construction activities on land under the jurisdiction of the Department of Defense, may be obligated or expended to implement the realignment of United States Marine Corps forces from Okinawa to Guam as envisioned in the United States–Japan Roadmap for Realignment Implementation issued May 1, 2006, until—

(1) the Commandant of the Marine Corps provides the congressional defense committees the Commandant's preferred force laydown for the United States Pacific Command Area of Responsibility;

(2) the Secretary of Defense submits to the congressional defense committees a master plan for the construction of facilities and infrastructure to execute the Commandant's preferred force lay-down on Guam, including a detailed description of costs and a schedule for such construction;

(3) the Secretary of Defense certifies to the congressional defense committees that tangible progress has been made regarding the relocation of Marine Corps Air Station Futenma; and

(4) a plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure on Guam affected by the realignment of forces.

(b) RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense is prohibited from using the authority provided by section 2391 of title 10, United States Code, to carry out any grant, cooperative agreement, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense provided under this section that will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam until the requirements under subsection (a) are satisfied.

(2) PUBLIC INFRASTRUCTURE DEFINED.—In this section, the term ''public infrastructure'' means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

AMENDMENT NO. 1246

(Purpose: To establish a commission to study the United States Force Posture in East Asia and the Pacific region)

Strike section 1079 and insert the following:

SEC. 1079. COMMISSION TO STUDY UNITED STATES FORCE POSTURE IN EAST ASIA AND THE PACIFIC REGION.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish a commission to conduct an independent assessment of America's security interests in East Asia and the Pacific region. The commission shall be supported by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs with ready access to policy experts throughout the country and from the region.

(2) ELEMENTS.—The commission established pursuant to paragraph (1) shall assess the following elements:

(A) A review of current and emerging United States national security interests in the East Asia and Pacific region.

(B) A review of current United States military force posture and deployment plans, with an emphasis on the current plans for United States force realignments in Okinawa and Guam.

(C) Options for the realignment of United States forces in the region to respond to new opportunities presented by allies and partners.

(D) The views of noted policy leaders and regional experts, including military commanders in the region.

(b) MEMBERS OF THE COMMISSION.—

(1) COMPOSITION.—For purposes of conducting the assessment required by paragraph (a), the commission established shall include eight members as follows:

(A) Two appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two appointed by the chairman of the Committee on Armed Services of the Senate.

(C) Two appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two appointed by the ranking member of the Committee on Armed Services of the Senate.

(2) QUALIFICATIONS.—Individuals appointed to the commission shall have significant experience in the national security or foreign policy of the United States.

(3) DEADLINE FOR APPOINTMENT.—Appointments of the members of the commission shall be made not later than 60 days after the date of the enactment of this Act.

(4) CHAIRMAN AND VICE CHAIRMAN.—The commission shall select a Chairman and Vice Chairman from among it members.

(5) TENURE; VACANCIES.—Members shall be appointed for the life of the commission. Any vacancy in the commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(6) MEETINGS.—

(A) INITIAL MEETING.—Not later than 14 days after the date on which all members of the commission have been appointed, the commission shall hold its first meeting.

(B) CALLING OF THE CHAIRMAN.—The commission shall meet at the call of the Chairman.

(C) QUORUM.—A majority of the members of the commission shall constitute a quorum, but a lesser number of members may hold hearings.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the commission shall provide to the Secretary of Defense an unclassified report, with a classified annex, containing its findings. Not later than 90 days after the date of receipt of the report, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(d) POWERS.—

(1) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out this section.

(2) INFORMATION SHARING.—The commission may secure directly from any Federal department or agency such information as the commission considers necessary to carry out this section. Upon request of the Chairman of the commission, the head of such department or agency shall furnish such information to the commission.

(3) ADMINISTRATIVE SUPPORT.—Upon request of the commission, the Administrator of General Services shall provide to the commission, on a reimbursable basis, the administrative support necessary for the commission to carry out its duties under this section.

(4) MAILS.—The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) GIFTS.—The commission may accept, use, and dispose of gifts or donations of services or property.

(e) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the commission under this section. All members of the commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL.—Members of the commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission under this section.

(3) STAFFING.—

(A) EXECUTIVE DIRECTOR.—The Chairman of the commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the commission.

(B) STAFF.—The commission may employ a staff to assist the commission in carrying out its duties.

(C) COMPENSATION.—The Chairman of the commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAILS.—Any employee of the Department of Defense or the Department of State may be detailed to the commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) SECURITY.—

(1) SECURITY CLEARANCES.—Members and staff of the commission, and any experts and consultants to the commission, shall possess security clearances appropriate for their duties with the commission under this section.

(2) INFORMATION SECURITY.—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the commission under this section.

(g) TERMINATION OF PANEL.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (c).

AMENDMENT NO. 1229

(Purpose: To provide for greater cybersecurity collaboration between the Department of Defense and the Department of Homeland Security)

At the end of subtitle H of title X, add the following:

SEC. 1088. CYBERSECURITY COLLABORATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF HOMELAND SECURITY.

(a) INTERDEPARTMENTAL COLLABORATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Homeland Security shall provide personnel, equipment, and facilities in order to increase interdepartmental collaboration with respect to—

(A) strategic planning for the cybersecurity of the United States;

(B) mutual support for cybersecurity capabilities development; and

(C) synchronization of current operational cybersecurity mission activities.

(2) EFFICIENCIES.—The collaboration provided for under paragraph (1) shall be designed—

(A) to improve the efficiency and effectiveness of requirements formulation and requests for products, services, and technical assistance for, and coordination and performance assessment of, cybersecurity missions executed across a variety of Department of Defense and Department of Homeland Security elements; and

(B) to leverage the expertise of each individual Department and to avoid duplicating, replicating, or aggregating unnecessarily the diverse line organizations across technology developments, operations, and customer support that collectively execute the cybersecurity mission of each Department.

(b) RESPONSIBILITIES.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall identify and assign, in coordination with the Department of Defense, a Director of Cybersecurity Coordination within the Department of Homeland Security to undertake collaborative activities with the Department of Defense.

(2) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall identify and assign, in coordination with the Department of Homeland Security, one or more officials within the Department of Defense to coordinate, oversee, and execute collaborative activities and the provision of cybersecurity support to the Department of Homeland Security.

AMENDMENT NO. 1230, AS MODIFIED

(Purpose: To modify the annual adjustment in enrollment fees for TRICARE Prime)

On page 220, strike line 13 and all that follows through page 221, line 6, and insert the following:

''(c) COST-OF-LIVING ADJUSTMENT IN ENROLLMENT FEE.—(1)(A) Whenever after September 30, 2011, and before October 1, 2012, the Secretary of Defense increases the retired pay of members and former members of the armed forces pursuant to section 1401a of this title, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime by an amount equal to the percentage of such fee payable on the day before the date of the increase of such fee that is equal to the percentage increase in such retired pay. In determining the amount of the increase in such retired pay for purposes of this subparagraph, the Secretary shall use the amount computed pursuant to section 1401a(b)(2) of this title.

''(B) Effective as of October 1, 2013, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime on an annual basis by a percentage equal to the percentage of the most recent annual increase in the National Health Expenditures per capita, as published by the Secretary of Health and Human Services.

''(C) Any increase under this paragraph in the fee payable for enrollment shall be effective as of October 1 following the date on which such increase is made.

''(2) The Secretary shall publish in the Federal Register the amount of the fee payable for enrollment in TRICARE Prime whenever increased pursuant to this subsection.''.

(b) CLARIFICATION OF APPLICATION FOR 2013.—For purposes of determining the enrollment fees for TRICARE Prime for 2013 under the first sentence of section 1097a(c) of title 10, United States Code (as added by subsection (a)), the amount of the enrollment fee in effect during 2012 shall be deemed to be the following:

(1) $260 for individual enrollment.

(2) $520 for family enrollment.

AMENDMENT NO. 1249

(Purpose: To limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs)

At the end of subtitle A of title VIII, add the following:

SEC. 808. LIMITATION ON USE OF COST-TYPE CONTRACTS.

(a) PROHIBITION WITH RESPECT TO PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the acquisition regulations of the Department of Defense to prohibit the Department from entering into cost-type contracts for the production of major defense acquisition programs (MDAPs).

(2) EXCEPTION FOR JOINT URGENT OPERATIONAL NEEDS.—The prohibition under subsection (a) shall not apply in the case of a particular cost-plus contract if the Under Secretary for Acquisition, Technology, and Logistics—

(A) certifies, in writing, with reasons, and on the basis of a validation of a joint urgent operational need by the Joint Requirements Oversight Council, that a cost-type contract is needed to provide capability required to satisfy a joint urgent operational need; and

(B) provides the certification to the congressional defense committees not later than 30 business before issuing a solicitation for the production of a major defense acquisition program.

(b) CONDITIONS WITH RESPECT TO DEVELOPMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 818(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2329; 10 U.S.C. 2306 note) is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraphs:

''(3) all reasonable efforts have been made to define the requirements sufficiently to allow for the use of a fixed-price contract for the development of the major defense acquisition program; and

''(4) despite these efforts, the Department of Defense cannot define requirements sufficiently to allow for the use of a fixed-price contract for the development of the major defense acquisition program.''.

(c) REPORTING OF COST-TYPE DEVELOPMENT CONTRACTS.—Not later than 30 business days before issuing a solicitation for the development of a major defense acquisition program, the Secretary of Defense shall submit to the congressional defense committees notice of the proposed award and the written determinations required under paragraphs (1) and (4) of section 818(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (b), and the reasons supporting the determinations.

(d) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' has the meaning given the term in section 2430(a) of title 10, United States Code.

(2) PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''production of a major defense acquisition program'' means the production, either on a low-rate initial production or full-rate production basis, and deployment of a major system that is intended to achieve operational capability that satisfies mission needs, or any activity otherwise defined as Milestone C, or Key Decision Point C in the case of a space program, under Department of Defense Instruction 5000.02 or related authorities.

(3) DEVELOPMENT OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''development of a major defense acquisition program'' means the development of a major defense acquisition program or related increment of capability, the completion of full system integration, the development of an affordable and executable manufacturing process, the demonstration of system integration, interoperability, safety, and utility, or any activity otherwise defined as Milestone B, or Key Decision Point B in the case of a space program, under Department of Defense Instruction 5000.02 or related authorities.

AMENDMENT NO. 1071

(Purpose: To require the Secretary of Defense to report on all information with respect to the Evolved Expendable Launch Vehicle program that would be required if the program were designated as a major defense acquisition program not in the sustainment phase)

At the end of subtitle E of title VIII, add the following:

SEC. 889. OVERSIGHT OF AND REPORTING REQUIREMENTS WITH RESPECT TO EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

The Secretary of Defense shall—

(1) redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program not in the sustainment phase under section 2430 of title 10, United States Code; or

(2) require the Evolved Expendable Launch Vehicle program—

(A) to provide to the congressional defense committees all information with respect to the cost, schedule, and performance of the program that would be required to be provided under sections 2431 (relating to weapons development and procurement schedules), 2432 (relating to Select Acquisition Reports, including updated program life-cycle cost estimates), and 2433 (relating to unit cost reports) of title 10, United States Code, with respect to the program if the program were designated as a major defense acquisition program not in the sustainment phase; and

(B) to provide to the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(i) a quarterly cost and status report, commonly known as a Defense Acquisition Executive Summary, which serves as an early-warning of actual and potential problems with a program and provides for possible mitigation plans; and

(ii) earned value management data that contains measurements of contractor technical, schedule, and cost performance.

AMENDMENT NO. 1220

(Purpose: To require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts)

At the end of subtitle C of title VIII, add the following:

SEC. 848. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON DEPARTMENT OF DEFENSE IMPLEMENTATION OF JUSTIFICATION AND APPROVAL REQUIREMENTS FOR CERTAIN SOLE-SOURCE CONTRACTS.

Not later than 90 days after March 1, 2012, and March 1, 2013, the dates on which the Department of Defense submits to Congress a report on its implementation of section 811 of the Fiscal Year 2010 National Defense Authorization Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the implementation of such section 811 by the Department ensures that sole-source contracts are awarded in applicable procurements only when those awards have been determined to be in the best interest of the Department.

AMENDMENT NO. 1132

(Purpose: To require a plan to ensure audit readiness of statements of budgetary resources)

At the end of subtitle A of title X, add the following:

SEC. 1005. PLAN TO ENSURE AUDIT READINESS OF STATEMENTS OF BUDGETARY RESOURCES.

(a) PLANNING REQUIREMENT.—The report to be issued pursuant to section 1003(b) of the National Defense Authorization Act for 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) and provided by not later than May 15, 2012, shall include a plan, including interim objectives and a schedule of milestones for each military department and for the defense agencies, to ensure that the statement of budgetary resources of the Department of Defense meets the goal established by the Secretary of Defense of being validated for audit by not later than September 30, 2014. Consistent with the requirements of such section, the plan shall ensure that the actions to be taken are systemically tied to process and control improvements and business systems modernization efforts necessary for the Department to prepare timely, reliable, and complete financial management information on a repeatable basis.

(b) SEMIANNUAL UPDATES.—The reports to be issued pursuant to such section after the report described in subsection (a) shall update the plan required by such subsection and explain how the Department has progressed toward meeting the milestones established in the plan.

AMENDMENT NO. 1248

(Purpose: To expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands)

At the end of subtitle C of title X, add the following:

SEC. 1024. AUTHORITY FOR OVERHAUL AND REPAIR OF VESSELS IN COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Section 7310(a) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''UNITED STATES OR GUAM'' and inserting ''UNITED STATES, GUAM, OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS''; and

(2) by striking ''United States or Guam'' both places it appears and inserting ''United States, Guam, or the Commonwealth of the Northern Mariana Islands''.

AMENDMENT NO. 1250

(Purpose: To require the Secretary of Defense to submit a report on the probationary period in the development of the short take-off, vertical landing variant of the Joint Strike Fighter)

At the end of subtitle D of title I, add the following:

SEC. 158. REPORT ON PROBATIONARY PERIOD IN DEVELOPMENT OF SHORT TAKE-OFF, VERTICAL LANDING VARIANT OF THE JOINT STRIKE FIGHTER.

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the development of the short take-off, vertical landing variant of the Joint Strike Fighter (otherwise known as the F–35B Joint Strike Fighter) that includes the following:

(1) An identification of the criteria that the Secretary determines must be satisfied before the F–35B Joint Strike Fighter can be removed from the two-year probationary status imposed by the Secretary on or about January 6, 2011.

(2) A mid-probationary period assessment of—

(A) the performance of the F–35B Joint Strike Fighter based on the criteria described in paragraph (1); and

(B) the technical issues that remain in the development program for the F–35B Joint Strike Fighter.

(3) A plan for how the Secretary intends to resolve the issues described in paragraph (2)(B) before January 6, 2013.

AMENDMENT NO. 1118

(Purpose: To modify the availability of surcharges collected by commissary stores)

At the end of subtitle E of title III, add the following:

SEC. 346. MODIFICATION OF AVAILABILITY OF SURCHARGES COLLECTED BY COMMISSARY STORES.

(a) IN GENERAL.—Paragraph (1)(A) of section 2484(h) of title 10, United States Code, is amended by striking clauses (i) and (ii) and inserting the following new clauses:

''(i) to replace, renovate, expand, improve, repair, and maintain commissary stores and central product processing facilities of the defense commissary system;

''(ii) to acquire (including acquisition by lease), convert, or construct such commissary stores and central product processing facilities as are authorized by law;

''(iii) to equip the physical infrastructure of such commissary stores and central product processing facilities; and

''(iv) to cover environmental evaluation and construction costs related to activities described in clauses (i) and (ii), including costs for surveys, administration, overhead, planning, and design.''.

(b) SOURCE AND AVAILABILITY OF CERTAIN FUNDS.—Such section is further amended by adding at the end the following new paragraph:

''(6)(A) There shall be credited to the 'Surcharge Collections, Sales of Commissary Stores, Defense Commissary' account on the books of the Treasury receipts from sources or activities identified in the following:

''(i) Paragraph (5).

''(ii) Subsections (c), (d), and (g).

''(iii) Subsections (e), (g), and (h) of section 2485 of this title.

''(B)(i) Funds may not be appropriated for the account referred to in subparagraph (A), or appropriated for transfer into the account, unless such appropriation or transfer is specifically authorized in an Act authorizing appropriations for military activities of the Department of Defense.

''(ii) Funds appropriated for or transferred into the account in accordance with clause (i) may not be merged with amounts within the account.

''(iii) Funds appropriated for or transferred into the account in accordance with clause (i) shall not be available to acquire, convert, construct, or improve a commissary store or central product processing facility of the defense commissary system unless specifically authorized in an Act authorizing military construction for the Department of Defense.''.

Mr. LEVIN. If the Senator from Alabama, our friend, would yield for one second.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. We are then on the regular order; is that correct?

The PRESIDING OFFICER. The Senator is correct. The regular order will be restored.

Mr. LEVIN. So the regular order is the Levin-McCain amendment; is that correct?

The PRESIDING OFFICER. That is correct.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I do believe the Defense authorization bill has been moved in the way more legislation needs to be handled in the Congress. I am confident that is in large part due to the leadership of Senator LEVIN, who is a professional, skilled lawyer, who knows the big picture and the small details of the legislation. It has been a pleasure to work with him over the years. I have learned a great deal about our defense from him and how legislation is enacted. So I want to express my appreciation for that.

And I thank Senator MCCAIN, who brings a vast knowledge of defense and military issues, and who is courageous in defending what he believes the legitimate interests of the United States are. That has been a real pleasure.

I will join Senator LEVIN in thanking Senator AYOTTE for her leadership. Her contributions to our committee have been immediate, and that is reflected in the fact that Senator MCCAIN has asked her to manage the floor today for him. I also appreciate the Senator's work on the budget and the effort we have made there.

AMENDMENTS NOS. 1182, 1183, 1184, 1185, AND 1274 EN BLOC

Mr. President, I ask unanimous consent to temporarily set aside the pending amendment and call up the following amendments en bloc: amendment No. 1182, dealing with Army brigade combat teams; amendment No. 1183, dealing with the nuclear triad; amendment No. 1184, dealing with naval surface vessels; amendment No. 1185, dealing with missile defense; and amendment No. 1274, dealing with the detention of enemy combatants.

The PRESIDING OFFICER. Without objection, those amendments are considered pending in that order.

The amendments en bloc are as follows:

AMENDMENT NO. 1182

(Purpose: To prohibit the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command)

At the end of subtitle E of title X, add the following:

SEC. 1049. PROHIBITION ON PERMANENT STATIONING OF MORE THAN TWO ARMY BRIGADE COMBAT TEAMS WITHIN UNITED STATES EUROPEAN COMMAND.

(a) IN GENERAL.—Effective as of January 1, 2016, the number of Army Brigade Combat Teams that may be permanently stationed within the geographic boundaries of the United States European Command (EUCOM) may not exceed two brigade combat teams.

(b) MILITARY CONSTRUCTION.—No military construction project may be commenced or undertaken for or in connection with or support of the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command.

AMENDMENT NO. 1183

(Purpose: To require the maintenance of a triad of strategic nuclear delivery systems)

At the end of subtitle E of title X, add the following:

SEC. 1049. MAINTENANCE OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

The Secretary of Defense shall take appropriate actions to maintain for the United States a range of strategic nuclear delivery systems appropriate for the current and anticipated threats faced by the United States, including a triad of sea-based, land-based, and air-based strategic nuclear delivery systems.

AMENDMENT NO. 1184

(Purpose: To limit any reduction in the number of surface combatants of the Navy below 313 vessels)

At the end of subtitle C of title X, add the following:

SEC. 1024. LIMITATION ON REDUCTION IN NUMBER OF SURFACE COMBATANTS OF THE NAVY BELOW 313 VESSELS.

(a) FINDINGS.—Congress makes the following findings:

(1) The 2011 Shipbuilding Plan of the Navy contemplates a baseline of 313 surface combatants in the Navy.

(2) The national security of the United States requires that the shipbuilding activities of the Navy ensure a Navy composed of at least 313 surface combatants.

(3) It is in the national interest that the future-years defense programs of the Department of Defense provide for a Navy composed of at least 313 surface combatants.

(b) LIMITATION.—The Secretary of the Navy may not carry out any reduction in the number of surface combatants of the Navy below 313 surface combatants unless the Secretary, after consultation with the commanders of the combatant commands, certifies to Congress that the Navy will continue to possess the capacity to support the requirements of the combatant commands after such reduction.

AMENDMENT NO. 1185

(Purpose: To require a report on a missile defense site on the East Coast of the United States)

At the end of subtitle C of title II, add the following:

SEC. 234. REPORT ON MISSILE DEFENSE SITE ON THE EAST COAST OF THE UNITED STATES.

(a) FINDING.—Congress finds that the Obama Administration plans to limit or cancel the deployment of the European Phased Adaptive Approach (EPAA) to missile defense.

(b) REPORT.—In light of the finding in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of establishing a missile defense site on the East Coast of the United States.

AMENDMENT NO. 1274

(Purpose: To clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force)

On page 360, between lines 17 and 18, insert the following:

(5) Notwithstanding disposition under paragraph (2) or (3), further detention under the law of war until the end of hostilities authorized by the Authorization for Use of Military Force.

Mr. SESSIONS. Mr. President, I wish to share a few general comments about where we are. All of us have been confronting, whether we want to or not—I think some of us more realistically than others—the debt situation this Nation faces. We are, indeed, borrowing 40 cents of every $1 we spend. That is an unsustainable path. We have already had 3 consecutive years of deficits exceeding $1 trillion, and we are projected to have another trillion-dollar deficit next year.

The debt under President Obama has now increased by 42 percent in the first 3 years of his term in office. It is an unsustainable course. We have to do better.

The National Defense Authorization Act represents our committee's vision for defense in the future. We have done something about the spending problem America has. As we calculate the numbers, we are down from $548 billion—in actual money spent on the Defense Department last year—to $527 billion this year, an actual reduction, in noninflation-adjusted dollars, of over $20 billion, which represents about a 5-percent reduction, a 4-percent reduction in defense spending.

That is what all of our accounts should be doing. But, indeed, that is not happening. In the other aspects of discretionary spending—defense being the largest portion of discretionary spending in the Congress—the other agencies and departments are not showing a reduction at all. Indeed, they are showing an increase, even after nondefense discretionary spending increased 24 percent in the first 2 years under President Obama.

Some think the base defense budget has been surging—and it has been increasing over the last decade—but it has increased 84 percent over the past decade. I will note that Medicaid, for example, has increased over 100 percent. Food stamps are now up to $80 billion this year. It is four times what it was in 2001, from $20 billion to about $80 billion.

So defense has not been surging out of proportion, I would suggest, to the other spending programs in our government. In fact, it has been increasing, even in this decade long of war against terrorism, at a rate that is not excessive, in my view. It has been a pretty significant increase under realistic controls and not out of proportion to what we are concerned about. However, it is looking to be hammered a great deal more in the future, disproportionate, again, to what is happening in other spending accounts.

The Defense Department now is working on a total reduction in spending of $489 billion more, which is about 10 percent of what we would expect to spend in the next 10 years. That is because of the Budget Control Act we passed in August that required reductions in spending in discretionary accounts. The choices so far have been to reduce defense spending far more than the other accounts.

In addition, if the deficit committee—the 12 supercommittee members—if they do not reach an accord, we all need to understand there will be an automatic sequester. Many people thought—and I think Senators probably thought—if that were to be done, it would be done across the board in an equal way. Not so. If that happens, $600 billion additional would be taken out of defense, and items such as food stamps, Medicaid, the earned income tax credit, Social Security—all of those would have no reductions. So it would amount to almost a 20-percent reduction in the Defense Department in real dollars over 10 years.

It should not have been that way. The agreement should not have targeted the Defense Department in such a Draconian way. We cannot allow that to happen.

All accounts need to be tightened. Every agency and department has to tighten its belt, including the Defense Department, but not disproportionately so.

Admiral Mullen said, if this were to occur, it would ''hollow us out,'' it could break the Defense Department and our military; so did Leon Panetta, President Obama's Secretary of Defense. He said it was basically an unacceptable situation, and he agreed with Admiral Mullen, who was sitting beside him at the time of that testimony, and in response to questions I asked of him.

When I asked him about it—the hearing was on another subject—he responded with passion, Secretary Panetta did, and expressed deep concern about the course of our Defense Department if these cuts were to take place.

I will quote former Secretary Robert Gates, who served President Bush and President Obama. Recently, he said this:

> I think, frankly, the creation of this supercommittee was a complete abdication of responsibility on the part of the Congress. It basically says, ''this is too hard for us. Give us a BRAC. Give us a package where all I have to do is vote it up or vote it down and I don't have to take any personal responsibility for any of the tough decisions.'' So now we're left with this sword of Damocles hanging over the government, hanging over defense, and if these cuts are automatically made, I think that the results for our national security will be catastrophic.

That is what the former Secretary of Defense, a most respected Secretary, said not long ago. So I think that is fundamentally correct, that we are proceeding on a path that disproportionately impacts the Defense Department and would be damaging in a way that is not necessary and should not happen.

A lot of these other programs have been surging out of control with problems after problems—whether it is Solyndra loans that were made, apparently knowing the company is going under—those kinds of things we need to focus on. To suggest they cannot have any cuts, and all the cuts have to fall on defense, or a disproportionate number of them, is a mistake.

I am a firm believer that the Defense Department, and every department of our government, has to tighten its belt, and we cannot continue with business as usual, and we should be having reductions in spending in every single bill that is coming before us. But I am afraid the only bill that will actually show an actual reduction in spending is the Defense bill, when we have men and women in harm's way right now on guard to defend our country.

I feel we need to get our act together. I am hopeful this committee of 12 can reach an accord that would not hammer the Defense Department additionally from the huge cuts they are already being asked to make over the next 10 years. Maybe they can help us begin to get on a path to fiscal responsibility. But I am doubtful they are going to make a big change. Hopefully, they will make some agreement, but it does not look hopeful we will have the kind of financial alteration of spending in America that is necessary to get our country on the right path.

After all, Admiral Mullen, the Chairman of the Joint Chiefs of Staff, said last year that the greatest threat to our national security is our debt. We are already seeing how it impacts us when you see these cuts being discussed and being threatened.

I want to thank Senator AYOTTE—a former prosecutor, attorney general of New Hampshire—for jumping in right away into the very critical issue of detainees and how they should be treated in the United States. In the short time she has been here, she is making a big difference on that.

I was involved in it on the Judiciary Committee. I have been involved in it on the Armed Services Committee. I am basically exhausted with it. I remain flabbergasted. I think you are right, Senator AYOTTE. This is progress I believe you have made in these negotiations, but I think we have gone too far in many of these ideas already. It does not make common sense.

Let me say a couple of things about it. When a person is at war against the United States and they are captured in combat activities against the United States, they are able to be detained. They do not have to be tried. They do not have to be given Miranda rights. They have to comply with the Geneva Conventions about food and the right to communicate, and, within limits, they can be interrogated. All of those things are part of the Geneva Conventions. And they are to be detained until the war is over. That is so fundamentally logical. Why in the world would a person who is fighting an enemy and could have killed the enemy at one moment and captures them the next moment then be required, while the war is still ongoing, to release them so they can shoot you again and attack you again?

This is perfectly logical. It is part of the history of war, and it has long been established that when you capture enemy combatants, you can detain them until the conflict is over. But we have had this obsessive desire and attack by some that the people who have been captured need to be released, and they insisted that they be released. So they started with the least dangerous members, and they have released, I guess now, a majority of the people who have been detained. And among the least dangerous members who have been released, as Senator AYOTTE says, we now have 27 percent who have been identified as in the war, attacking us now, and one of them is one of the top leaders in al-Qaida. This was never necessary.

Guantanamo is a perfectly logical place to hold these individuals, and how it became such a political issue—and President Obama campaigned on it, and Attorney General Eric Holder was out there complaining about it. Then he gets in as the Attorney General of the United States, and they commence to make some serious errors, in my opinion.

One of the biggest errors was to create a presumption that somebody who has been apprehended attacking the United States should be treated in civilian courts. I know Senator AYOTTE

just said this earlier, but people need to know. If you are going to try someone in civilian court, you have to give them the Miranda immediately because when they come before the judge, if they made an admission without Miranda, it cannot be used against them. And you have to tell them immediately that they are entitled to a lawyer. When you capture people in a war, you don't give them lawyers. That has never been a part of the rules of war. And they are guaranteed presentment, the right to speedy trial in Federal court within 70 days. They are entitled to a preliminary hearing. So all of the other bad guys and terrorists now have an opportunity to know that you have captured their co-conspirator, perhaps, and are aware of the circumstances and may scatter in a way that you would not want to occur.

So these are realistic things. So if there is a presumption—first of all, I would say all of the cases should be tried in military commissions, if they are tried, and not in civilian court. But certainly the presumption should be that they would be in military commissions because if the presumption, as Attorney General Holder has declared, is that it is civilian, then you have to do the warning.

I remember in one of my hearings, Senator LINDSEY GRAHAM, a JAG officer in the Air Force—still trains as a reservist—grilled I believe it was Attorney General Holder and asked him: Well, what would happen if bin Laden were captured? Would you give him Miranda rights? And he could not answer the question. He would not answer the question because under his presumption, if Osama bin Laden were apprehended, he should be given Miranda rights.

So that is the nub of the problem we have been wrestling with, and we have had a lot of political rhetoric, in my opinion, attacked President Bush time and time again. They did not conduct everything perfectly, but many of the attacks on President Bush, his Department of Justice, and his military were unfair.

Do you know that not a single person in Guantanamo was ever waterboarded, that the U.S. military never participated in that? These were intel interrogations done under limited circumstances to a very few people. Whether they should have been done or not, we can all argue and disagree, but the idea that the U.S. military, the Defense Department, was systematically torturing and abusing prisoners is absolutely untrue. No military under such difficult circumstances has performed so well.

Another subject. One of my amendments deals with a subject I have had an opportunity to be engaged in for some years. Around 2002, 2003, or 2004, I led a congressional delegation to Europe dealing with the extent of our forces in Europe, how many we have deployed there, and the opportunity we had and maybe the need we have to bring home some of those forces.

We were going through a BRAC process in the United States, closing bases and consolidating bases. That process did not apply officially to Europe and bases around the world. And a number of us were engaged in that. I recall that Senator SAXBY CHAMBLISS and MIKE ENZI traveled with us to Europe, and we examined—went to Germany and Italy and Spain, and we saw the bases that were important to the United States, bases that we really needed and we had good support from our allies on and that would be enduring bases. And there was a plan in place to reduce the deployment in areas where it was less important.

So as a matter of background, I would share these thoughts. Since 2004, the Defense Department has had a plan to transfer two of its four combat brigades in Europe back to the United States as part of a larger post-Cold War realignment. However, in April of this year—-April of this year—the Department of Defense announced it would maintain three combat brigades and the fourth would not leave Europe until 2015.

Earlier this year, Admiral Stavridis told the Senate Armed Services Committee that roughly 80,000 troops remain in Europe. Moving a brigade combat team back to the United States would have cut U.S. forces by 5,000 personnel.

A 2010 plan developed by a congressionally appointed committee found that cutting one-third of the U.S. military presence in Europe and the Pacific would save billions of dollars over 10 years. I do believe significant cost savings can be realized. In addition to these savings, stationing these troops in the United States would have a stimulative effect on State and local economies, with these soldiers and families living in their local economies and being able to stay with their families more easily and reducing the number of extensive movements of personnel and families to deploy in different places around the world. So I believe we need stay on track with this plan.

A February 2011 GAO report found that DOD posture planing guidance does not require the EUCOM—the European Command—to include comprehensive cost data in its theater posture plan. As a result, DOD does not have critical information that can be used by decision-makers as they deliberate posture requirements.

The GAO analysis showed that of the approximately $17 billion obligated to the services to support installations in Europe between 2006 and 2009, approximately $13 billion—78 percent—was for operation and maintenance costs. Now, those countries want our people there. It brings American money to their economy—just like we would like to have a brigade combat in Alabama, New Hampshire, or some other places. It is good for the economy.

NATO and European allies, however, are not meeting their defense spending obligations. Many of our allies do not meet the EU standard. The United States should not be continuing to subsidize NATO and European allies' defense spending. They need to participate some more.

I believe there are significant savings that could be found by bringing both of these brigade combat teams to the United States, as has been planned.

I would ask, is Europe more threatened today than it was 2, 3, 4, 6 years ago? I do not think so. They do not think so. Europeans committed to 2 percent of their GDP to be committed to defense, but many of those nations are down to 1 percent. They are not even fulfilling their 2 percent goal. The United States is at 4 percent of GDP on defense, almost.

I think the Europeans need to be prepared to understand that they cannot live off the United States. There is a great book by Kagan called ''Paradise and Power.'' It is very insightful, a very insightful book. It says, in a sense: Europeans are comfortable. Why? Because they are under the umbrella of American power. They have been comfortable with that. They do not feel threatened. They are not paying their fair share of the defense burden. And they do not like it when we want to bring home troops. Give me a break. It is time to do something about that.

I believe all of our allies around the world, whether in the Pacific or in Europe or in other areas of the globe, ought to work with us in partnership so that we can be most effective in providing some stability around the world. But the idea that the United States can unilaterally fund a security force for the whole world is unrealistic. It can't be sustained.

I just cannot possibly see how we need this many troops in Europe at this point in history. I believe it would be good for our economy to have those troops back home in the United States. You can have the bases there that we could surge and meet any challenge in short order. I believe that is the right approach.

I see my friend, Senator ENZI. We traveled together on that trip to Europe a number of years ago to examine the bases that we felt should be permanent and the ones that should be closed.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I would like to give my thanks to the Senator from Alabama for his comments about the concerns he has about our detainee policy and about how important it is that we have the right policies in place to protect Americans so that we can prioritize gathering intelligence.

I also wanted to share in his concerns about what is happening with the supercommittee in terms of the impact on our national security. There is no question that there are areas where we can do much better and be more effective with taxpayer dollars on defense

spending. But we cannot subjugate our national security for our failure around here to do our job and to have courage to take on the entire budget and bring ourselves on a path of fiscal responsibility.

So I know the Senator from Alabama has been a great leader in this area, and I appreciate his comments in that regard.

AMENDMENT NO. 1249

Mr. President, I also wanted to speak briefly on an amendment that has already been made pending that Senator MCCAIN and I are cosponsoring together.

Over the last year, as a new Member of the Senate and the Senate Armed Services Committee, one of the concerns I have had is the way we do contracting at the Department of Defense. My overall impression has been that a third year law student could negotiate much better terms for the United States than we have been negotiating for the country. In some of the negotiations with our defense contracts we end up on the hook when contractors don't perform or it takes longer than they indicate, and we seem to always bear the financial burden of that.

When we look at the fiscal state of the country and where we are, we need to reform that process. That is what drew my interest to this issue. Senator MCCAIN has long worked on this issue of reforming our acquisition process, and I have great respect for the work he has done there. So we have offered on this National Defense Authorization Act amendment No. 1249, which would prevent millions of dollars in wasteful contract cost overruns from the Department of Defense on major defense acquisition programs and help to ensure that our warfighters have the weapons and systems they need to protect our Nation but doing so within budget and on time frames that contractors commit to for our needs to make sure we have what we need to protect our country.

According to the Government Accountability Office, in a March 2011 report entitled ''Defense Acquisitions: Assessments of Selected Weapons Programs,'' from fiscal year 2010 collectively, we ran more than $400 billion over budget and were an average of almost 2 years behind schedule for major defense acquisitions programs.

Today, half of the Department of Defense major defense acquisition programs do not meet cost performance goals. Eighty percent of our major defense acquisition programs have an increase in unit costs from initial estimates that were given. While there can be many factors that explain the cost overruns, the cost-type contracts have been a significant contributing factor in why we have these overruns both for production and development of our major defense acquisition programs. We have to address these cost overruns, particularly at a time when we are asking our Department of Defense to reduce spending. We need to get the maximum bang for our buck and hold contractors accountable when they do not perform what we have contracted them for. We need to make sure the terms of our contracts are good for the United States and are fiscally responsible, and that is what this amendment would do.

It would prohibit the use of cost-type contracts for the production of major defense acquisition contracts and limit the use of cost-type contracts for major defense acquisition development contracts. This represents the core investment in our Nation's military, and as these costs increase, and as the Department of Defense faces the looming prospect of major budget cuts over the next decade, we have to address this now for our troops and for our national security. We have to get this right.

I am hoping for and I ask my colleagues to support this amendment we are bringing forward. Again, I would say on behalf of Senator MCCAIN, who has done so much work in this area, reforming our acquisition process and getting this right is so important to what we are asking our military to do right now, which is to do more with less.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 1146, 1147, 1148, 1204, 1294, 1293, 1206, AND 1292

Mr. LEVIN. Mr. President, I ask unanimous consent to call up the following amendments, the first four on behalf of Senator JACK REED, Nos. 1146, 1147, 1148, and 1204; a fifth for Senator REED, amendment No. 1294; No. 1293, a Levin amendment; No. 1206, a Boxer amendment; and No. 1292, a Menendez amendment; and I then ask unanimous consent that we return to the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1146

(Purpose: To provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category)

On page 114, strike line 2 and insert the following:

the study; and

(8) ensure the involvement and input of military technicians (dual status), including through their exclusive representatives in the case of military technicians (dual status) who are members of a collective bargaining unit.

AMENDMENT NO. 1147

(Purpose: To prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component)

At the end of subtitle B of title V, add the following:

SEC. 515. PROHIBITION ON REPAYMENT OF ENLISTMENT OR RELATED BONUSES BY CERTAIN INDIVIDUALS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS) WHILE ALREADY A MEMBER OF A RESERVE COMPONENT.

(a) PROHIBITION.—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) PROHIBITION ON REPAYMENT OF CERTAIN ENLISTMENT AND RELATED BONUSES.—The Secretary concerned may not require an individual who becomes employed as a military technician (dual status) while the individual is already a member of a reserve component to repay an enlistment, reenlistment, or affiliation bonus provided to the individual in connection with the individual's enlistment or reenlistment before such employment if the individual becomes so employed in the same occupational specialty for which such bonus was provided.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals first becoming employed as a military technician (dual status) on or after that date.

AMENDMENT NO. 1148

(Purpose: To provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians)

At the end of subtitle B of title V, add the following:

SEC. 515. RIGHTS OF GRIEVANCE, ARBITRATION, APPEAL, AND REVIEW BEYOND THE ADJUTANT GENERAL FOR MILITARY TECHNICIANS.

(a) RIGHTS IN ADVERSE ACTIONS NOT RELATED TO MILITARY SERVICE.—Section 709 of title 32, United States Code, is amended—

(1) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking ''Notwithstanding any other provision of law and under'' and inserting ''Under''; and

(B) in paragraph (4), by striking ''a right of appeal'' and inserting ''subject to subsection (j), a right of appeal''; and

(2) by adding at the end the following new subsection:

''(j)(1) Notwithstanding subsection (f)(4) or any other provision of law, a technician and a labor organization that is the exclusive representative of a bargaining unit including the technician shall have the rights of grievance, arbitration, appeal, and review extending beyond the adjutant general of the jurisdiction concerned and to the Merit Systems Protection Board and thereafter to the United States Court of Appeals for the Federal Circuit, in the same manner as provided in sections 4303, 7121, and 7701–7703 of title 5, with respect to a performance-based or adverse action imposing removal, suspension for more than 14 days, furlough for 30 days or less, or reduction in pay or pay band (or comparable reduction).

''(2) The rights in paragraph (1) shall not apply to actions relating to military service.

''(3) This subsection does not apply to a technician who is serving under a temporary appointment or in a trial or probationary period.''.

(b) ADVERSE ACTIONS COVERED.—Subsection (g) of such section is amended by striking '', 3502, 7511, and 7512'' and inserting ''and 3502''.

(c) CONFORMING AMENDMENT.—Section 7511(b) of title 5, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

AMENDMENT NO. 1204

(Purpose: To authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships)

At the end of subtitle C of title VII, add the following:

SEC. 723. PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of enhancing the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury (TBI) in members of the National Guard and Reserves, their family members, and their caregivers through community partners described in subsection (c).

(2) DURATION.—The duration of the pilot program may not exceed three years.

(b) GRANTS.—In carrying out the pilot program, the Secretary may award not more than five grants to community partners described in subsection (c). Any grant so awarded shall be awarded using a competitive and merit-based award process.

(c) COMMUNITY PARTNERS.—A community partner described in this subsection is a private non-profit organization or institution (or multiple organizations and institutions) that—

(1) engages in each of the research, treatment, education, and outreach activities described in subsection (d); and

(2) meets such qualifications for treatment as a community partner as the Secretary shall establish for purposes of the pilot program.

(d) ACTIVITIES.—Amounts awarded under a grant under the pilot program shall be utilized by the community partner awarded the grant for one or more of the following:

(1) To engage in research on the causes, development, and innovative treatment of mental health and substance use disorders and Traumatic Brain Injury in members of the National Guard and Reserves, their family members, and their caregivers.

(2) To provide treatment to such members and their families for such mental health and substance use disorders and Traumatic Brain Injury.

(3) To identify and disseminate evidence-based treatments of mental health and substance use disorders and Traumatic Brain Injury described in paragraph (1).

(4) To provide outreach and education to such members, their families and caregivers, and the public about mental health and substance use disorders and Traumatic Brain Injury described in paragraph (1).

(e) REQUIREMENT FOR MATCHING FUNDS.—

(1) REQUIREMENT.—The Secretary may award a grant under this section to an organization or institution (or organizations and institutions) only if the awardee agrees to make contributions toward the costs of activities carried out with the grant, from non-Federal sources (whether public or private), an amount equal to not less than $3 for each $1 of funds provided under the grant.

(2) NATURE OF NON-FEDERAL CONTRIBUTIONS.—Contributions from non-Federal sources for purposes of paragraph (1) may be in cash or in-kind, fairly evaluated. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of contributions from non-Federal sources for such purposes.

(f) APPLICATION.—An organization or institution (or organizations and institutions) seeking a grant under this section shall submit to the Secretary an application therefore in such a form and containing such information as the Secretary considers appropriate, including the following:

(1) A description how the activities proposed to be carried out with the grant will help improve collaboration and coordination on research initiatives, treatment, and education and outreach on mental health and substance use disorders and Traumatic Brain Injury among the Armed Forces.

(2) A description of existing efforts by the applicant to put the research described in (c)(1) into practice.

(3) If the application comes from multiple organizations and institutions, how the activities proposed to be carried out with the grant would improve coordination and collaboration among such organizations and institutions.

(4) If the applicant proposes to provide services or treatment to members of the Armed Forces or family members using grant amounts, reasonable assurances that such services or treatment will be provided by a qualified provider.

(5) Plans to comply with subsection (g).

(g) EXCHANGE OF MEDICAL AND CLINICAL INFORMATION.—A community partner awarded a grant under the pilot program shall agree to any requirements for the sharing of medical or clinical information obtained pursuant to the grant that the Secretary shall establish for purposes of the pilot program. The exchange of medical or clinical information pursuant to this subsection shall comply with applicable privacy and confidentiality laws.

(h) DISSEMINATION OF INFORMATION.—The Secretary of Defense shall share with the Secretary of Veterans Affairs information on best practices in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury identified by the Secretary of Defense as a result of the pilot program.

(i) REPORT.—Not later than 180 days before the completion of the pilot program, the Secretary of Defense shall submit to the Secretary of Veterans Affairs, and to Congress, a report on the pilot program. The report shall include the following:

(1) A description of the pilot program, including the community partners awarded grants under the pilot program, the amount of grants so awarded, and the activities carried out using such grant amounts.

(2) A description of any research efforts advanced using such grant amounts.

(3) The number of members of the National Guard and Reserves provided treatment or services by community partners using such grant amounts, and a summary of the types of treatment and services so provided.

(4) A description of the education and outreach activities undertaken using such grant amounts.

(5) A description of efforts to exchange clinical information under subsection (g).

(6) A description and assessment of the effectiveness and achievements of the pilot program with respect to research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury.

(7) Such recommendations as the Secretary of Defense considers appropriate in light of the pilot program on the utilization of organizations and institutions such as community partners under the pilot program in efforts of the Department described in subsection (a).

(8) A description of the metrics used by the Secretary in making recommendations under paragraph (7).

(j) AVAILABLE FUNDS.—Funds for the pilot program shall be derived from amounts authorized to be appropriated for the Department of Defense for Defense Health Program and otherwise available for obligation and expenditure.

(k) DEFINITIONS.—In this section, the terms ''family member'' and ''caregiver'', in the case of a member of the National Guard or Reserves, have the meaning given such terms in section 1720G(d) of title 38, United States Code, with respect to a veteran.

AMENDMENT NO. 1294

(Purpose: To enhance consumer credit protections for members of the Armed Forces and their dependents)

At the end of subtitle H of title V, add the following:

SEC. 577. ENHANCEMENT OF CONSUMER CREDIT PROTECTIONS FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) PROHIBITED ACTIONS.—Subsection (e) of section 987 of title 10, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' at the end;

(2) by redesignating paragraph (7) as paragraph (9); and

(3) by inserting after paragraph (6) the following new paragraphs:

''(7) the creditor charges the borrower a fee for overdraft service (as that term is defined by the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) and implementing regulations) in connection with a withdrawal from an automated teller machine or a one-time debit card transaction;

''(8) the creditor charges the borrower a fee for overdraft service (as so defined) where such fee is triggered as the result of the institution having posted the borrower's transactions in order from largest to smallest; or''.

(b) REGULATIONS.—Subsection (h)(3) of such section is amended—

(1) by inserting ''at least every two years'' after ''consult''; and

(2) by adding at the end the following new subparagraph:

''(H) The Bureau of Consumer Financial Protection.''.

(c) CONSUMER CREDIT.—Subsection (i)(6) of such section is amended by adding at the end the following new sentence: ''Such term shall also include credit under an open end consumer credit plan (as defined by section 103 of the Truth in Lending Act (15 U.S.C. 1602) and implementing regulations), except that the Secretary of Defense may exclude credit under such a plan that provides for amortizing payments over a period of at least 92 days.''.

AMENDMENT NO. 1293

(Purpose: To authorize the transfer of certain high-speed ferries to the Navy)

At the end of subtitle C of title X, add the following:

SEC. 1024. TRANSFER OF CERTAIN HIGH-SPEED FERRIES TO THE NAVY.

(a) TRANSFER FROM MARAD AUTHORIZED.—The Secretary of the Navy may, from funds available for the Department of Defense for fiscal year 2012, provide to the Maritime Administration of the Department of Transportation an amount not to exceed $35,000,000 for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the vessels as follows:

(1) M/V HUAKAI.

(2) M/V ALAKAI.

(b) USE AS DEPARTMENT OF DEFENSE SEALIFT VESSELS.—Each vessel transferred to the Department of the Navy under subsection (a) shall be administered as a Department of Defense sealift vessel (as such term

is defined in section 2218(k)(2) of title 10, United States Code).

AMENDMENT NO. 1206

(Purpose: To implement common sense controls on the taxpayer-funded salaries of defense contractors)

Strike section 842 of division A and insert the following:

SEC. 842. LIMITATION ON DEFENSE CONTRACTOR COMPENSATION.

Section 2324(e)(1)(P) of title 10, United States Code, is amended to read as follows:

''(P) Costs of compensation of contractor and subcontractor employees for a fiscal year, regardless of the contract funding source, to the extent that such compensation exceeds the annual amount paid to the President of the United States in accordance with section 102 of title 3.''.

AMENDMENT NO. 1292

(Purpose: To require the President to impose sanctions with respect to the Central Bank of Iran if the President determines that the Central Bank of Iran has engaged in conduct that threatens the national security of the United States or allies of the United States)

At the end of subtitle C of title XII, add the following:

SEC. 1243. IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.

Section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

''(h) IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.—

''(1) DETERMINATION REQUIRED.—

''(A) IN GENERAL.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the President shall determine whether the Central Bank of Iran has engaged in conduct that threatens the national security of the United States or allies of the United States, taking into consideration whether the Bank has—

''(i) facilitated activities of the Government of Iran that threaten global or regional peace and security;

''(ii) sought to evade multilateral sanctions directed against the Government of Iran on behalf of that Government;

''(iii) engaged in deceptive financial practices or mechanisms to facilitate illicit transactions with non-Iranian financial institutions;

''(iv) conducted transactions prohibited by binding resolutions of the United Nations Security Council or allowed itself to be used to permit conduct prohibited by such resolutions;

''(v) conducted transactions on behalf of persons designated by the United States for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

''(vi) provided financial services in support of, or otherwise facilitated, the ability of Iran to—

''(I) acquire or develop chemical, biological, or nuclear weapons, or related technologies;

''(II) construct, equip, operate, or maintain nuclear enrichment facilities; or

''(III) acquire or develop ballistic missiles, cruise missiles, or destabilizing types and amounts of conventional weapons; or

''(vii) facilitated a transaction or provided financial services for—

''(I) Iran's Revolutionary Guard Corps; or

''(II) a financial institution whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

''(aa) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

''(bb) Iran's support for acts of international terrorism.

''(B) SUBMISSION TO CONGRESS.—The President shall submit in writing to the appropriate congressional committees the determination made under subparagraph (A) and the reasons for the determination.

''(2) IMPOSITION OF SANCTIONS.—Subject to paragraphs (4), (5), and (6), if the President determines under paragraph (1)(A) that the Central Bank of Iran has engaged in conduct described in that paragraph, the President shall—

''(A) prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted any significant financial transaction with the Central Bank of Iran; and

''(B) impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

''(3) ADDITIONAL SANCTIONS.—In addition to the sanctions required to be imposed under paragraph (2), and subject to paragraph (4), the President may impose such other targeted sanctions with respect to the Central Bank of Iran as the President determines appropriate to terminate the engagement of the Central Bank of Iran in conduct described in paragraph (1)(A) and activities described in subsection (c)(2).

''(4) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under this subsection on a person for engaging in a transaction with the Central Bank of Iran for the sale of food, medicine, or medical devices to Iran.

''(5) APPLICABILITY OF PROHIBITIONS AND CONDITIONS ON ACCOUNTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (2)(A) applies with respect to financial transactions commenced on or after the date that is 60 days after the date on which the President makes the determination required by paragraph (1)(A).

''(B) PETROLEUM TRANSACTIONS.—Paragraph (2)(A) applies with respect to financial transactions for the purchase of petroleum or petroleum products through the Central Bank of Iran commenced on or after the date that is 180 days after the date on which the President makes the determination required by paragraph (1)(A).

''(6) WAIVER.—The President may waive the application of paragraph (2) for a period of 180 days, and renew such a waiver for additional periods of 180 days, if the President—

''(A) determines that such a waiver is necessary to the national security interest of the United States; and

''(B) submits to the appropriate congressional committees a report—

''(i) providing the justification for the waiver; and

''(ii) describing—

''(I) any concrete cooperation the President has received or expects to receive as a result of the waiver; and

''(II) any assurances the President has received or expects to receive as a result of the waiver from foreign financial institutions that such institutions have ceased engaging in financial transactions with the Central Bank of Iran related to terrorism or the facilitation, acquisition, or financing of weapons of mass destruction.''.

The PRESIDING OFFICER. The majority leader.

RENO WILDFIRE

Mr. REID. Mr. President, Reno, NV, is a beautiful place. It is right below the great Lake Tahoe, the beautiful Sierra Nevada Mountains. It is a beautiful picturesque place.

I was troubled this morning to wake up and find that Reno, NV, is in trouble because of a devastating fire. We have more than 500 acres that have been burned, and we have a number of homes that have been destroyed. The problem we have is, because of these beautiful Sierra Nevada mountains that are towering over Reno, we get devastating winds, and those winds are blowing now. The winds are at 60 miles an hour while they are trying to control this fire. It is ravaging everything in its path.

So my thoughts are certainly with the families who have lost their homes and the thousands of residents who have been evacuated. The Pinehaven and Caughlin Ranch neighborhoods at this time have been particularly affected. But this terrible fire is raging across these acres in Reno and Washoe County. We have fire crews from all over the region that are trying to stop this disaster, trying to get this rampaging fire under control, but the winds are so strong that helicopters can't take off. So there is a lot of help that should be available that isn't because the winds are so difficult and because, as I said, the helicopters can't get off the ground.

Of course, I called my son Leif as soon as I heard about this. The phone was answered by my little granddaughter Nina, who was trying to explain to me what was going on. Her dad—my son—had been called to his best friend's home to try to help him. He had been ordered to evacuate. They have no water. Alfredo Alonso's home has no water because there is a well and the electricity is out so he can't pump water. But my son couldn't make it there because the police stopped him. They wanted no one coming into the neighborhood because they are evacuating everyone. But my son and his children—my four grandchildren—seem to be well, and they are quite a ways away from the fire.

Of course, I express my appreciation to the brave firefighters who have been working around the clock to contain the blaze and to the dedicated first responders who acted so quickly to protect lives and assist in the evacuation.

Mr. President, it is times such as this we understand what happens to local governments when they have to lay off people—firefighters, police officers. It has happened all over Nevada and all over this country. We were here, as you remember, a week or two ago trying to get assistance for places such as Reno and other communities in America for their fire and police, but the bill was defeated. But these people who are working are shorthanded, so they are

working long hours there. It is impossible to say how many lives they have already saved, but they have.

So my heart, and all our hearts, go out to the firefighters as they carry on with this difficult work to control the flames and protect the communities. I will continue to follow the progress of this fire, and, of course, I will assist Mayor Bob Cashell and members of the Reno City Council and the Washoe County Commission with anything they think I can do to help. I support Governor Sandoval's decision to request a Federal emergency declaration, as firefighters and first responders are doing their utmost to contain things.

So Reno and all of Washoe County can depend on my support in any way they think I can help, and I will continue, as I have indicated, and I indicate for the second time, to monitor this situation very closely.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, first of all, let me say to the majority leader that our thoughts and prayers go out to folks in Nevada, and we certainly hope this emergency situation is rectified in the near term.

In Georgia, we had about 400,000 acres destroyed by a forest fire back earlier this summer, and it is always a tragedy. Loss of property is one thing, but injury and potential loss of life, obviously, is very much a part of that, and our hearts go out to all the residents. Our thanks go out to these brave men and women who are fighting those fires out there, as they did in my State, to get them under control.

AMENDMENT NO. 1304

Mr. President, I ask unanimous consent that the pending amendment be set aside and that my amendment, which is at the desk, be made pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] for himself and Mr. ISAKSON, Mr. INHOFE, Mr. HATCH, Mr. LEE, and Mr. COBURN, proposes an amendment numbered 1304.

The amendment is as follows:

(Purpose: To require a report on the reorganization of the Air Force Materiel Command)

Strike section 324 and insert the following:

SEC. 324. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency (DLA), in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the DLA Joint Logistics Operations Center's Drawdown, Retrograde and Reset Program for the equipment from Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(3) FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) VIRTUAL AND FLEXIBLE.—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) SPEED TO MARKET.—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) RISK MANAGEMENT.—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) REPORT ON AIR FORCE MATERIEL COMMAND REORGANIZATION.—

(1) RESTRICTION ON REORGANIZATION ACTIVITIES.—With respect to the planned reorganization of the Air Force Materiel Command announced on November 2, 2011, the Secretary of the Air Force shall make no changes related to organizational alignment, reporting officials, or any other change related to oversight or the duties of system program managers, sustainment program managers, or product support managers who reside at installations where Air Logistics Centers or depots are located until 60 days after the report required under paragraph (2) is submitted to the congressional defense committees.

(2) REPORT.—

(A) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees a report containing an analysis of alternatives for alignment and reporting of Air Force System Program Managers and Product Support Managers.

(B) ELEMENTS.—The report required under subparagraph (A) shall—

(i) focus on the impacts to Air Force life cycle management, sustainment, readiness, and overall support to the warfighter that would likely be realized through the various alternatives;

(ii) address legal, financial, and other relevant issues;

(iii) identify criteria for evaluating alternatives;

(iv) include a list of alternatives, including analysis and recommendations relating to the alternatives;

(v) describe cost and savings factors; and

(vi) focus on how the Air Force should be best organized to conduct life cycle management and sustainment, with overall readiness being the highest priority.

Mr. CHAMBLISS. Mr. President, I rise to voice my support for the 2012 National Defense Authorization Act, S. 1867. This is one of the most important bills the Senate considers each year, and this is the ninth Defense authorization bill I have been involved in drafting since being elected to the Senate. It sets funding levels and implements policies for the Department of Defense and provides pay raises for our men and women in uniform.

After extended debate, this bill, which authorizes $662 billion for the Department of Defense and national security-related aspects of the Department of Energy, was passed unanimously out of the Senate Armed Services Committee. The committee was in a difficult situation this year, considering our Nation's fiscal crisis. As I have firmly believed all along, everything, including defense spending, must be on the table to address our fiscal circumstances.

In the midst of intense budget negotiations, I am pleased we can offer and debate a bill that addresses the real need to reduce government spending in a responsible and calculated manner. As several of my colleagues have already stated on the Senate floor, the National Defense Authorization Act cuts a considerable amount from the defense budget, as requested by the President. It is $27 billion less than the administration requested and $43 billion less than the amount appropriated for 2011. These were very difficult decisions to make, but it was the fiscally responsible thing to do given our Nation's fiscal situation.

I am pleased the committee was able to make these cuts without jeopardizing our national security. Given the unstable state of affairs around the world, now is not the time to slash important programs that help our military carry out their responsibilities. We still have widespread enemies and interests around the world. With this in mind, the bill authorizes $3.2 billion for DOD's Mine Resistant Ambush Protected Vehicle fund; authorizes $10.3 billion for U.S. Special Operations Command, an increase of 6 percent above fiscal year 2011 levels; and authorizes more than $2.4 billion for DOD's counter-improvised explosive device activities.

In recent months, we have seen what a remarkable impact a small, elite force of U.S. soldiers can have, and I am pleased this bill authorizes a deserved funding increase for U.S. Special Operations Command in order to expand their resources, training, technology, and equipment to accomplish their missions. Along with funding, this bill will extend the authority of Special Operations Forces to provide support to operations fighting against terrorism around the world.

Regarding our ongoing operations in Afghanistan and elsewhere overseas, the bill allocates $11.2 billion for training and equipping the Afghan security forces commensurate with recommendations from the Commander of

U.S. Central Command, and fully supports the budget request of $1.75 billion in Coalition Support Funds to reimburse key partner nations supporting U.S. military operations in Operation Enduring Freedom.

I am also pleased that I will be leaving later on today, along with Senator BURR, and heading to Afghanistan to visit our troops and to visit with our commanders on the ground, both from an intelligence standpoint as well as an operational standpoint. This is the fourth Thanksgiving I have had the opportunity to be on the ground with our troops and to look them in the eye, with their boots on the ground, and tell them how much we, as policymakers, but more importantly we, as Americans, appreciate the great sacrifice each and every one of them is making and how much we appreciate the great job they are doing of protecting America and protecting Americans.

This bill also authorizes $500 million for counterterrorism, capacity-building activities, including targeted efforts in east Africa and Yemen, and fully supports the budget request of $524 million to support the activities of the Office of Security Cooperation in Iraq in overseeing and implementing foreign military sales to the Iraqi security forces.

Keeping in mind the strategic value of our nuclear deterrent and our ongoing need to modernize and maintain our nuclear triad, the bill authorizes $1.1 billion to continue to develop the Ohio-class replacement program, the SSBN(X), to modernize the sea-based leg of the nuclear deterrent system.

The U.S. military requires the capability to counter a growing amount of nontraditional threats. In this bill, we strengthen our forces on the threat of cyber warfare and the proliferation of weapons of mass destruction and their means of delivery. It is no secret that American computer networks are the victim of attempted hacking from state and non-state actors around the world on a regular basis. With funds authorized in this bill, the Department of Defense will be able to better guard against the threat of cyber attacks.

I am also pleased that in this bill we were able to focus on the well-being of our brave men and women fighting on the front lines for our freedom overseas, as well as their devoted family members back at home who make sacrifices every single day. The bill authorizes $100.6 billion for military personnel, including costs of pay, allowances, bonuses, death benefits, and permanent change of station moves. The bill also authorizes a 1.6-percent across-the-board pay raise for our service men and women as well as authorizes over 30 types of bonuses and special pays aimed at encouraging enlistment, re-enlistment, and continued service by Active-Duty and Reserve component military personnel. Our attention remains on improving the quality of life of the men and women of the Armed Forces and their families, as well as Department of Defense civilian personnel, through fair pay, policies, and benefits, including first-rate health care, while addressing the needs of wounded, ill, and injured servicemembers and their families.

Let me also briefly address the amendment I have just filed. I have been working for the last several weeks with my colleagues, Senators ISAKSON, HATCH, LEE, INHOFE, and COBURN, on an issue related to the reorganization of the Air Force Materiel Command.

Let me first say that I support this reorganization. It is the first major reorganization of the Materiel Command by the Air Force in some 60 years. I support the Air Force's need and desire to make themselves more efficient and more effective, and for the most part, I believe the proposed reorganization will do that.

In these tight budget times, when we are all going to have to accept streamlined budgets and resources, some loss of jobs and positions is, unfortunately, inevitable, and I realize that. However, there is one issue with respect to this proposed reorganization that I think we are all having a hard time understanding and that relates to how the reorganization may affect the way the Air Force organizes for sustainment of weapon systems.

The proposed reorganization would take some of the key personnel who are helping to orchestrate these sustainment efforts and put them in a separate chain of command from their partners in carrying out those sustainment efforts. This is hard to understand. And, in a time when our Air Force is working harder than ever and keeping their aircraft in the fleet longer than ever, it is hard to imagine how a change such as the Air Force is proposing here will help sustainment of weapon systems.

We are working with the Air Force on this issue, and we are still in negotiations, but this is an issue for which we have yet to receive a satisfactory explanation, and we have not reached a conclusion of this issue. I think the Air Force needs to clearly understand that there is a risk here. There is a risk that this reorganization may have some unintended consequences specifically related to the readiness of our Air Force. This is serious. We have not seen any explanation for how the Air Force arrived at their proposed course of action on this specific issue or why they think it will improve readiness. I would also note that the way the Air Force is seeking to reorganize in this respect goes against some of the basic principles and recommendations of a recent, very thorough report on this specific issue.

It is with these issues in mind that we are filing this amendment. I very much look forward to the Air Force's explanations on this issue and to having this reorganization be executed in a way that allows the Air Force to conserve personnel and resources, organize more efficiently, and sustain weapon systems to support the warfighter in the most effective way possible.

In conclusion, I am extremely proud of the hard work the Armed Services Committee Members and staff have done to put together this Defense authorization bill. I would particularly like to compliment our leadership, Chairman LEVIN and Ranking Member MCCAIN, on the job they have done and their willingness to work with Members of the Committee on our specific issues—issues such as the one Senator AYOTTE and I discussed on the floor yesterday, along with Senator GRAHAM, Senator MCCAIN, and Senator LEVIN, regarding detainee policy, of which we have none at the present time and to which folks such as Senator AYOTTE have given a great deal of thought and have come up with some very logical ways in which we can address this issue of detainees so that we can get actionable intelligence from those detainees and, at the same time, ensure they are treated in ways that are respectful to our system of jurisprudence on the military side as well as on the civilian side.

I want to also say that we have had a couple of hiccups along the way, but staff on both sides, the majority and minority, have addressed those hiccups, and we have been working very closely to try to ensure that the issues we raised with staff after the bill was filed have been addressed and are in the process of being taken care of.

As a reflection of the extremely tight budget environment, we have taken responsible reductions in spending; however, we maintain our commitment to the Armed Forces by providing funds and authorizations to protect our national security and support our men and women on the front lines, as well as their dedicated families here in America.

I look forward to the remainder of the debate on this bill when we return after our Thanksgiving break.

To all of our men and women who wear the uniform of the United States of America, Happy Thanksgiving.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I thank the Senator from Georgia for his leadership on the Armed Services Committee and also for the important work he has been doing as the vice chair of the Intelligence Committee to make sure our country is protected. He is particularly knowledgeable on these issues of how we treat detainees, and we did have a detailed colloquy on the floor. His insight has been so important in making sure we have the right policies in place to protect America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ENZI pertaining to the introduction of S. 1909 are located in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL DEBT

Mr. ENZI. Mr. President, I was sorry to hear the supercommittee is in trouble, that they might not be able to agree. Then this morning's Washington Post front page headline was ''Debt Panel Failure Won't Cause Catastrophe.''

Every day we do not find a solution, every day we spend is a catastrophe. We have maxed out our credit cards. Here is one way that came to my attention. I was traveling in Wyoming and I checked into the hotel for the night. The person checking me in, very embarrassed, said: I am sorry, but it will not take your credit card. It was a Federal credit card.

I said: Goodness, we are in more trouble than I thought. I gave them my personal credit card and that went right through so I am not sure where we are. But I know we have maxed out our credit cards and not just that but also the symbolic credit cards that we have. We have as much debt as we probably can sustain and as debt comes due across the world for other countries, it is going to be tougher and tougher to be able to sell more debt.

We are kind of in the same situation as Greece and Italy, except for two things. No. 1 is we are a big, flexible country that has pulled itself out of terrible situations time and time again, and we will do it this time too. We also own our own money supply. That helps.

When constituents ask what can they expect, I always start the conversation by saying you should expect to get no more than what the 2008 level was. We increased things considerably after that with the stimulus bill and that increased some bases. We have to get back down to 2008, just as a beginning.

I have to say the President has had a chance to change direction. I have to congratulate the President for naming a deficit commission. I even like the people he named to it, with Senator Simpson from Wyoming and Erskine Bowles heading up that committee. I think they did some tremendous work. I think we should pay more attention to what they had to say.

I had a little disappointment when the President did his State of the Union speech following their report. He had an opportunity to repaint the same bleak picture that committee painted and America would have understood better. Although from traveling across our country, and particularly in Wyoming, I know the people there understand it better than Congress does. But he could have changed it by repainting that picture and then he could have followed it up with a solution which would have been his budget. Instead, his budget was another stimulus plan. It has been voted on by Congress. It was not voted for by Congress, it was voted on by Congress, and it was voted 97 to nothing—it was defeated. I think the deficit commission report would have done much better.

Congress has also had the chance to change direction—and in some cases we have. We have kind of eliminated earmarks. There are still some of them that are slipped in, but we kind of eliminated them. We have a couple new problems. Now we add demonstration projects. We have always had demonstration projects, but now we do it as a substitute for earmarks and that is where we allow maybe five States to have an opportunity to do a particular program to see if it works. So we fund it in a minimal amount—that still is millions. The difficulty is that at the end of the period of time for that demonstration project, they all work. They are all spectacular. They all would save America if we just put it in every single State and funded it from the Federal Government.

It can't happen. We are out of money. There are lots of good ideas out there, lots of good ideas that would help. When those ideas are proved—the idea with the demonstration is that it would demonstrate well enough how good it is that somewhere at the local level that project would be picked up and done or forgotten. But, no, we do make them a national program and we do fund them forever in chunks of time.

Another thing we are doing is that we propose a project and, because we like the word ''pay-for,'' because we should pay for whatever we are doing, we put up a project, we put a 2-year limit on the project, and then we pick a pay-for by showing some program that, if it were eliminated for 10 years, might bring in that amount of revenue. We cannot pay for a 2-year program with 10 years' worth of revenue because somebody is going to spend the rest of that anyway and it may never be collected. A Congress can change its mind all the time. We have to quit using gimmicks and we have to quit adding new programs. What part of maxed out credit cards don't we understand? We have to quit buying votes with dollars we do not have.

We do have to address mandatory spending. Social Security and Medicare have been a problem for a long time. I remember when I first came to Congress, President Clinton was the President and he called for a special conference on Social Security. We had 1 day where we got to be initiated into what all the problems were—fantastic speakers. We had a second day where Members of the House and Congress met in smaller committees to work on pieces of the Social Security problem. We came up with a plan and President Clinton looked at the plan and met with us as a group and said: If all of you are willing to put your fingerprint on this, we will do it. We can only do it if everybody puts their fingerprint on it so both parties are responsible for it, and everybody in the room agreed to do that.

Unfortunately, we were distracted a little bit by something called Monica Lewinsky, and that bill never came up anywhere.

The situation we are in right now is passing bills to fail. Each side has a tendency to put up a bill that has something good in it, packaged with something they like but the other side doesn't like. It is going to get defeated on the basis of what each side doesn't like and the good part is left out. That is not going to get anything done for us.

We have tried the stimulus bill. We got negligible effects on jobs. It did escalate the basis for budgets and it was the use of one-time money. That has created some problems for it. We hear that 30,000 teachers and firefighters are going to be laid off. That comes from safety money and education money that went to the States. It was one-time money. They cannot use one-time money for a continuing contract. If a State did, yes, they are having to lay off people because the stimulus is not being repeated each and every year.

Are there solutions? Yes, there are solutions. I am optimistic about the solutions. I do recognize everything has to be on the table and we should all reread the deficit commission report. We have to ask constituents to suggest their own programs to reduce.

In the spring, we will be inundated by a whole lot of people who will be ready to have us support the program that makes a difference in their life and the life of the community. I always ask them how we are going to pay for it? They always suggest somebody else's program to cancel. There are never any suggestions of how to consolidate within their own program and do it. They have to do it and each of us in Congress needs to evaluate our own programs. Not all of them can be sacred cows. I wish to congratulate Senator RUBIO and Senator COONS for a jobs creation bill they have put together. They have taken the diverse bills from both sides of the aisle and several others and looked to see if there was any common thread. All they did was pick out the common thread from each of those and put them into a bill. If both sides and others in Congress like it, why would that not pass and pass quickly?

I congratulate our Congresswoman LUMMIS, from Wyoming. She is on the Appropriations Committee. I think that is the first time we have ever had anybody on the Appropriations Committee. She gets into the details of the budget. In fact, she has gotten into details of the budget down to very small

amounts, so much that she has been told she is not going to be invited on any trips with any of the rest of them. That is probably what we need right now, and I congratulate her on her attention to detail.

Another thing we have to do is make sure the bills go to committee. I have been a committee chairman. I have been a ranking member. I know when a bill goes to committee, that is where we can get into the details of the bill, and we can do nuances. When a bill comes to the floor of the Senate, and it came from the President to the leader and then to us, the amendments we put in are not very workable as far as reaching agreement from both sides. They are kind of an up-or-down vote. They are very political, and that kind of stymies what we are trying to do.

We have to quit doing comprehensive bills. We can do them in stages. We can do parts of them. They can be very major parts, but they can be done in parts.

I remember reading a book about the compromise of 1850. Henry Clay put himself in the hospital trying to pass this huge compromise. When he did, some of his friends took the bill, broke it into parts, four parts, and got all the parts passed. Now, there were only four people in all of the Senate at that time who voted for all the parts, but all the parts passed. There should be a lesson in there for us. I do follow an 80-percent rule; I found we can agree on 80 percent of the issues. If we stick to that 80 percent, we can pick any one issue and we can solve 80 percent of that problem. We can solve 100 percent if we can get everybody to think of an alternative way to do that, one sticky part that we have polarized for years.

Another thing we need to do is eliminate duplication. Senator COBURN and I took a look at the primary department that comes under the jurisdiction of the Health, Education, Labor, and Pensions Committee. We found $9 billion in duplication. Because it is duplication, we cannot eliminate $9 billion because there are some who would stay and do the same thing the other group was doing. It stimulated Dr. COBURN enough that he looked at all the programs. In all of the programs he found $900 billion worth of duplication.

Duplication is not like fraud, waste, and abuse. Fraud, waste, and abuse, we don't know how much is out there. We catch a piece at a time, and we speculate on how much there is. But duplication is specific because it is already in the budget.

We can look at what they are paid right now, and if we eliminate that, it is a specific amount. When he talks about $900 billion worth of duplication, it is $900 billion worth of duplication. We ought to be able to get rid of at least $450 billion of that. Half of it could be duplication. It is twice as much of what we effectively need.

Why did we find $9 billion in one agency and $900 billion by looking at all of them? When we go outside the jurisdiction, we find—this one always kind of interests me—financial literacy programs in virtually every department and agency in this Federal Government. If we really have financial literacy, would we be in the position we are in now? I don't think so. So that is a whole lot of duplication. It is duplicating each and every agency. If we have only one jurisdiction over one agency, that is the only place we can eliminate it.

When I got here there were 119 preschool programs. I took a look at them, and there were quite a few of them that were failing according to their own evaluation—not my evaluation, their own evaluation. We were able to get that down to 69 programs. There are 69 preschool programs at the present time. Here is the interesting part of that: Only eight of those are under the Department of Education. Sixty-one of them are in other departments. It seems like we could have consolidation and maybe some elimination of duplication.

Also, we have the States and the local governments coming to us and saying: We are out of money. We need money, and we don't have any money. We cannot afford to help them that way.

I have put in a bill to help them collect the sales tax already due them, and this is the marketplace fairness bill that would take care of their infrastructure and their jobs. So I hope everyone will take a look at that.

Finally, another solution would be the Buy Back America Bonds that I spoke about just a little while ago. If everybody bought some bonds, that could reduce the amount of debt held by foreign countries; that would help us and then that would reduce the amount of spending by an equal amount. There are solutions out there. It is time we got busy on them.

I thank the supercommittee for their work and ask everybody to pay attention to whatever they come up with.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 1259, 1260, 1261, 1262, 1263, 1080, 1296, 1151, 1152, 1209, 1210, 1236, AND 1255

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the following amendments be called up en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. They are, Senator SHERROD BROWN, 1259, 1260, 1261, 1262, 1263; Senator LEAHY, 1080; Senator WYDEN, 1296; Senator PRYOR, 1151, 1152; and Senator BILL NELSON, 1209, 1210, 1236, and 1255.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 1259

(Purpose: To link domestic manufacturers to defense supply chain opportunities)

At the end of subtitle C of title III, add the following:

SEC. 325. LINKING DOMESTIC MANUFACTURERS TO DEFENSE SUPPLY CHAIN OPPORTUNITIES.

The Secretary of Defense is authorized to work with the Hollings Manufacturing Partnership Program and other manufacturing-related local intermediaries designated by the Secretary to develop a multi-agency comprehensive plan to expand domestic defense and industrial base supply chains with involvement from other applicable Federal agencies or industry consortiums—

(1) to identify United States manufacturers currently producing, or capable of producing, defense and industrial base equipment, component parts, or similarly performing products; and

(2) to work with partners to identify and address gaps in domestic supply chains.

AMENDMENT NO. 1260

(Purpose: To strike section 846, relating to a waiver of ''Buy American'' requirements for procurement of components otherwise producible overseas with specialty metal not produced in the United States)

Strike section 846.

AMENDMENT NO. 1261

(Purpose: To extend treatment of base closure areas as HUBZones for purposes of the Small Business Act)

At the end of title XXVII, add the following:

SEC. 2705. SMALL BUSINESS HUBZONES.

Section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) is amended by inserting before the period at the end '', beginning on the date of enactment of the National Defense Authorization Act for Fiscal Year 2012''.

AMENDMENT NO. 1262

(Purpose: To clarify the meaning of ''produced'' for purposes of limitations on the procurement by the Department of Defense of specialty metals within the United States)

At the end of subtitle E of title VIII, add the following:

SEC. 889. ADDITIONAL DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS WITHIN THE UNITED STATES.

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(11) The term 'produced', as used in subsections (a) and (b), means melted, or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. The term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding, or shaving.''.

AMENDMENT NO. 1263

(Purpose: To authorize the conveyance of the John Kunkel Army Reserve Center, Warren, Ohio)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE, JOHN KUNKEL ARMY RESERVE CENTER, WARREN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Western Reserve Port Authority of Vienna, Ohio (in this section referred to as the ''Port Authority''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 6.95 acres and containing the John Kunkel Army Reserve Center located at 4967 Tod Avenue in Warren, Ohio, for the purpose of permitting the Port Authority to use the parcel for development of a port facility and for other public purposes.

(b) INCLUSION OF PERSONAL PROPERTY.—The Secretary of the Army may include as part of the conveyance under subsection (a) personal property located at the John Kunkel Army Reserve Center that—

(1) the Secretary of Transportation recommends would be appropriate for the development or operation of a port facility at the site; and

(2) the Secretary of the Army agrees is excess to the needs of the Army.

(c) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed to the Port Authority, the Secretary of the Army may lease the property to the Port Authority.

(d) CONSIDERATION.—

(1) CONVEYANCE.—The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Army determines that the Port Authority satisfies the criteria specified in section 554 of title 40, United States Code, and regulations prescribed to implement such section. If the Secretary determines that the Port Authority fails to qualify for a public benefit conveyance, but the Port Authority still desires to acquire the property, the Port Authority shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary.

(2) LEASE.—The Secretary of the Army may accept as consideration for a lease of the property under subsection (c) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Port Authority to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army and the Port Authority. The cost of such survey shall be borne by the Port Authority.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1080

(Purpose: To clarify the applicability of requirements for military custody with respect to detainees)

On page 361, line 9, insert after ''a person who is described in paragraph (2) who is captured'' the following: ''abroad or on a United States military facility''.

AMENDMENT NO. 1296

(Purpose: To require reports on the use of indemnification agreements in Department of Defense contracts)

At the end of subtitle C of title VIII, add the following:

SEC. 848. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following:

''§ 2335. Reports on use of indemnification agreements

''(a) IN GENERAL.—Beginning October 1, 2011, not later than 90 days after the date on which any action described in subsection (b)(1) occurs, the Secretary of Defense shall submit to the congressional defense committees and the Committees on the Budget of the House of Representatives and the Senate a report on such action.

''(b) ACTION DESCRIBED.—(1) An action described in this paragraph is the Secretary of Defense—

''(A) entering into a contract that includes an indemnification agreement; or

''(B) modifying an existing indemnification agreement in any contract.

''(2) Paragraph (1) shall not apply to any contract awarded in accordance with—

''(A) section 2354 of this title; or

''(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(c) MATTERS INCLUDED.—For each contract covered in a report under subsection (a), the report shall include—

''(1) the name of the contractor;

''(2) the actual cost or estimated potential cost involved;

''(3) a description of the items, property, or services for which the contract is awarded; and

''(4) a justification of the contract including the indemnification agreement.

''(d) NATIONAL SECURITY.—The Secretary may omit any information in a report under subsection (a) if the Secretary—

''(1) determines that the disclosure of such information is not in the national security interests of the United States; and

''(2) includes in the report a justification of the determination made under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

''2335. Reports on use of indemnification agreements.''.

AMENDMENT NO. 1151

(Purpose: To authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training)

At the end of subtitle C of title VI, add the following:

SEC. 634. DEATH GRATUITY AND RELATED BENEFITS FOR RESERVES WHO DIE DURING AN AUTHORIZED STAY AT THEIR RESIDENCE DURING OR BETWEEN SUCCESSIVE DAYS OF INACTIVE DUTY TRAINING.

(a) DEATH GRATUITY.—

(1) PAYMENT AUTHORIZED.—Section 1475(a)(3) of title 10, United States Code, is amended by inserting before the semicolon the following: ''or while staying at the Reserve's residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training''.

(2) TREATMENT AS DEATH DURING INACTIVE DUTY TRAINING.—Section 1478(a) of such title is amended—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) A person covered by subsection (a)(3) of section 1475 of this title who died while on authorized stay at the person's residence during a period of inactive duty training or between successive days of inactive duty training is considered to have been on inactive duty training on the date of his death.''.

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS AND RELATED BENEFITS.—Section 1481(a)(2) of such title is amended—

(1) by redesignating subparagraph (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) staying at the member's residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, and shall apply with respect to deaths that occur on or after that date.

AMENDMENT NO. 1152

(Purpose: To recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law)

At the end of subtitle H of title X, add the following:

SEC. 1088. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES AS VETERANS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

''§ 107A. Honoring as veterans certain persons who performed service in the reserve components

''Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

''107A. Honoring as veterans certain persons who performed service in the reserve components.''.

AMENDMENT NO. 1209

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation)

At the end of subtitle C of title VI, add the following:

SEC. _____. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

AMENDMENT NO. 1210

(Purpose: To require an assessment of the advisability of stationing additional DDG–51 class destroyers at Naval Station Mayport, Florida)

At the end of subtitle C of title X, add the following:

SEC. 1024. ASSESSMENT OF STATIONING OF ADDITIONAL DDG–51 CLASS DESTROYERS AT NAVAL STATION MAYPORT, FLORIDA.

(a) NAVY ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall conduct an analysis of the costs and benefits of stationing additional DDG–51 class destroyers at Naval Station Mayport, Florida.

(2) ELEMENTS.—The analysis required by paragraph (1) shall include, at a minimum, the following:

(A) Consideration of the negative effects on the ship repair industrial base at Naval Station Mayport caused by the retirement of FFG–7 class frigates and the procurement delays of the Littoral Combat Ship, including, in particular, the increase in costs (which would be passed on to the taxpayer) of reconstituting the ship repair industrial base at Naval Station Mayport following the projected drastic decrease in workload.

(B) Updated consideration of life extensions of FFG–7 class frigates in light of continued delays in deliveries of the Littoral Combat Ship deliveries.

(C) Consideration of the possibility of bringing additional surface warships to Naval Station Mayport for maintenance with the consequence of spreading the ship repair workload appropriately amongst the various public and private shipyards and ensuring the long-term health of the shipyard in Mayport.

(b) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT.—Not later than 120 days after the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

AMENDMENT NO. 1236

(Purpose: To require a report on the effects of changing flag officer positions within the Air Force Material Command)

At the end of subtitle G of title X, add the following:

SEC. 1030. REPORT ON EFFECTS OF CHANGING FLAG OFFICER POSITIONS WITHIN THE AIR FORCE MATERIAL COMMAND.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall conduct an analysis and submit to the congressional defense committees a report on the effects of changing flag officer positions within the Air Force Materiel Command (AFMC), including consideration of the following issues:

(1) The effect on the weapons testing mission of AFMC.

(2) The potential for lack of oversight if flag positions are reduced or eliminated.

(3) The reduced experience level of general officers managing challenging weapons development programs under a new command structure.

(4) The additional duties of base management functions impacting the test wing commander's ability to manage actual weapons testing under the new structure.

(b) COMPTROLLER GENERAL ASSESSMENT.—Not later than 60 days after the submittal of the report under subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

AMENDMENT NO. 1255

(Purpose: To require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad)

At the end of subtitle C of title VII, add the following:

SEC. 723. EPIDEMIOLOGICAL STUDY ON HEALTH OF MILITARY PERSONNEL EXPOSED TO BURN PIT EMISSIONS AT JOINT BASE BALAD.

The Secretary of Defense shall conduct a cohort study on the long-term health effects of exposure to burn pit emissions in military personnel deployed at Joint Base Balad. The study shall include a prospective evaluation from retrospective estimates of such exposures. The study shall be conducted in accordance with recommendations by the Institute of Medicine concluding that further study is needed to establish correlation between burn pit exposure and disease.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENTS NOS. 1281, 1133, 1134, 1286, 1287, 1290, AND 1291

Ms. AYOTTE. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment and call up the following amendments en bloc: Senator MCCAIN's amendment No. 1281 regarding the transfer of arms to Georgia; Senator BLUNT's two amendments, Nos. 1133 and 1134; Senator MURKOWSKI's two amendments, Nos. 1286 and 1287; and Senator RUBIO's two amendments, Nos. 1290 and 1291.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 1281

(Purpose: To require a plan for normalizing defense cooperation with the Republic of Georgia)

At the end of subtitle C of title XII, add the following:

SEC. 1243. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.

(a) PLAN FOR NORMALIZATION.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for normalizing United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) OBJECTIVES.—The plan required under subsection (a) shall address the following objectives:

(1) To reestablish a normal defense relationship with the Republic of Georgia.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its nonuse-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(4) To resume the sale by the United States of defense articles and services that may be necessary to enable the Government of the Republic of Georgia to maintain a sufficient self-defense capability.

(5) To encourage NATO member and candidate countries to restore and increase their sales of defensive articles and services to the Republic of Georgia as part of broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) INCLUDED INFORMATION.—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the United States Armed Forces.

(2) A description of each of the requests by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) FORM.—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

AMENDMENT NO. 1133

(Purpose: To provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty)

At the end of subtitle H of title X, add the following:

SEC. _____. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.

(a) IN GENERAL.—Section 4312(c)(4) of title 38, United States Code, is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(F) ordered to full-time National Guard duty under the provisions of section 502(f) of title 32 when the period of duty is expressly designated in writing by the Secretary of Defense as covered by this subparagraph.''.

(b) EFFECTIVE DATE.—Subparagraph (F) of such section 4312(c)(4), as added by subsection (a)(3), shall apply with respect to an individual ordered to full-time National Guard duty under section 502(f) of title 32 of such Code, on or after September 11, 2001, and shall entitle such individual to rights and benefits under chapter 43 of title 38 of such Code on or after that date.

AMENDMENT NO. 1134

(Purpose: To require a report on the policies and practices of the Navy for naming the vessels of the Navy)

At the end of subtitle C of title X, add the following:

SEC. 1024. REPORT ON POLICIES AND PRACTICES OF THE NAVY FOR NAMING THE VESSELS OF THE NAVY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) A description of the current policies and practices of the Navy for naming vessels of the Navy.

(2) A description of the extent to which the policies and practices described under paragraph (1) vary from historical policies and practices of the Navy for naming vessels of the Navy, and an explanation for such variances (if any).

(3) An assessment of the feasibility and advisability of establishing fixed policies for the naming of one or more classes of vessels of the Navy, and a statement of the policies recommended to apply to each class of vessels recommended to be covered by such fixed policies if the establishment of such fixed policies is considered feasible and advisable.

(4) Any other matters relating to the policies and practices of the Navy for naming vessels of the Navy that the Secretary of Defense considers appropriate.

AMENDMENT NO. 1286

(Purpose: To require a Department of Defense Inspector General report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE program)

At the end of subtitle A of title VII, add the following:

SEC. 705. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT ON THEFT OF COMPUTER TAPES CONTAINING PROTECTED INFORMATION ON COVERED BENEFICIARIES UNDER THE TRICARE PROGRAM.

The Inspector General of the Department of Defense shall submit to the congressional defense committees a report on the circumstances surrounding the theft of computer tapes containing personally identifiable and protected health information of approximately 4,900,000 covered beneficiaries under the TRICARE program from the vehicle of a contractor under the TRICARE program. The report shall include the following:

(1) An assessment of the risk that the personally identifiable and protected health information so stolen can be accessed by a third party.

(2) Such recommendations as the Inspector General considers appropriate to reduce the risk of similar incidents in the future.

AMENDMENT NO. 1287

(Purpose: To provide limitations on the retirement of C–23 aircraft)

At the end of subtitle C of title I, add the following:

SEC. 136. LIMITATION ON RETIREMENT OF C–23 AIRCRAFT.

(a) IN GENERAL.—Upon determining to retire a C–23 aircraft, the Secretary of the Army shall first offer title to such aircraft to the chief executive officer of the State in which such aircraft is based.

(b) TRANSFER UPON ACCEPTANCE OF OFFER.—If the chief executive officer of a State accepts title of an aircraft under subsection (a), the Secretary shall transfer title of the aircraft to the State without charge to the State. The Secretary shall provide a reasonable amount of time for acceptance of the offer.

(c) USE.—Notwithstanding the transfer of title to an aircraft to a State under this section, the aircraft may continue to be utilized by the National Guard of the State in State status using National Guard crews in that status.

AMENDMENT NO. 1290

(Purpose: To strike the national security waiver authority in section 1032, relating to requirements for military custody)

On page 362, strike lines 8 through 15.

AMENDMENT NO. 1291

(Purpose: To strike the national security waiver authority in section 1033, relating to requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities)

On page 365, line 9, strike ''and subsection (d)''.

On page 367, line 14, strike ''and subsection (d)''.

On page 368, strike line 13 and all that follows through page 370, line 13.

Ms. AYOTTE. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask for the regular order after all of those actions are taken.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENTS NOS. 1071, 1086, 1106, 1140, AND 1219 EN BLOC

Mr. LEVIN. Mr. President, I ask unanimous consent to call up five amendments en bloc which have been cleared by myself and the ranking member as follows: amendment No. 1071 on behalf of Senator MCCAIN, to require the Secretary of Defense to report on all information with respect to the Evolved Expendible Launch Vehicle Program that would be required if the program were designated as a major defense acquisition program not in the sustainment phase; amendment No. 1086 on behalf of Senators ROBERTS and MORAN, to authorize and request the President to award the Medal of Honor posthumously to CPT Emil Kapaun of the U.S. Army for acts of valor during the Korean War; amendment No. 1106 on behalf of Senator MCCAIN, to require a report on the status of the implementation of accepted recommendations in the Final Report of the 2010 Army Acquisition Review Panel; amendment No. 1140 on behalf of Senator CASEY, to require a report by the Comptroller General on the Department of Defense Military Spouse Employment Program; and amendment No. 1219 on behalf of myself, to provide authority to order military Reserves to Active Duty to provide assistance and response to a disaster or emergency.

Ms. AYOTTE. Mr. President, the amendments have been cleared on our side.

The PRESIDING OFFICER. Without objection, the amendments are as listed.

The amendments en bloc are as follows:

AMENDMENT NO. 1071

(Purpose: To require the Secretary of Defense to report on all information with respect to the Evolved Expendable Launch Vehicle program that would be required if the program were designated as a major defense acquisition program not in the sustainment phase)

At the end of subtitle E of title VIII, add the following:

SEC. 889. OVERSIGHT OF AND REPORTING REQUIREMENTS WITH RESPECT TO EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

The Secretary of Defense shall—

(1) redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program not in the sustainment phase under section 2430 of title 10, United States Code; or

(2) require the Evolved Expendable Launch Vehicle program—

(A) to provide to the congressional defense committees all information with respect to the cost, schedule, and performance of the program that would be required to be provided under sections 2431 (relating to weapons development and procurement schedules), 2432 (relating to Select Acquisition Reports, including updated program life-cycle cost estimates), and 2433 (relating to unit cost reports) of title 10, United States Code, with respect to the program if the program

were designated as a major defense acquisition program not in the sustainment phase; and

(B) to provide to the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(i) a quarterly cost and status report, commonly known as a Defense Acquisition Executive Summary, which serves as an early-warning of actual and potential problems with a program and provides for possible mitigation plans; and

(ii) earned value management data that contains measurements of contractor technical, schedule, and cost performance.

AMENDMENT NO. 1086

(Purpose: To authorize and request the President to award the medal of Honor posthumously to Captain Emil Kapaun of the United States Army for acts of valor during the Korean War)

At the end of subtitle I of title V, add the following:

SEC. _____. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO EMIL KAPAUN FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of such title to Emil Kapaun for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Captain Emil Kapaun as a member of the 8th Cavalry Regiment during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1951, during the Korean War.

AMENDMENT NO. 1106

(Purpose: To require a report on the status of the implementation of accepted recommendations in the Final Report of the 2010 Army Acquisition Review panel)

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON STATUS OF IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS IN THE FINAL REPORT OF THE 2010 ARMY ACQUISITION REVIEW PANEL.

Not later than 1 October 2012, the Secretary of the Army shall submit to the congressional defense committees a report describing the plan and implementation status of the recommendations contained in the Final Report of the 2010 Army Acquisition Review panel (also known as the ''Decker-Wagner Report'') that the Army agreed to implement.

AMENDMENT NO. 1140

(Purpose: To require a report on the Comptroller General on Department of Defense military spouse employment programs)

At the end of subtitle H of title V, add the following:

SEC. 577. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) ELEMENTS.—The review required by subsection (a) shall, address, at a minimum, the following:

(1) The efficacy and effectiveness of Department of Defense military spouse employment programs.

(2) All current Department programs to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(6) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(7) The oversight provided by the Office of Personnel and Management regarding preferences for military spouses in Federal employment.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department of Defense military spouse employment programs.

(d) DEPARTMENT OF DEFENSE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the number (or a reasonable estimate if a precise number is not available) of military spouses who have obtained employment following participation in Department of Defense military spouse employment programs. The report shall set forth such number (or estimate) for the Department of Defense military spouse employment programs as a whole and for each such military spouse employment program.

AMENDMENT NO. 1219

(Purpose: To provide authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergencies)

At the end of subtitle B of title V, add the following:

SEC. 515. AUTHORITY TO ORDER ARMY RESERVE, NAVY RESERVE, MARINE CORPS RESERVE, AND AIR FORCE RESERVE TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, as amended by section 511(a)(1), is further amended by inserting after section 12304a the following new section:

''§ 12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency

''(a) AUTHORITY.—When a Governor requests Federal assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Secretary of Defense may, without the consent of the member affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days to respond to the Governor's request.

''(b) EXCLUSION FROM STRENGTH LIMITATIONS.—Members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or any other law.

''(c) TERMINATION OF DUTY.—Whenever any unit or member of the reserve components is ordered to active duty under this section, the service of all units or members so ordered to active duty may be terminated by order of the Secretary of Defense or law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 511(a)(2), is further amended by inserting after the item relating to section 12304a the following new item:

''12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.''.

(b) TREATMENT OF OPERATIONS AS CONTINGENCY OPERATIONS.—Section 101(a)(13)(B) of such title is amended by inserting ''12304b,'' after ''12304,''.

(c) USUAL AND CUSTOMARY ARRANGEMENT.—

(1) DUAL-STATUS COMMANDER.—When the Armed Forces and the National Guard are employed simultaneously in support of civil authorities in the United States, appointment of a commissioned officer as a dual-status commander serving on active duty and duty in, or with, the National Guard of a State under sections 315 or 325 of title 32, United States Code, as commander of Federal forces by Federal authorities and as commander of State National Guard forces by State authorities, should be the usual and customary command and control arrangement, including for missions involving a major disaster or emergency as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). The chain of command for the Armed Forces shall remain in accordance with sections 162(b) and 164(c) of title 10, United States Code.

(2) STATE AUTHORITIES SUPPORTED.—When a major disaster or emergency occurs in any area subject to the laws of any State, Territory, or the District of Columbia, the Governor of the State affected normally should be the principal civil authority supported by the primary Federal agency and its supporting Federal entities, and the Adjutant General of the State or his or her subordinate designee normally should be the principal military authority supported by the dual-status commander when acting in his or her State capacity.

(3) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) or (2) shall be construed to preclude or limit, in any way, the authorities of the President, the Secretary of Defense, or the Governor of any State to direct, control, and prescribe command and control

arrangements for forces under their command.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate consider the amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1071, 1086, 1106, 1140, and 1219) were agreed to.

Mr. MENENDEZ. Mr. President, one of the greatest—if not the greatest threats to the security of our Nation and our ally Israel—is the concerted effort by the Government of Iran to acquire the technology and materials to create a nuclear weapon that will alter the balance of power in the Middle East, and which would most certainly lead to hostilities. To forestall or ideally prevent this scenario, we must use ALL of the tools of peaceful diplomacy available to us.

Simply put, we must do everything in our power to prevent Iran from obtaining a nuclear weapon. I am pleased to offer an amendment that will limit Iran's ability to finance its nuclear ambitions by sanctioning the Central Bank of Iran, which is complicit in Iran's efforts.

This amendment will require the President to make a determination about whether the Central Bank of Iran's conduct threatens the national security of the United States or its allies based on its facilitation of the activities of the Government of Iran that threaten global or regional peace and security, its evasion of multilateral sanctions directed against the Government of Iran; its engagement in deceptive financial practices and illicit transactions, and most importantly its provision of financial services in support of Iran's effort to acquire the knowledge, materials, and facilities to enrich uranium and to ultimately develop weapons of mass destruction.

Last week we learned just how far down the nuclear road Iran has come. The International Atomic Energy Agency's report indicates that Iran continues to enrich uranium and is seeking to develop as many as 10 new enrichment facilities; has conducted high explosives testing and detonator development to set off a nuclear charge, as well as computer modeling of a core of a nuclear warhead; and has engaged in preparatory work for a nuclear weapons test. We also learned that an August IAEA inspection revealed that 43.5 pounds of a component—used to arm nuclear warheads—was unaccounted for in Iran and that Iran is working on an indigenous design for a nuclear payload small enough to fit on Iran's long-range Shahab-3 missile, a missile capable to reaching Israel.

These revelations—combined with Iran's provocative effort in October to assassinate the Saudi Ambassador to the United States—demonstrate that Iran's aggression has taken a violent turn and that we can expect that if it gets a nuclear weapon that it will use that weapon.

This amendment will impose sanctions on any foreign financial institutions that engage in significant transactions with the Central Bank of Iran, with the exception of transactions in food, medicine, and medical devices. It sends the message that you have a choice—to do business with the United States or to do business with Iran.

Iran has a history of exporting terrorism—against coalition forces in Iraq, in Argentina, Lebanon, and even in Washington; and while Iran's drive to advance its nuclear weapons program has been slowed by U.S. and international sanctions, it remains undeterred. Today, we take the next step to isolate Iran politically and financially.

I also look forward to continuing to work with the administration and with my colleagues on both sides of the aisle to achieve our shared goals and to make this a bipartisan initiative.

Our efforts to date have been transformative, but Iran has adapted to the sanctions, unanticipated loopholes have allowed the regime to adjust and circumvent the sanctions and drive forward its effort to achieve a robust nuclear program.

We have to be just as prepared to adjust and adapt by closing each loophole that arises. By identifying the Central Bank of Iran as the Iranian regime's partner and financier of its terrorist agenda we can begin to starve the regime of the money it needs to achieve its nuclear goals.

AMENDMENT NO. 1114

Mr. BEGICH. Mr. President, I am pleased to speak on amendment No. 1114 to S.1867, the National Defense Authorization Act for Fiscal Year 2012. The amendment is cosponsored by Senators SNOWE, CASEY, LEAHY, GRAHAM, MURKOWSKI, AKAKA, PRYOR, BROWN of Massachusetts, TESTER, and MANCHIN.

This amendment can be explained very simply. It expands the ability of Reserve component members and surviving spouses to travel on military aircraft when space is available.

Members of the National Guard and Reserve and surviving military spouses make great sacrifices for our Nation. However, too often these individuals do not receive the benefits they have earned for their service. For example, Reserve component members' and retirees' space-available travel privileges are limited within the United States and their family cannot travel with them.

As we all know, the National Guard and Reserve contributions to our Nation's defense since 9/11 are invaluable. There is no reason why their ability to travel on a military aircraft when space is available should be limited or restricted just because they are in the Guard or Reserve. They have fought in Iraq and Afghanistan. They have lost comrades. Virtually every member of the National Guard in Alaska has deployed in support of Iraq or Afghanistan.

Surviving spouses of a military member eligible for retired pay or of a member killed in the line of duty retain no space-available travel privileges at all after the death of their spouse. Yet they have made a lifetime commitment to the military or, in many cases, lost their loved one in war—the ultimate sacrifice.

We must continue to provide support to our surviving spouses and recognize their commitment to our military. As many of our Nation's most senior leaders have said, families are the backbone of the military. We must continue to recognize the National Guard and Reserve who are such a vital part of our Nation's defense and homeland security.

In this time of fiscal constraint, this amendment gives us the opportunity to support our National Guard, Reserves, and surviving spouses without a cost to taxpayers. The amendment is budget neutral.

The amendment is supported by the National Guard Association of the United States, Air Force Sergeants Association, and the Gold Star Wives.

Mr. President, I urge my colleagues to join me in providing better benefits—at no cost—to surviving spouses and Reserve component members.

AMENDMENT NO. 1149

Mr. BEGICH. Mr. President, today I am pleased to speak about my amendment No. 1149. I would like to thank my cosponsor, Senator MURKOWSKI, for her work on this amendment.

This amendment is very simple. It authorizes the Air Force to enter into a land exchange and conveyance in Alaska.

The exchange will resolve land-use conflicts between the municipality of Anchorage, Joint Base Elmendorf-Richardson, and Eklutna, an Alaska Native village.

By working out this agreement, we are ensuring the airmen and soldiers at the joint base have more land available to continue the vital training they need to defend our Nation.

All Federal agencies involved support this land exchange and conveyance. This includes the Air Force and Bureau of Land Management.

I appreciate my colleagues' consideration of this amendment and urge their support.

Mr. LIEBERMAN. Mr. President, I rise today, with my colleagues, Senator COLLINS, Senator AKAKA, and Senator LUGAR, to support an amendment to improve the efficiency and effectiveness of our government by fostering greater integration among the personnel who work on critical national security and homeland security missions.

The national security and homeland security challenges that our Nation faces in the 21st century are far more complex than those of the last century. Threats such as terrorism, proliferation of nuclear and biological weapons,

insurgencies, and failed states are beyond the capability of any single agency of our government—such as the Department of Defense, DOD; the Department of State; or the intelligence community—to counter on its own.

In addition, threats such as terrorism and organized crime know no borders and instead cross the so-called foreign/domestic divide—the bureaucratic, cultural, and legal division between agencies that focus on threats from beyond our borders and those that focus on threats from within.

Finally, a new group of government agencies is now involved in national and homeland security. These agencies bring to bear critical capabilities—such as interdicting terrorist finance, enforcing sanctions, protecting our critical infrastructure, and helping foreign countries threatened by terrorism to build their economies and legal systems—but many of them have relatively little experience of involvement with the traditional national security agencies. Some of these agencies have existed for decades or centuries—such as the Departments of Treasury; Justice; and Health and Human Services, HHS—while others are new since 9/11, such as the Department of Homeland Security, DHS.

As a result, our government needs to be able to apply all instruments of national power—including military, diplomatic, law enforcement, foreign aid, homeland security, and public health—in a whole-of-government approach to counter these threats. We only need to look at our government's failure to use the full range of civilian and military capabilities to stymie the Iraqi insurgency immediately after the fall of Saddam Hussein's regime in 2003, the government's failure to prepare and respond to Hurricane Katrina in 2005, and the government's failure to share information and coordinate action prior to the attack at Fort Hood, TX, in 2009, for examples of failure of interagency coordination and their costs in terms of lives, money, and the national interest.

The challenge of integrating the agencies of the executive branch into a whole-of-government approach has been recognized by congressionally chartered commissions for more than a decade. Prior to 9/11, the commission led by former Senators Gary Hart and Warren Rudman, entitled the U.S. Commission on National Security in the 21st Century, issued reports recommending fundamental reorganization to integrate government capabilities, including for homeland security.

In 2004, the 9/11 Commission, led by former Governor Tom Kean and former Representative Lee Hamilton, found that the U.S. Government needed reform in order to foster a stronger, faster, and more efficient governmentwide effort against terrorism.

And in 2008, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, led by former Senators Bob Graham and Jim Talent, called for improving interagency coordination in our Nation's defenses against bioterrorism and other weapons of mass destruction.

Congress has long recognized that a key way to better integrate our government's capabilities is to provide strong incentives for personnel to do rotational assignments across bureaucratic stovepipes. The personnel who serve in our government are our Nation's best and brightest, and they have and will respond to incentives that we institute in order to improve coordination across our government.

In 1986, Congress enacted the Goldwater-Nichols Department of Defense Reorganization Act. That legislation sought to break down stovepipes and foster jointness across the military services by requiring that military officers have served in a position outside of their service as a requirement for promotion to general or admiral.

Twenty-five years later, this requirement has produced a sea change in military officers' mindsets and created a dominant military culture of jointness.

In 2004, Congress enacted the Intelligence Reform and Terrorism Prevention Act at the 9/11 Commission's recommendation and required a similar rotational requirement for intelligence personnel. The Director of National Intelligence has since instituted rotations across the intelligence community as an eligibility requirement for promotion to senior intelligence positions, and this requirement is helping to integrate the 16 agencies and elements of the intelligence community.

Finally, in 2005, Congress enacted the Post-Katrina Emergency Management Reform Act to improve our Nation's preparedness for and responses to domestic catastrophes and instituted a rotational program within the Department of Homeland Security in order to integrate that Department.

This proven mechanism of rotations must be applied to integrate the government as a whole on national security and homeland security issues. Indeed, the Hart/Rudman Commission called for rotations to other agencies and interagency professional education to be required in order for personnel to hold certain positions or be promoted to certain levels. And the Graham/Talent Commission called for the government to recruit the next generation of national security experts by establishing a program of joint duty, education, and training in order to create a culture of interagency collaboration, flexibility, and innovation.

The executive branch has also recognized the need to foster greater interagency rotations and experience in order to improve integration across its agencies. In 2007, President George W. Bush issued Executive Order 13434 concerning national security professional development and to include interagency assignments. However, that Executive order was not implemented aggressively toward the end of the Bush administration and has languished as the Obama administration pursued other priorities.

Clearly, it is time for Congress to act and to institute the personnel incentives and reforms necessary to further integrate our government and enable it to counter the national security and homeland security threats of the 21st century.

In June of this year, I joined with Senator SUSAN M. COLLINS and Senator DANIEL K. AKAKA to introduce the bipartisan Interagency Personnel Rotation Act of 2011, S. 1268. Companion legislation was introduced in the House of Representatives on a bipartisan basis by Representative GEOFF DAVIS and Representative JOHN F. TIERNEY. The legislation was marked up by the Committee on Homeland Security and Governmental Affairs on October 19, 2011. I am pleased that Senator RICHARD LUGAR, ranking member of the Committee on Foreign Relations, has joined as a cosponsor of that bill. Senator COLLINS, Senator AKAKA, Senator LUGAR, and I are pleased to offer the Interagency Personnel Rotation Act, with minor modifications from the marked-up version, as an amendment to the National Defense Authorization Act for Fiscal Year 2012.

The purpose of this amendment is to enable executive branch personnel to view national security and homeland security issues from a whole-of-government perspective and be able to capitalize upon communities of interest composed of personnel from multiple agencies who work on the same national security or homeland security issue.

This amendment requires that the executive branch identify ''Interagency Communities of Interest''—which are subject areas spanning multiple agencies and within which the executive branch needs to operate on a more integrated basis. Interagency communities of interest could include counterinsurgency, counterterrorism, counter proliferation, or regional areas such as the Middle East.

This amendment then requires that agencies identify positions that are within each interagency community of interest. Government personnel would then rotate to positions within other agencies but within the particular interagency community of interest related to their expertise.

Government personnel could also rotate to positions at offices that have specific interagency missions such as the national security staff. Completing an interagency rotation would be a prerequisite for selection to certain Senior Executive Service positions within that interagency community of interest. As a result, personnel would have the incentives to serve in a rotational position and to develop the whole-of-government perspective and the network of contacts necessary for integrating across agencies and accomplishing national security and homeland security missions more efficiently and effectively.

Let me offer some examples of how this might work.

An employee of the U.S. Agency for International Development, USAID, who specializes in development strategy could rotate to a DOD counterinsurgency office to advise DOD in planning on how development issues should be taken into account in military operations, while a DOD counterinsurgency specialist could rotate to USAID to advise on how development priorities should be assessed in a counterinsurgency.

A Treasury employee who does terrorist finance work could benefit from a rotation to Department of Justice to understand operations to take down terrorist cells and how terrorist finance work can help identify and prosecute their members, while a Justice employee would have the chance to learn from the Treasury's financial expertise in understanding how sources of funding can affect cells' formation and plotting.

An HHS employee who specializes in public health could rotate to a DOD counterinsurgency office to advise on improving public health in order to win over the hearts and minds of the population to counter insurgency, while a DHS employee could rotate to HHS in order to learn about HHS's work to prepare the U.S. public health system for a biological terrorist attack.

The cosponsors of this amendment and I recognize the complexity involved in the creation of interagency communities of interest, the institution of rotations across a wide variety of government agencies, and having a rotation as a prerequisite for selection to certain Senior Executive Service positions. As a result, our legislation gives the executive branch substantial flexibility—including to identify interagency communities of interest; to identify which positions in each agency are within a particular interagency community of interest; to identify which positions in an interagency community of interest should be open for rotation and how long the rotations will be; and, finally, which Senior Executive Service positions have interagency rotational service as a prerequisite.

To be clear, this legislation does not mandate that any agency be included in an interagency community of interest or the interagency personnel rotations; instead, this legislation permits the executive branch to include any agency or part of an agency as the executive branch determines that our Nation's national and homeland security missions require.

Finally, I wish to stress that this amendment is designed to be implemented with no cost to the executive branch.

First, this amendment is designed to be implemented without requiring any additional personnel for the executive branch. The amendment envisions that rotations will be conducted so that there is a reasonable equivalence between the number of personnel rotating out of an agency and the number rotating in. That way, no agency will be short staffed as a result of having sent its best and brightest to do rotations; each agency will be receiving the best and brightest from other agencies.

Second, this amendment relies on the office that is currently implementing the executive branch's national security professional development program to implement this framework instituted by this amendment. This office is currently housed at DOD, and the legislation would move the office and its three employees to the Office of Management and Budget and the Office of Personnel Management, which have oversight responsibility for this framework. Thus, no new staff would be required to administer the framework set forth in the amendment.

Third, this amendment has a 5-year implementation period which requires the executive branch to create two interagency communities of interest—for emergency management, and stabilization and reconstruction—to restrict the number of personnel doing rotations to 20 to 25 per year per each of these two interagency communities of interest, and to restrict the rotations to within a metropolitan area in order to avoid any relocation costs.

Fourth, this amendment requires that personnel doing a rotation receive the same training by the receiving agency that the receiving agency would provide to its own new employees, rather than more elaborate training that would incur costs.

And fifth, this amendment requires that any reports produced pursuant to the amendment be submitted on line rather than published in hard copy.

Let me close by answering a common objection to government reorganization. To quote the 9/11 Commission:

> An argument against change is that the nation is at war, and cannot afford to reorganize in midstream. But some of the main innovations of the 1940s and 1950s, including the creation of the Joint Chiefs of Staff and even the construction of the Pentagon itself, were undertaken in the midst of war. Surely the country cannot wait until the struggle against Islamic terrorism is over.

I urge my colleagues to take bold action to improve the efficiency and effectiveness of our government in countering 21st century national security and homeland security threats by promptly adopting this amendment to the National Defense Authorization Act for Fiscal Year 2012.

REPEAL OF JACKSON-VANIK TRADE RESTRICTIONS ON MOLDOVA

Mr. LUGAR. Mr. President, I rise in support of an amendment to the National Defense Authorization Act, which would repeal the Cold War-era Jackson-Vanik trade restrictions on Moldovan products and thereby provide impetus for closer U.S. strategic engagement between our two nations.

I have introduced this legislation in the previous three Congresses and believe that the time is ripe for Moldova to finally be granted permanent normal trade relations. Moldova has been in the WTO since 2001 but still remains subject to Jackson-Vanik, despite currently being in full compliance with Jackson-Vanik-related concerns. Until the United States terminates application of Jackson-Vanik on Moldova, the U.S. will not benefit from Moldova's market access commitments nor can it resort to WTO dispute resolution mechanisms. While all other WTO members currently enjoy these benefits, the United States does not.

The Republic of Moldova has been evaluated every year and granted normal trade relations with the United States through annual presidential waivers from the effects of Jackson-Vanik. The Moldovan constitution guarantees its citizens the right to emigrate and this right is respected in practice. Most emigration restrictions were eliminated in 1991 and virtually no problems with emigration have been reported since independence. More specifically, Moldova does not impose emigration restrictions on members of the Jewish community. Synagogues function openly and without harassment. As a result, several past administrations, including this one, have found that Moldova is in full compliance with Jackson-Vanik's provisions.

The United States and Moldova have established a strong record of achievement in security and non-proliferation cooperation. We have encouraged Moldova's ambition of European integration, particularly in light of the new coalition that was swept to power in 2009, the Alliance for European Integration.

One of the areas where we can deepen U.S.-Moldovan relations is bilateral trade. In light of its adherence to freedom of emigration requirements, compliance with threat reduction and cooperation in the global war on terrorism, the products of Moldova should not be subject to the sanctions of Jackson-Vanik.

The continued support and encouragement of the United States and the international community will be key to encouraging the Government of Moldova to follow through on important reforms. The permanent waiver of Jackson-Vanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning economic, trade, and security partnership can be made.

I am hopeful that my colleagues will join me in supporting this important amendment.

FDIC

Mr. CHAMBLISS. Mr. President, I rise today to bring to the Senate an issue of critical importance.

Last night, the Senate was able to pass by unanimous consent legislation

that will provide much needed transparency to the Federal Deposit Insurance Corporation process of examining and resolving bank failures.

Not only is this an issue that has severely impacted the wellbeing of my state of Georgia, but this Nation is suffering as a whole.

There are some communities across the country that are no longer have a bank to serve them and will continue to suffer on their economic development efforts because the sole bank in their community has failed.

Since 2008 there has been over 400 bank failures nationwide. Seventy of those failures have occurred in Georgia. This year alone 18 banks in Georgia have failed.

While that represents over 27 percent of all the banks in my State, this is not just a Georgia issue.

There are nine other States that have extraordinarily high rates of failures including: Florida, Illinois, California, Minnesota, Washington, Michigan, Nevada, Missouri, and Arizona.

Unfortunately, there will continue to be bank failures in this country and this bill will provide the Congress with information about the underlying fundamentals that cause these failures.

The bill directs the FDIC IG, in consultation with Treasury and Federal Reserve IGs to study FDIC policies and practices with regard to Loss Share Agreements; the fair application of regulatory capital standards; appraisals; FDIC procedures for loan modifications; and the FDIC's handling of Consent Orders and Cease and Desist Orders.

Further, the GAO will be directed to a study those questions the FDIC IG is unable to fully explore such as the causes of the high number of bank failures; procyclical impact of fair value accounting; analysis of the impact of failures on the community; and, the overall effectiveness of loss share agreements for resolving banks.

The swift passage of this legislation by the House of Representatives in July was a rare instance of bipartisan support and a sincere acknowledgement to the American people that bank failures on the whole need to be carefully considered by the Congress.

The FDIC does a commendable job of ensuring that depositors at banks they regulate are going to be able to access their money in the event of a bank failure.

I want the FDIC to know that their good work does not go unnoticed by this body, however it is clear that Congress needs more information about the underlying causes of these bank failures and it is imperative that the US Congress send a clear message that ''if there is a better way, then we must pursue it.''

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHY SCHOOL LUNCHES

Mr. DURBIN. Mr. President, over the years, I have visited dozens of schools in Illinois, and I have learned more about the childhood obesity problem in this country by stepping into the lunch room than I have just about anywhere else. Particularly in disadvantaged neighborhoods, school staff tell me that while students might pick up a piece of fruit or a serving of vegetables, the first food choice for the majority of students is a large soda and a bag of flaming hot cheetos. But for the young people we are asking to perform at ever increasing academic levels, we should be able to provide better options for their meals.

Last year, Congress took a big step including provisions to improve school lunches in the reauthorization of the Child Nutrition Act. The U.S. Department of Agriculture deserves credit for taking the first significant steps in 15 years to make school lunches healthier. These proposed changes would provide children with a balanced diet that includes more green leafy vegetables, limiting starchy vegetables—like french fries—to two servings a week, limiting sodium, and boosting whole grains. USDA also proposed that tomato paste could only be counted as a vegetable if a half cup of tomato paste is used. Today, only two tablespoons of tomato paste is considered a serving of a vegetable which means schools can serve pizza to fulfill a vegetable requirement and receive Federal subsidies for doing so.

I was dismayed to learn that the conferees for the Fiscal Year 2012 Agriculture Appropriations legislation have decided to slow or even stop some of the new proposed nutrition standards for school meals. The USDA's proposal is science-based and informed by 2009 recommendations from the Institute of Medicine to reduce childhood obesity and future health care costs. Rather than uphold these sound recommendations to promote children's nutrition, the conferees report will roll back these standards and continue the status quo.

But maintaining the status quo comes at a heavy cost. Federal subsidies will support a school lunch menu that is heavy on french fries and pizza, ignoring nutrition science and common sense while contributing to our country's childhood obesity epidemic. These policy riders will maintain the current standards.

Across the country school districts are showing that with creativity and determination it is possible to improve school meals on a limited budget. Two years ago Chicago Public Schools made a commitment to try to wean kids off the junk food they have grown accustomed to and has moved to improve nutrition standards in school lunches and breakfasts. Flaming hot cheetos are still popular but no longer ubiquitous. The school district has exceeded the U.S. Department of Agriculture's Healthier U.S. School Challenge Gold Standards and is offering more fruits and vegetables, and serving more whole grains. CPS now has one of the healthiest nutrition standards in the Nation. There is certainly more work to be done, but the school district has shown how to implement healthier meals on a limited budget and should be hailed as a national leader for affordably delivering healthy food to children.

I am deeply disappointed that the conferees have decided to resist implementing better nutrition standards in our schools, rather than fighting to reduce childhood obesity among our children. I am disappointed that the voice of powerful interest groups drowned out basic nutritional science and collaborating on strategies to improve children's options at lunch time.

TRIBUTE TO MS. RUTH SMITH

Mr. MCCONNELL. Mr. President, I stand today to congratulate an extraordinary Kentucky woman and a dear friend of mine, Ms. Ruth Smith. Ruth was recently one of nine to receive this year's distinguished UK Sanders-Brown Center on Aging Foundation's Senior Star Award, an award given each year to those who exemplify graceful aging by remaining engaged in an active lifestyle. Ruth, now 86, was recognized for her great character and outstanding service to her community during this year's Senior Star Award luncheon, which took place on October 13, 2011, in Lexington, KY.

Ruth, a longtime resident of Wayne County, KY, is an active member of the Lake Cumberland Area Development District, a quasi-governmental agency comprised of local city and county governments, and special districts in south-central Kentucky to improve life for the region's citizens. Ruth has served as a member of the LCADD's board of directors since 1993 and has served as a member of the executive committee since 2003. In 2008, Ruth was named LCADD Citizen Board Member of the Year for her exceptional work.

Currently, the LCADD serves the counties of Adair, Casey, Clinton, Cumberland, Green, McCreary, Pulaski, Russell, Taylor and Wayne by providing a regional forum to local governments to help identify issues and opportunities and then provide leadership in planning and implementing programs that will help improve the quality of life of the region's citizens.

Over the years, Ruth's strength of character, adventurous spirit, and care for her fellow man have been a constant echo throughout the many successes she has enjoyed in her life. During World War II, Ruth traveled from her home in Pennsylvania to California to work in a factory—her personal contribution to the war effort. Some years

later, after marrying her husband Randolph and relocating to Kentucky, Ruth immediately immersed herself in the local community. She spent her time working side by side with her husband helping to run both a dry goods store and a small-town retail store to support their young family while simultaneously volunteering and supporting many community organizations. She has been chosen for many leadership roles, including president of the local chamber of commerce and delegate to the Republican National Convention.

About 15 years ago, Ruth was widowed when Randolph passed unexpectedly. Ruth was burdened with the task of liquidating the family business and finding a job. Not long after, Ruth began a new career which lasted for over 17 years when the Lake Cumberland District Health Department hired Ruth to work with teen mothers through the Clinton, McCreary and Cumberland County Health Departments in the HANDS Program. Ruth mentored countless young women into becoming responsible mothers, employees and citizens while loving and nurturing their children into feeling special at the same time.

Throughout this unintended second career, Ruth continuously found herself in situations where the needs were clear but the means to achieve them were not always so. Yet, with her determination as her guide, she always found a way to meet these daily demands, oftentimes reaching into her own pockets when resources were not available, and never complaining.

Last summer, Ruth took a road trip to Pennsylvania with her daughter-in-law to visit her family and friends. A day or so later, news spread back in Kentucky that she had fallen ill, and at her age some feared the worst. But it turned out it was not Ruth that had fallen ill but her daughter-in-law—and the ever-resourceful Ruth Smith quite possibly saved the younger woman's life by calling an ambulance and administering CPR until help arrived.

Ruth truly loves people, especially those of her community, and they respond in kind. For example, when she decided to retire in July of last year at the age of 85, people from all over came to her retirement celebration to honor her—the impact that she had on those who were fortunate enough to know and work with her over the years was evident and immeasurable.

My dear friend, Ms. Ruth Smith, is an honorable Kentuckian whose selflessness and service to her fellow citizens deserves the utmost respect. She dedicated her life to helping her community and improving the lives of her fellow Kentuckians. She leaves behind her a legacy of inspiration and hope to all those she touched, and her achievements will not soon be forgotten.

I would ask that my Senate colleagues join me in congratulating Ms. Ruth Smith in receiving the UK Sanders-Brown Center on Aging Foundation's Senior Star Award. She is most deserving of this honor, and I commend her for all that she has done for our great Commonwealth.

H.R. 2112 CONFERENCE REPORT

Mr. MCCAIN. Mr. President, yesterday, the Senate voted on the conference report to H.R. 2112. Unfortunately, I was not able to cast my vote in support of the conference report because it increased spending. By increasing spending, Congress is ignoring the fact that our country is facing a $15 trillion debt and $1.3 trillion budget deficit. By Congress refusing to cut Federal spending, we are telling the American public that we are not serious about restoring fiscal responsibility in government and will continue with business as usual.

In addition, the bill contains language that would increase the FHA loan limits from $625,500 to $729,750, further putting the American taxpayer at risk. Taxpayers are already on the hook for $170 billion in bailouts to mortgage giants Fannie Mae and Freddie Mac because of irresponsible lending practices. And just last week Fannie and Freddie asked for an additional $13.8 billion in Federal funding from the pockets of hardworking Americans, many of whom are underwater on their mortgages. With over 50 percent of homeowners in Arizona underwater on their mortgages, I cannot support this increase in loan limits that could potentially worsen the disastrous housing market our country is currently facing.

While I appreciate the fact that Congress is doing its job by moving appropriations bills, I could not in good conscience have voted in support of this conference report knowing we are bankrupting our country. We must make sacrifices now to ensure that our children and grandchildren have the same opportunities that all of us have had instead of handing them a future filled with unsustainable debt and lost opportunities.

TRIBUTE TO MICHELE WYMER

Mr. GRAHAM. Mr. President, I ask my colleagues to join me in recognizing Michele Wymer for her outstanding service to her country in her role on the Department of State, Foreign Operations, and Related Programs Subcommittee. Before Michele and her family leave for greener pastures, I wanted to express my appreciation and thanks for her service to the Senate.

For the past five years, Michele has diligently worked on issues important to America's national security, including those mitigating the devastating impact of HIV/AIDS globally, providing security and stability through development assistance, and addressing the needs of refugees. She performed her duties in a professional manner, including conducting oversight on the ground in conflict areas such as Chad, Iraq, Afghanistan, Pakistan, and the Democratic Republic of the Congo. I know I speak for the subcommittee staff in saying that Michele will be missed not only for her good work and professionalism, but also for her good humor and compassion.

I ask that the Senate join me in recognizing Michele's outstanding service and wishing her family a safe journey and an exciting new chapter in their lives.

50TH ANNIVERSARY OF CENTER OF LATIN AMERICAN STUDIES

Mr. MORAN. Mr. President, today I am proud to honor the 50th anniversary of the Center of Latin American Studies at the University of Kansas. The Center was founded in 1961 to equip KU students to face the political, economic, sociological and geographical realities of our world and, 50 years later, that vision continues. KU's strong ties to the University of Costa Rica have continued, and the Center's connections have expanded in Mexico, the Caribbean and South America. The Center provides students with advanced language and area studies training, including opportunities for study and research abroad. The Center provides the education and experience Kansans need in order to pursue successful, satisfying careers as teachers, scholars, and business and government professionals in the 21st century.

I want to congratulate the Center of Latin American Studies for its 50 years of commitment to building strong international relations with Latin America for the benefit of Kansas and the nation.

NATIONAL ADOPTION MONTH

Mr. JOHNSON of South Dakota. Mr. President, I rise today to acknowledge November as National Adoption Month and National Adoption Day on Nov. 19, 2011. With over 107,000 children waiting to be adopted from the U.S. foster care system, I think it is crucial to celebrate the parents, social workers, judges, lawyers, teachers, doctors, nurses, police officers, and other dedicated advocates who help children find safe, permanent and loving homes.

It seems quite appropriate that as we prepare to celebrate Thanksgiving, we also celebrate the ways in which families grow through adoption. My own family has been personally touched by adoption, and I can't express enough the positive impact that adoption can have on children and families.

Together, National Adoption Month and National Adoption Day aim to raise awareness of the 408,000 children living in the nation's foster care system and encourage individuals to consider opening their homes and hearts through adoption. Each year more than 20,000 children age out of the foster care system without finding a permanent family to call their own. The majority of these children struggle to

meet the demands of adult life on their own. Only 50 percent earn a high school diploma, barely 3 percent go on to obtain a college degree, and one out of four will experience homelessness at some point in their lives. While we generally recognize adult independence at age 18, children rarely stop needing the stability, support and guidance that families provide. The benefits of being adopted into a loving home extend well into adulthood.

Each year I recognize one South Dakota family as Angels in Adoption in order to highlight the many ways in which exemplary individuals and families across the State have made a positive impact in the lives of children through adoption. I recently had the opportunity to honor Nora and Randy Boesem of Newell, SD, as Angels in Adoption. Nora and Randy have adopted nine children, all of whom are affected by Fetal Alcohol Spectrum Disorders and face a range of physical and mental birth defects that occur as a result of alcohol use during pregnancy. In addition to their adopted children, the Boesems have opened their home to nearly 70 children in foster care over the last 10 years.

As a founding member of the bipartisan Congressional Coalition on Adoption, which sponsors Angels in Adoption, I am committed to assisting children in the United States to find stable, loving and permanent homes. Additionally, I support the goals of National Adoption Day, which encourage others to adopt children from foster care, build stronger ties between local adoption agencies, courts and adoption advocacy organizations, and learn more about children waiting to be adopted and the families looking to grow through adoption.

I was proud to support the Fostering Connections to Success and Increasing Adoptions Act of 2008 and the recent passage of the Child and Family Services Improvement and Innovation Act, which made some of the most important improvements to the foster care and adoption system we have seen in the last 10 years. I am also proud that Members of the Senate continue to support ways to make adoption easier and more affordable. Since the cost of adoption can be very high, we ought to do what we can to minimize this initial burden for the exceptional people who provide caring homes for children. Adoption proceedings and legal fees for some domestic adoptions can cost more than $40,000. If we ask individuals to care for and adopt children, we must provide some relief from the financial burdens associated with that care. The adoption tax credit is an effective way to help lessen the financial burden families face when adopting a child and I support making the adoption tax credit permanent.

The commitment of adoptive parents in South Dakota and throughout our country to provide children with safe, permanent, and loving homes will, of course, have a positive impact on their lives. As we celebrate National Adoption Month and National Adoption Day on November 19, 2011, I call on my colleagues to continue finding ways to support the children, parents, and other important players involved in the child welfare system and to work to ensure all children have stable, permanent and loving families.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the amendment numbered 1 of the Senate to the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, and that the House agreed to the amendment numbered 2 of the Senate, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, without amendment:

S. 1637. An act to clarify appeal time limits in civil actions to which United States officers or employees are parties.

ENROLLED BILL SIGNED

At 3:49 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1637. An act to clarify appeal time limits in civil actions to which United States officers or employees are parties.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

ENROLLED BILL PRESENTED

Tbe Secretary of the Senate reported that on today, November 18, she had presented to the President of the United States the following enrolled bill:

S. 1637. An act to clarify appeal time limits in civil actions to which United States officers employees are parties.

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–4016. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Position Limits for Futures and Swaps'' (RIN3038–AD17) received in the Office of the President of the Senate on November 16, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4017. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Management of Manufacturing Risk in Major Defense Acquisition Programs'' ((RIN0750–AH30)(DFARS Case 2011–AH30)) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Armed Services.

EC–4018. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Notification Requirements for Awards of Single-Source Task- or Delivery-Order Contracts'' ((RIN0750–AG66)(DFARS Case 2009–D036)) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Armed Services.

EC–4019. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Extension of Department of Defense Mentor-Protege Pilot Program'' ((RIN0750–AH44)(DFARS Case 2011–D050)) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Armed Services.

EC–4020. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Transition to the System for Award Management'' ((RIN0750—AH46)(DFARS Case 2011–D053)) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Armed Services.

EC–4021. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Loren M. Reno, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4022. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''HUD Debt Collection: Revisions and Update to the Procedures for the Collection of Claims'' (RIN2501–AD36) received in the Office of the President of the Senate on November 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4023. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket No.

FEMA—2011—0002)) received in the Office of the President of the Senate on November 16, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4024. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4025. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–4026. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants: Final Rulemaking To Designate Critical Habitat for Black Abalone'' (RIN0648–AY62) received in the Office of the President of the Senate on November 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4027. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 15 Regarding New Requirements and Measurement Guidelines for Access Broadband over Power Line Systems; Carrier Current Systems, Including Broadband over Power Line Systems, ET Docket Nos. 04–37 and 03–104'' (FCC 11–160) received in the Office of the President of the Senate on November 15, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4028. A communication from the Chief of the Broadband Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementing the Provisions of the Communications Act of 1934, as Enacted by the Twenty–First Century Communications and Video Accessibility Act of 2010; Amendment of the Commission's Rules to Implement the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996; Accessibility of Phone Options for People who are Blind, Deaf–Blind, or Have Low Vision'' ((CG Docket No. 10–213)(FCC 11–151)) received in the Office of the President of the Senate on November 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4029. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's fiscal year 2011 annual financial report; to the Committee on Commerce, Science, and Transportation.

EC–4030. A communication from the Secretary of Energy, transmitting, pursuant to law, the Nuclear Energy Advisory Committee's (NEAC) Next Generation Nuclear Plant (NGNP) Phase 2 Recommendation Report; to the Committee on Energy and Natural Resources.

EC–4031. A communication from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the 2009 Annual Report for the Department of the Interior's Office of Surface Mining Reclamation and Enforcement; to the Committee on Energy and Natural Resources.

EC–4032. 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 ''Update List of Areas Included in 'North American Area' Under IRC Section 274(h)'' (Rev. Rul. 2011–26) received in the Office of the President of the Senate on November 15, 2011; to the Committee on Finance.

EC–4033. 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 ''Accrual of Liability to Unknown Payees'' (Rev. Rul. 2011–29) received in the Office of the President of the Senate on November 15, 2011; to the Committee on Finance.

EC–4034. 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 ''Generation Skipping Transfers (GST) Section 6011 Regulations and Amendments to the Section 6112 Regulations'' ((RIN1545–BG89)(TD 9556)) received in the Office of the President of the Senate on November 15, 2011; to the Committee on Finance.

EC–4035. A communication from the Executive Secretary, U.S. Agency for International Development (USAID), (4) four reports relative to vacancies in the Agency for International Development (USAID), received in the Office of the President of the Senate on November 17, 2011; to the Committee on Foreign Relations.

EC–4036. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of June 21, 2011 through August 20, 2011; to the Committee on Foreign Relations.

EC–4037. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Vitro Manufacturing in Canonsburg, Pennsylvania, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–4038. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Y–12 facility in Oak Ridge, Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–4039. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Ames Laboratory at Iowa State University in Ames, Iowa, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–4040. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from W.R. Grace and Company in Curtis Bay, Maryland, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–4041. A communication from the Secretary of Labor, transmitting, pursuant to law, the fiscal year 2011 Agency Financial Report for the Department of Labor; to the Committee on Health, Education, Labor, and Pensions.

EC–4042. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for Fiscal Year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4043. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, a report entitled ''Federal Election Commission 2011 Performance and Accountability Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–4044. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a Statement of Actions with respect to the Government Accountability Office report entitled ''Personal ID Verification: Agencies Should Set a Higher Priority on Using the Capabilities of Standardized Identification Cards''; to the Committee on Homeland Security and Governmental Affairs.

EC–4045. A communication from the Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4046. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the fiscal year 2011 Agency Financial Report for the Department of the Treasury; to the Committee on Homeland Security and Governmental Affairs.

EC–4047. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled ''Prohibited Personnel Practices: Employee Perceptions''; to the Committee on Homeland Security and Governmental Affairs.

EC–4048. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General, the Chairman's Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4049. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, a report entitled ''Annual Management Report of the Overseas Private Investment Corporation for Fiscal Year 2011 Submitted Pursuant to the Chief Financial Officers Act of 1990''; to the Committee on Homeland Security and Governmental Affairs.

EC–4050. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to waiving or partially waiving Section 404(a) of the Child Soldiers Prevention Act of 2008 with respect to Yemen, the Democratic Republic of the Congo, and Chad; to the Committee on the Judiciary.

EC–4051. A communication from the Director of the Regulation Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Updating Fire Safety Standards'' (RIN2900—AN57) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Veterans' Affairs.

EC–4052. A communication from the Director of the Regulation Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Clothing Allowance'' (RIN2900—AN64) received in the Office of the President of the Senate on November 17, 2011; to the Committee on Veterans' Affairs.

EC–4053. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Alan S. Thompson, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–4054. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to internal procedures and processes for addressing ongoing postmarket safety issues identified by the Office of Surveillance and Epidemiology (OSE) and how recommendations of the OSE are handled within the Agency; to the Committee on Health, Education, Labor, and Pensions.

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. GILLIBRAND:

S. 1905. A bill to amend the Federal Crop Insurance Act to support crop insurance for specialty crops, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TESTER (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. ENZI, Mr. GRASSLEY, and Mr. RISCH):

S. 1906. A bill to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself and Mr. GRASSLEY):

S. 1907. A bill to promote transparency by permitting the Public Company Accounting Oversight Board to allow its disciplinary proceedings to be open to the public, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. NELSON of Florida):

S. 1908. A bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organization, and for other purposes; to the Committee on Finance.

By Mr. ENZI:

S. 1909. A bill to amend title 31, United States Code, to provide for the issuance of Buy Back America Bonds; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 1910. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS:

S. 1911. A bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. COBURN, and Mr. ISAKSON):

S. 1912. A bill to prohibit the Department of Energy from subordinating its position in energy loan guarantees to outside investors; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

S. 1913. A bill to require the Administrator of the Federal Aviation Administration to prescribe regulations requiring air carriers to provide passengers with certain amenities and facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. BINGAMAN, and Mrs. FEINSTEIN):

S. 1914. A bill to amend the Internal Revenue Code of 1986 to provide a credit for performance based home energy improvements, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ:

S. Res. 334. A resolution designating the week of November 6 through November 12, 2012, as ''Veterans' Education Awareness Week.''; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself, Ms. SNOWE, and Mrs. FEINSTEIN):

S. Res. 335. A resolution honoring the life and legacy of Evelyn H. Lauder; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 336. A resolution to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings; considered and agreed to.

ADDITIONAL COSPONSORS

S. 436

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 436, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

S. 626

At the request of Ms. CANTWELL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 626, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 810

At the request of Ms. CANTWELL, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 838

At the request of Mr. THUNE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 1277

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1277, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1727

At the request of Mr. HELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1727, a bill to direct the Secretary of the Army and the Secretary of the Navy to conduct a review of military service records of Jewish American veterans of World War I, including those previously awarded a military decoration, to determine whether any of the veterans should be posthumously awarded the Medal of Honor, and for other purposes.

S. 1776

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1776, a bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations.

S. 1817

At the request of Mr. HELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1817, a bill to amend the Communications Act of 1934 to provide for

greater transparency and efficiency in the procedures followed by the Federal Communications Commission.

S. 1822

At the request of Mr. HELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1822, a bill to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya.

S. 1868

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 1871

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1871, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1876

At the request of Mr. BROWN of Ohio, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1876, a bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act.

S. 1901

At the request of Mr. UDALL of Colorado, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Minnesota (Mr. FRANKEN), the Senator from Colorado (Mr. BENNET) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1901, a bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.

S. 1903

At the request of Mrs. GILLIBRAND, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1903, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1903, supra.

AMENDMENT NO. 1067

At the request of Ms. AYOTTE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 1067 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1068

At the request of Ms. AYOTTE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1068 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1071

At the request of Mr. CORNYN, his name was added as a cosponsor of amendment No. 1071 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1072

At the request of Mr. LEAHY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 1072 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1084

At the request of Mr. KIRK, the names of the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. KYL) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 1084 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1115

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of amendment No. 1115 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1116

At the request of Mr. WICKER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 1116 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1120

At the request of Mrs. SHAHEEN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 1120 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1121

At the request of Mrs. SHAHEEN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 1121 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1138

At the request of Mr. HELLER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 1138 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1158

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 1158 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1159

At the request of Mr. LEAHY, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 1159 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1165

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1165 intended to be proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1179

At the request of Mr. GRAHAM, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1179 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1180

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 1180 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1188

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 1188 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1197

At the request of Mr. FRANKEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1197 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1200

At the request of Mr. CORNYN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 1200 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1210

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 1210 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1211

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1211 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1219

At the request of Mr. GRAHAM, his name and the name of the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 1219 proposed to S. 1867, an original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. GRASSLEY):

S. 1907. A bill to promote transparency by permitting the Public Company Accounting Oversight Board to allow its disciplinary proceedings to be open to the public, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I am introducing the PCAOB Enforcement Transparency Act of 2011 along with Senator GRASSLEY.

One of the largest securities frauds in history began unraveling in August 2001 when an Enron vice president expressed her concern that the company might ''implode under a series of accounting scandals.'' Enron disclosed a few months later that its historical financial statements were not accurate. A subsequent restatement revealed over that $500 million in losses had gone unreported. Several other large corporate frauds followed shortly thereafter. For instance, in June 2002, WorldCom admitted that it had misrepresented its profitability to investors.

The Senate Committee on Banking, Housing, and Urban Affairs conducted a series of hearings on the issues that were raised by the revelations of Enron and other public companies. The hearings produced a remarkable consensus on a number of underlying causes, including weak corporate governance, a lack of accountability, and inadequate oversight of accountants charged with auditing a public company's financial statements.

In order to address the gaps and structural weaknesses revealed by the investigation and hearings, Congress passed the Sarbanes-Oxley Act of 2002. The Senate passed this legislation on a 99 to 0 vote.

The Sarbanes-Oxley Act ensured that corporate officers were directly accountable for their financial reporting and for the quality of their financial statements. The new law also created a strong, independent board to oversee the conduct of the auditors of public companies, the Public Company Accounting Oversight Board, PCAOB or Board.

The board is responsible for overseeing auditors of public companies in order to protect investors and further the preparation of informative, accurate, and independent audit reports on the financial statements of public companies. The board operates under the oversight of the U.S. Securities and Exchange Commission, SEC.

The PCAOB is responsible for setting auditing standards for auditors of public companies, for examining the quality of audits performed by public company auditors, and where necessary, for imposing disciplinary sanctions on registered auditors and auditing firms. The PCAOB oversees more than 2,400 registered auditing firms, as well as the thousands of audit partners and staff who contribute to a firm's work on each audit.

The board's ability to commence proceedings to determine whether there have been violations of its auditing standards or rules of professional practice is an important component of its oversight. In order to determine whether to institute a proceeding, the board's enforcement staff conducts a nonpublic investigation and makes a recommendation to the five-member board.

However, unlike other oversight bodies, such as the SEC, the U.S. Department of Labor, the Federal Deposit Insurance Corporation, FDIC, the U.S. Commodity Futures Trading Commission, CFTC, the Financial Industry Regulatory Authority, FINRA, and others, the Board's disciplinary proceedings are not allowed to be public.

Unfortunately, over the last several years, bad actors have been taking advantage of this lack of transparency. In April 2011, the Subcommittee on Securities, Insurance, and Investment, which I chair, considered the issue of enhancing the PCAOB's effectiveness by permitting the Board to disclose information about its enforcement proceedings. PCAOB Chairman James Doty noted that the ''secrecy has a variety of unfortunate consequences'' and

this ''state of affairs is not good for investors, for the auditing profession, or for the public at large.''

In one example, an accounting firm that was subject to a disciplinary proceeding continued to issue no fewer than 29 additional audit reports on public companies without any of those companies knowing about the PCAOB proceedings. Those public companies and their investors were completely in the dark about the board's decision to both institute disciplinary proceedings and about the progress of those proceedings. The auditor knew about the proceedings, but the investors and public companies were denied information that was arguably very relevant to the audit relationship.

There are additional reasons that the proceedings should be open and transparent. First, the closed proceedings run counter to the public proceedings of other oversight bodies, as I have already noted. Indeed, nearly all administrative proceedings brought by the SEC against public companies, brokers, dealers, investment advisers, and others are open, public proceedings.

The PCAOB's secret proceedings are not only shielded from the public, but from Congress as well. The public and Congress have a role in ensuring that not just auditors are held to account, but also that the PCAOB is held to account as well for its oversight of the auditors and audit firms.

Second, the incentive to litigate cases in order to continue to shield conduct from the public as long as possible frustrates the process and requires the expenditure of needless resources by both litigants and the PCAOB. In April, Chairman Doty, who testified before the Subcommittee on Securities, Insurance, and Investment, noted that ''the fact that PCAOB disciplinary proceedings are required to be secret creates a considerable incentive to litigate.''

Third, a recent academic study noted that the public nature of SEC's proceedings against companies result in good results. ''Observing a public SEC enforcement action in its industry against a target firm is likely to increase a peer firm's knowledge about SEC activity and cause it to revise upward its subjective probability of attracting such an action against itself.'' In effect, the study noted that this may serve as a deterrent to misconduct because of a perceived increase in ''getting caught.'' Accordingly, the audit industry would also benefit from timely, public, and non-secret enforcement proceedings.

Our bill will make hearings by the PCAOB, and all related notices, orders, and motions, open and available to the public unless otherwise ordered by the board. The board procedure would then be similar to the SEC's Rules of Practice for similar matters, where hearings and related notices, orders, and motions are open and available to the public.

We need to ensure public proceedings to better protect and serve companies and investors. I hope our colleagues will join Senator GRASSLEY and me in taking the legislative steps necessary to enhance transparency in the PCAOB's enforcement process.

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. 1907

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 ''PCAOB Enforcement Transparency Act of 2011''.

SEC. 2. OPEN MEETINGS AUTHORIZED.

Section 105(c)(2) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(c)(2)) is amended to read as follows:

''(2) PUBLIC HEARINGS.—Hearings under this section shall be open to the public, unless the Board, on its own motion or after considering the motion of a party, orders otherwise.''.

SEC. 3. PUBLICATION OF DETERMINATIONS.

Section 105(d)(1)(C) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(d)(1)(C)) is amended by striking ''(once any stay on the imposition of such sanction has been lifted)''.

By Mr. ENZI:

S. 1909. A bill to amend title 31, United States Code, to provide for the issuance of Buy Back America Bonds; to the Committee on Finance.

Mr. ENZI. I rise today to introduce my Buy Back America Bonds bill, S. 1909. This bill will not only help raise awareness of our Nation's debt crisis, but it will also give every American the chance to be a part of the solution to fix our country's fiscal dilemma. My bill will allow Americans to invest in this incredible country and bring foreign-held U.S. debt back to American hands while at the same time reducing Federal Government spending. But before I talk about where my bill is going, I want to explain where I am coming from.

In World War II, war bonds were sold to help pay for our Nation's national defense and reduce the amount of debt incurred. People from all kinds of backgrounds saved toward purchasing war bonds, often with nickels, dimes, and quarters. On the job, people deducted the cost of war bonds from their meager paychecks. Families invested in war bonds and saved for the future. During World War II, President Roosevelt even asked the Boy Scouts of America to sell war bonds, and they did. Boy Scouts and Girl Scouts worked with their packs and troops to sell bonds to their neighbors and communities. In other words, all across the country, folks of all walks and types were working together for one collective goal—to do their part for the country's war effort. Men, women, and children were selling and purchasing these war bonds, all in the name of lending a hand to our fellow countrymen and to pay for the costs of war.

I was born during World War II. When I was born, my parents bought me a war bond. I still have that $20 bond today. Not cashing it was my first gift to my country, and it is also a keepsake to me.

In 1941, when savings bonds were retitled as ''war bonds'' in the terrible and devastating aftermath of Pearl Harbor, the United States rallied as a collective nation in support of the war and war bond effort. At the time, though, the average American only earned about $2,000 a year. Despite these hardships and tough times, 134 million Americans were called on to be part of the war bond effort, and more than half of the U.S. population—85 million people—responded to the patriotic call to participate.

The Scouts raised money and personally donated their own funds 10 cents at a time in the form of stamps that could be pasted into a war bond booklet. When war bond books were complete, they could be taken to the local bank, and sometimes even the local post office, to purchase bonds. One innovative group even created a promotional cardboard with slots for 75 quarters that had to be filled before it could be redeemed for a bond.

Showing his leadership and dedication to the effort, President Franklin Delano Roosevelt purchased the very first war bond issued. In part of President Roosevelt's April 30, 1941, radio address to the American people, he said:

> One thought is uppermost in my mind as I make grateful acknowledgment of this dual honor. It is that in reserving the first Defense Savings Bond and the first Defense Postal Savings Stamps in the name of the President, the Secretary of the Treasury and the Postmaster General have given emphasis to the national character of this defense savings campaign. This character of the campaign is national in the best sense of the word, for it is going to reach down, we hope, to the individual and the family in every community and on every farm, in every State and every possession of the United States.

The President goes on to say:

> It is national and it is homey at the same time. For example, I am buying not one stamp but ten stamps each to go into a little book for each of my ten grandchildren. And the first savings bond is being made out in the name of Mrs. Roosevelt as beneficiary.
>
> It is fitting that the President in his purchases should be a sort of a symbol of the determination of all the people to save and sacrifice in defense of democracy. In a larger sense, this first defense bond and these first defense stamps sold to the President constitute tangible evidence of a partnership—a partnership between all of the people and their Government—entered into to safeguard and perpetuate all of those precious freedoms which Government guarantees. In this time of national peril, what we all must realize is that the United States Government is you and I and all other families next door all the way across the country and back again. It is one great partnership.

That ends the quote from President Roosevelt.

The President concluded his address by asking his fellow Americans to demonstrate their faith in America by investing in the new defense bonds and stamps.

I remember as a child bringing dimes to school so that I could purchase a stamp for my savings bond book—one stamp at a time, saving toward the price of a full savings bond. I remember vividly that the bond was a lofty $18.75. When I got my book filled, we could go down to the bank so that I could finally trade for my bond—that piece of paper showing that I had done my small part to help in the effort and make this country better. Kids of my generation learned the value of saving and helping their country through the savings bond program.

Today, I rise to speak about a different sort of fight, and yet, at the same time, this fight is one that is no less serious than the one I remember as a child. Today, our Nation is struggling to fight a growing spending problem and a debt crisis. Debt is our problem now.

It is time to get all of America involved, not with a promise of wealth but with a sense of investing in our country, of buying America back, pulling us back from the brink of bankruptcy to other countries. The national debt stands at $15 trillion, which breaks down to nearly $48,000 for every person in our entire country. These figures are a frightening reminder that we cannot continue to put off the tough choices and that we must restore the fiscal discipline to the Federal Government.

This is a tough fight that has to be tackled on all fronts. Today I am proposing a step in the right direction and calling upon Americans for support of this effort. I am proposing that we bring American debt back to American hands. I am introducing the Buy Back America Bonds, S. 1909. My bill would buy back American bonds to American citizens in affordable $25 increments so every American can afford to invest and do their part. The Treasury would then use the funds from these bonds to begin paying down the $4.4 trillion in foreign-held U.S. debt. Investing in Buy Back America Bonds would allow Americans to show their patriotism and faith in this great Nation.

Unlike the war bonds of my childhood, Buy Back America Bonds would create a new series of savings bonds which are indexed for inflation as well as earning a fixed interest rate. By tying Buy Back America Bonds to inflation, we ensure the buying power of consumers' investments remains the same while also earning them additional interest. These could be called Gold Standard Bonds.

Those are two ways the Buy Back America Bonds would earn and keep their value for investors in addition to their patriotic and symbolic investment. These are not going to be barnburner investments, but they will help our Nation not only pay down our debt but pay down the amount of debt owed to foreign nations.

What makes this bill particularly special is that for every bond purchased, citizens are also helping the Federal Government to reduce spending. Every year after the first year the amount of Buy Back America Bonds sold would be tallied and that exact amount would then be cut from Federal spending the following year.

I stand before you to explain not only where I am coming from with my Buy Back America Bonds but also why our Nation needs a collective effort to rally around to make steps toward a more responsible Federal budget and getting our national debt under control. Investing in America and bringing foreign-held debt back to American hands is where I propose to start. I ask my colleagues and the American people to help me be an integral part of the debt crisis solution.

Not only am I a father, I am a grandfather, and I want to be the first to purchase Buy Back America Bonds for my four grandchildren. I want my grandchildren and yours to have every opportunity for a great quality of life, to know the meaning of faith and investment in a prosperous United States. I am doing everything I can to ensure that happens. That means proposing solutions to problems and working to get my colleagues on board.

So I rise and ask for the support of my colleagues for this great effort and support for S. 1909, my Buy Back America Bonds bill. What President Roosevelt said then is equally true now:

> In this time of national peril we must realize the U.S. Government is you and I, and all other families next door all the way across the country and back again. It is one great partnership.

Working together we can solve all of this. We need to solve all of this. We need to start solving it right now and this is one way to do it.

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. 1909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BUY BACK AMERICA BONDS.

(a) IN GENERAL.—Subchapter I of chapter 31 of subtitle III of title 31, United States Code, is amended by inserting after section 3105 the following new section:

"§ 3105a. Buy Back America Bonds

''(a) The Secretary shall establish and administer a new series of United States savings bonds, to be known as'Buy Back America Bonds'. Proceeds from the bonds shall be used first solely to reduce the amount of foreign-held public debt, and then to reduce other public debt.

''(b) A Buy Back America Bond shall be subject to such terms and conditions of issue, conversion, redemption, and maturation as the Secretary may prescribe, except that a Buy Back America Bond shall not mature, and may not be redeemed by the holder, earlier than 10 years from the date of issue and shall mature not more than 20 years from the date of issue. Interest on a Buy Back America Bond whenever paid shall not be includible in gross income under the Internal Revenue Code of 1986.

''(c) Buy Back America Bonds shall be issued at face value and in denominations of not less than $25.

''(d) The redemption value of a Buy Back America Bond shall be determined as the Secretary shall provide—

''(1) at a fixed interest rate equal to the rate applicable to a Series I savings bond for the rate period during which the Buy Back America Bond is purchased, and

''(2) for purposes of calculating yearly interest, by increasing the purchase price of such Buy Back America Bond in each calendar year after the year of purchase by an amount equal to—

''(A) such purchase price, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for such calendar year, determined by substituting the calendar year in which such bond was purchased for '1992' in subparagraph (B) thereof.

''(e) If during any fiscal year during which any Buy Back America Bond is outstanding—

''(1) the Federal budget deficit for such fiscal year is less than the amount equal to 3 percent of gross domestic product (as most recently computed and published by the Department of Commerce); and

''(2) the public debt is less than the amount equal to 10 percent of gross domestic product (as so computed and published);

then any such bond may be redeemed without regard to subsection (b).

''(f) A Buy Back America Bond may only be held by—

''(1) a citizen or resident of the United States;

''(2) a domestic partnership, or domestic corporation, not more than 1 percent of the ownership interest of which is held (directly or indirectly) by a person who is not a United State person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1986); or

''(3) an estate or trust which is a United States person (as so defined), unless there is a beneficiary of the trust who is not a United States person (as so defined),

and may be purchased only by an individual who provides a valid social security account number (not including a taxpayer identification number provided by the Internal Revenue Service).

''(g) A Buy Back America Bond may be transferred as provided by the Secretary, but only to an individual who has a valid social security account number (not including a taxpayer identification number provided by the Internal Revenue Service).''.

(b) CLERICAL AMENDMENT.—The table of sections subchapter I of chapter 31 of subtitle III of title 31, United States Code, is amended by inserting after section 3105 the following new item:

''3105. Buy Back America Bonds.''.

SEC. 2. DEFICIT REDUCTION.

(a) CALCULATION.—The Office of Management and Budget shall calculate the net deficit reduction resulting from the implementation of this Act and the sale of Buy Back America Bonds for the period beginning on the date of the sale of the first such Buy Back America Bond and ending on the date that is 1 year after such date.

(b) ADJUSTMENT OF THE DISCRETIONARY CAPS.—Effective on the effective date of this Act, the limit for the appropriate discretionary budget category set forth in section 251(c) and 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 for the first fiscal year beginning after the date that is 1 year after the date of the sale of the first Buy Back America Bond shall be reduced by the amount of the net deficit reduction calculated pursuant to subsection (a).

By Ms. COLLINS:

S. 1911. A bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Volunteer Emergency Services Recruitment and Retention Act of 2011. This bill fixes a long-standing problem with the tax code that harms the ability of volunteer fire departments to recruit and retain both firefighter and emergency service personnel.

For years, local and state governments have provided their volunteer firefighters and EMS personnel with different forms of benefits including Length of Service Award Plans, commonly known as LOSAPs. These are pension-like benefits for volunteer emergency responders.

Unfortunately, the way the tax code handles LOSAPs hinders departments' abilities to administer the plans and makes it more difficult for volunteer emergency personnel to receive the benefits.

My bill would simplify the taxation of LOSAPs in two steps. First, it would allow LOSAPs to be elected as deferred compensation plans, and second, it would exempt them from the Employee Retirement Income Security Act of 1974. This bill makes these necessary changes, which will improve access to LOSAP benefits for volunteer emergency responders, without increasing federal spending.

Today, an estimated 180,000 volunteer firefighters across 27 states participate in some form of LOSAP. Many states that do not offer these benefits would be more likely to do so if the federal tax code were simplified. This, in turn, would help volunteer fire departments to more easily recruit and retain personnel. These men and women our local first responders—are the foundation of our emergency response capabilities.

These volunteers put their lives on the line to help protect our communities, and their spirit of selflessness and service should be rewarded. I am proud to introduce this legislation with Senators SCHUMER and BLUMENTHAL, and I look forward to working with my colleagues to pass this bill through the Senate and into law.

Mr. President, I would ask for unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAINE FIRE CHIEFS' ASSOCIATION,
Augusta Maine, November 8, 2011.

Re ''Volunteer Emergency Services Recruitment and Retention Act of 2011.''

Hon. SUSAN M. COLLINS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS The Maine Fire Chiefs' Association is a 425 member organization that represents fire and EMS services in every county in the State of Maine. The Maine Fire Chiefs' Association is charged with regularly advising the Legislature and the Governor and providing recommendations regarding necessary changes to Maine's fire service system. The Maine Fire Chiefs' Association represents numerous fire and emergency service interests in Maine. Members of the Maine Fire Chiefs' Association represent fulltime, call and volunteer firefighters.

The recruitment and retention of experienced emergency responders is a priority of the Maine Fire Chiefs' Association and Maine's fire service. The majority of Maine's fire departments rely on call and/or volunteer firefighters and the recruitment and retention of these crucial volunteers is the number one issue facing the volunteer fire service today. Length of Service Award Programs (LOSAPs)—pension-like programs for volunteer emergency responders—are effective recruitment and retention tools and are quite popular among the volunteer fire service.

In 2009, the Maine Fire Chiefs' Association proposed the following legislation—L.D. 1499 ''An Act To Establish the Maine Fire Protection Services Commission Length of Service Award Program''—offering a LOSAP to emergency responders in Maine. Although there was support for the bill's concept during the public hearing process, members of the Criminal Justice and Public Safety Committee cited the potential problems associated with the present federal tax laws—specifically that the Internal Revenue Code, Section 457, does not include LOSAPs—and L.D. 1499 ultimately was not passed. Federal legislation—H.R. 1792—was proposed in the 111th Congress but was not passed before adjournment. H.R. 376 ''Volunteer Emergency Services Recruitment and Retention Act of 2011'' was submitted earlier this year in the House of Representatives and sponsorship of similar legislation in the Senate is anticipated.

The Maine Fire Chiefs' Association respectfully requests your sponsorship of this important legislation for emergency responders. Length of service award programs are important recruitment and retention tools for communities who primarily rely on volunteers. By clarifying the tax treatment of LOSAPs, local communities will find it easier to establish and administer these programs. H.R. 376 would not create new LOSAPS, place additional requirements on existing LOSAPs or require communities to provide LOSAPs to their volunteer emergency responders. LOSAPs would create incentives for firefighters to remain in the fire service and encourage new members to join the fire service. The Maine Fire Chiefs' Association joins the Fire Commission, the Maine State Federation of Firefighters, and many Maine fire departments in thanking you for similar senate sponsorship.

The Maine Fire Chiefs' Association thanks you for your strong support of the fire service and consideration of this important issue. We welcome the opportunity to discuss this proposal and other fire service issues at your convenience,

Respectfully,

CHIEF STEPHEN NICHOLS,
President,
Maine Fire Chiefs' Association.

By Ms. SNOWE (for herself, Mr. BINGAMAN, and Mrs. FEINSTEIN):

S. 1914. A bill to amend the Internal ''Revenue Code of 1986 to provide a credit for performance based home energy improvements, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to speak about bipartisan legislation I am introducing today, the Cut Energy Bills at Home Act, which would provide a 30 percent tax credit for Americans to cut their energy bills, and catalyze our construction industry, reduce pollution, and seize the opportunity in residential energy efficiency to secure America's energy future. With heating oil prices at $3.94 nationally for home heating oil, a record for this time of year, this legislation is a timely method to address what may be the most expensive heating season in history.

I am pleased to have developed this bill with Senators BINGAMAN and FEINSTEIN, two longtime leaders on energy efficiency, and look forward to discussing this bill with my colleagues on the Senate Finance Committee. The Cut Energy Bills at Home Act recognizes the sea-change that has occurred in the energy efficiency industry and tries to ensure that middle-class Americans can harness these technological strides in their own lives.

Specifically, not only have windows, insulation, and boilers become more advanced to reduce energy consumption, but our contractors who perform this work have developed sophisticated practices to holistically improve a home's energy consumption.

In the past, homeowners would simply place insulation in the attic to contain heat, now companies are using infared thermography to identify temperature differences in a house, a blower door test to measure airflow leaks, to replace windows, doors, and insulation that will maximize the cost-effectiveness of home energy efficiency improvements.

Today, we are on the cusp of a milestone turn in the energy efficiency industry—one with benefits for homeowners unimaginable even just five years ago. To spur early adoption of these advances and to ensure that cost is not prohibitive, our bill provides a 30 percent tax credit up to $5,000 to assist homeowners who make an investment that will reduce energy costs for not only this winter, but for future years to come.

For example, under this bill if a homeowner invests in energy efficiency that will reduce heating oil consumption from 1,000 gallons of home heating oil to 800 gallons, a 20 percent improvement, the individual may claim 30 percent of the cost of the improvements as a tax credit up to $2,000.

In 2009, New England consumed 3.4 billion gallons of home heating oil, which is approximately $13 billion that households spent simply to keep warm. A 20 percent reduction in this figure would yield a savings of $2.6 billion for households in New England. Energy efficiency can provide a critical tool to reduce this amount and allow households to invest in food, medicine, and the American economy. I urge my colleagues to support me in passing this legislation into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 334—DESIGNATING THE WEEK OF NOVEMBER 6 THROUGH NOVEMBER 12, 2012, AS ''VETERANS EDUCATION AWARENESS WEEK.''

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 334

Whereas brave men and women throughout the history of the United States have served with honor in the United States Armed Forces;

Whereas since President Franklin Roosevelt signed the first GI Bill, the Servicemen's Readjustment Act of 1944 (58 Stat. 284, chapter 268), the Federal Government has provided Federal aid to help veterans readjust to civilian life, including financial assistance for tuition, books, and supplies, and other fees for education;

Whereas by the time the first GI Bill expired on July 25, 1956, approximately 7,800,000 of the 16,000,000 World War II veterans had participated in an education or training program by using benefits provided through the GI Bill;

Whereas recognizing the educational needs for a new generation of veterans, Congress passed and President Bush signed the Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. 3301 et seq.) to provide educational benefits for veterans who have served in the United States Armed Forces since September 11, 2001;

Whereas the Post-9/11 Veterans Educational Assistance Act of 2008 provides educational benefits for veterans, including active duty Army National Guard and Army Reserve members that significantly reduce the cost of attending college;

Whereas according the Census Bureau, employees with an associate degree earn 26.3 percent more than employees with only a high school diploma and employees with a bachelor degree earn 87.4 percent more than employees with only a high school diploma;

Whereas making postsecondary education and job training available is critical to creating access to opportunity in the economy of the 21st century;

Whereas the lack of awareness of available educational benefits, or how to attain them, can deter veterans from seeking postsecondary education;

Whereas according to a survey conducted by the American Council on Education during the first year after the date of enactment of the Post-9/11 Veterans Educational Assistance Act of 2008, 38 percent of survey respondents reported having difficulty understanding and choosing the best education benefits for their needs; and

Whereas Veterans' Education Awareness Week is an appropriate time to make veterans across the United States aware of the valuable information that they can access through organizations such as Operation College Promise, which provides ongoing updates on transitional assistance for military-affiliated students: Now, therefore, be it

Resolved, That the Senate designates the week of November 6 through November 12, 2012, as ''Veterans' Education Awareness Week'' to raise public awareness about—

(1) the Post-9/11 Veterans Educational Assistance Act of 2008;

(2) the educational benefits to which veterans are entitled; and

(3) the resources available to help veterans maximize educational benefits under the Post-9/11 Veterans Educational Assistance Act of 2008.

SENATE RESOLUTION 335—HONORING THE LIFE AND LEGACY OF EVELYN H. LAUDER

Mrs. GILLIBRAND (for herself, Ms. SNOWE, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 335

Whereas with the passing of Evelyn H. Lauder, the world has lost an energetic and dedicated friend and ally who catapulted to the world stage the quest to prevent and cure breast cancer in this lifetime;

Whereas Evelyn was born Evelyn Hausner on August 12, 1936, in Vienna, Austria;

Whereas in 1940, the Hausner family fled Nazi-occupied Austria, eventually settling in the State of New York, where Eveyln was a proud product of the New York City public school system and met her future husband of more than half a century, Leonard Lauder;

Whereas Evelyn and Leonard wed in July 1959;

Whereas, Evelyn joined the family cosmetic company, Estée Lauder, handling many roles in the early years and later becoming Senior Corporate Vice President and Head of Fragrance Development Worldwide;

Whereas Evelyn helped bring global awareness to breast cancer after being diagnosed with early stages of the disease in 1987;

Whereas in 1989, Evelyn initiated the fundraising drive to establish the Evelyn H. Lauder Breast Cancer Center at Memorial Sloan-Kettering Cancer Center in New York City, which opened in 1992 and quickly became the model for similar breast cancer diagnostic centers around the world;

Whereas the expanded Evelyn H. Lauder Breast Cancer Center opened in 2009 and provides the most up-to-date breast cancer prevention, diagnosis, and outpatient treatment services under 1 roof;

Whereas in 1992, Evelyn worked with longtime friend Alexandra Penney, former editor-in-chief of SELF magazine, to create the Pink Ribbon Campaign for breast cancer;

Whereas Evelyn launched the Estée Lauder Companies' Breast Cancer Awareness Campaign, which has distributed more than 115,000,000 pink ribbons worldwide;

Whereas in 1993, Evelyn founded The Breast Cancer Research Foundation, thereby affirming her commitment to preventing breast cancer and finding a cure in this lifetime through funding some of the most innovative clinical and translation research at leading medical centers worldwide;

Whereas The Breast Center Research Foundation, which to date funds 186 researchers around the world and has raised $350,000,000, has grown to become the largest national organization dedicated exclusively to funding research relating to the causes, treatment and prevention of breast cancer;

Whereas during Breast Cancer Awareness Month in October 2010, Evelyn and the Estée Lauder Companies' Breast Cancer Awareness Campaign achieved a first-ever Guinness World Record, ''Most Landmarks Illuminated for a Cause in 24 Hours'', by illuminating 38 iconic landmarks, including the Taj Mahal, the Tokyo Tower, the Hotel Majestic, the Empire State Building, and Niagara Falls;

Whereas in October 2011, the Lauder family was honored with the prestigious Carnegie Medal of Philanthropy for commitment to philanthropic endeavors and public service;

Whereas Evelyn will be remembered for her vision and leadership in achieving funding for promising scientific research that lead to breakthrough drugs, including Herceptin and Avastin, a better understanding of how tumors develop and risk factors for recurrence, and an improved quality of life for breast cancer survivors;

Whereas her work continues to help promising scientists who have equally promising, imaginative, and innovative proposals get research off the ground;

Whereas there is no doubt that we must find a cure, and research is instrumental to achieving this goal;

Whereas this year, nearly 40,000 women of the United States are expected to die of breast cancer; and

Whereas we must keep up the battle and recruit more heroes like Evelyn if we are to achieve ''prevention and a cure in our lifetime'': Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Evelyn H. Lauder;

(2) honors the life and accomplishments of Evelyn H. Lauder, a world renowned advocate for breast cancer awareness and health of women; and

(3) offers the deepest condolences to the beloved husband, Leonard, sons, William and Gary, and 5 grandchildren of Evelyn H. Lauder.

SENATE RESOLUTION 336—TO PERMIT THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 336

Resolved,

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may collect from another Senator, officer of the Senate, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving persons in need or members of the Armed Services and the families of those members during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described under paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the first session of the 112th Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1227. Mr. MCCAIN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1228. Mr. MCCAIN (for himself and Mr. PORTMAN) submitted an amendment intended

to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1229. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1230. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1231. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1232. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1233. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1234. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1235. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1236. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1237. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1238. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1239. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1240. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1241. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1242. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1243. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1244. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1245. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1246. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1247. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1248. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1249. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1250. Mr. MCCAIN (for himself, Mr. BROWN of Massachusetts, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1251. Mr. WEBB (for himself, Mr. GRAHAM, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1252. Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1253. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1254. Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1255. Mr. NELSON, of Florida (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1256. Mr. MERKLEY (for himself, Mr. LEE, and Mr. PAUL) proposed an amendment to the bill S. 1867, supra.

SA 1257. Mr. MERKLEY (for himself, Mr. LEE, and Mr. PAUL) proposed an amendment to the bill S. 1867, supra.

SA 1258. Mr. MERKLEY proposed an amendment to the bill S. 1867, supra.

SA 1259. Mr. BROWN, of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1260. Mr. BROWN, of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1261. Mr. BROWN, of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1262. Mr. BROWN, of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1263. Mr. BROWN, of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1264. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1265. Mr. COONS (for himself, Mrs. SHAHEEN, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1266. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1267. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1268. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1269. Mr. BOOZMAN (for himself, Mr. CORNYN, Mr. PRYOR, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1270. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1271. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1272. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1273. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1274. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1275. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1276. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1277. Mrs. MURRAY (for herself, Mr. AKAKA, and Mr. BOOZMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1278. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1279. Mr. HOEVEN (for himself, Mr. TESTER, Mr. BLUNT, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1280. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1281. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1282. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1283. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1284. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1285. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1286. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1287. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1288. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1289. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1290. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1291. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1292. Mr. LEVIN (for Mr. MENENDEZ (for himself, Mr. REID, Mr. SCHUMER, Mr. CASEY, Mr. BROWN of Ohio , Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. CARDIN, and Mrs. GILLIBRAND)) proposed an amendment to the bill S. 1867, supra.

SA 1293. Mr. LEVIN proposed an amendment to the bill S. 1867, supra.

SA 1294. Mr. LEVIN (for Mr. REED) proposed an amendment to the bill S. 1867, supra.

SA 1295. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1296. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1297. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1298. Mr. WEBB (for himself and Mr. GRAHAM) submitted an amendment intended

to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1299. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1300. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1301. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1302. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1303. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1304. Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. INHOFE, Mr. HATCH, Mr. LEE, and Mr. COBURN) proposed an amendment to the bill S. 1867, supra.

SA 1305. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1306. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1307. Mr. BARRASSO (for himself, Mr. ENZI, Mr. CONRAD, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1308. Mr. BARRASSO (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1309. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1310. Mr. KIRK (for himself, Mr. KYL, Mr. DEMINT, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1311. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1312. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1313. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1314. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1315. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1316. Mr. HATCH (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1317. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1318. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1319. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1320. Mr. LIEBERMAN (for himself, Mr. INHOFE, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1321. Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUYE, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1322. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1323. Mr. BENNET (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1324. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1325. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1326. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1327. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1328. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1329. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1330. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1331. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1332. Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1333. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUYE, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1334. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1335. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1336. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1337. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1338. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1339. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1340. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1341. Mr. NELSON of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 1243 submitted by Mr. WARNER (for himself and Mr. WEBB) and intended to be proposed to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1342. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1343. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1227. Mr. MCCAIN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on unnecessary redundancies, inefficiencies, and gaps in Department of Defense 6.1–6.3 Science and Technology (S&T) programs. The study shall—

(1) focus on S&T programs within the Army, Navy, and Air Force, as well as programs run by the Office of the Secretary of Defense;

(2) describe options for consolidation and cost-savings, if any;

(3) assess how the military departments and the Office of the Secretary of Defense are aligning their programs with the seven S&T strategic investment priorities identified by the Assistant Secretary of Defense for Research and Engineering: Data to Decisions, Engineered Resilient Systems, Cyber Science and Technology, Electronic Warfare/Electronic Protection, Counter Weapons of Mass Destruction, Autonomy, and Human Systems; and

(4) assess how the military departments and the Office of the Secretary of Defense are coordinating efforts with respect to duplicative programs, if any.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

SA 1228. Mr. MCCAIN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL REPORT ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) INITIATIVES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study assessing Science, Technology, Engineering, and Math (STEM) initiatives of the Department of Defense. The study shall—

(1) determine which programs are ineffective, and which are unnecessarily redundant within the Department of Defense;

(2) describe options for consolidation and elimination of programs identified under paragraph (1); and

(3) describe options for how the Department and other Federal departments and agencies can work together on similar initiatives without unnecessary duplication of funding.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the findings of the study conducted under subsection (a).

SA 1229. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. CYBERSECURITY COLLABORATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF HOMELAND SECURITY.

(a) INTERDEPARTMENTAL COLLABORATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Homeland Security shall provide personnel, equipment, and facilities in order to increase interdepartmental collaboration with respect to—

(A) strategic planning for the cybersecurity of the United States;

(B) mutual support for cybersecurity capabilities development; and

(C) synchronization of current operational cybersecurity mission activities.

(2) EFFICIENCIES.—The collaboration provided for under paragraph (1) shall be designed—

(A) to improve the efficiency and effectiveness of requirements formulation and requests for products, services, and technical assistance for, and coordination and performance assessment of, cybersecurity missions executed across a variety of Department of Defense and Department of Homeland Security elements; and

(B) to leverage the expertise of each individual Department and to avoid duplicating, replicating, or aggregating unnecessarily the diverse line organizations across technology developments, operations, and customer support that collectively execute the cybersecurity mission of each Department.

(b) RESPONSIBILITIES.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall identify and assign, in coordination with the Department of Defense, a Director of Cybersecurity Coordination within the Department of Homeland Security to undertake collaborative activities with the Department of Defense.

(2) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall identify and assign, in coordination with the Department of Homeland Security, one or more officials within the Department of Defense to coordinate, oversee, and execute collaborative activities and the provision of cybersecurity support to the Department of Homeland Security.

SA 1230. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 220, strike line 13 and all that follows through page 221, line 6, and insert the following:

''(c) COST-OF-LIVING ADJUSTMENT IN ENROLLMENT FEE.—(1)(A) Whenever after September 30, 2012, and before October 1, 2013, the Secretary of Defense increases the retired pay of members and former members of the armed forces pursuant to section 1401a of this title, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime by an amount equal to the percentage of such fee payable on the day before the date of the increase of such fee that is equal to the percentage increase in such retired pay. In determining the amount of the increase in such retired pay for purposes of this subparagraph, the Secretary shall use the amount computed pursuant to section 1401a(b)(2) of this title.

''(B) Effective as of October 1, 2013, the Secretary shall increase the amount of the fee payable for enrollment in TRICARE Prime on an annual basis by a percentage equal to the percentage of the most recent annual increase in the National Health Expenditures per capita, as published by the Secretary of Health and Human Services.

''(C) Any increase under this paragraph in the fee payable for enrollment shall be effective as of October 1 following the date on which such increase is made.

''(2) The Secretary shall publish in the Federal Register the amount of the fee payable for enrollment in TRICARE Prime whenever increased pursuant to this subsection.''.

(b) CLARIFICATION OF APPLICATION FOR 2013.—For purposes of determining the enrollment fees for TRICARE Prime for 2013 under the first sentence of section 1097a(c) of title 10, United States Code (as added by subsection (a)), the amount of the enrollment fee in effect during 2012 shall be deemed to be the following:

(1) $260 for individual enrollment.

(2) $520 for family enrollment.

SA 1231. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY FOR CONTINUATION OF INNOVATIVE RESEARCH ON ILLNESSES ASSOCIATED WITH SERVICE IN THE PERSIAN GULF WAR.

The amount authorized to be appropriated by section 201 for research, development, test, and evaluation for the Army is hereby increased by $10,000,000, with the amount of the increase to be available for Basic Research for the peer-reviewed Gulf War Illness Research Program of the Army run by Congressionally Directed Medical Research Programs for the continuation of innovative research on illnesses associated with service in the Persian Gulf War in order to identify effective treatments, improve definition and diagnosis, and better understand pathobiology and symptoms.

SA 1232. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF SENATE ON RELOCATION OF HEADQUARTERS OF THE UNITED STATES AFRICA COMMAND TO THE CONTINENTAL UNITED STATES.

It is the sense of the Senate that—

(1) the headquarters and staff of the United States Africa Command (AFRICOM) should be moved from their current location in Stuttgart, Germany, to a more suitable location in the continental United States;

(2) the Secretary of Defense should seek to complete the permanent relocation of the headquarters and staff of the United States Africa Command to the continental United States within a reasonable time, taking into account appropriate strategic, logistic, and economic considerations; and

(3) by not later than six months after the date of the enactment of this Act, the Secretary of Defense should submit to the congressional defense committees a report setting forth—

(A) a description of suitable locations in the continental United States for the headquarters and staff of the United States Africa Command; and

(B) a plan for relocating those headquarters and staff from Stuttgart, Germany, to the continental United States.

SA 1233. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3124. SENSE OF CONGRESS ON MAINTAINING A DOMESTIC SOURCE OF ENRICHED URANIUM.

It is the sense of Congress that the United States should maintain a domestic source of enriched uranium to meet the long-term tritium requirements of the United States, to ensure the safety and reliability of the nuclear arsenal of the United States, and to fulfill the nuclear nonproliferation policies of the United States.

SA 1234. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 467, strike line 13 and all that follows through page 468, line 13, and insert the following:

(j) NOTICE AND WAIT.—

(1) PROGRAMS OF ASSISTANCE.—Funds may not be obligated for a program of assistance under subsection (b) until 15 days after the date on which the specified congressional committees are notified in writing of the proposed obligation, including a detailed justification for the use of the applicable authority and the activities to be undertaken (including objectives, an execution plan, and the anticipated date of completion).

(2) EXERCISE OF TRANSFER AUTHORITY.—Not less than 15 days before a transfer under the authority of subsection (g), the Secretary of State and the Secretary of Defense shall jointly notify the specified congressional committees of the transfer of funds into the Fund.

(k) REPORTS.—The Secretary of State and the Secretary of Defense shall jointly submit to the specified congressional committees on a biannual basis a report on obligations of funds or transfers into the Fund, and the status of activities under this section, as of the date of such report.

SA 1235. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—INTERAGENCY PERSONNEL ROTATIONS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Interagency Personnel Rotation Act of 2011''.

SEC. ___02. FINDING AND PURPOSE.

(a) FINDING.—Congress finds that the national security and homeland security challenges of the 21st century require that executive branch personnel use a whole-of-Government approach in order for the United States Government to operate in the most effective and efficient manner.

(b) PURPOSE.—The purpose of this title is to increase the efficiency and effectiveness of the Government by fostering greater interagency experience among executive branch personnel on national security and homeland security matters involving more than 1 agency.

SEC. ___03. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given the term ''Executive agency'' under section 105 of title 5, United States Code.

(2) COMMITTEE.—The term ''Committee'' means the Committee on National Security Personnel established under section ____04(a).

(3) COVERED AGENCY.—The term ''covered agency'' means an agency that is part of an ICI.

(4) ICI.—The term ''ICI'' means a National Security Interagency Community of Interest identified by the Committee under section ____05(a).

(5) ICI POSITION.—The term ''ICI position''—

(A) means—

(i) a position that—

(I) is identified by the head of a covered agency as a position within the covered agency that has significant responsibility for the subject area of the ICI in which the position is located and for activities that involve more than 1 agency;

(II) is a position in the civil service (as defined in section 2101(1) of title 5, United States Code) in the executive branch of the Government (including a position in the Foreign Service) at or above GS–11 of the General Schedule or at a level of responsibility comparable to a position at or above GS–11 of the General Schedule; and

(III) is a position within an ICI; or

(ii) a position in an interagency body identified as an ICI position under section ____05(c)(2)(A); and

(B) shall not include—

(i) any position described under paragraph (10)(A) or (C); or

(ii) any position filled by an employee described under paragraph (10)(B).

(6) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(7) INTERAGENCY BODY.—The term ''interagency body'' means an entity or component identified under section ____05(c)(1).

(8) INTERAGENCY ROTATIONAL SERVICE.—The term ''interagency rotational service'' means service by an employee in—

(A) an ICI position that is—

(i) in—

(I) a covered agency other than the covered agency employing the employee; or

(II) an interagency body, without regard to whether the employee is employed by the agency in which the interagency body is located; and

(ii) in the same ICI as the position in which the employee serves or has served before serving in that ICI position; or

(B) in a position in an interagency body identified under section ____05(c)(2)(B).

(9) NATIONAL SECURITY INTERAGENCY COMMUNITY OF INTEREST.—The term ''National Security Interagency Community of Interest'' means the positions in the executive branch of the Government that—

(A) as a group are positions within multiple agencies of the executive branch of the Government; and

(B) have significant responsibility for the same substantive, functional, or regional subject area related to national security or homeland security that requires integration of the positions and activities in that area across multiple agencies to ensure that the executive branch of the Government operates as a single, cohesive enterprise to maximize mission success and minimize cost.

(10) POLITICAL APPOINTEE.—The term ''political appointee'' means an individual who—

(A) is employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

(B) is a noncareer appointee in the Senior Executive Service, as defined under paragraph (7) of section 3132(a) of title 5, United States Code; or

(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(11) SENIOR POSITION.—The term ''senior position'' means—

(A) a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code;

(B) a position in the Senior Foreign Service established under the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);

(C) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service established under section 3151 of title 5, United States Code;

(D) a position filled by a limited term appointee or limited emergency appointee in the Senior Executive Service, as defined under paragraphs (5) and (6), respectively, of section 3132(a) of title 5, United States Code; and

(E) any other equivalent position identified by the Committee.

SEC. ___04. COMMITTEE ON NATIONAL SECURITY PERSONNEL.

(a) ESTABLISHMENT.—There is established the Committee on National Security Personnel within the Executive Office of the President.

(b) MEMBERSHIP.—The members of the Committee shall be the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Assistant to the President for National Security Affairs.

(c) CHAIRPERSON.—The Director of the Office of Management and Budget shall be the Chairperson of the Committee.

(d) FUNCTIONS.—

(1) IN GENERAL.—The Committee shall perform the functions as provided under this

title to implement this title and shall validate the actions taken by the heads of covered agencies to implement the directives issued and meet the standards established under paragraph (2).

(2) DIRECTIVES AND STANDARDS.—

(A) IN GENERAL.—In consultation with the Director of the Office of Personnel Management and the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget shall issue directives and establish standards relating to the implementation of this title.

(B) USE BY COVERED AGENCIES.—The head of each covered agency shall carry out the responsibilities under this title in accordance with the directives issued and standards established by the Director of the Office of Management and Budget.

(e) SUPPORT AND IMPLEMENTATION.—

(1) BOARD.—There is established a board to assist the Committee, which shall be composed of 1 designee (who shall be serving in an Executive Schedule position at level III) selected by—

(A) the Secretary of State;

(B) the Secretary of Defense;

(C) the Secretary of Homeland Security;

(D) the Attorney General;

(E) the Secretary of the Treasury;

(F) the Secretary of Energy;

(G) the Secretary of Health and Human Services;

(H) the Secretary of Commerce;

(I) the Director of National Intelligence; and

(J) the head of any other agency determined appropriate by the Committee.

(2) CHIEF HUMAN CAPITAL OFFICERS COUNCIL.—The Chief Human Capital Officers Council shall provide advice to the Committee regarding technical human capital issues.

(3) COVERED AGENCY OFFICIALS.—

(A) IN GENERAL.—The head of each covered agency shall designate an officer and office within that covered agency with responsibility for the implementation of this title.

(B) EXISTING OFFICES.—If an officer or office of a covered agency is designated as the officer or office within the covered agency with responsibility for the implementation of Executive Order 13434 for the covered agency on the date of enactment of this Act, the head of the covered agency shall designate the officer or office as the officer or office within the covered agency with responsibility for the implementation of this title.

(4) STAFF.—

(A) IN GENERAL.—Not more than 3 full-time equivalent employees may be hired to assist the Committee in implementation of this title, who may be employees of the Office of Management and Budget or the Office of Personnel Management. Any employee transferred under subparagraph (B)(ii)(II) shall be deemed to be an employee hired for purposes of the authorization under this subparagraph.

(B) FUNDING.—

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out subparagraph (A) an amount equal to the amount expended for salaries and expenses of the National Security Professional Development Integration Office during fiscal year 2011.

(ii) OFFSET.—

(I) IN GENERAL.—Except as provided in paragraph (3)(B), effective on the date of enactment of this Act, the National Security Professional Development Integration Office of the Department of Defense is terminated and, on and after the date of enactment of this Act, the Secretary of Defense may not establish a comparable office to implement Executive Order 13434 or to design, administer, or report on the creation of a national security professional development system, cadre of national security professionals, or any personnel rotations, education, or training for individuals involved in interagency activities or who are national security professionals who are not employed by the Department of Defense. Nothing in this subclause shall be construed to prohibit the Secretary of Defense from establishing or designating an office to administer interagency rotations by, or the interagency activities of, employees of the Department of Defense.

(II) TRANSFER OF FUNCTIONS.—Effective on the date of enactment of this Act, there are transferred to the Office of Management and Budget or the Office of Personnel Management, as determined appropriate by the Committee, the functions of the National Security Professional Development Integration Office of the Department of Defense.

(III) FUNDS.—Effective on the date of enactment of this Act, all unobligated balances made available for the activities of the National Security Professional Development Integration Office of the Department of Defense are rescinded.

SEC. ___05. NATIONAL SECURITY INTERAGENCY COMMUNITIES OF INTEREST.

(a) IDENTIFICATION OF ICIS.—Subject to section ___08, the Committee—

(1) shall identify ICIs on an ongoing basis for purposes of carrying out this title; and

(2) may alter or discontinue an ICI identified under paragraph (1).

(b) IDENTIFICATION OF ICI POSITIONS.—The head of each covered agency shall identify ICI positions within the covered agency.

(c) INTERAGENCY BODIES.—

(1) IDENTIFICATION.—

(A) IN GENERAL.—The Committee shall identify—

(i) entities in the executive branch of the Government that are primarily involved in interagency activities relating to national security or homeland security; and

(ii) components of agencies that are primarily involved in interagency activities relating to national security or homeland security and have a mission distinct from the agency within which the component is located.

(B) CERTAIN BODIES.—

(i) IN GENERAL.—The Committee shall identify the National Security Council and the Directorate of Strategic Operational Planning of the National Counterterrorism Center as interagency bodies under this paragraph.

(ii) FBI ROTATIONS.—Joint Terrorism Task Forces shall not be considered interagency bodies for purposes of service by employees of the Federal Bureau of Investigation.

(C) DUTIES OF HEAD OF COVERED AGENCY.—The Committee shall designate the Federal officer who shall perform the duties of the head of a covered agency relating to ICI positions within an interagency body.

(2) POSITIONS IN INTERAGENCY BODIES.—The officials designated under paragraph (1)(C) shall identify—

(A) positions within their respective interagency bodies that are ICI positions; and

(B) positions within their respective interagency bodies—

(i) that are not a position described under section ___03(10)(A) or (C) or a position filled by an employee described under section ___03(10)(B); and

(ii) for which service in the position shall constitute interagency rotational service.

SEC. ___06. INTERAGENCY COMMUNITY OF INTEREST ROTATIONAL SERVICE.

(a) EXCLUSION OF SENIOR POSITIONS.—For purposes of this section, the term ''ICI position'' does not include a senior position.

(b) ROTATIONS.—

(1) IN GENERAL.—The Committee shall provide for employees serving in an ICI position to be assigned on a rotational basis to another ICI position that is—

(A) within another covered agency or within an interagency body; and

(B) within the same ICI.

(2) EXCEPTION.—An employee may be assigned to an ICI position in another covered agency or in an interagency body that is not in the ICI applicable to an ICI position in which the employee serves or has served if—

(A) the employee has particular nongovernmental or other expertise or skills that are relevant to the assigned ICI position; and

(B) the head of the covered agency employing the employee, the head of the covered agency to which the assignment is made, and the Committee approve the assignment.

(3) NONREIMBURSABLE BASIS.—Service by an employee in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed without reimbursement.

(4) RETURN TO PRIOR POSITION.—Except as provided otherwise by the Committee, an employee performing service in an ICI position in another covered agency or interagency body or in a position designated under section ___05(c)(2)(B) shall be entitled to return to the position held by the employee in the covered agency employing the employee within a reasonable period of time after the end of the period of service.

(c) SELECTION OF ICI POSITIONS OPEN FOR ROTATIONAL SERVICE.—

(1) IN GENERAL.—The head of each covered agency shall determine which ICI positions in the covered agency shall be available for service by employees from another covered agency and may modify a determination under this paragraph.

(2) LIST.—The Committee shall maintain a single, integrated list of ICI positions and of positions available for service by employees from another covered agency under this section and shall make the list available to Federal employees on an ongoing basis in order to facilitate applications for the positions and long-term career planning by employees of the executive branch of the Government, except to the extent that the Committee determines that the identity of certain positions should not be distributed in order to protect national security or homeland security.

(d) MINIMUM PERIOD FOR SERVICE.—With respect to the period of service in an ICI position in another covered agency or interagency body, the Committee—

(1) shall, notwithstanding any other provision of law, ensure that the period of service is sufficient to gain an adequately detailed understanding and perspective of the covered agency or interagency body at which the employee is assigned;

(2) may provide for different periods for service, depending upon the nature of the position, including whether the position is in an area that is a combat zone for purposes of section 112 of the Internal Revenue Code of 1986; and

(3) shall require that an employee performing service in an ICI position in another covered agency or interagency body is informed of the period of service for the position before beginning such service.

(e) VOLUNTARY NATURE OF ROTATIONAL SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), service in an ICI position in another covered agency or interagency body shall be voluntary by an employee.

(2) AUTHORITY TO ASSIGN INVOLUNTARILY.—If the head of a covered agency has the authority under another provision of law to assign an employee involuntarily to a position and the employee is serving in an ICI position, the head of the covered agency may assign the employee involuntarily to serve in an ICI position in another covered agency or interagency body.

(f) TRAINING AND EDUCATION OF PERSONNEL PERFORMING INTERAGENCY ROTATIONAL SERVICE.—Each employee performing interagency rotational service shall participate in the training and education, if any, that is regularly provided to new employees by the covered agency or interagency body in which the employee is serving in order to learn how the covered agency or interagency body functions.

(g) PREVENTION OF NEED FOR INCREASED PERSONNEL LEVELS.—The Committee shall ensure that employees are rotated across covered agencies and interagency bodies within an ICI in a manner that ensures that, for the original ICI positions of all employees performing service in an ICI position in another covered agency or interagency body—

(1) employees from another covered agency or interagency body who are performing service in an ICI position in another covered agency or interagency body, or other available employees, begin service in such original positions within a reasonable period, at no additional cost to the covered agency or the interagency body in which such original positions are located; or

(2) other employees do not need to serve in the positions in order to maintain the effectiveness of or to prevent any costs being accrued by the covered agency or interagency body in which such original positions are located.

(h) OPEN AND FAIR COMPETITION.—Each covered agency or interagency body that has an ICI position available for service by an employee from another covered agency shall coordinate with the Office of Personnel Management to ensure that employees of covered agencies selected to perform interagency rotational service shall be selected in a fully open and competitive manner that is consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, unless the ICI position is otherwise exempt under another provision of law.

(i) PERSONNEL LAW MATTERS.—

(1) NATIONAL SECURITY EXCLUSION.—The identification of a position as available for service by an employee of another covered agency or as being within an ICI shall not be a basis for an order under section 7103(b) of title 5, United States Code, excluding the covered agency, or a subdivision thereof, in which the position is located from the applicability of chapter 71 of title 5, United States Code.

(2) ON ROTATION.—An employee performing interagency rotational service shall have all the rights that would be available to the employee if the employee was detailed or assigned under a provision of law other than this title from the agency employing the employee to the agency in which the ICI position in which the employee is serving is located.

(j) CONSULTATION.—The Committee shall consult with relevant associations, unions, and other groups involved in collective bargaining or encouraging public service, organizational reform of the Government, or interagency activities (such as the Simons Center for the Study of Interagency Cooperation of the Command and General Staff College Foundation) in formulating and implementing policies under this title.

(k) OFFICERS OF THE ARMED FORCES.—The policies, procedures, and practices for the management of officers of the Armed Forces may provide for the assignment of officers of the Armed Forces to ICI positions or positions designated under section ___05(c)(2)(B).

(l) PERFORMANCE APPRAISALS.—The Committee shall—

(1) ensure that an employee receives performance evaluations that are based primarily on the contribution of the employee to the work of the covered agency in which the employee is performing service in an ICI position in another covered agency or interagency body and the functioning of the applicable ICI; and

(2) require that—

(A) officials at the covered agency employing the employee conduct the evaluations based on input from the supervisors of the employee during service in an ICI position in another covered agency or interagency body; and

(B) the evaluations shall be provided the same weight in the receipt of promotions and other rewards by the employee from the covered agency employing the employee as performance evaluations receive for other employees of the covered agency.

(m) FOREIGN SERVICE.—Section 607(a) of the Foreign Service Act of 1980 (22 U.S.C. 4007(a)) is amended by adding at the end the following:

''(4) At the election of an individual subject to a maximum time in class limitation under this subsection, any period of service in an ICI position (as defined in section ___03 of the Interagency Personnel Rotation Act of 2011) that is not within the Department of State shall not be used for purposes of determining the period during which the individual has served in a class.''.

SEC. ___07. SELECTION OF SENIOR POSITIONS IN AN INTERAGENCY COMMUNITY OF INTEREST.

(a) SELECTION OF INDIVIDUALS TO FILL SENIOR POSITIONS WITHIN AN ICI.—In selecting individuals to fill senior positions within an ICI, the head of a covered agency shall ensure that a strong preference is given to selecting of personnel who have performed interagency rotational service.

(b) ESTABLISHMENT BY HEADS OF COVERED AGENCIES OF MINIMUM THRESHOLDS.—

(1) IN GENERAL.—On October 1 of the second fiscal year after the fiscal year in which the Committee identifies an ICI, and October 1 of each fiscal year thereafter, the head of each covered agency within which 1 or more positions within that ICI are located shall establish the minimum number of that agency's senior positions that are within that ICI that shall be filled by personnel who have performed interagency rotational service.

(2) REPORTING REQUIREMENTS.—

(A) MINIMUM NUMBER OF POSITIONS.—Not later than 30 days after the date on which all heads of covered agencies have established the minimum number required under paragraph (1) for a fiscal year, the Committee shall submit to Congress a consolidated list of the minimum numbers of senior positions that shall be filled by personnel who have performed interagency rotational service.

(B) FAILURE TO MEET MINIMUM NUMBER.—Not later than 30 days after the end of any fiscal year in which a covered agency fails to meet the minimum number of senior positions to be filled by individuals who have performed interagency rotational service established by the head of the covered agency under paragraph (2), the head of the covered agency shall submit to the Committee and Congress a report identifying the failure and indicating what actions the head of the covered agency has taken or plans to take in response to the failure.

(c) OTHER ROTATIONAL REQUIREMENTS.—

(1) CREDIT FOR SERVICE IN ANOTHER COMPONENT WITHIN AN AGENCY.—

(A) IN GENERAL.—Service performed during the first 3 fiscal years after the fiscal year in which an ICI is identified by the Committee by an employee in a rotation to an ICI position in another component of the covered agency that employs the employee that is identified under subparagraph (B) shall constitute interagency rotational service for purposes of this section.

(B) IDENTIFICATION OF COMPONENTS.—Subject to approval by the Committee, the head of a covered agency may identify the components of the covered agency that are sufficiently independent in functionality for service in a rotation in the component to qualify as service in another component of the covered agency for purposes of subparagraph (A).

(2) INTELLIGENCE COMMUNITY PERSONNEL.—Service performed during the first 3 fiscal years after the fiscal year in which an ICI is identified by the Committee by an employee of a covered agency under any program established before the date of enactment of this title that provides for rotation assignments of employees across the agencies or elements of the intelligence community shall constitute interagency rotational service for purposes of this section.

SEC. ___08. IMPLEMENTATION.

(a) ICIS AND ICI POSITIONS.—

(1) IN GENERAL.—During the first 4 fiscal years after the fiscal year in which this Act is enacted—

(A) there shall be 2 ICIs, which shall be an ICI for emergency management and an ICI for stabilization and reconstruction; and

(B) during each such fiscal year, not less than 20 employees and not more than 25 employees in the executive branch of the Government shall perform service in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee under this title.

(2) LOCATION.—

(A) IN GENERAL.—The Committee shall designate a metropolitan area in which the ICI for emergency management will be located and a metropolitan area in which the ICI for stabilization and reconstruction will be located.

(B) SERVICE.—During the first 4 fiscal years after the fiscal year in which this Act is enacted, any service in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed—

(i) by an employee who is located in the metropolitan area for the ICI designated under subparagraph (A) before beginning service in the ICI position; and

(ii) at a location in the metropolitan area for the ICI designated under subparagraph (A) .

(b) PRIORITY FOR DETAILS.—During the first 4 fiscal years after the fiscal year in which this Act is enacted, a covered agency shall give priority in using amounts available to the covered agency for details to assigning employees on a rotational basis under this title.

SEC. ___09. STRATEGY AND PERFORMANCE EVALUATION.

(a) ISSUING OF STRATEGY.—

(1) IN GENERAL.—Not later than October 1 of the third fiscal year after the fiscal year in which this Act is enacted, and every 4 fiscal years thereafter through the eleventh fiscal year after the fiscal year in which this Act is enacted, the Committee shall issue a National Security Human Capital Strategy to develop the national security and homeland security personnel necessary for accomplishing national security and homeland security objectives that require integration of

personnel and activities from multiple agencies of the executive branch of the Government.

(2) CONSULTATIONS WITH CONGRESS.—In developing or making adjustments to the National Security Human Capital Strategy issued under paragraph (1), the Committee—

(A) shall consult at least annually with Congress, including majority and minority views from all appropriate authorizing, appropriations, and oversight committees; and

(B) as the Committee determines appropriate, shall solicit and consider the views and suggestions of entities potentially affected by or interested in the strategy.

(3) CONTENTS OF STRATEGY.—Each National Security Human Capital Strategy issued under paragraph (1) shall—

(A) provide for the implementation of this title;

(B) identify best practices from ICIs already in operation;

(C) identify any additional ICIs to be identified by the Committee;

(D) include a schedule for the issuance of directives and establishment of standards relating to the requirements under this title by the Committee;

(E) include a description of how the strategy incorporates views and suggestions obtained through the consultations with Congress required under paragraph (2);

(F) include an assessment of performance measures over a multi-year period, such as—

(i) the percentage of ICI positions available for service by employees from another covered agency for which such employees performed such service;

(ii) the number of personnel participating in interagency rotational service in each covered agency and interagency body;

(iii) the length of interagency rotational service under this title;

(iv) reports by the heads of covered agencies submitted under section ___07(b)(2)(B);

(v) the training and education of personnel who perform interagency rotational service, and the evaluation by the Committee of the training and education;

(vi) the positions (including grade level) held by employees who perform interagency rotational service during the period beginning on the date on which the interagency rotational service terminates and ending on the date of the assessment; and

(vii) to the extent possible, the evaluation of the Committee of the utility of interagency rotational service in improving interagency integration.

(b) REPORTS.—Not later than October 1 of the second fiscal year after a fiscal year in which the Committee issues a National Security Human Capital Strategy under subsection (a), the Committee shall assess the performance measures described in subsection (a)(3)(F).

(c) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Committee issues a National Security Human Capital Strategy under subsection (a) or assesses performance measures under subsection (b), the Committee shall submit the strategy or assessment to Congress.

SEC. ___10. GAO STUDY OF INTERAGENCY ROTATIONAL SERVICE.

Not later than the end of the second fiscal year after the fiscal year in which this Act is enacted, the Comptroller General of the United States shall submit to Congress a report regarding—

(1) the extent to which performing service in an ICI position in another covered agency or an interagency body under this title enabled the employees performing the service to gain an adequately detailed understanding of and perspective on the covered agency or interagency body, including an assessment of the effect of—

(A) the period of the service; and

(B) the duties performed by the employees during the service;

(2) the effectiveness of the Committee and the staff of the Committee funded under section ___04(e)(4)(B) in overseeing and managing interagency rotational service under this title, including an evaluation of any directives or standards issued by the Committee;

(3) the participation of covered agencies in interagency rotational service under this title, including whether each covered agency that performs a mission relating to an ICI in effect—

(A) identified positions within the covered agency as ICI positions;

(B) had 1 or more employees from another covered agency perform service in an ICI position in the covered agency; or

(C) had 1 or more employees of the covered agency perform service in an ICI position in another covered agency;

(4) the positions (including grade level) held by employees after completing interagency rotational service under this title, and the extent to which the employees were rewarded for the service; and

(5) the extent to which or likelihood that interagency rotational service under this title has improved or is projected to improve interagency integration.

SEC. ___11. PROHIBITION OF PRINTED REPORTS.

Each strategy, plan, report, or other submission required under this title—

(1) shall be made available by the agency issuing the strategy, plan, report, or other submission only in electronic form; and

(2) shall not be made available by the agency in printed form.

SA 1236. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1030. REPORT ON EFFECTS OF CHANGING FLAG OFFICER POSITIONS WITHIN THE AIR FORCE MATERIAL COMMAND.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall conduct an analysis and submit to the congressional defense committees a report on the effects of changing flag officer positions within the Air Force Materiel Command (AFMC), including consideration of the following issues:

(1) The effect on the weapons testing mission of AFMC.

(2) The potential for lack of oversight if flag positions are reduced or eliminated.

(3) The reduced experience level of general officers managing challenging weapons development programs under a new command structure.

(4) The additional duties of base management functions impacting the test wing commander's ability to manage actual weapons testing under the new structure.

(b) COMPTROLLER GENERAL ASSESSMENT.—Not later than 60 days after the submittal of the report under subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

SA 1237. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR NIGHT VISION IMAGE INTENSIFICATION SENSORS.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake an assessment of the current and long-term availability within the United States and international industrial base of critical equipment, components, subcomponents, and materials (including, but not limited to, lenses, tubes, and electronics) needed to support current and future United States military requirements for night vision image intensification sensors. In carrying out the assessment, the Secretary shall—

(1) identify items in connection with night vision image intensification sensors that the Secretary determines are critical to military readiness, including key components, subcomponents, and materials;

(2) describe and perform a risk assessment of the supply chain for items identified under paragraph (1) and evaluate the extent to which—

(A) the supply chain for such items could be disrupted by a loss of industrial capability in the United States; and

(B) the industrial base obtains such items from foreign sources; and

(3) describe and assess current and future investment, gaps, and vulnerabilities in the ability of the Department to respond to the potential loss of domestic or international sources that provide items identified under paragraph (1); and

(4) identify and assess current strategies to leverage innovative night vision image intensification technologies being pursued in both Department of Defense laboratories and the private sector for the next generation of night vision capabilities, including an assessment of the competitiveness and technological advantages of the United States night vision image intensification industrial base.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the assessment required under subsection (a).

SA 1238. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—CIVILIAN EXTRATERRITORIAL JURISDICTION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Civilian Extraterritorial Jurisdiction Act of 2011'' or the ''CEJA''.

SEC. ___02. CLARIFICATION AND EXPANSION OF FEDERAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.

(a) EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.—

(1) IN GENERAL.—Chapter 212A of title 18, United States Code, is amended—

(A) by transferring the text of section 3272 to the end of section 3271, redesignating such text as subsection (c) of section 3271, and, in such text, as so redesignated, by striking ''this chapter'' and inserting ''this section'';

(B) by striking the heading of section 3272; and

(C) by adding after section 3271, as amended by this paragraph, the following new sections:

''§ 3272. Offenses committed by Federal contractors and employees outside the United States

''(a) Whoever, while employed by or accompanying any department or agency of the United States other than the Department of Defense, knowingly engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense enumerated in subsection (c) had the conduct been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

''(b) No prosecution for an offense may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting the offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

''(c) The offenses covered by subsection (a) are the following:

''(1) Any offense under chapter 5 (arson) of this title.

''(2) Any offense under section 111 (assaulting, resisting, or impeding certain officers or employees), 113 (assault within maritime and territorial jurisdiction), or 114 (maiming within maritime and territorial jurisdiction) of this title, but only if the offense is subject to a maximum sentence of imprisonment of one year or more.

''(3) Any offense under section 201 (bribery of public officials and witnesses) of this title.

''(4) Any offense under section 499 (military, naval, or official passes) of this title.

''(5) Any offense under section 701 (official badges, identifications cards, and other insignia), 702 (uniform of armed forces and Public Health Service), 703 (uniform of friendly nation), or 704 (military medals or decorations) of this title.

''(6) Any offense under chapter 41 (extortion and threats) of this title, but only if the offense is subject to a maximum sentence of imprisonment of three years or more.

''(7) Any offense under chapter 42 (extortionate credit transactions) of this title.

''(8) Any offense under section 924(c) (use of firearm in violent or drug trafficking crime) or 924(o) (conspiracy to violate section 924(c)) of this title.

''(9) Any offense under chapter 50A (genocide) of this title.

''(10) Any offense under section 1111 (murder), 1112 (manslaughter), 1113 (attempt to commit murder or manslaughter), 1114 (protection of officers and employees of the United States), 1116 (murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1117 (conspiracy to commit murder), or 1119 (foreign murder of United States nationals) of this title.

''(11) Any offense under chapter 55 (kidnapping) of this title.

''(12) Any offense under section 1503 (influencing or injuring officer or juror generally), 1505 (obstruction of proceedings before departments, agencies, and committees), 1510 (obstruction of criminal investigations), 1512 (tampering with a witness, victim, or informant), or 1513 (retaliating against a witness, victim, or an informant) of this title.

''(13) Any offense under section 1951 (interference with commerce by threats or violence), 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), 1956 (laundering of monetary instruments), 1957 (engaging in monetary transactions in property derived from specified unlawful activity), 1958 (use of interstate commerce facilities in the commission of murder for hire), or 1959 (violent crimes in aid of racketeering activity) of this title.

''(14) Any offense under section 2111 (robbery or burglary within special maritime and territorial jurisdiction) of this title.

''(15) Any offense under chapter 109A (sexual abuse) of this title.

''(16) Any offense under chapter 113B (terrorism) of this title.

''(17) Any offense under chapter 113C (torture) of this title.

''(18) Any offense under chapter 115 (treason, sedition, and subversive activities) of this title.

''(19) Any offense under section 2442 (child soldiers) of this title.

''(20) Any offense under section 401 (manufacture, distribution, or possession with intent to distribute a controlled substance) or 408 (continuing criminal enterprise) of the Controlled Substances Act (21 U.S.C. 841, 848), or under section 1002 (importation of controlled substances), 1003 (exportation of controlled substances), or 1010 (import or export of a controlled substance) of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 960), but only if the offense is subject to a maximum sentence of imprisonment of 20 years or more.

''(d) In this section:

''(1) The term 'employed by any department or agency of the United States other than the Department of Defense' means—

''(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense;

''(B) present or residing outside the United States in connection with such employment;

''(C) in the case of such a contractor, contractor employee, grantee, or grantee employee, such employment supports a program, project, or activity for a department or agency of the United States; and

''(D) not a national of or ordinarily resident in the host nation.

''(2) The term 'accompanying any department or agency of the United States other than the Department of Defense' means—

''(A) a dependant, family member, or member of household of—

''(i) a civilian employee of any department or agency of the United States other than the Department of Defense; or

''(ii) a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense, which contractor, contractor employee, grantee, or grantee employee is supporting a program, project, or activity for a department or agency of the United States other than the Department of Defense;

''(B) residing with such civilian employee, contractor, contractor employee, grantee, or grantee employee outside the United States; and

''(C) not a national of or ordinarily resident in the host nation.

''(3) The term 'grant agreement' means a legal instrument described in section 6304 or 6305 of title 31, other than an agreement between the United States and a State, local, or foreign government or an international organization.

''(4) The term 'grantee' means a party, other than the United States, to a grant agreement.

''(5) The term 'host nation' means the country outside of the United States where the employee or contractor resides, the country where the employee or contractor commits the alleged offense at issue, or both.

''§ 3273. Regulations

''The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, shall prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3271 and 3272 of this title.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 3267(1) of such title is amended to read as follows:

''(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), or an employee of a contractor (or a subcontractor at any tier) of the Department of Defense (including a nonappropriated fund instrumentality of the Department);''.

(b) VENUE.—Chapter 211 of such title is amended by adding at the end the following new section:

''§ 3245. Optional venue for offenses involving Federal employees and contractors overseas

''In addition to any venue otherwise provided in this chapter, the trial of any offense involving a violation of section 3261, 3271, or 3272 of this title may be brought—

''(1) in the district in which is headquartered the department or agency of the United States that employs the offender, or any one of two or more joint offenders, or

''(2) in the district in which is headquartered the department or agency of the United States that the offender is accompanying, or that any one of two or more joint offenders is accompanying.''.

(c) SUSPENSION OF STATUTE OF LIMITATIONS.—Chapter 213 of such title is amended by inserting after section 3287 the following new section:

''§ 3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas

''The time during which a person who has committed an offense constituting a violation of section 3272 of this title is outside the United States, or is a fugitive from justice within the meaning of section 3290 of this title, shall not be taken as any part of the time limited by law for commencement of prosecution of the offense.''.

(d) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of chapter 212A of such title is amended to read as follows:

"CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER OFFENSES OF CONTRACTORS AND CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT".

(2) TABLES OF SECTIONS.—(A) The table of sections at the beginning of chapter 211 of such title is amended by adding at the end the following new item:

''3245. Optional venue for offenses involving Federal employees and contractors overseas.''.

(B) The table of sections at the beginning of chapter 212A of such title is amended by striking the item relating to section 3272 and inserting the following new items:

''3272. Offenses committed by Federal contractors and employees outside the United States.

''3273. Regulations.''.

(C) The table of sections at the beginning of chapter 213 of such title is amended by inserting after the item relating to section 3287 the following new item:

''3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas.''.

(3) TABLE OF CHAPTERS.—The item relating to chapter 212A in the table of chapters at the beginning of part II of such title is amended to read as follows:

"212A. Extraterritorial Jurisdiction Over Offenses of Contractors and Civilian Employees of the Federal Government ..... 3271".

SEC. ___03. INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other departments or agencies of the Federal Government responsible for employing contractors or persons overseas shall assign adequate personnel and resources, including through the creation of task forces, to investigate allegations of criminal offenses under chapter 212A of title 18, United States Code (as amended by section ___02(a) of this Act), and may authorize the overseas deployment of law enforcement agents and other government personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit any authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) RESPONSIBILITIES OF ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have principal authority for the enforcement of chapter 212A of title 18, United States Code (as so amended), and shall have the authority to initiate, conduct, and supervise investigations of any alleged offenses under such chapter.

(2) LAW ENFORCEMENT AUTHORITY.—With respect to violations of sections 3271 and 3272 of title 18, United States Code (as so amended), the Attorney General may authorize any person serving in a law enforcement position in any other department or agency of the Federal Government, including a member of the Diplomatic Security Service of the Department of State or a military police officer of the Armed Forces, to exercise investigative and law enforcement authority, including those powers that may be exercised under section 3052 of title 18, United States Code, subject to such guidelines or policies as the Attorney General considers appropriate for the exercise of such powers.

(3) PROSECUTION.—The Attorney General may establish such procedures the Attorney General considers appropriate to ensure that Federal law enforcement agencies refer offenses under section 3271 or 3272 of title 18, United States Code (as so amended), to the Attorney General for prosecution in a uniform and timely manner.

(4) ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce section 3271 or 3272 of title 18, United States Code (as so amended). The assistance requested may include the following:

(A) The assignment of additional personnel and resources to task forces established by the Attorney General under subsection (a).

(B) An investigation into alleged misconduct or arrest of an individual suspected of alleged misconduct by agents of the Diplomatic Security Service of the Department of State present in the nation in which the alleged misconduct occurs.

(5) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Attorney General shall, in consultation with the Secretary of Defense and the Secretary of State, submit to Congress a report containing the following:

(A) The number of prosecutions under chapter 212A of title 18, United States Code (as so amended), including the nature of the offenses and any dispositions reached, during the previous year.

(B) The actions taken to implement subsection (a)(1), including the organization and training of personnel and the use of task forces, during the previous year.

(C) Such recommendations for legislative or administrative action as the President considers appropriate to enforce chapter 212A of title 18, United States Code (as so amended), and the provisions of this section.

(c) EXECUTIVE AGENCY.—In this section, the term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

SEC. ___04. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other department or agency of the Federal Government to which this title applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this title.

SEC. ___05. RULES OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title or any amendment made by this title shall be construed—

(1) to limit or affect the application of extraterritorial jurisdiction related to any other Federal law; or

(2) to limit or affect any authority or responsibility of a Chief of Mission as provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(b) INTELLIGENCE ACTIVITIES.—Nothing in this title or any amendment made by this title shall apply to the authorized intelligence activities of the United States Government.

SEC. ___06. FUNDING.

If any amounts are appropriated to carry out this title, the amounts shall be from amounts which would have otherwise been made available or appropriated to the Department of Justice.

SA 1239. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle II of title X, add the following:

SEC. 1088. EXPANSION OF MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.

(a) EXPANSION OF ENTITLEMENT.—Subsection (b)(9) of section 3311 of title 38, United States Code, is amended by inserting ''or spouse'' after ''child''.

(b) LIMITATION AND ELECTION ON CERTAIN BENEFITS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

''(2) LIMITATION.—The entitlement of an individual to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—

''(A) the date that is 15 years after the date on which the person died; and

''(B) the date on which the individual remarries.

''(3) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—A surviving spouse entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 1240. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. INSTALLATION ENERGY METERING REQUIREMENTS.

The Secretary of Defense shall, to the maximum extent practicable, require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

SA 1241. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2804. AVAILABILITY OF MILITARY CONSTRUCTION FUNDS FOR ENERGY EFFICIENCY DESIGN UPDATES.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2916. Availability of funds for energy efficiency design updates

''(a) IN GENERAL.—For any military construction project that is authorized by law and for which the design has been substantially completed but construction has not begun, the Secretary of Defense may use fiscal year 2011 unobligated planning and design funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834).

''(b) LIMITATIONS.—(1) The use of funds under subsection (a) shall not exceed the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).

''(2) The Secretary of Defense may not update a project design under subsection (a) if to do so would substantially delay the completion of a military construction project.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2915 the following new item:

''2916. Availability of funds for energy efficiency design updates.''.

SA 1242. Mr. WARNER (for himself (and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 526, in the table following line 19, strike the item relating to ''Naval Station, Mayport''.

On page 528, line 15, strike ''$2,656,457,000'' and insert ''$2,641,459,000''.

On page 528, line 18, strike ''$1,956,822,000'' and insert ''$1,941,824,000''.

On page 651, in the item relating to Massey Avenue Corridor Improvements, Mayport, Florida, strike ''14,998'' in the Senate Agreement column and insert ''0''.

On page 652, in the item relating to Total Military Construction, Navy, strike ''2,187,622'' and insert ''2,173,624''.

SA 1243. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 532, after line 21, add the following:

SEC. 2209. LIMITATION ON FUNDING FOR ESTABLISHING A HOMEPORT FOR A NUCLEAR-POWERED AIRCRAFT CARRIER AT MAYPORT NAVAL STATION, FLORIDA.

None of the funds appropriated pursuant to the authorization of appropriations in section 2204 may be used for architectural and engineering services and construction design of any military construction project necessary to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida.

SA 1244. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2814. CLARIFICATION OF AUTHORITY OF SECRETARY TO ASSIST WITH DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH THE ESTABLISHMENT OR EXPANSION OF A MILITARY INSTALLATION.

Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by inserting after subsection (c) the following new subsection:

''(d) AUTHORIZATION REQUIREMENT.—If the Secretary of Defense determines that any grant, cooperative agreement, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense provided under this section will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure, such grant, cooperative agreement, or supplemental funding shall be specifically authorized by law.''; and

(3) in subsection (e), as redesignated by paragraph (1), by adding at the end the following new paragraph:

''(4) The term 'public infrastructure' means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.''.

SA 1245. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 573, strike line 10 and all that follows through page 575, line 16, and insert the following:

(iv) A reduction in the investment for capital infrastructure or equipment required to support data centers as measured in cost per megawatt of data storage.

(v) A reduction in the number of commercial and government developed applications running on data servers and within data centers.

(vi) A reduction in the number of government and vendor provided full-time equivalent personnel, and in the cost of labor, associated with the operation of data servers and data centers.

(B) SPECIFICATION OF REQUIRED ELEMENTS.—The Chief Information Officer of the Department shall specify the particular performance standards and measures and implementation elements to be included in the plans submitted under this paragraph, including specific goals and schedules for achieving the matters specified in subparagraph (A).

(2) DEFENSE-WIDE PLAN.—

(A) IN GENERAL.—Not later than April 1, 2012, the Chief Information Officer of the Department shall submit to the congressional defense committees a performance plan for a reduction in the resources required for data centers and information systems technologies Department-wide. The plan shall be based upon and incorporate appropriate elements of the plans submitted under paragraph (1).

(B) ELEMENTS.—The performance plan required under this paragraph shall include the following:

(i) A Department-wide performance plan for achieving the matters specified in paragraph (1)(A), including performance standards and measures for data centers and information systems technologies, goals and schedules for achieving such matters, and an estimate of cost savings anticipated through implementation of the plan.

(ii) A Department-wide strategy for each of the following:

(I) Desktop, laptop, and mobile device virtualization.

(II) Transitioning to cloud computing.

(III) Migration of Defense data and government-provided services from Department-owned and operated data centers to cloud computing services generally available within the private sector that provide a better capability at a lower cost with the same or greater degree of security.

(IV) Utilization of private sector-managed security services for data centers and cloud computing services.

(V) A finite set of metrics to accurately and transparently report on data center infrastructure (space, power and cooling): age, cost, capacity, usage, energy efficiency and utilization, accompanied with the aggregate data for each data center site in use by the Department in excess of 100 kilowatts of information technology power demand.

(VI) Transitioning to just-in-time delivery of Department-owned data center infrastructure (space, power and cooling) through use of modular data center technology and integrated data center infrastructure management software.

SA 1246. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 1079 and insert the following:

SEC. 1079. COMMISSION TO STUDY UNITED STATES FORCE POSTURE IN EAST ASIA AND THE PACIFIC REGION.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish a commission to conduct an independent assessment of America's security interests in East Asia and the Pacific region. The commission shall be supported by an independent, non-governmental institute

which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security and military affairs with ready access to policy experts throughout the country and from the region.

(2) ELEMENTS.—The commission established pursuant to paragraph (1) shall assess the following elements:

(A) A review of current and emerging United States national security interests in the East Asia and Pacific region.

(B) A review of current United States military force posture and deployment plans, with an emphasis on the current plans for United States force realignments in Okinawa and Guam.

(C) Options for the realignment of United States forces in the region to respond to new opportunities presented by allies and partners.

(D) The views of noted policy leaders and regional experts, including military commanders in the region.

(b) MEMBERS OF THE COMMISSION.—

(1) COMPOSITION.—For purposes of conducting the assessment required by paragraph (a), the commission established shall include eight members as follows:

(A) Two appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two appointed by the chairman of the Committee on Armed Services of the Senate.

(C) Two appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two appointed by the ranking member of the Committee on Armed Services of the Senate.

(2) QUALIFICATIONS.—Individuals appointed to the commission shall have significant experience in the national security or foreign policy of the United States.

(3) DEADLINE FOR APPOINTMENT.—Appointments of the members of the commission shall be made not later than 60 days after the date of the enactment of this Act.

(4) CHAIRMAN AND VICE CHAIRMAN.—The commission shall select a Chairman and Vice Chairman from among it members.

(5) TENURE; VACANCIES.—Members shall be appointed for the life of the commission. Any vacancy in the commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(6) MEETINGS.—

(A) INITIAL MEETING.—Not later than 14 days after the date on which all members of the commission have been appointed, the commission shall hold its first meeting.

(B) CALLING OF THE CHAIRMAN.—The commission shall meet at the call of the Chairman.

(C) QUORUM.—A majority of the members of the commission shall constitute a quorum, but a lesser number of members may hold hearings.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the commission shall provide to the Secretary of Defense an unclassified report, with a classified annex, containing its findings. Not later than 90 days after the date of receipt of the report, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall transmit the report to the congressional defense committees, together with such comments on the report as the Secretary considers appropriate.

(d) POWERS.—

(1) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out this section.

(2) INFORMATION SHARING.—The commission may secure directly from any Federal department or agency such information as the commission considers necessary to carry out this section. Upon request of the Chairman of the commission, the head of such department or agency shall furnish such information to the commission.

(3) ADMINISTRATIVE SUPPORT.—Upon request of the commission, the Administrator of General Services shall provide to the commission, on a reimbursable basis, the administrative support necessary for the commission to carry out its duties under this section.

(4) MAILS.—The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) GIFTS.—The commission may accept, use, and dispose of gifts or donations of services or property.

(e) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the commission under this section. All members of the commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL.—Members of the commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission under this section.

(3) STAFFING.—

(A) EXECUTIVE DIRECTOR.—The Chairman of the commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the commission.

(B) STAFF.—The commission may employ a staff to assist the commission in carrying out its duties.

(C) COMPENSATION.—The Chairman of the commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAILS.—Any employee of the Department of Defense or the Department of State may be detailed to the commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) SECURITY.—

(1) SECURITY CLEARANCES.—Members and staff of the commission, and any experts and consultants to the commission, shall possess security clearances appropriate for their duties with the commission under this section.

(2) INFORMATION SECURITY.—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the commission under this section.

(g) TERMINATION OF PANEL.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (c).

SA 1247. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Beginning on page 534, strike line 8 and all that follows through page 535, line 17, and insert the following:

(a) RESTRICTION ON USE OF FUNDS.—None of the funds authorized to be appropriated under this title, or amounts provided by the Government of Japan for military construction activities on land under the jurisdiction of the Department of Defense, may be obligated or expended to implement the realignment of United States Marine Corps forces from Okinawa to Guam as envisioned in the United States–Japan Roadmap for Realignment Implementation issued May 1, 2006, until—

(1) the Commandant of the Marine Corps provides the congressional defense committees the Commandant's preferred force laydown for the United States Pacific Command Area of Responsibility;

(2) the Secretary of Defense submits to the congressional defense committees a master plan for the construction of facilities and infrastructure to execute the Commandant's preferred force lay-down on Guam, including a detailed description of costs and a schedule for such construction;

(3) the Secretary of Defense certifies to the congressional defense committees that tangible progress has been made regarding the relocation of Marine Corps Air Station Futenma; and

(4) a plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure on Guam affected by the realignment of forces.

(b) RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense is prohibited from using the authority provided by section 2391 of title 10, United States Code, to carry out any grant, cooperative agreement, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense provided under this section that will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam until the requirements under subsection (a) are satisfied.

(2) PUBLIC INFRASTRUCTURE DEFINED.—In this section, the term ''public infrastructure'' means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

SA 1248. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. AUTHORITY FOR OVERHAUL AND REPAIR OF VESSELS IN COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Section 7310(a) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''UNITED STATES OR GUAM'' and inserting ''UNITED STATES, GUAM, OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS''; and

(2) by striking ''United States or Guam'' both places it appears and inserting ''United States, Guam, or the Commonwealth of the Northern Mariana Islands''.

SA 1249. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 808. LIMITATION ON USE OF COST-TYPE CONTRACTS.

(a) PROHIBITION WITH RESPECT TO PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the acquisition regulations of the Department of Defense to prohibit the Department from entering into cost-type contracts for the production of major defense acquisition programs (MDAPs).

(2) EXCEPTION FOR JOINT URGENT OPERATIONAL NEEDS.—The prohibition under subsection (a) shall not apply in the case of a particular cost-plus contract if the Under Secretary for Acquisition, Technology, and Logistics—

(A) certifies, in writing, with reasons, and on the basis of a validation of a joint urgent operational need by the Joint Requirements Oversight Council, that a cost-type contract is needed to provide capability required to satisfy a joint urgent operational need; and

(B) provides the certification to the congressional defense committees not later than 30 business before issuing a solicitation for the production of a major defense acquisition program.

(b) CONDITIONS WITH RESPECT TO DEVELOPMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 818(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2329; 10 U.S.C. 2306 note) is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraphs:

''(3) all reasonable efforts have been made to define the requirements sufficiently to allow for the use of a fixed-price contract for the development of the major defense acquisition program; and

''(4) despite these efforts, the Department of Defense cannot define requirements sufficiently to allow for the use of a fixed-price contract for the development of the major defense acquisition program.''.

(c) REPORTING OF COST-TYPE DEVELOPMENT CONTRACTS.—Not later than 30 business days before issuing a solicitation for the development of a major defense acquisition program, the Secretary of Defense shall submit to the congressional defense committees notice of the proposed award and the written determinations required under paragraphs (1) and (4) of section 818(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (b), and the reasons supporting the determinations.

(d) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' has the meaning given the term in section 2430(a) of title 10, United States Code.

(2) PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''production of a major defense acquisition program'' means the production, either on a low-rate initial production or full-rate production basis, and deployment of a major system that is intended to achieve operational capability that satisfies mission needs, or any activity otherwise defined as Milestone C, or Key Decision Point C in the case of a space program, under Department of Defense Instruction 5000.02 or related authorities.

(3) DEVELOPMENT OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''development of a major defense acquisition program'' means the development of a major defense acquisition program or related increment of capability, the completion of full system integration, the development of an affordable and executable manufacturing process, the demonstration of system integration, interoperability, safety, and utility, or any activity otherwise defined as Milestone B, or Key Decision Point B in the case of a space program, under Department of Defense Instruction 5000.02 or related authorities.

SA 1250. Mr. MCCAIN (for himself, Mr. BROWN of Massachusetts, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title I, add the following:

SEC. 158. REPORT ON PROBATIONARY PERIOD IN DEVELOPMENT OF SHORT TAKE-OFF, VERTICAL LANDING VARIANT OF THE JOINT STRIKE FIGHTER.

Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the development of the short take-off, vertical landing variant of the Joint Strike Fighter (otherwise known as the F–35B Joint Strike Fighter) that includes the following:

(1) An identification of the criteria that the Secretary determines must be satisfied before the F–35B Joint Strike Fighter can be removed from the two-year probationary status imposed by the Secretary on or about January 6, 2011.

(2) A mid-probationary period assessment of—

(A) the performance of the F–35B Joint Strike Fighter based on the criteria described in paragraph (1); and

(B) the technical issues that remain in the development program for the F–35B Joint Strike Fighter.

(3) A plan for how the Secretary intends to resolve the issues described in paragraph (2)(B) before January 6, 2013.

SA 1251. Mr. WEBB (for himself, Mr. GRAHAM, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following new section:

SEC. 848. PARA-ARAMID FIBERS AND YARNS.

(a) REPEAL OF FOREIGN SUPPLIER EXEMPTION.—Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2084) is repealed.

(b) PROHIBITION ON SPECIFICATION IN SOLICITATIONS.—No solicitation issued by the Department of Defense may include a requirement that proposals submitted pursuant to such solicitation must include the use of para-aramid fibers and yarns.

SA 1252. Mrs. FEINSTEIN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. LIMITATION ON THE USE OF CLUSTER MUNITIONS.

(a) LIMITATION.—No funds appropriated or otherwise available to any Federal department or agency may be obligated or expended to use any cluster munitions unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the policy applicable to the use of such cluster munitions specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

(b) PRESIDENTIAL WAIVER.—The President may waive the requirement under subsection

(a)(1) if, prior to the use of cluster munitions, the President—

(1) certifies that it is vital to protect the security of the United States; and

(2) not later than 30 days after making such certification, submits to the appropriate congressional committees a report, in classified form if necessary, describing in detail—

(A) the steps that will be taken to protect civilians; and

(B) the failure rate of the cluster munitions that will be used and whether such munitions are fitted with self-destruct or self-deactivation devices.

(c) CLEANUP PLAN.—Not later than 90 days after any cluster munitions are used by a Federal department or agency, the President shall submit to the appropriate congressional committees a plan, prepared by such Federal department or agency, for cleaning up any such cluster munitions and submunitions which fail to explode and continue to pose a hazard to civilians.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 1253. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. TEMPORARY RETENTION ON ACTIVE DUTY AFTER DEMOBILIZATION OF RESERVES FOLLOWING EXTENDED DEPLOYMENTS IN CONTINGENCY OPERATIONS OR HOMELAND DEFENSE MISSIONS.

(a) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions

''(a) IN GENERAL.—Subject to subsection (d), a member of a reserve component of the armed forces described in subsection (b) shall be retained on active duty in the armed forces for a period of 45 days following the conclusion of the member's demobilization from a deployment as described in that subsection, and shall be authorized the use of any accrued leave.

''(b) COVERED MEMBERS.—A member of a reserve component of the armed forces described in this subsection is any member of a reserve component of the armed forces who was deployed for more than 269 days under the following:

''(1) A contingency operation.

''(2) A homeland defense mission (as specified by the Secretary of Defense for purposes of this section).

''(c) PAY AND ALLOWANCES.—Notwithstanding any other provision of law, while a member is retained on active duty under subsection (a), the member shall receive—

''(1) the basic pay payable to a member of the armed forces under section 204 of title 37 in the same pay grade as the member;

''(2) the basic allowance for subsistence payable under section 402 of title 37; and

''(3) the basic allowance for housing payable under section 403 of title 37 for a member in the same pay grade, geographic location, and number of dependents as the member.

''(d) EARLY RELEASE FROM ACTIVE DUTY.—(1) Subject to paragraph (2), at the written request of a member retained on active duty under subsection (a), the member shall be released from active duty not later than the end of the 14-day period commencing on the date the request was received. If such 14-day period would end after the end of the 45-day period specified in subsection (a), the member shall be released from active duty not later than the end of such 45-day period.

''(2) The request of a member for early release from active duty under paragraph (1) may be denied only for medical or personal safety reasons. The denial of the request shall require the affirmative action of an officer in a grade above O–5 who is in the chain of command of the member. If the request is not denied before the end of the 14-day period applicable under paragraph (1), the request shall be deemed to be approved, and the member shall be released from active duty as requested.

''(e) TREATMENT OF ACTIVE DUTY UNDER POLICY ON LIMITATION OF PERIOD OF MOBILIZATION.—The active duty of a member under this section shall not be included in the period of mobilization of units or individuals under section 12302 of this title under any policy of the Department of Defense limiting the period of mobilization of units or individuals to a specified period, including the policy to limit such period of mobilization to 12 months as described in the memorandum of the Under Secretary of Defense for Personnel and Readiness entitled 'Revised Mobilization/Demobilization Personnel and Pay Policy for Reserve Component Members Ordered to Active Duty in Response to the World Trade Center and Pentagon Attacks–Section 1,' effective January 19, 2007.

''(f) REINTEGRATION COUNSELING AND SERVICES.—(1) The Secretary of the military department concerned may provide each member retained on active duty under subsection (a), while the member is so retained on active duty, counseling and services to assist the member in reintegrating into civilian life.

''(2) The counseling and services provided members under this subsection may include the following:

''(A) Physical and mental health evaluations.

''(B) Employment counseling and assistance.

''(C) Marriage and family counseling and assistance.

''(D) Financial management counseling.

''(E) Education counseling.

''(F) Counseling and assistance on benefits available to the member through the Department of Defense and the Department of Veterans Affairs.

''(3) The Secretary of the military department concerned shall provide, to the extent practicable, for the participation of appropriate family members of members retained on active duty under subsection (a) in the counseling and services provided such members under this subsection.

''(4) The counseling and services provided to members under this subsection shall, to the extent practicable, be provided at National Guard armories and similar facilities close the residences of such members.

''(5) Counseling and services provided a member under this subsection shall, to the extent practicable, be provided in coordination with the Yellow Ribbon Reintegration Program of the State concerned under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by adding at the end the following new item:

''12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions.''.

SA 1254. Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The approved Air Sea Battle Concept.

(2) An identification and assessment of risks related to gaps between Air Sea Battle Concept requirements and the current force structure and capabilities of the Department of Defense.

(3) The plan and assessment of the Department on the risks to implementation of the approved concept within the current force structure and capabilities.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record meet or fail to meet current and future requirements for implementation of the Air Sea Battle Concept.

(5) An identification, in order of priority, of the five most critical force structure or capabilities requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs for force structure and capabilities required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A description and assessment of the estimated incremental increases in costs and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(8) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(9) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) SEPARATE ASSESSMENT BY CJCS.—The report required by subsection (a) shall include in a separate enclosure the independent assessment of the Chairman of the Joint Chiefs of Staff on the following:

(1) The approved Air Sea Battle Concept.

(2) The relationship of the Air Sea Battle Concept to the National Military Strategy.

(3) Any changes in the distribution of strategic or operational risks associated with implementation of Air Sea Battle Concept, including increases or decreases in force structure, capabilities, or investment priorities as identified in paragraphs (5) and (6) of subsection (b).

(4) Such other matters related to the development, content, and plans for the implementation of the Air Sea Battle Concept as the Chairman considers appropriate.

(d) SEPARATE ASSESSMENTS BY SECRETARIES OF MILITARY DEPARTMENTS.—The report required by subsection (a) shall include in separate enclosures the independent assessments of each of the Secretaries of the military departments on the following:

(1) The approved Air Sea Battle Concept.

(2) Any changes in the distribution of risk associated with implementation of Air Sea Battle Concept, including increases or decreases in force structure, capabilities, or investment priorities as identified in subsection (b)(5).

(3) Such other matters related to the development, content, and plans for the implementation of the Air Sea Battle Concept as such Secretary considers appropriate.

(e) FORM.—The report required by subsection (a) shall be submitted in both unclassified and classified form.

SA 1255. Mr. NELSON of Florida (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. EPIDEMIOLOGICAL STUDY ON HEALTH OF MILITARY PERSONNEL EXPOSED TO BURN PIT EMISSIONS AT JOINT BASE BALAD.

The Secretary of Defense shall conduct a cohort study on the long-term health effects of exposure to burn pit emissions in military personnel deployed at Joint Base Balad. The study shall include a prospective evaluation from retrospective estimates of such exposures. The study shall be conducted in accordance with recommendations by the Institute of Medicine concluding that further study is needed to establish correlation between burn pit exposure and disease.

SA 1256. Mr. MERKLEY (for himself, Mr. LEE, and Mr. PAUL) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 484, strike lines 8 through 24 and insert the following:

(8) During the course of Operation Enduring Freedom, members of the Armed forces, intelligence personnel, and the diplomatic corps have skillfully achieved the core goal of the United States strategy in Afghanistan, and Secretary of Defense Leon E. Panetta has noted that al Qaeda's presence in Afghanistan has been greatly diminished.

(9) On May 1, 2011, in support of the goal to disrupt, dismantle, and defeat al Qaeda, President Obama authorized a United States operation that killed Osama bin Laden, leader of al Qaeda. While the impact of his death on al Qaeda remains to be seen, Secretary of Defense Robert Gates called the death of bin Laden a ''game changer'' in a speech on May 6, 2011.

(10) Over the past ten years, the mission of the United States has evolved to include a prolonged nation-building effort in Afghanistan, including the creation of a strong central government, a national police force and army, and effective civic institutions.

(11) Such nation-building efforts in Afghanistan are undermined by corruption, high illiteracy, and a historic aversion to a strong central government in that country.

(12) The continued concentration of United States and NATO military forces in one region, when terrorist forces are located in many parts of the world, is not an efficient use of resources.

(13) The battle against terrorism is best served by using United States troops and resources in a counterterrorism strategy against terrorist forces wherever they may locate and train.

(14) The United States Government will continue to support the development of Afghanistan with a strong diplomatic and counterterrorism presence in the region.

(b) BENCHMARKS REQUIRED.—The President shall establish, and may update from time to time, a comprehensive set of benchmarks to evaluate progress being made toward the objective of transitioning and transferring lead security responsibilities in Afghanistan to the Government of Afghanistan by December 31, 2014.

(c) TRANSITION PLAN.—The President shall devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) SUBMITTAL TO CONGRESS.—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress

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SA 1257. Mr. MERKLEY (for himself, Mr. LEE, and Mr. PAUL) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 484, strike line 22 through line 24 and insert the following:

(c) TRANSITION PLAN.—The President shall devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities.

(d) SUBMITTAL TO CONGRESS.—The President shall include the most current set of benchmarks established pursuant to subsection (b) and the plan pursuant to subsection (c) with each report on progress

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SA 1258. Mr. MERKLEY proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. DESIGNATION OF QUALIFIED CENSUS TRACTS.

(a) DESIGNATION.—

(1) IDENTIFICATION OF HUBZONE QUALIFIED CENSUS TRACTS.—Not later than 2 months after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts necessary for such identification, the Secretary of Housing and Urban Development shall identify and publish the list of census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(2) SPECIFICATION OF EFFECTIVE DATES OF DESIGNATION.—

(A) HUBZONE EFFECTIVE DATE.—The Secretary of Housing and Urban Development, after consultation with the Administrator of the Small Business Administration, shall designate a date that is not later than 3 months after the publication of the list of qualified census tracts under paragraph (1) upon which the list published under paragraph (1) becomes effective for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(B) SECTION 42 EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall designate a date, which may differ from the HUBZone effective date under subparagraph (A), upon which the list of qualified census tracts published under paragraph (1) shall become effective for purposes of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that—

(1) describes the benefits and drawbacks of using qualified census tract data to designate HUBZones under section 3(p) of the Small Business Act (15 U.S.C. 632(p));

(2) describes any problems encountered by the Administrator in using qualified census tract data to designate HUBZones; and

(3) includes recommendations, if any, for ways to improve the process of designating HUBZones.

SA 1259. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year

2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. 325. LINKING DOMESTIC MANUFACTURERS TO DEFENSE SUPPLY CHAIN OPPORTUNITIES.

The Secretary of Defense is authorized to work with the Hollings Manufacturing Partnership Program and other manufacturing-related local intermediaries designated by the Secretary to develop a multi-agency comprehensive plan to expand domestic defense and industrial base supply chains with involvement from other applicable Federal agencies or industry consortiums—

(1) to identify United States manufacturers currently producing, or capable of producing, defense and industrial base equipment, component parts, or similarly performing products; and

(2) to work with partners to identify and address gaps in domestic supply chains.

SA 1260. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 846.

SA 1261. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XXVII, add the following:

SEC. 2705. SMALL BUSINESS HUBZONES.

Section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) is amended by inserting before the period at the end ", beginning on the date of enactment of the National Defense Authorization Act for Fiscal Year 2012".

SA 1262. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. ADDITIONAL DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS WITHIN THE UNITED STATES.

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(11) The term 'produced', as used in subsections (a) and (b), means melted, or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. The term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding, or shaving.".

SA 1263. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE, JOHN KUNKEL ARMY RESERVE CENTER, WARREN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Western Reserve Port Authority of Vienna, Ohio (in this section referred to as the "Port Authority"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 6.95 acres and containing the John Kunkel Army Reserve Center located at 4967 Tod Avenue in Warren, Ohio, for the purpose of permitting the Port Authority to use the parcel for development of a port facility and for other public purposes.

(b) INCLUSION OF PERSONAL PROPERTY.—The Secretary of the Army may include as part of the conveyance under subsection (a) personal property located at the John Kunkel Army Reserve Center that—

(1) the Secretary of Transportation recommends would be appropriate for the development or operation of a port facility at the site; and

(2) the Secretary of the Army agrees is excess to the needs of the Army.

(c) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed to the Port Authority, the Secretary of the Army may lease the property to the Port Authority.

(d) CONSIDERATION.—

(1) CONVEYANCE.—The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Army determines that the Port Authority satisfies the criteria specified in section 554 of title 40, United States Code, and regulations prescribed to implement such section. If the Secretary determines that the Port Authority fails to qualify for a public benefit conveyance, but the Port Authority still desires to acquire the property, the Port Authority shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary.

(2) LEASE.—The Secretary of the Army may accept as consideration for a lease of the property under subsection (c) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Port Authority to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army and the Port Authority. The cost of such survey shall be borne by the Port Authority.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SA 1264. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. USE OF INNOVATIVE FINANCING MECHANISMS FOR REPLACEMENT AND ACQUISITION OF ENERGY EFFICIENT EQUIPMENT AND IMPLEMENTATION OF ENERGY CONSERVATION PROJECTS.

The Secretary of Defense shall make the maximum use of financing mechanisms to reduce the use of appropriated funds and leverage more efficiency for the Department when replacing energy equipment, acquiring new energy efficient equipment, and implementing energy conservation projects.

SA 1265. Mr. COONS (for himself, Mrs. SHAHEEN, and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) a measure to support the use of electric vehicles or the fueling or charging infrastructure necessary for electric vehicles.".

SA 1266. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. TRAINING POLICY FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.

(a) ESTABLISHMENT OF TRAINING POLICY.—The Secretary of Defense shall establish a training policy for Department of Defense energy managers designated for military installations in order to—

(1) improve the knowledge, skills, and abilities of energy managers by ensuring understanding of existing energy laws, regulations, mandates, contracting options, local renewable portfolio standards, current renewable energy technology options, energy auditing, and options to reduce energy consumption;

(2) improve consistency among energy managers throughout the Department in the performance of their responsibilities;

(3) create opportunities and forums for energy managers to exchange ideas and lessons learned within each military department, as well as across the Department of Defense; and

(4) collaborate with the Department of Energy regarding energy manager training.

(b) ISSUANCE OF POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue the training policy for Department of Defense energy managers.

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager policy.

SA 1267. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE, FORT WAINWRIGHT, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the lessee of a parcel of real property located at Fort Wainwright, Alaska, known as the Birchwood Property (the ''Lessee'') all right, title, and interest of the United States in and to such parcel, including any improvements thereon, consisting of approximately 76 acres.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Lessee shall pay to the Secretary an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary, or exchange an equitable piece of property subject to the approval of the Secretary. The Secretary's determination shall be final. In lieu of all or a portion of cash payment of consideration, the Secretary may accept in-kind consideration, including environmental remediation for the property conveyed.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Lessee to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyance under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 1268. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 4 the following:

SEC. 5. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS OF ONE PERCENT.

(a) REDUCTION.—Notwithstanding any other provision of this Act and except as provided in subsection (b), the aggregate amount authorized to be appropriated by this Act is the total amount authorized to be appropriated by this Act minus an amount equal to one percent of such total amount, for a total of not to exceed $559,500,000,000.

(b) EXCEPTION.—Amounts authorized to be appropriated by title XV (overseas contingency operations) of this Act shall not be included in any calculation under subsection (a).

SA 1269. Mr. BOOZMAN (for himself, Mr. CORNYN, Mr. PRYOR, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. TREATMENT OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WERE KILLED OR WOUNDED IN THE NOVEMBER 5, 2009, ATTACK AT FORT HOOD, TEXAS, OR IN THE JUNE 1, 2009, ATTACK AT A RECRUITING STATION IN LITTLE ROCK, ARKANSAS.

(a) TREATMENT.—For purposes of all applicable Federal laws, regulations, and policies, a member of the Armed Forces or civilian employee of the Department of Defense who was killed or wounded in the attack that occurred at Fort Hood, Texas, on November 5, 2009, or in the attack that occurred at a recruiting station in Little Rock, Arkansas, on June 1, 2009, shall be deemed as follows:

(1) In the case of a member, to have been killed or wounded in a combat zone as the result of an act of an enemy of the United States.

(2) In the case of a civilian employee of the Department of Defense—

(A) to have been killed or wounded while serving with the Armed Forces in a contingency operation; and

(B) to have been killed or wounded in a terrorist attack.

(b) EXCEPTION.—Subsection (a) shall not apply to a member of the Armed Forces whose death or wound as described in that subsection is the result of the willful misconduct of the member.

SA 1270. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 4 the following:

SEC. 5. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS OF TWO PERCENT.

(a) REDUCTION.—Notwithstanding any other provision of this Act and except as provided in subsection (b), the aggregate amount authorized to be appropriated by this Act is the total amount authorized to be appropriated by this Act minus an amount equal to two percent of such total amount, for a total of not to exceed $553,900,000,000.

(b) EXCEPTION.—Amounts authorized to be appropriated by title XV (overseas contingency operations) of this Act shall not be included in any calculation under subsection (a).

SA 1271. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX, add the following:

SEC. 914. PROHIBITION ON APPROVAL OF CERTAIN NATIONAL SECURITY SPACE PROGRAMS THAT DO NOT INCLUDE REASONABLE COST ESTIMATES FOR LAUNCH VEHICLES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it should be a joint priority objective of the Secretary of Defense and the Director of National Intelligence to reduce the overall cost of space launch without jeopardizing the enviable recent record of successful national security space launches by the United States;

(2) a variety of tools should be considered to achieve that objective, including the introduction of competition for contracts relating to space launch activities, the leveraging of lot purchases and economies of scale, and the provision of cost-reduction incentives relating to such contracts; and

(3) the document entitled ''Coordinated Strategy Among the United States Air Force, the National Reconnaissance Office, and the National Aeronautics and Space Administration for New Entrant Launch Vehicle Certification'', dated October 12, 2011, sets forth an appropriate mechanism to support competition relating to space launch activities while maintaining the requirements of mission assurance.

(b) PROHIBITION.—The Secretary of Defense may not approve the system development and demonstration, or the production and deployment, of a national security space program requiring a space launch unless the cost estimate and the budget submitted to Congress for the program includes a reasonable cost estimate for a launch vehicle that, at the time the cost estimate is established, is certified to meet the risk classification for the payload of the program, as defined in the document referred to in subsection (a)(3).

SA 1272. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking ''section 34(d)'' and inserting ''section 33(d)'';

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking ''section 35'' each place it appears and inserting ''section 34'';

(ii) in subsection (a)—

(I) in paragraph (2), by striking ''section 35(c)(2)(B)'' and inserting ''section 34(c)(2)(B)'';

(II) in paragraph (4), by striking ''section 35(c)(2)'' and inserting ''section 34(c)(2)''; and

(III) in paragraph (5), by striking ''section 35(c)'' and inserting ''section 34(c)''; and

(iii) in subsection (h)(2), by striking ''section 35(d)'' and inserting ''section 34(d)'';

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking ''section 34'' each place it appears and inserting ''section 33''; and

(ii) in subsection (c)(1), by striking section ''34(c)(1)(E)(ii)'' and inserting section ''33(c)(1)(E)(ii)'';

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42'';

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42''; and

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking ''section 43'' and inserting ''section 42''.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking ''and the National Veterans Business Development Corporation''.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking ''any of the'' and all that follows and inserting ''any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).''.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking ''section 43 of the Small Business Act, as added by this Act'' and inserting ''section 42 of the Small Business Act (15 U.S.C. 657o)''.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking ''In cooperation with the National Veterans Business Development Corporation, develop'' and inserting ''Develop''.

SA 1273. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3116. AUTHORIZATION OF DESIGN AND CONSTRUCTION OF REMOTE-HANDLED LOW-LEVEL WASTE DISPOSAL FACILITY AT IDAHO NATIONAL LABORATORY.

The Secretary of Energy is authorized to obligate and expend amounts authorized to be appropriated or otherwise made available by this title for the Department of Energy for fiscal year 2012 to begin the design and construction of the Remote-Handled Low-Level Waste Disposal Facility at the Idaho National Laboratory, Idaho Falls, Idaho.

SA 1274. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 360, between lines 17 and 18, insert the following:

(5) Notwithstanding disposition under paragraph (2) or (3), further detention under the law of war until the end of hostilities authorized by the Authorization for Use of Military Force.

SA 1275. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. PILOT PROGRAM ON PROVISION OF HEALTH CARE TO VETERANS RESIDING IN ALASKA AT NON-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish a pilot program to assess the feasibility and advisability of carrying out a program by which a covered veteran can, except as provided in subsection (f), receive necessary hospital care or medical services for any condition at any hospital or medical facility or from any medical provider eligible to receive payments under—

(1) the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(3) the TRICARE program; or

(4) the Indian health program.

(b) COVERED VETERAN.—For purposes of this section, a covered veteran is any veteran who—

(1) is entitled to hospital care or medical services under laws administered by the Secretary of Veterans Affairs;

(2) is located in the State of Alaska; and

(3) resides at a location that is located in—

(A) such State; and

(B) a town, village, or other community that is not accessible by motor vehicle (as defined in section 30102 of title 49, United States Code).

(c) DURATION OF PILOT.—The pilot program shall be carried out during the two-year period beginning on the date of the enactment of this Act.

(d) COST OF CARE AND SERVICE.—

(1) IN GENERAL.—The cost of any hospital care or medical service provided under the pilot program shall be borne by the United States from amounts other than amounts appropriated or otherwise made available for an Indian health program.

(2) NO BILLING OF VETERANS.—The Secretary shall take measures to ensure that covered veterans are not billed for the hospital care and medical services they receive under the pilot program.

(e) ALASKA HERO CARD.—In carrying out the pilot program, the Secretary shall issue to each covered veteran a card to be known as a ''Alaska Hero Card'' that such veteran may present to an authorized provider to establish the covered veteran's eligibility for

hospital care and medical services under the pilot program.

(f) AUTHORIZED PROVIDERS.—The Secretary may establish a list of authorized providers from whom a covered veteran may receive hospital care and medical services under the pilot program.

(g) MEASURES TO ENSURE QUALITY AND SAFETY OF CARE.—

(1) IN GENERAL.—The Secretary shall take such measures as may be necessary to ensure that the quality and safety of care provided to veterans under the pilot program is equal to or better than the quality and safety of care otherwise provided by the Department of Veterans Affairs.

(2) SPECIFIC MEASURES.—The measures described in paragraph (1) may include requirements relating to the following:

(A) Credentialing and accreditation of providers of hospital care or medical services.

(B) Timely reporting of access to care.

(C) Timely reporting of clinical information to the Secretary.

(D) Reporting safety issues, patient complaints, and patient satisfaction.

(E) Robust quality programs, including peer review and compliance with industry standards and requirements.

(3) PROVIDERS CERTIFIED BY INDIAN HEALTH SERVICE.—For purposes of the pilot program, the Secretary shall consider the equality and safety of care provided by a provider described in subsection (a)(2) who is certified by the Indian Health Service as a community health aide pursuant to section 119 of the Indian Health Care Improvement Act (25 U.S.C. 1616*l*) and who is providing services within the scope of such certification as being equal to or better than the quality and safety of care otherwise provided by the Department.

(h) SAVINGS.—Nothing in this section shall be construed to limit any right of recovery available to an Indian health program under the provisions of section 206 or 405(c) of the Indian Health Care Improvement Act (25 U.S.C. 1621e and 1645(c)), or any other Federal or State law.

(i) DEFINITIONS.—In this section:

(1) HOSPITAL CARE AND MEDICAL SERVICES.—The terms ''hospital care'' and ''medical services'' have the meanings given such terms in section 1701 of title 38, United States Code.

(2) INDIAN HEALTH PROGRAM.—The term ''Indian health program'' has the meaning given such term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(3) SERVICE-CONNECTED.—The term ''service-connected'' has the meaning given such term in section 101 of such title.

(4) TRICARE PROGRAM.—The term ''TRICARE program'' has the meaning given such term in section 1072 of title 10, United States Code.

SA 1276. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 547. PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR SKILLS REQUIRED FOR MILITARY OCCUPATIONAL SPECIALTIES.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting enlisted members of the Armed Forces to obtain civilian credentialing or licensing for skills required for military occupational specialties (MOS) or qualification for duty specialty codes.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) designate not less than three or more than five military occupational specialities or duty speciality codes for coverage under the pilot program; and

(2) permit enlisted members of the Armed Forces to obtain the credentials or licenses required for the specialities or codes so designated through civilian credentialing or licensing entities, institutions, or bodies selected by the Secretary for purposes of the pilot program, whether concurrently with military training, at the completion of military training, or both.

(c) REPORT.—Not later than one year after commencement of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall set forth the following:

(1) The number of enlisted members who participated in the pilot program.

(2) A description of the costs incurred by the Department of Defense in connection with the receipt by members of credentialing or licensing under the pilot program.

(3) A comparison the cost associated with receipt by members of credentialing or licensing under the pilot program with the cost of receipt of similar credentialing or licensing by recently-discharged veterans of the Armed Forces under programs currently operated by the Department of Veterans Affairs and the Department of Labor.

(4) The recommendation of the Secretary as to the feasibility and advisability of expanding the pilot program to additional military occupational specialties or duty specialty codes, and, if such expansion is considered feasible and advisable, a list of the military occupational specialties and duty specialty codes recommended for inclusion the expansion.

SA 1277. Mrs. MURRAY (for herself, Mr. AKAKA, and Mr. BOOZMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. MODIFICATION OF CENTERS OF EXCELLENCE ON HEARING LOSS, TRAUMATIC EXTREMITY INJURIES, AND MILITARY EYE INJURIES.

(a) MODIFICATION OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEARING LOSS AND AUDITORY SYSTEM INJURIES.—Section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4506) is amended–

(1) in subsection (a)—

(A) by striking ''The'' and inserting ''Not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the''; and

(B) by striking ''shall establish within the Department of Defense'' and inserting ''and the Secretary of Veterans Affairs shall jointly establish'';

(2) in subsection (b), by striking ''shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher education,'' and inserting ''of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates to the maximum extent practicable with institutions of higher education'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking '', as developed by the Secretary of Defense,'' and inserting ''and the Department of Veterans Affairs'';

(ii) in subparagraph (B), by striking ''with'' and inserting ''between the Secretary of Defense and''; and

(iii) in subparagraph (C)—

(I) by inserting ''the Secretary of Defense and'' before ''the Secretary of Veterans Affairs'';

(II) by inserting ''members of the Armed Forces and'' before ''veterans who''; and

(III) by striking ''Veterans Health Administration'' and inserting ''Department of Defense or the Department of Veterans Affairs'';

(B) in paragraph (2), by inserting ''Defense and Veterans'' before ''Hearing Loss''; and

(C) in paragraph (3), by striking ''the audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of''; and

(4) in subsection (e)—

(A) by striking ''shall take'' and inserting ''and the Secretary of Veterans Affairs shall jointly take''; and

(B) by striking ''considers'' and inserting ''of Defense and the Secretary of Veterans Affairs consider''.

(b) MODIFICATION OF CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.—Subsection (a) of section 723 of such Act (Public Law 110–417; 122 Stat. 4508) is amended by striking ''The'' and inserting ''Not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the''.

(c) MODIFICATION OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.—Section 1623 of the National Defense Authorization Act for fiscal year 2008 (10 U.S.C. 1071 note) is amended—

(1) in subsection (a)—

(A) by striking ''The'' and inserting ''Not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the''; and

(B) by striking ''shall establish within the Department of Defense'' and inserting ''and the Secretary of Veterans Affairs shall jointly establish'';

(2) in subsection (b), by striking ''shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher education,'' and inserting ''of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates to the maximum extent practicable with institutions of higher education'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking '', as developed by the Secretary of Defense,'' and inserting ''and the Department of Veterans Affairs''

(ii) in subparagraph (B), by striking ''with'' and inserting ''between the Secretary of Defense and''; and

(iii) in subparagraph (C)—

(I) by inserting ''the Secretary of Defense and'' before ''the Secretary of Veterans Affairs'';

(II) by inserting ''members of the Armed Forces and'' before ''veterans who''; and

(III) by striking ''Veterans Health Administration'' and inserting ''Department of Defense or the Department of Veterans Affairs''; and

(B) in paragraph (2), by striking ''known as the 'Military Eye Injury Registry' '' and inserting ''known as the 'Defense and Veterans Eye Injury and Vision Registry' ''; and

(4) in subsection (e)—

(A) by striking ''shall take'' and inserting ''and the Secretary of Veterans Affairs shall jointly take''; and

(B) by striking ''Secretary considers'' and inserting ''Secretary of Defense and the Secretary of Veterans Affairs consider''.

(d) CERTIFICATION OF OPERABILITY OF CENTERS OF EXCELLENCE ON HEARING LOSS, TRAUMATIC EXTREMITY INJURIES, AND MILITARY EYE INJURIES.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall submit to Congress a certification of the operability of the following:

(1) The center established under section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4506).

(2) The center established under such section 723 of such Act (Public Law 110–417; 122 Stat. 4508).

(3) The center established under section 1623 of the National Defense Authorization Act for fiscal year 2008 (10 U.S.C. 1071 note).

(e) REQUIREMENT FOR PERIODIC REPORTS ON ESTABLISHMENT OF CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—Section 1624(a) of the National Defense Authorization Act for fiscal year 2008 (Public Law 110–181; 122 Stat. 457) is amended, in the matter before paragraph (1)—

(A) by inserting ''and annually thereafter through fiscal year 2015'' after ''of this Act'';

(B) by striking ''shall submit'' and inserting ''and the Secretary of Veterans Affairs shall jointly submit'';

(C) in paragraph (2), by striking ''and'' at the end;

(D) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new paragraphs:

''(4) the establishment of the center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury under section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417); and

''(5) the establishment of the center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations under section 723 of such Act (Public Law 110–417).''.

(2) CONFORMING AMENDMENT.—Section 723 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4508) is amended by striking subsection (d).

SA 1278. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 136. LIMITATION ON TERMINATION OF WORK ON RQ–4 GLOBAL HAWK PROGRAM.

The Secretary of the Air Force may not take any action intended to terminate the RQ–4 Global Hawk program, or issue any stop-work order related to the production of the RQ–4 Global Hawk, until the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that the Acquisition Decision Memorandum regarding the RQ–4 Global Hawk program issued June 14, 2011, is no longer valid.

SA 1279. Mr. HOEVEN (for himself, Mr. TESTER, Mr. BLUNT, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF SENATE ON THE MAINTENANCE BY THE UNITED STATES OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) FINDINGS.—The Senate finds the following:

(1) The April 2010 Nuclear Posture Review concluded that even with the reductions specified in the New START Treaty, the United States should retain a nuclear ''Triad'' of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that ''[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities''.

(2) The resolution of ratification for the New START Treaty, which the Senate approved on December 22, 2010, stated that ''it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems''.

(3) In a message to the Senate on February 2, 2011, President Obama certified that he intended to ''modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM'' and to ''maintain the United States rocket motor industrial base''.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States should maintain a triad of strategic nuclear delivery systems; and

(2) the budget of the President for fiscal year 2013 as submitted to Congress should include funding to support a triad of strategic nuclear delivery systems and to modernize the component weapons and delivery systems of that triad.

SA 1280. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. IMPLEMENTATION OF ACQUISITION STRATEGY FOR EVOLVED EXPENDABLE LAUNCH VEHICLE.

(a) IN GENERAL.—The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the following information:

(1) A description of how the strategy of the Department to acquire space launch capability under the Evolved Expendable Launch Vehicle program implements each of the recommendations included in the Report of the Government Accountability Office on the Evolved Expendable Launch Vehicle, dated September 15, 2011 (GAO–11–641).

(2) With respect to any such recommendation that the Department does not implement, an explanation of how the Department is otherwise addressing the deficiencies identified in that report.

(b) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 60 days after the submission of the information required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of that information and any additional findings or recommendations the Comptroller General considers appropriate.

SA 1281. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. DEFENSE COOPERATION WITH REPUBLIC OF GEORGIA.

(a) PLAN FOR NORMALIZATION.—Not later than 90 days after the date of the enactment of this Act, the President shall develop and submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a plan for normalizing United States defense cooperation with the Republic of Georgia, including the sale of defensive arms.

(b) OBJECTIVES.—The plan required under subsection (a) shall address the following objectives:

(1) To reestablish a normal defense relationship with the Republic of Georgia.

(2) To support the Government of the Republic of Georgia in providing for the defense of its government, people, and sovereign territory, consistent with the continuing commitment of the Government of the Republic of Georgia to its nonuse-of-force pledge and consistent with Article 51 of the Charter of the United Nations.

(3) To enhance the ability of the Government of the Republic of Georgia to participate in coalition operations and meet NATO partnership goals.

(4) To resume the sale by the United States of defense articles and services that may be necessary to enable the Government of the Republic of Georgia to maintain a sufficient self-defense capability.

(5) To encourage NATO member and candidate countries to restore and enhance their sales of defensive articles and services to the Republic of Georgia as part of a broader NATO effort to deepen its defense relationship and cooperation with the Republic of Georgia.

(6) To ensure maximum transparency in the United States-Georgia defense relationship.

(c) INCLUDED INFORMATION.—The plan required under subsection (a) shall include the following information:

(1) A needs-based assessment, or an update to an existing needs-based assessment, of the defense requirements of the Republic of Georgia, which shall be prepared by the Department of Defense and submitted in both classified and unclassified forms.

(2) A description of each of the requests by the Government of the Republic of Georgia for purchase of defense articles and services during the two-year period ending on the date of the report.

(3) A summary of the defense needs asserted by the Government of the Republic of Georgia as justification for its requests for defensive arms purchases.

(4) A description of the action taken on any defensive arms sale request by the Government of the Republic of Georgia and an explanation for such action.

(d) FORM.—The plan required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SA 1282. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. REPEAL OF WAR POWERS RESOLUTION.

(a) REPEAL.—The War Powers Resolution (Public Law 93-148; 50 U.S.C. 1541 et seq.) is hereby repealed.

SA 1283. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 1084, insert the following:

SEC. 1085. SENSE OF CONGRESS ON RECAPITALIZATION FOR THE NAVY AND COAST GUARD.

(a) FINDINGS.—Congress makes the following findings:

(1) More than 70 percent of the world's surface is comprised of navigable oceans.

(2) More than 80 percent of the population of the world lives within 100 miles of an ocean.

(3) More than 90 percent of the world's commerce traverses an oceans.

(4) The national security of the United States is inextricably linked to the maintenance of global freedom of access for both the strategic and commercial interests of the United States.

(5) To maintain that freedom of access the sea services of the United States, composed of the Navy, the Marine Corps, and the Coast Guard, must be sufficiently positioned as rotationally globally deployable forces with the capability to decisively defend United States citizens, homeland, and interests abroad from direct or asymmetric attack and must be comprised of sufficient vessels to maintain global freedom of action.

(6) To achieve appropriate capabilities to ensure national security the Government of the United States must continue to recapitalize the fleets of the Navy and Coast Guard and must continue to conduct vital maintenance and repair of existing vessels to ensure such vessels meet service life goals.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the sea services of the United States should be funded and maintained to provide the broad spectrum of capabilities required to protect the national security of the United States;

(2) such capabilities should include—

(A) the ability to project United States power rapidly anywhere on the globe without the need for host nation basing permission or long and potentially vulnerable logistics supply lines;

(B) the ability to land and recover maritime forces from the sea for direct combat action, to evacuate United States citizens from hostile situations, and to provide humanitarian assistance where needed;

(C) the ability to operate from the subsurface with overpowering conventional combat power, as well as strategic deterrence; and

(D) the ability to operate in collaboration with United States maritime partners in the common interest of preventing piracy at sea and maintaining the commercial sea lanes available for global commerce; and

(3) the Secretary of Defense, in coordination with the Secretary of the Navy and the Secretary of Homeland Security, should maintain the recapitalization plans for the Navy and Coast Guard as a priority in all future force structure decisions.

SA 1284. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. PROHIBITION ON FUNDING TO PROHIBIT DIPLOMATIC EFFORTS OF IRAN.

(a) PROHIBITION ON FUNDING.—None of the amounts appropriated or otherwise made available by any Act may be made available to further the international diplomatic efforts of Iran to further its agenda within an international body, organization, agency, commission or in which Iran holds a position of leadership or veto power.

(b) STATEMENT OF POLICY.—It is the policy of the United States that no funds shall be made available to any international diplomatic organization or entity that appoints Iran to a leadership position.

SA 1285. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—SMALL BUSINESS CONTRACTING FRAUD PREVENTION

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Small Business Contracting Fraud Prevention Act of 2011''.

SEC. ____02. DEFINITIONS.

In this title—

(1) the term ''8(a) program'' means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(3) the terms ''HUBZone'' and ''HUBZone small business concern'' and ''HUBZone map'' have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this title; and

(4) the term ''recertification'' means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. ____03. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Whoever'' and all that follows through ''oneself or another'' and inserting the following: ''A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain for any person'';

(ii) by amending subparagraph (A) to read as follows:

''(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36;'';

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking '', shall be'' and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

''(C) be subject to the civil remedies under subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act');''; and

(C) by adding at the end the following:

''(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

''(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

''(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.'';

(2) by striking subsection (e) and inserting the following:

''(e) Any representation of the status of any concern or person as a small business concern, a HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.''; and

(3) by adding at the end the following:

''(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans—

''(1) in order to allow any person to participate in any program of the Administration; or

''(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

''(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

''(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

''(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

''(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.''.

SEC. ___04. VETERANS INTEGRITY IN CONTRACTING.

(a) DEFINITION.—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking ''means a veteran'' and all that follows and inserting the following: ''means—

''(A) a veteran with a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

''(B) a former member of the Armed Forces who is retired, separated, or placed on the temporary disability retired list for physical disability under chapter 61 of title 10, United States Code.''.

(b) VETERANS CONTRACTING.—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

''(g) VETERAN STATUS.—

''(1) IN GENERAL.—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

''(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

''(B) register with—

''(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

''(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

''(2) VERIFICATION OF STATUS.—

''(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

''(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

''(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

''(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

''(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.''.

(c) INTEGRATION OF DATABASES.—The Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (b) and the requirements under subsection (c) shall take effect on the date on which the Secretary of Veterans Affairs (referred to in this subsection as the ''Secretary'') publishes in the Federal Register a determination that the Department of Veterans Affairs has the necessary resources and capacity to carry out the additional responsibility of determining whether small business concerns registered with the VetBiz database of the Department of Veterans Affairs are owned and controlled by a veteran or a service-disabled veteran, as the case may be, in accordance with subsection (g) of section 4 of the Small Business Act (15 U.S.C. 633), as added by subsection (b).

(2) TIMELINE.—If the Secretary determines that the Secretary is not able to publish the determination under paragraph (1) before the date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than 1 year after the date of enactment of this Act, submit a report containing an estimate of the date on which the Secretary will publish the determination under paragraph (1) to the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate and the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.

SEC. ___05. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

''(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

''(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

''(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

''(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

''(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

''(iv) the number of training sessions offered under the program; and

''(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).''.

(b) OTHER IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(1) not later than 90 days after the date of enactment of this Act, begin to—

(A) evaluate the feasibility of—

(i) using additional third-party data sources;

(ii) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(iii) using fraud detection tools, including data-mining techniques; and

(iv) conducting financial and analytical training for the business opportunity specialists of the Administration;

(B) evaluate the feasibility and advisability of amending regulations applicable the 8(a) program to require that calculations

of the adjusted net worth or total assets of an individual include assets held by the spouse of the individual; and

(C) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(2) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (c), issue, in final form, proposed regulations of the Administration that—

(A) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(B) limit the ability of a small business concern to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

SEC. ___06. HUBZONE IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

''(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

''(i) DEFINITION.—In this subparagraph, the term 'interim period' means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

''(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

''(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

''(II) does not meet the applicable employment percentage—

''(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

''(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.''; and

(2) by adding at the end the following:

''(8) HUBZONE PROGRAM.—The term 'HUBZone program' means the program established under section 31.

''(9) HUBZONE MAP.—The term 'HUBZone map' means the map used by the Administration to identify HUBZones.''.

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

''(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or''.

SEC. ___07. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General; and

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (8), and the reason for each such decision.

SA 1286. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 705. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT ON THEFT OF COMPUTER TAPES CONTAINING PROTECTED INFORMATION ON COVERED BENEFICIARIES UNDER THE TRICARE PROGRAM.

The Inspector General of the Department of Defense shall submit to the congressional defense committees a report on the circumstances surrounding the theft of computer tapes containing personally identifiable and protected health information of approximately 4,900,000 covered beneficiaries under the TRICARE program from the vehicle of a contractor under the TRICARE program. The report shall include the following:

(1) An assessment of the risk that the personally identifiable and protected health information so stolen can be accessed by a third party.

(2) Such recommendations as the Inspector General considers appropriate to reduce the risk of similar incidents in the future.

SA 1287. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title I, add the following:

SEC. 136. LIMITATION ON RETIREMENT OF C–23 AIRCRAFT.

(a) IN GENERAL.—Upon determining to retire a C–23 aircraft, the Secretary of the Army shall first offer title to such aircraft to the chief executive officer of the State in which such aircraft is based.

(b) TRANSFER UPON ACCEPTANCE OF OFFER.—If the chief executive officer of a State accepts title of an aircraft under subsection (a), the Secretary shall transfer title of the aircraft to the State without charge to the State. The Secretary shall provide a reasonable amount of time for acceptance of the offer.

(c) USE.—Notwithstanding the transfer of title to an aircraft to a State under this section, the aircraft may continue to be utilized by the National Guard of the State in State status using National Guard crews in that status.

SA 1288. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. STUDY ON THE USE OF THE DEMOCRATIC REPUBLIC OF GEORGIA AS A TRANSPORTATION BASE FOR SUPPLYING UNITED STATES FORCES IN AFGHANISTAN.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the feasibility of establishing in the Democratic Republic of Georgia, at the invitation of the Government of Georgia, a transportation base for supplying United States forces in Afghanistan.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the

Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a).

SA 1289. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XIV, add the following:

SEC. 1432. SUNKEN MILITARY CRAFT.

Section 1408(3) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (10 U.S.C. 113 note) is amended—

(1) in subparagraph (A), by inserting ", that was" before "on military noncommercial service"; and

(2) in subparagraph (B), by inserting a comma before "that was owned or operated".

SA 1290. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 362, strike lines 8 through 15.

SA 1291. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 365, line 9, strike "and subsection (d)".

On page 367, line 14, strike "and subsection (d)".

On page 368, strike line 13 and all that follows through page 370, line 13.

SA 1292. Mr. LEVIN (for Mr. MENENDEZ (for himself, Mr. REID, Mr. SCHUMER, Mr. CASEY, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. CARDIN, and Mrs. GILLIBRAND)) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.

Section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

"(h) IMPOSITION OF SANCTIONS WITH RESPECT TO THE CENTRAL BANK OF IRAN.—

"(1) DETERMINATION REQUIRED.—

"(A) IN GENERAL.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the President shall determine whether the Central Bank of Iran has engaged in conduct that threatens the national security of the United States or allies of the United States, taking into consideration whether the Bank has—

"(i) facilitated activities of the Government of Iran that threaten global or regional peace and security;

"(ii) sought to evade multilateral sanctions directed against the Government of Iran on behalf of that Government;

"(iii) engaged in deceptive financial practices or mechanisms to facilitate illicit transactions with non-Iranian financial institutions;

"(iv) conducted transactions prohibited by binding resolutions of the United Nations Security Council or allowed itself to be used to permit conduct prohibited by such resolutions;

"(v) conducted transactions on behalf of persons designated by the United States for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

"(vi) provided financial services in support of, or otherwise facilitated, the ability of Iran to—

"(I) acquire or develop chemical, biological, or nuclear weapons, or related technologies;

"(II) construct, equip, operate, or maintain nuclear enrichment facilities; or

"(III) acquire or develop ballistic missiles, cruise missiles, or destabilizing types and amounts of conventional weapons; or

"(vii) facilitated a transaction or provided financial services for—

"(I) Iran's Revolutionary Guard Corps; or

"(II) a financial institution whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

"(aa) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

"(bb) Iran's support for acts of international terrorism.

"(B) SUBMISSION TO CONGRESS.—The President shall submit in writing to the appropriate congressional committees the determination made under subparagraph (A) and the reasons for the determination.

"(2) IMPOSITION OF SANCTIONS.—Subject to paragraphs (4), (5), and (6), if the President determines under paragraph (1)(A) that the Central Bank of Iran has engaged in conduct described in that paragraph, the President shall—

"(A) prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted any significant financial transaction with the Central Bank of Iran; and

"(B) impose sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the Central Bank of Iran.

"(3) ADDITIONAL SANCTIONS.—In addition to the sanctions required to be imposed under paragraph (2), and subject to paragraph (4), the President may impose such other targeted sanctions with respect to the Central Bank of Iran as the President determines appropriate to terminate the engagement of the Central Bank of Iran in conduct described in paragraph (1)(A) and activities described in subsection (c)(2).

"(4) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under this subsection on a person for engaging in a transaction with the Central Bank of Iran for the sale of food, medicine, or medical devices to Iran.

"(5) APPLICABILITY OF PROHIBITIONS AND CONDITIONS ON ACCOUNTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (2)(A) applies with respect to financial transactions commenced on or after the date that is 60 days after the date on which the President makes the determination required by paragraph (1)(A).

"(B) PETROLEUM TRANSACTIONS.—Paragraph (2)(A) applies with respect to financial transactions for the purchase of petroleum or petroleum products through the Central Bank of Iran commenced on or after the date that is 180 days after the date on which the President makes the determination required by paragraph (1)(A).

"(6) WAIVER.—The President may waive the application of paragraph (2) for a period of 180 days, and renew such a waiver for additional periods of 180 days, if the President—

"(A) determines that such a waiver is necessary to the national security interest of the United States; and

"(B) submits to the appropriate congressional committees a report—

"(i) providing the justification for the waiver; and

"(ii) describing—

"(I) any concrete cooperation the President has received or expects to receive as a result of the waiver; and

"(II) any assurances the President has received or expects to receive as a result of the waiver from foreign financial institutions that such institutions have ceased engaging in financial transactions with the Central Bank of Iran related to terrorism or the facilitation, acquisition, or financing of weapons of mass destruction.".

SA 1293. Mr. LEVIN proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. TRANSFER OF CERTAIN HIGH-SPEED FERRIES TO THE NAVY.

(a) TRANSFER FROM MARAD AUTHORIZED.—The Secretary of the Navy may, from funds available for the Department of Defense for fiscal year 2012, provide to the Maritime Administration of the Department of Transportation an amount not to exceed $35,000,000 for the transfer by the Maritime Administration to the Department of the Navy of jurisdiction and control over the vessels as follows:

(1) M/V HUAKAI.

(2) M/V ALAKAI.

(b) USE AS DEPARTMENT OF DEFENSE SEALIFT VESSELS.—Each vessel transferred to the Department of the Navy under subsection (a) shall be administered as a Department of Defense sealift vessel (as such term is defined in section 2218(k)(2) of title 10, United States Code).

SA 1294. Mr. LEVIN (for Mr. REED) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 577. ENHANCEMENT OF CONSUMER CREDIT PROTECTIONS FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) PROHIBITED ACTIONS.—Subsection (e) of section 987 of title 10, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' at the end;

(2) by redesignating paragraph (7) as paragraph (9); and

(3) by inserting after paragraph (6) the following new paragraphs:

''(7) the creditor charges the borrower a fee for overdraft service (as that term is defined by the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) and implementing regulations) in connection with a withdrawal from an automated teller machine or a one-time debit card transaction;

''(8) the creditor charges the borrower a fee for overdraft service (as so defined) where such fee is triggered as the result of the institution having posted the borrower's transactions in order from largest to smallest; or''.

(b) REGULATIONS.—Subsection (h)(3) of such section is amended—

(1) by inserting ''at least every two years'' after ''consult''; and

(2) by adding at the end the following new subparagraph:

''(H) The Bureau of Consumer Financial Protection.''.

(c) CONSUMER CREDIT.—Subsection (i)(6) of such section is amended by adding at the end the following new sentence: ''Such term shall also include credit under an open end consumer credit plan (as defined by section 103 of the Truth in Lending Act (15 U.S.C. 1602) and implementing regulations), except that the Secretary of Defense may exclude credit under such a plan that provides for amortizing payments over a period of at least 92 days.''.

SA 1295. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. NATIONAL LANGUAGE SERVICE CORPS.

(a) CHARTER FOR NLSC.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

''SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.

''(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the 'Corps').

''(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

''(b) NATIONAL SECURITY EDUCATION BOARD.—The Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(f).

''(c) MEMBERSHIP.—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps. Members of the Corps may include employees of the Federal Government and of State and local governments.

''(d) TRAINING.—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

''(e) SERVICE.—Upon a determination that it is in the national interests of the United States, the Secretary may call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

''(f) FUNDING.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.

''(g) USERRA APPLICABILITY.—For purposes of the applicability of chapter 43 of title 38, United States Code, to a member of the Corps—

''(1) a period of active service in the Corps shall be deemed to be service in the uniformed services; and

''(2) the Corps shall be deemed to be a uniformed service.''.

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) The Secretary of Homeland Security.

''(6) The Secretary of Energy.

''(7) The Director of National Intelligence.''.

(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

''(A) identifying and assessing on a periodic basis the needs of the departments and agencies of the Federal Government for personnel with skills in various foreign languages;

''(B) establishing plans to address shortfalls and requirements, such as recruitment, member assignments and return, deployment, redeployment and public information;

''(C) coordinating activities with Executive agencies and State and local governments to develop interagency plans and agreements to address overall language shortfalls and to utilize personnel to address the various types of crises that warrant language skills; and

''(D) proposing to the Secretary regulations to carry out section 813.''.

SA 1296. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following:

''§ 2335. Reports on use of indemnification agreements

''(a) IN GENERAL.—Beginning October 1, 2011, not later than 90 days after the date on which any action described in subsection (b)(1) occurs, the Secretary of Defense shall submit to the congressional defense committees and the Committees on the Budget of the House of Representatives and the Senate a report on such action.

''(b) ACTION DESCRIBED.—(1) An action described in this paragraph is the Secretary of Defense—

''(A) entering into a contract that includes an indemnification agreement; or

''(B) modifying an existing indemnification agreement in any contract.

''(2) Paragraph (1) shall not apply to any contract awarded in accordance with—

''(A) section 2354 of this title; or

''(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(c) MATTERS INCLUDED.—For each contract covered in a report under subsection (a), the report shall include—

''(1) the name of the contractor;

''(2) the actual cost or estimated potential cost involved;

''(3) a description of the items, property, or services for which the contract is awarded; and

''(4) a justification of the contract including the indemnification agreement.

''(d) NATIONAL SECURITY.—The Secretary may omit any information in a report under subsection (a) if the Secretary—

''(1) determines that the disclosure of such information is not in the national security interests of the United States; and

''(2) includes in the report a justification of the determination made under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

''2335. Reports on use of indemnification agreements.''.

SA 1297. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 547. INFORMATION FOR MEMBERS OF THE ARMED FORCES ON CERTAIN PROVIDERS OF POSTSECONDARY EDUCATION.

(a) PROVISION OF INFORMATION REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Education, the Secretary of Veterans Affairs, and the Secretary of Labor, make available through various means, including through the Internet websites of the Department of Defense, information about providers of postsecondary education that accept assistance from the Department of Defense for the provision of civilian education or training, including providers of education that advertise on military installations and providers with facilities or instructors operating on military installations.

(b) INFORMATION.—The information required under subsection (a) shall include the following:

(1) The regional and national accreditation of the selected providers.

(2) The participation (or eligibility for participation) of such providers in financial aid programs under title IV of the Higher Education Act of 1965.

(3) Qualifications required for public examinations licensure, or other conditions for employment fulfilled by the education or training programs of the providers.

(4) The transferability of credits from such providers to public institutions of higher education in various States.

(5) The dropout rates of students for each provider.

(6) The completion and graduation rates of students for each provider.

(7) Job placement rates, as appropriate, for each provider.

(8) The tuition and fees of providers when compared with public institutions of higher education in various States.

(9) The availability of job and career placement services at each provider.

SA 1298. Mr. WEBB (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 705. EXTENSION OF TIME LIMIT FOR SUBMITTAL OF CLAIMS UNDER THE TRICARE PROGRAM FOR CARE PROVIDED OUTSIDE THE UNITED STATES.

Section 1106(b) of title 10, United States Code, is amended by striking ''not later than'' and all that follows and inserting the following: ''as follows:

''(1) In the case of services provided outside the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, by not later than three years after the services are provided.

''(2) In the case of any other services, by not later than one year after the services are provided.''.

SA 1299. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. REINSTATEMENT OF TEMPORARY EARLY RETIREMENT AUTHORITY.

(a) REINSTATEMENT.—Subsection (i) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended—

(1) by inserting ''(1)'' before ''the period''; and

(2) by inserting before the period at the end the following: '', and (2) the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 and ending on December 31, 2018''.

(b) INAPPLICABILITY OF CERTAIN PROVISIONS.—Such section is further amended by striking subsection (c) and inserting the following new subsection (c):

''(c) INAPPLICABILITY OF CERTAIN PROVISIONS.—

''(1) INCREASED RETIRED PAY FOR PUBLIC OR COMMUNITY SERVICE.—The provisions of section 4464 of this Act (10 U.S.C. 1143a note) shall not apply with respect to a member or former member retired by reason of eligibility under this section during the active force drawdown period specified in subsection (i)(2).

''(2) COAST GUARD AND NOAA.—During the period specified in subsection (i)(2), this section does not apply as follows:

''(A) To members of the Coast Guard, notwithstanding section 542(d) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 1293 note).

''(B) To members of the commissioned corps of the National Oceanic and Atmospheric Administration, notwithstanding section 566(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 104–106; 10 U.S.C. 1293 note).''.

(c) COORDINATION WITH OTHER SEPARATION PROVISIONS.—Such section is further amended—

(1) in subsection (g), by striking '', 1174a, or 1175'' and inserting ''or 1175a''; and

(2) in subsection (h)—

(A) in the subsection heading, by striking ''SSB OR VSI'' and inserting ''SSB, VSI, OR VSP'';

(B) by inserting before the period at the end of the first sentence the following: ''or who before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 was separated from active duty pursuant to an agreement entered into under section 1175a of such title''; and

(C) in the second sentence, by striking ''under section 1174a or 1175 of title 10, United States Code''.

SA 1300. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. REINSTATEMENT OF AUTHORITY FOR ENHANCED SELECTIVE EARLY RETIREMENT BOARDS.

Section 638a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking '', during the period beginning on October 1, 1990,'' and all that follows through ''December 31, 2012,''; and

(B) by inserting at the end the following new sentence: ''Any such authority provided the Secretary of a military department under the preceding sentence shall expire as specified by the Secretary of Defense, but not later than December 31, 2018.''; and

(2) in subsection (d)(2), by striking ''except that during the period beginning on October 1, 2006, and ending on December 31, 2012'' in subparagraphs (A) and (B) and inserting ''except that through December 31, 2018''.

SA 1301. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. 586. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS FOR CAPTAIN FREDRICK L. SPAULDING FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the United States Armed Forces, the Secretary of the Army is authorized to award the Distinguished Service Cross under section 3742 of such title to Captain Fredrick L. Spaulding for acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Fredrick L. Spaulding, on July 23, 1970, as a member of the United States Army serving in the grade of Captain in the Republic of Vietnam while assigned with Headquarters and Headquarters Company, 3d Brigade, 101st Airborne Division.

SA 1302. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. 586. AUTHORIZATION FOR AWARD OF MEDAL OF HONOR TO ALONZO H. CUSHING FOR ACTS OF VALOR AT THE BATTLE OF GETTYSBURG DURING THE CIVIL WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor posthumously under section 3741 of such title to Alonzo H. Cushing for the acts of valor during the Civil War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863.

SA 1303. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 158. AUTHORITY FOR EXCHANGE WITH UNITED KINGDOM OF SPECIFIED F–35 LIGHTNING II JOINT STRIKE FIGHTER AIRCRAFT.

(a) AUTHORITY.—

(1) EXCHANGE AUTHORITY.—In accordance with subsection (c), the Secretary of Defense may transfer to the United Kingdom of Great Britain and Northern Ireland (in this section referred to as the ''United Kingdom'') all right, title, and interest of the United States in and to an aircraft described in paragraph (2) in exchange for the transfer by the United Kingdom to the United States of all right, title, and interest of the United Kingdom in and to an aircraft described in paragraph (3). The Secretary may execute the exchange under this section on behalf of the United States only with the concurrence of the Secretary of State.

(2) AIRCRAFT TO BE EXCHANGED BY UNITED STATES.—The aircraft authorized to be transferred by the United States under this subsection is an F–35 Lightning II aircraft in the Carrier Variant configuration acquired by the United States for the Marine Corps under a future Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 6 contract.

(3) AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.—The aircraft for which the exchange under paragraph (1) may be made is an F–35 Lightning II aircraft in the Short-Take Off and Vertical Landing configuration that, as of November 19, 2010, is being acquired on behalf of the United Kingdom under an existing Joint Strike Fighter program contract referred to as the Low-Rate Initial Production 4 contract.

(b) FUNDING FOR PRODUCTION OF AIRCRAFT.—

(1) FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED STATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds for production of the aircraft to be transferred by the United States (including the propulsion system, long lead-time materials, the production build, and deficiency corrections) may be derived from appropriations for Aircraft Procurement, Navy, for the aircraft under the contract referred to in subsection (a)(2).

(B) EXCEPTION.—Costs for flight test instrumentation of the aircraft to be transferred by the United States and any other non-recurring and recurring costs for that aircraft associated with unique requirements of the United Kingdom may not be borne by the United States.

(2) FUNDING SOURCES FOR AIRCRAFT TO BE EXCHANGED BY UNITED KINGDOM.—Costs for upgrades and modifications of the aircraft to be transferred to the United States that are necessary to bring that aircraft to the Low-Rate Initial Production 6 configuration under the contract referred to in subsection (a)(2) may not be borne by the United States.

(c) IMPLEMENTATION.—The exchange under this section shall be implemented pursuant to the memorandum of understanding titled ''Joint Strike Fighter Production, Sustainment, and Follow-on Development Memorandum of Understanding'', which entered into effect among nine nations including the United States and the United Kingdom on December 31, 2006, consistent with section 27 of the Arms Export Control Act (22 U.S.C. 2767), and as supplemented as necessary by the United States and the United Kingdom.

SA 1304. Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. INHOFE, Mr. HATCH, Mr. LEE, and Mr. COBURN) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 324 and insert the following:

SEC. 324. REPORTS ON DEPOT-RELATED ACTIVITIES.

(a) REPORT ON DEPOT-LEVEL MAINTENANCE AND RECAPITALIZATION OF CERTAIN PARTS AND EQUIPMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency (DLA), in consultation with the military departments, shall submit to the congressional defense committees a report on the status of the DLA Joint Logistics Operations Center's Drawdown, Retrograde and Reset Program for the equipment from Iraq and Afghanistan and the status of the overall supply chain management for depot-level activities.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the number of backlogged parts for critical warfighter needs, an explanation of why those parts became backlogged, and an estimate of when the backlog is likely to be fully addressed.

(B) A review of critical warfighter requirements that are being impacted by a lack of supplies and parts and an explanation of steps that the Director plans to take to meet the demand requirements of the military departments.

(C) An assessment of the feasibility and advisability of working with outside commercial partners to utilize flexible and efficient turn-key rapid production systems to meet rapidly emerging warfighter requirements.

(D) A review of plans to further consolidate the ordering and stocking of parts and supplies from the military departments at depots under the control of the Defense Logistics Agency.

(3) FLEXIBLE AND EFFICIENT TURN-KEY RAPID PRODUCTION SYSTEMS DEFINED.—For the purposes of this subsection, flexible and efficient turn-key rapid production systems are systems that have demonstrated the capability to reduce the costs of parts, improve manufacturing efficiency, and have the following unique features:

(A) VIRTUAL AND FLEXIBLE.—Systems that provide for flexibility to rapidly respond to requests for low-volume or high-volume machined parts and surge demand by accessing the full capacity of small- and medium-sized manufacturing communities in the United States.

(B) SPEED TO MARKET.—Systems that provide for flexibility that allows rapid introduction of subassemblies for new parts and weapons systems to the warfighter.

(C) RISK MANAGEMENT.—Systems that provide for the electronic archiving and updating of turn-key rapid production packages to provide insurance to the Department of Defense that parts will be available if there is a supply chain disruption.

(b) REPORT ON AIR FORCE MATERIEL COMMAND REORGANIZATION.—

(1) RESTRICTION ON REORGANIZATION ACTIVITIES.—With respect to the planned reorganization of the Air Force Materiel Command announced on November 2, 2011, the Secretary of the Air Force shall make no changes related to organizational alignment, reporting officials, or any other change related to oversight or the duties of system program managers, sustainment program managers, or product support managers who reside at installations where Air Logistics Centers or depots are located until 60 days after the report required under paragraph (2) is submitted to the congressional defense committees.

(2) REPORT.—

(A) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees a report containing an analysis of alternatives for alignment and reporting of Air Force System Program Managers and Product Support Managers.

(B) ELEMENTS.—The report required under subparagraph (A) shall—

(i) focus on the impacts to Air Force life cycle management, sustainment, readiness, and overall support to the warfighter that would likely be realized through the various alternatives;

(ii) address legal, financial, and other relevant issues;

(iii) identify criteria for evaluating alternatives;

(iv) include a list of alternatives, including analysis and recommendations relating to the alternatives;

(v) describe cost and savings factors; and

(vi) focus on how the Air Force should be best organized to conduct life cycle management and sustainment, with overall readiness being the highest priority.

SA 1305. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. 586. CONTINUATION AND EXPANSION OF WOUNDED WARRIOR CAREERS DEMONSTRATION PROGRAM.

(a) CONTINUATION AND EXPANSION OF PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall continue the program known as the

Wounded Warrior Careers Demonstration program (in this section referred to as the ''Program''), being conducted in collaboration with the Army Wounded Warrior program, as expanded in accordance with the provisions of this section.

(2) ADDITIONAL PURPOSES OF PROGRAM.—The Program as expanded under this section shall have the additional purposes as follows:

(A) To identify, demonstrate, and disseminate best practices in employment counseling, job placement, and enrollment in high-quality education programs of wounded, ill, or injured members of the Armed Forces (in this section referred to as ''wounded warriors'') who are assigned to the wounded warrior programs of the Armed Forces and other individuals participating in the Program.

(B) To assist wounded warriors in transitioning into employment with the Federal Government, or into civilian life and careers.

(C) To otherwise assess the feasibility and advisability of various additional means to support the transition and reintegration of wounded warriors into civilian life and careers.

(3) PARTICULAR EMPHASIS ON SEVERELY WOUNDED WARRIORS.—In conducting the Program as expanded under this section, the Secretary shall pay special attention to wounded warriors who are severely or catastrophically wounded, ill, or injured (in this section referred to as ''severely wounded warriors'').

(b) ADDITIONAL LOCATIONS FOR PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall expand the Program under this section to not less than 10 locations nationwide by not later than September 30, 2012, and to an additional 10 locations nationwide by not later than September 30, 2013.

(2) LOCATIONS.—

(A) IN GENERAL.—In selecting locations under this subsection, the Secretary shall select from among locations in which there are high concentrations of wounded warriors (including from the regular components and the reserve components) who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are ready for career and employment counseling.

(B) SPECIAL EMPHASIS FOR LOCATIONS WITH HIGH UNEMPLOYMENT.—In selecting locations under this subsection, the Secretary shall give special emphasis to locations described in subparagraph (A) that also have an unemployment rate that is higher than the national average unemployment rate.

(C) DATA FOR IDENTIFICATION OF LOCATIONS.—In identifying locations for purposes of subparagraph (A), the Secretary shall utilize applicable data of the military departments and of the National Center for Veterans Analysis and Statistics.

(c) UTILIZATION OF OTHER FEDERAL PROGRAMS AND RESOURCES.—

(1) IN GENERAL.—In expanding the Program under this section, the Secretary of Defense shall, with the cooperation of the heads of the departments and agencies concerned, utilize other programs and resources of the Federal Government (including programs and resources having objectives similar to the Program), including the following:

(A) Programs and resources of the Department of Labor, including the Recovery and Employment Assistance Lifelines (REALifelines) initiative carried out by the Department and the Bethesda Naval Medical Center and Walter Reed Army Medical Center, Maryland.

(B) Programs and resources of the Department of Veterans Affairs, including the program of vocational rehabilitation carried out under chapter 31 of title 38, United States Code.

(C) Programs and resources of other departments and agencies of the Federal Government relating to education and employment of wounded warriors.

(2) DESIGNATION.—Activities carried out under this subsection as part of the expansion of the Program shall be known as the ''Wounded Warrior Education and Employment Initiative''.

(d) SERVICES TO BE PROVIDED UNDER PROGRAM.—

(1) IN GENERAL.—The services provided under the Program as expanded under this section shall include all possible career-development and education preparation services for wounded warriors (and their spouses, if appropriate) that are consistent with their needs and are provided utilizing a proactive, intensive, extended case-management model that includes individualized counseling.

(2) SERVICES.—The services provided under this subsection shall include, but not be limited to, assistance relating to the following:

(A) Engaging with prospective employers and educators, when appropriate.

(B) Entering into various kinds of occupations (whether full-time, part-time, paid, or volunteer, or self-employment as entrepreneurs or otherwise).

(C) Acquiring additional education and training, including through internships and mentorship programs.

(e) AVAILABILITY OF SERVICES UNDER PROGRAM TO WOUNDED WARRIORS OF ALL ARMED FORCES.—

(1) IN GENERAL.—The services provided under the Program as expanded under this section shall be provided to wounded warriors of all of the Armed Forces pursuant to policies established by the Secretary of Defense.

(2) COORDINATION.—The Secretary of Defense shall ensure coordination between the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force regarding the participation of members of the Armed Forces in the Program under this subsection, including actions to encourage and facilitate the participation of such members in the Program when appropriate.

(f) COST-BENEFIT ANALYSIS.—In identifying services to be provided under the Program as expanded under this section, and in identifying lessons learned and best practices developed for purposes of subsection (g), the Secretary of Defense shall undertake cost-benefit and other appropriate analyses of such services and the results of the provision of such services.

(g) DISSEMINATION OF LESSONS LEARNED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the dissemination to other departments and agencies of the Federal Government, State and local governments, and appropriate nonprofit organizations of information on lessons learned and best practices developed under the Program on the provision of benefits, services, and support to severely wounded warriors and other wounded warriors.

(2) DISSEMINATION TO RELEVANT AGENCIES.—As part of the dissemination of information under paragraph (1), the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, the Secretary of Education, and the Director of the Office of Personnel Management shall undertake such joint programs, activities, and initiatives as such Secretaries and the Director consider appropriate to facilitate and further the dissemination of such lessons and best practices as will be of particular use to their respective departments and agencies in providing benefits, services, and support to severely wounded warriors and other wounded warriors.

(h) REPORTS.—

(1) PRELIMINARY REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress, a report on the Program as expanded under this section.

(B) ELEMENTS.—The report under this paragraph shall include the following:

(i) A current description of the Program as expanded under this section.

(ii) A statement of the actions, if any, proposed to be undertaken to further expand the Program.

(iii) In consultation with the heads of other appropriate departments and agencies of the Federal Government, such recommendations for legislative or administration action (including legislative or administration action with respect to or by departments and agencies of the Federal Government other than the Department of Defense) for expanding, improving, or otherwise enhancing the Program.

(C) PUBLICATION.—The report shall be published in the Federal Register.

(D) PUBLIC COMMENT.—The Secretary shall accept comments from the public on the report, including on any recommendations pursuant to subparagraph (B)(iii), including comments from military service organizations and veterans service organizations.

(2) ASSESSMENT REPORT.—

(A) IN GENERAL.—Not later than five years after the date of the enactment of this Act, the Secretary shall submit to the appropriate committee of Congress a report on the Program.

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) A comprehensive description of the Program, including the following:

(I) Information on job placement and retention of wounded warriors who participated in the Program.

(II) A description and assessment of the career services provided under the Program to wounded warriors, with particular focus on those experiencing Post-Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI).

(ii) An assessment of the financial costs resulting from the failure of wounded warriors to gain employment or achieve self-sufficiency after service in the Armed Forces.

(iii) An assessment of the efficacy of the Program in preparing wounded warriors to meet the challenges of employment after service in the Armed Forces.

(iv) Such recommendations as the Secretary considers appropriate, including recommendations for the further continuation or enhancement of the services provided under the Program.

(3) DISSEMINATION TO OTHER DEPARTMENTS AND AGENCIES.—The Secretary of Defense shall share the information contained in the reports required by paragraphs (1) and (2) with the Secretary of Veterans Affairs, the Secretary of Labor, the Secretary of Education, the Director of the Office of Personnel Management, and the heads of such other departments and agencies of the Federal Government as the Secretary of Defense considers appropriate.

(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(2) the Committee on Armed Services and the Committee on Ways and Means of the House of Representatives.

SA 1306. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 542, strike line 11 and all that follows through page 543, line 18, and insert the following: ''amount of $270,000,000.

SEC. 1403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,347,498,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,476,499,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $357,004,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $32,964,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $399,602,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $270,000,000.

SA 1307. Mr. BARRASSO (for himself, Mr. ENZI, Mr. CONRAD, Mr. BAUCUS, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1089. READINESS AND FLEXIBILITY OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.

Notwithstanding any other provision of law and consistent with the treaty obligations of the United States, the Secretary of Defense shall—

(1) retain all of the 450 intercontinental ballistic missile launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers;

(2) maintain a minimum of 420 intercontinental ballistic missiles on alert or operationally deployed status;

(3) preserve all 450 existing intercontinental ballistic missile silos in operational or warm status; and

(4) distribute any reductions in the intercontinental ballistic missile force equally among the three operational inter-continental ballistic missile bases.

SA 1308. Mr. BARRASSO (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. _____. PRIVATE RIGHT OF ACTION UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–4) is amended by striking subsection (b) and inserting the following:

''(b) PRIVATE RIGHT OF ACTION.—A person who is aggrieved by a violation of this Act may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this Act.

''(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney's fees, including litigation expenses, and costs.

''(d) REPORTS TO CONGRESS.—

''(1) ANNUAL REPORT.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought by the Attorney General under subsection (a) during the preceding year or any civil action brought by a private party under subsection (b) in which the Attorney General intervened.

''(2) REPORT ON ENFORCEMENT.—Not later than July 1 of each year in which a general election for Federal office is scheduled, the Attorney General shall submit to Congress a report on the number of attorneys and other staff within the Department of Justice assigned to enforce the Uniformed and Overseas Citizen Absentee Voting Act, as well as the Attorney General's plan to detect noncompliance by State and local election officials with the requirements of the law.''.

SA 1309. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. REPORT ON CUBA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Secretary of State, submit to the appropriate committees of Congress a report setting forth the following:

(1) A description the cooperative agreements, relationships, or both between Cuba, on the one hand, and Iran, North Korea, and other states suspected of nuclear proliferation, on the other hand.

(2) A detailed description of the economic support provided by the Government of Venezuela to the Government of Cuba and the intelligence and other support provided by the Cuba Government to the Venezuela Government.

(3) A review of the evidence of relationships between the Cuba Government, or any of its components, and drug cartels, and of the involvement of the Cuba Government, or any of its components, in other drug trafficking activities.

(4) A description of the status and extent of any clandestine activities of the Cuba Government in the United States.

(5) A description of the extent of support by the Cuba Government for governments in Venezuela, Bolivia, Ecuador, and Central America, including cooperation on cyber matters with such governments.

(6) A description of the status and extent of the research and development program of the Cuba Government for biological weapons production.

(7) A description of the status and extent of the cyber warfare program of the Cuba Government.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1310. Mr. KIRK (for himself, Mr. KYL, Mr. DEMINT, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 234. PROTECTION OF UNITED STATES MISSILE DEFENSE TECHNOLOGY AND INFORMATION.

(a) IN GENERAL.—Subject to subsection (b), none of the amounts authorized to be appropriated by this Act may be obligated or expended to provide the Russian Federation access to—

(1) classified missile defense technology of the United States, including hit-to-kill technology; or

(2) classified data, including classified technical data and warning, detection, tracking, targeting, telemetry, command and control, and battle management data, that support the missile defense capabilities of the United States.

(b) APPLICABILITY.—The prohibitions under subsection (a) apply to technology and data that was classified as of November 1, 2011, or that was classified anytime thereafter.

SA 1311. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. EXPRESSION OF SUPPORT FOR GOVERNMENT OF KENYA FOR MILITARY ACTION IN SOMALIA AGAINST AL-SHABAAB.

Congress—

(1) expresses gratitude to the Government of Kenya, President Mwai Kibaki, and Prime Minister Raila Odinga for conducting Operation Protect the Country against the Al-Shabaab terrorist organization;

(2) recognizes the threat posed by Al-Shabaab to regional stability and the national security of the United States;

(3) supports offering all necessary assistance for Operation Protect the Country, including the imposition of an international blockade of the port of Kismayo, as requested by the Government of Kenya and the Intergovernmental Authority on Development (IGAD); and

(4) directs the President to engage closely with our NATO and regional allies to support the Kenyan operation against the Al-Shabaab terrorist organization.

SA 1312. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

TITLE XXXIV—VIETNAM EDUCATION FOUNDATION

SEC. 3401. TRANSFER OF THE VIETNAM EDUCATION FOUNDATION TO THE DEPARTMENT OF STATE.

(a) PURPOSES.—Section 202 of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended by adding at the end the following:

''(3) To support the development of 1 or more academic institutions in Vietnam that meets standards comparable to those required for accreditation under section 101(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)(5)) by providing financial assistance to United States institutions of higher education and not-for-profit organizations in the United States to participate in the governance, management, and academic activities of such academic institutions.''.

(b) DEFINITIONS.—Section 203 of such Act is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Vietnam Education Foundation Advisory Committee established under section 205.'';

(2) by redesignating paragraph (4) as paragraph (6);

(3) by redesignating paragraph (3) as paragraph (4);

(4) by inserting after paragraph (2) the following:

''(3) FUND.—The term 'Fund' means the Vietnam Debt Repayment Fund established under section 207;'';

(5) by inserting after paragraph (4) the following:

''(5) SECRETARY.—The term 'Secretary' means the Secretary of State.''.

(c) ESTABLISHMENT.—Section 204 of such Act is amended—

(1) by inserting '', within the Department of State,'' after ''established''; and

(2) by striking ''as an independent'' and all that follows through ''Code''.

(d) REPLACEMENT OF BOARD OF DIRECTORS WITH ADVISORY COMMITTEE.—Section 205 of such Act is amended to read as follows:

''SEC. 205. VIETNAM EDUCATION FOUNDATION ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There shall be established a Vietnam Education Foundation Advisory Committee, which shall provide advice to the Secretary regarding the Foundation's activities.

''(2) MEMBERSHIP.—The Advisory Committee shall be composed of 7 members, of whom—

''(A) 3 shall be appointed by the Secretary;

''(B) 1 shall be appointed by the majority leader of the Senate;

''(C) 1 shall be appointed by the minority leader of the Senate;

''(D) 1 shall be appointed by the Speaker of the House of Representatives; and

''(E) 1 shall be appointed by the minority leader of the House of Representatives.

''(3) APPOINTMENT OF INCUMBENT MEMBERS OF BOARD OF DIRECTORS.—Members appointed to the Advisory Committee may include individuals who were members of the Board of Directors of the Foundation on the date immediately preceding the date on which the Advisory Committee was established.

''(b) SUPERVISION.—The Foundation shall be subject to the supervision and direction of the Secretary, in consultation with the Advisory Committee.''.

(e) FELLOWSHIP PROGRAM.—Section 206(a)(1) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended—

(1) in the matter preceding subparagraph (A), by striking ''shall'' and inserting ''may''; and

(2) in subparagraph (A), by striking ''technology, and computer sciences'' and inserting ''academic computer science, public policy, management, and other applied academic disciplines relevant to Vietnam's development''.

(f) VIETNAM DEBT REPAYMENT FUND.—Section 207 of such Act is amended—

(1) in subsection (a), by striking ''(in this subsection referred to as the 'Fund')''; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—During each of the fiscal years 2012 through 2018, $5,000,000 of the amounts in the Fund shall be available, in accordance with paragraph (2), for expenditure by the Department of State for the purpose of carrying out this title.

''(2) DISBURSEMENT.—The Secretary of the Treasury, upon the request of the Secretary, shall transfer amounts made available under paragraph (1) to the Department of State for the purpose of carrying out this title.''; and

(B) in paragraph (3), by striking ''to the Foundation under paragraph (1)'' and inserting ''under this subsection''.

(g) APPOINTMENT OF EXECUTIVE DIRECTOR.—Section 208(a) of such Act is amended—

(1) in the subsection heading, by striking ''BY BOARD'';

(2) by striking ''There'' and inserting the following:

''(1) IN GENERAL.—There'';

(3) by striking ''shall be appointed by the Board'' and inserting ''may be appointed by the Secretary, in consultation with the Advisory Committee,''; and

(4) by striking ''The Executive Director shall be'' and all that follows and inserting the following:

''(2) DUTIES.—The Executive Director—

''(A) shall be the Chief Executive Officer of the Foundation;

''(B) shall serve the Advisory Committee;

''(C) shall carry out the functions of the Foundation subject to the supervision and direction of the Secretary;

''(D) shall carry out such other functions, consistent with the provisions of this title as the Secretary may prescribe.''.

(h) CONFORMING AMENDMENTS.—The Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) is amended—

(1) in section 206(e), by striking ''Board'' and inserting ''Secretary'';

(2) in section 207(d), by striking ''Board'' and inserting ''Secretary''

(3) in section 208—

(A) by striking subsection (b); and

(B) in subsection (d), by striking ''Board'' and inserting ''Secretary''; and

(4) in section 209—

(A) in subsection (a)(4), by striking ''with the concurrence of a majority of the members of the Board,''; and

(B) by amending subsection (b) to read as follows:

''(b) ANNUAL REPORT.—The Secretary of State shall submit an annual report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes the operations authorized under this title, including—

''(1) a list of the entities that received grants under this title during the past fiscal year, and the amount of such grants;

''(2) a description of the process used to allocate grant funds to the grantees described in paragraph (1); and

''(3) a description of how such grant funds were expended by such grantees.''.

(i) MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.—Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''but not limited to'';

(2) in paragraph (8), by striking ''and'' at the end;

(3) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(10) programs administered by the Vietnam Education Foundation.''.

(j) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—All functions and assets of the Vietnam Education Foundation, as of the day before the date of the enactment of this Act, are transferred to the Department of State.

(2) PERSONNEL.—The Secretary of State may hire—

(A) personnel who were employed by the Vietnam Education Foundation on the day before the date of the enactment of this Act; and

(B) such other personnel as may be necessary to support the Foundation, in accordance with part III of title 5, United States Code (5 U.S.C. 2101 et seq.).

(k) SUPPORT FOR INSTITUTIONAL INNOVATION IN VIETNAM.—

(1) GRANTS AUTHORIZED.—The Secretary of State may award 1 or more grants, using a transparent and competitive selection process, for the purposes set forth in paragraph (2), to—

(A) the Vietnam Education Foundation;

(B) institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))); and

(C) not-for-profit organizations in the United States engaged in promoting institutional innovation in Vietnamese higher education.

(2) USE OF FUNDS.—Grant funds awarded under paragraph (1) shall be used to establish 1 or more independent, not-for-profit, academic institutions in Vietnam, each of which shall—

(A) meet standards comparable to those required for accreditation under section 101(a)(5) of the Higher Education Act of 1965;

(B) offer graduate level programs in public policy, management, and related fields;

(C) support the equitable and sustainable socioeconomic development of Vietnam;

(D) feature teaching and research components;

(E) promote the development of institutional capacity and innovation in Vietnam;

(F) operate according to core principles of good governance; and

(G) be autonomous from the Government of Vietnam.

(3) APPLICATION.—

(A) IN GENERAL.—Each institution of higher education and not-for-profit organization desiring a grant under this subsection shall submit an application to the Secretary of State at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(B) COMPETITIVE BASIS.—The process for selecting grantees under this subsection shall be transparent and competitive and conform to—

(i) the requirements set forth under the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451); and

(ii) established Federal assistance award procedures of the Department of State.

(4) SOURCE OF GRANT FUNDS.—The Secretary of State may use amounts from the Vietnam Debt Repayment Fund made available under section 207(c) of the Vietnam Education Foundation Act of 2000 (22 U.S.C. 2452 note) for grants authorized under this subsection.

(5) ANNUAL REPORT.—The Secretary of State shall submit an annual report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that summarizes the activities carried out under this subsection during the most recent fiscal year.

SEC. 3402. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 1313. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE, LOCAL TRAINING AREA FOR BROWNING ARMY RESERVE CENTER, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey, without consideration, to the Department of Veterans Affairs (in this section referred to as the ''Department'') all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 5 acres of the Local Training Area for the Browning Army Reserve Center, Utah, for the purpose of constructing and operating a Community Based Outpatient Clinic adjacent to the George E. Wahlen Veterans Home in Ogden, Utah.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary may require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Department.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Department. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 1314. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) by striking ''(e) The'' and inserting ''(e)(1) Except as provided in paragraph (2), the''; and

(B) by adding at the end the following:

''(2) The maximum age limit for an original appointment to a position as a firefighter or law enforcement officer (as defined in section 8401(14) or (17), respectively) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.''.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by adding ''or'' at the end; and

(3) by inserting after paragraph (2) the following:

''(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

''(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1088(e) of the National Defense Authorization Act for Fiscal Year 2012; and

''(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1088(a)(2) of the National Defense Authorization Act for Fiscal Year 2012,''.

(c) MANDATORY SEPARATION.—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting '', except that a law enforcement officer, firefighter, nuclear materials courier, or customs and border protection officer eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age'' before the period;

(2) in subsection (c), in the first sentence, by inserting '', except that a member of the Capitol Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age'' before the period; and

(3) in subsection (d), in the first sentence, by inserting '', except that a member of the Supreme Court Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age'' before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(d) of such title is amended—

(1) in paragraph (1), by striking ''total service as'' and inserting ''civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,''; and

(2) in paragraph (2), by striking ''so much of such individual's total service as exceeds 20 years'' and inserting ''the remainder of such individual's total service''.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of the enactment of this Act and shall apply to appointments made on or after that effective date.

SA 1315. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. LONG-TERM PLAN FOR MAINTENANCE OF INTERCONTINENTAL BALLISTIC MISSILE SOLID ROCKET MOTOR PRODUCTION CAPACITY.

The Secretary of Defense shall submit, with the budget justification materials submitted to Congress in support of the budget of the Department of Defense for fiscal year 2013 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a long-term plan for maintaining a minimal capacity to produce

intercontinental ballistic missile solid rocket motors.

SA 1316. Mr. HATCH (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle C of title III.

SA 1317. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON DEFENSE DEPARTMENT ANALYTIC CAPABILITIES REGARDING FOREIGN BALLISTIC MISSILE THREATS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the analytic capabilities of the Department of Defense regarding threats from foreign ballistic missiles of all ranges.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current capabilities of the Department of Defense to analyze threats from foreign ballistic missiles of all ranges, including the degree of coordination among the relevant analytic elements of the Department.

(2) A description of any current or foreseeable gaps in the analytic capabilities of the Department regarding threats from foreign ballistic missiles of all ranges.

(3) A plan to address any gaps identified pursuant to paragraph (2) during the 5-year period beginning on the date of the report.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 1318. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1048 and insert the following:

SEC. 1048. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(a) FISCAL YEAR 2012 ADMINISTRATION.—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

(b) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking ''6 or more years'' and inserting ''4 or more years''.

(c) DEFINITION OF LOCAL EDUCATIONAL AGENCY AND PUBLIC CHARTER SCHOOLS.—

(1) AMENDMENT.—Section 2304(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(a)(1)(B)) is amended to read as follows:

''(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career or technical education teacher for not less than 3 school years with a local educational agency receiving a grant under part A of title I, a public charter school (as such term is defined in section 2102) residing in such a local educational agency, or a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), to begin the school year after obtaining that certification or licensing.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 30 days after the date of the enactment of this Act.

(d) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(A) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(B) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(C) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(D) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(E) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as a transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(F) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(G) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(i) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(ii) the Committees on Armed Services and Education and the Workforce of the House of Representatives.

(B) TROOPS-TO-TEACHERS PROGRAM.—The term ''Troops-to-Teachers Program'' means the Troops-to-Teachers Program under chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

SA 1319. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 542, strike line 11 and all that follows through page 543, line 18, and insert the following: ''amount of $270,000,000.

SEC. 1403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,347,498,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,476,499,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $357,004,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $32,964,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $399,602,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $270,000,000.

On page 671, in the table relating to Military Construction, Defense-Wide, in the item relating to the Energy Conservation Investment Program, strike ''135,000'' in the Senate Agreement column and insert ''270,000''.

On page 671, in the table relating to Military Construction, Defense-Wide, in the item relating to Total Military Construction, Defense-Wide, strike ''3,103,663'' in the Senate Agreement column and insert ''3,238,663''.

SA 1320. Mr. LIEBERMAN (for himself, Mr. INHOFE, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 402. REPORT ON ANTICIPATED REDUCTIONS IN END-STRENGTH LEVELS FOR UNITED STATES GROUND FORCES IN RESPONSE TO POTENTIAL REDUCTIONS IN FUNDING FOR THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on potential reductions in end-strength levels for United States ground forces that would occur as a result of any reductions in funding for the Department of Defense linked to the Budget Control Act.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the reductions in end-strength levels for United States ground forces anticipated in response to potential reductions in funding for the Department of Defense.

(2) An explanation of the strategic rationale for such reductions.

(3) An explanation of the standards to be used in determining and implementing such reductions, and the resultant force structure mix, over the course of the future-years defense program submitted to Congress in fiscal year 2012.

(4) A summary of the risks such reductions pose to the capacity of the Armed Forces to execute the National Defense Strategy or any particular role or mission under that strategy.

(5) A summary of plans to manage the risks summarized under paragraph (4), including, in particular, plans for mechanisms to ensure the timeliness of any expansion of United States ground forces required in the event of a crisis and to expand the reserve components.

(6) A description of any differences in opinion on the matters covered by paragraphs (1) through (5) from the Joint Staff, the Chiefs of Staff, and the commanders of the combatant commands.

(7) Such other matters relating to such reductions as the Secretary considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) UNITED STATES GROUND FORCES DEFINED.—In this section, the term ''United States ground forces'' means the Army and the Marine Corps.

SA 1321. Mr. REED submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUYE, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike line 15 and all that follows through page 5 line 19, and insert the following:

''(A) have had at least 10 years of federally recognized service in an active status in the National Guard; and

''(B) are in a grade above the grade of brigadier general.

''(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

''(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

''(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

''(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

''(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

''(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 10502 of such title is amended by striking subsection (e).

(2) Section 10506(a)(1) of such title is amended by striking ''and the Director of the Joint Staff of the National Guard Bureau'' and inserting ''and the Vice Chief of the National Guard Bureau''.

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 10502 of such title is amended to read as follows:

''§ 10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1011 of such title is amended—

(A) by striking the item relating to section 10502 and inserting the following new item:

''10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade.'';

and

(B) by striking the item relating to section 10505 and inserting the following new item:

''10505. Vice Chief of the National Guard Bureau.''.

SEC. 1603. MEMBERSHIP OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.

Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) The Chief of the National Guard Bureau for the purpose of addressing issues involving non-federalized National Guard forces in support of homeland defense and civil support missions.''.

SA 1322. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF SENATE ON THE 50TH ANNIVERSARY OF THE ESTABLISHMENT OF THE NAVY SEALS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Members of the United States Special Operations Command forces, known as ''Navy SEALs'', who are able to operate in sea, air, and land, bravely serve United States national security by conducting elite combat operations around the world in support of the global war on terrorism.

(2) The Navy SEALs are the critical element of the special operations capability of the United States and have retained the highest standard of loyalty, honor, and duty since their origin as Navy frogmen during World War II.

(3) The Navy SEALs show the highest professionalism in their tactical proficiency and full-spectrum capability on the battlefield.

(4) The Navy SEALs have made the greatest of sacrifices in the line of duty and repeatedly demonstrate their dedication and readiness to continue to make those sacrifices on behalf of the United States.

(5) The valiant Navy SEALs have courageously and vigorously pursued al-Qaeda and its affiliates in Afghanistan and around the world, and participated with the intelligence community in the elimination of Osama Bin Laden.

(b) SENSE OF SENATE.—It is the sense of the Senate to—

(1) recognize the service, professionalism, honor, and sacrifices of the Navy SEALs and their contributions to the national security of the United States since January 1, 1962;

(2) support the mission of the Navy SEALs in the global war on terrorism; and

(3) encourage the people of the United States to learn the history and mission of the Navy SEALs.

SA 1323. Mr. BENNET (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. 586. IMPROVEMENTS TO TRANSITION ASSISTANCE PROGRAM.

(a) SECRETARY OF LABOR FOLLOW-UP WITH PROGRAM PARTICIPANTS.—The Secretary of Labor shall contact each individual who participates in the Transition Assistance Program (TAP) of the Department of Defense not later than 180 days after the date on which the individual completes participation

in the program and not less frequently than once every 120 days thereafter for two years—

(1) to ascertain the employment status of the individual; and

(2) to refer the individual to employment assistance and services provided by the Department of Labor or Department of Veterans Affairs as appropriate.

(b) OUTREACH TO SPOUSES.—The Secretary of Labor shall, in conjunction with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs, carry out a program of outreach to ensure that spouses of members of the Armed Forces who are eligible for participation in the Transition Assistance Program are aware that they are also eligible to participate in such program.

(c) BIENNIAL AUDITS.—

(1) IN GENERAL.—Not less frequently than once every two years, the Secretary of Labor shall enter into an agreement with an independent nongovernmental entity to conduct an audit of the Transition Assistance Program.

(2) ELEMENTS.—Each audit carried out under paragraph (1) shall include, for the period covered by such audit, an assessment of the following:

(A) The persons providing training under the program.

(B) Outreach relating to the program.

(C) The employment obtained by former participants in the program, including the quality of job offers received by participants and the current employment status of former participants.

(3) ASSESSMENT OF EMPLOYMENT.—In assessing the employment of former participants under paragraph (2)(C), the Secretary shall assess the employment status of former participants at intervals of every 180 days, commencing 180 days after participation in the program and ending three years after participation in the program.

SA 1324. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 554, insert after the table relating to Air National Guard the following:

Air National Guard: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi International Airport	Relocate munitions storage complex	$3,400,000

SA 1325. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. TIMELY PRODUCTION OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.

With respect to a member of the Armed Forces on active duty who dies abroad, the Secretary of Defense shall take appropriate actions to ensure that the Chief of the Armed Forces Examiner Services produces the following not later than seven days after the return of the remains of the member to the United States:

(1) A death certificate.

(2) If a death certificate cannot be provided within such seven days, a temporary death certificate adequate for purposes of claiming commercial insurance with respect to the deceased member.

SA 1326. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 331(b)(2), strike subparagraphs (K) and (L) and insert the following:

(K) identify parcels with no value to future military operations;

(L) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States.

SA 1327. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1048 and insert the following:

SEC. 1048. FISCAL YEAR 2012 ADMINISTRATION OF TROOPS-TO-TEACHERS PROGRAM.

Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program (as defined in section 1049(j)(2)) during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

SEC. 1049. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(a) HIGH-NEED SCHOOL DEFINITION.—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended by adding at the end the following:

''(6) HIGH-NEED SCHOOL.—The term 'high-need school' means—

''(A) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families, based on—

''(i) the number of children eligible for a free or reduced priced lunch under the Richard B. Russell National School Lunch Act;

''(ii) the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act;

''(iii) the number of children eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act; or

''(iv) a composite of the indicators described in clauses (i) through (iii);

''(B) a high school in which not less than 40 percent of the enrolled students are children from low-income families, as described in clauses (i) through (iv) of subparagraph (A), which may be calculated using data from the feeder schools of such high school;

''(C) a school that is served by a local educational agency that is eligible as described in section 6211(b); or

''(D) a school in which not less than 13 percent of the enrolled students qualify for assistance under part B of the Individuals with Disabilities Education Act.''.

(b) BUREAU-FUNDED SCHOOLS.—Section 2302(b)(2)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)(2)(A)) is amended—

(1) in clause (i), by striking ''or'' after the semicolon;

(2) in clause (ii)—

(A) by striking ''and'' after the semicolon and inserting ''or''; and

(B) by inserting ''foreign language,'' after ''special education,''; and

(3) by adding at the end the following:

''(iii) a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); and''.

(c) COUNSELING AND REFERRAL SERVICES.—Section 2302(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(e)) is amended to read as follows:

''(e) COUNSELING AND REFERRAL SERVICES.—The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who do not meet the criteria described in section 2303(a), including meeting the education qualification requirements under section 2303(c)(2).''.

(d) YEARS OF SERVICE REQUIREMENTS; STIPEND.—Section 2303(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)) is amended—

(1) in paragraph (2)(A)(i), by striking ''6 or more years'' and inserting ''4 or more years''; and

(2) in paragraph (2)(A)(ii), by striking ''10 years of active duty service, 10 years of service computed under section 12732 of title 10, United States Code, or 10 years of any combination of such service; and'' and inserting ''6 years of active duty service, 6 years of service computed under section 12732 of title 10, United States Code, or 6 years of any combination of such service; and''.

(e) VOCATIONAL AND TECHNICAL EDUCATION REQUIREMENTS.—Section 2303(c)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(c)(2)(B)) is amended by

striking ''ave received the equivalent'' and all that follows through ''field; or'' and inserting the following:

''(i) to have received the equivalent of 1 year of college from an accredited institution of higher education or the equivalent in military education and training as certified by the Department of Defense; or''.

(f) RESERVE ENLISTMENT REQUIREMENT.—Section 2303(e)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(e)(2)(B)) is amended by striking ''(in addition to any other reserve commitment the member may have)''.

(g) DEFINITION OF LOCAL EDUCATIONAL AGENCY AND PUBLIC CHARTER SCHOOLS.—

(1) AMENDMENT.—Section 2304(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(a)(1)(B)) is amended to read as follows:

''(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years with a local educational agency receiving a grant under part A of title I, a public charter school (as such term is defined in section 2102) residing in such a local educational agency, or a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), to begin the school year after obtaining that certification or licensing.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 30 days after the date of the enactment of this Act.

(h) HIGH-NEED SCHOOL.—Section 2303(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(d)) is amended to read as follows:

''(d) SELECTION PRIORITIES.—In selecting eligible members of the Armed Forces to receive assistance under the Program, the Secretary—

''(1) shall give priority to members who—

''(A) have educational or military experience in science, mathematics, special education, foreign language, or career or vocational subjects; and

''(B) agree to seek employment as science, mathematics, foreign language, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency; and

''(2) may give priority to members who agree to seek employment in a high-need school.''.

(i) DEFINITIONS.—Section 2304(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6675(d)) is amended by striking paragraph (3).

(j) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(A) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(B) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(C) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(D) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(E) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as a transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(F) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public schools, and reasons for expanding the program to additional school districts.

(G) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(i) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(ii) the Committees on Armed Services and Education and the Workforce of the House of Representatives.

(B) TROOPS-TO-TEACHERS PROGRAM.—The term ''Troops-to-Teachers Program'' means the Troops-to-Teachers Program under chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

SA 1328. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON IMPROVEMENT OF JOINT, INTERAGENCY, AND INTERGOVERNMENTAL METHODS FOR COLLECTING, PROCESSING, EXPLOITING, AND DISSEMINATING DATA FROM UNMANNED AERIAL SYSTEMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Homeland Security and the heads of other appropriate departments and agencies of the Federal Government, submit to Congress a report on means of improving joint, interagency, and intergovernmental methods for collecting, processing, exploiting, and disseminating data from unmanned aerial systems.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) Recommendations for means to improve interoperability between operators of unmanned aerial systems and users of data collected by unmanned aerial systems, including the Department of Defense, the Department of Homeland Security, and other Federal and State governmental users, including recommendations for improvements regarding the following:

(A) Unmanned aerial systems operations, including crew and contractor support.

(B) Network architecture and infrastructure for unmanned aerial systems and processing, exploitation, and dissemination facilities.

(C) Methods of processing, exploiting, and disseminating data collected from unmanned aerial systems, with an emphasis on improvement of dissemination of such data.

(2) An assessment of the feasibility of each of the following (including whether the feasibility of each is enhanced by reason of any improvements recommended under paragraph (1)):

(A) The establishment of a joint Distributed Common Ground Station (DCGS), or similar processing, exploitation, and dissemination facilities, consisting of appropriate elements of the Air Force, the Army, the Navy, and the Marine Corps.

(B) The establishment of an interagency Distributed Common Ground Station, or such similar facilities, consisting of appropriate elements of the Department of Defense, the Department of Homeland Security, and other appropriate departments and agencies of the Federal Government, including members of the National Guard in State status serving both the Army National Guard or the Air National Guard and a Federal or State civilian agency.

(C) The establishment of an intergovernmental Distributed Common Ground Station, or such similar facilities, consisting of appropriate elements of the Federal Government and State governments, particularly for purposes of collecting, processing, exploiting, and disseminating data from unmanned aerial systems on natural disasters.

(3) An identification and assessment of means of resolving each of the following in connection with the collecting, processing, exploiting, and disseminating of data from unmanned aerial systems:

(A) Issues arising from the classified nature of some data collected by unmanned aerial systems.

(B) Issues in connection with the advantages and disadvantages flowing from the geographic dispersal of unmanned aerial systems and processing, exploitation, and dissemination facilities throughout the United States.

(C) Issues relating to whether the Department of Defense, in using unmanned aerial systems to collect data and using processing, exploitation, and dissemination facilities to process, exploit, and disseminate data in the United States, constitutes a *posse comitatus*.

(4) Such other matters as the Secretary of Defense considers appropriate.

SA 1329. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. REPEAL OF REQUIREMENT THAT THE CHIEF OF THE NATIONAL GUARD BUREAU BE APPOINTED FROM AMONG OFFICERS RECOMMENDED FOR APPOINTMENT BY THE GOVERNORS OF THE STATES.

Section 10502(a) of title 10, United States Code, is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively.

SA 1330. Mr. WEBB submitted an amendment intended to be proposed by

him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.

(a) IN GENERAL.—The boundary of Petersburg National Battlefield is modified to include the properties as generally depicted on the map titled ''Petersburg National Battlefield Boundary Expansion'', numbered 325/80,080, and dated June 2007. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(b) ACQUISITION OF PROPERTIES.—The Secretary of the Interior (referred to in this section as the ''Secretary'') is authorized to acquire the lands or interests in land, described in subsection (a), from willing sellers only by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) ADMINISTRATION.—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) ADMINISTRATIVE JURISDICTION TRANSFER.—

(1) IN GENERAL.—The Secretary and the Secretary of the Army are authorized to transfer administrative jurisdiction for approximately 1.171 acres of land under the jurisdiction of the Department of the Interior within the boundary of the Petersburg National Battlefield, for approximately 1.170 acres of land under the jurisdiction of the Department of the Army within the boundary of the Fort Lee Military Reservation adjacent to the boundary of the Petersburg National Battlefield.

(2) MAP.—The land to be exchanged is depicted on the map titled ''Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction'', numbered 325/80,081, and dated October 2009. The map shall be available for public inspection in the appropriate offices of the National Park Service.

(3) CONDITIONS OF TRANSFER.—The transfer of administrative jurisdiction authorized in paragraph (1) shall be subject to the following conditions:

(A) NO REIMBURSEMENT OR CONSIDERATION.—The transfer shall occur without reimbursement or consideration.

(B) DEADLINE.—The Secretary and the Secretary of the Army shall complete the transfers authorized by this subsection not later than 120 days after the funds are made available for that purpose.

(C) MANAGEMENT.—The land conveyed to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of the park in accordance with applicable laws and regulations.

SA 1331. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 364, after line 22, add the following:

(e) SUNSET.—This section and any requirements under this section shall expire on September 30, 2013.

SA 1332. Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON APPROVAL AND IMPLEMENTATION OF AIR SEA BATTLE CONCEPT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the approved Air Sea Battle Concept, as required by the 2010 Quadrennial Defense Review Report, and a plan for the implementation of the concept.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The approved Air Sea Battle Concept.

(2) An identification and assessment of risks related to gaps between Air Sea Battle Concept requirements and the current force structure and capabilities of the Department of Defense.

(3) The plan and assessment of the Department on the risks to implementation of the approved concept within the current force structure and capabilities.

(4) A description and assessment of how current research, development, and acquisition priorities in the program of record meet or fail to meet current and future requirements for implementation of the Air Sea Battle Concept.

(5) An identification, in order of priority, of the five most critical force structure or capabilities requiring increased or sustained investment for the implementation of the Air Sea Battle Concept.

(6) An identification, in order of priority, of how the Department will offset the increased costs for force structure and capabilities required by implementation of the Air Sea Battle Concept, including an explanation of what force structure, capabilities, and programs will be reduced and how potentially increased risks based on those reductions will be managed relative to other strategic requirements.

(7) A description and assessment of the estimated incremental increases in costs and savings from implementing the Air Sea Battle Concept, including the most significant reasons for those increased costs and savings.

(8) A description and assessment of the contributions required from allies and other international partners, including the identification and plans for management of related risks, in order to implement the Air Sea Battle Concept.

(9) Such other matters relating to the development and implementation of the Air Sea Battle Concept as the Secretary considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in both unclassified and classified form.

SA 1333. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUYE, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, strike line 14 and all that follows through the end and insert the following:

SEC. 1609. NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) STATE PARTNERSHIP PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

''§ 116. State Partnership Program

''(a) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

''(A) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

''(B) To support the objectives of the United States chief of mission of the partner nation with which contacts and activities are conducted.

''(C) To build international partnerships and defense and security capacity.

''(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

''(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

''(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

''(2) Costs under paragraph (1) may include costs as follows:

''(A) Costs of pay and allowances of members of the National Guard.

''(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

''(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

''(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

''(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

''(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

''(A) contributes to responsible management of defense resources;

''(B) fosters greater respect for and understanding of the principle of civilian control of the military;

''(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

''(D) improves international partnerships and capacity on matters relating to defense and security.

''(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

''(d) DEFINITIONS.—In this section:

''(1) The term 'State Partnership Program' means a program that establishes a defense and security relationship between the National Guard of a State or territory and the military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

''(2) The term 'activities', for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

''(3) The term 'interagency activities' means the following:

''(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

''(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

''(4) The term 'matter within the core competencies of the National Guard' means matters with respect to the following:

''(A) Disaster response and mitigation.

''(B) Defense support to civil authorities.

''(C) Consequence management and installation protection.

''(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

''(E) Border and port security and cooperation with civilian law enforcement.

''(F) Search and rescue.

''(G) Medicine.

''(H) Counterdrug and counternarcotics activities.

''(I) Public affairs.

''(J) Employer support and family support for reserve forces.

''(5) The term 'United States civilian personnel' means the following:

''(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

''(B) Members and employees of the legislative branch of the United States Government.

''(C) Non-governmental individuals.

''(6) The term 'foreign civilian personnel' means the following:

''(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

''(B) Non-governmental individuals of a foreign country.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

''116. State Partnership Program.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) is repealed.

SA 1334. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. EXCEPTION TO THE MEDICARE EXPANSION RESTRICTIONS FOR PHYSICIAN-OWNED HOSPITALS FOR CERTAIN HOSPITALS LOCATED NEAR A MILITARY INSTALLATION.

(a) IN GENERAL.—Section 1877(i) of the Social Security Act (42 U.S.C. 1395nn(i)) is amended—

(1) in paragraph (1)(B), by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (7)''; and

(2) by adding at the end the following new paragraph:

''(7) ADDITIONAL EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

''(A) IN GENERAL.—The requirement under paragraph (1)(B) shall not apply to a hospital described in subparagraph (B).

''(B) HOSPITAL DESCRIBED.—A hospital is described in this subparagraph if it meets the following requirements:

''(i) The hospital makes emergency services available 24 hours a day and 7 days a week.

''(ii) The hospital is an authorized provider of health care services under the TRICARE program.

''(iii) The hospital is located within 75 road miles of a United States military installation (as defined by the Secretary of Defense).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SA 1335. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PRODUCTS OF MOLDOVA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that the denial of nondiscriminatory treatment should no longer apply to the products of Moldova; and

(2) after making a determination under paragraph (1) with respect to Moldova, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the date on which the President extends nondiscriminatory treatment to the products of Moldova pursuant to subsection (a), title IV of the Trade Act of 1974 shall cease to apply to Moldova.

SA 1336. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1089. REPORT ON, AND LIMITATION ON APPLICATION OF, PROPOSED FEDERAL AVIATION ADMINISTRATION RULE WITH RESPECT TO FLIGHTCREW MEMBER DUTY AND REST REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains the following:

(1) An assessment of the effects of the proposed rule of the Federal Aviation Administration with respect to flightcrew member duty and rest requirements (as described in the notice of proposed rulemaking published in the Federal Register on September 14, 2010 (75 Fed. Reg. 55852)) on Department of Defense operations.

(2) A description of—

(A) the efforts of the United States Transportation Command to inform the Administrator of the Federal Aviation Administration of concerns with respect to the application of the proposed rule; and

(B) the response, if any, received by the United States Transportation Command from the Administrator.

(3) An assessment of options available to the United States Transportation Command

and other Federal agencies that rely on support from the Civil Reserve Air Fleet to mitigate any adverse effects of the potential rule.

(b) LIMITATION ON APPLICATION OF PROPOSED RULE.—Notwithstanding any other provision of law, the proposed rule specified in subsection (a)(1) may not take effect with respect to flights operated by or in support of the Department of Defense or in furtherance of national security until the date that is 90 days after the report required by subsection (a) is submitted.

SA 1337. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 933. REPORT ON THE INCORPORATION OF EQUIPMENT MANUFACTURED BY HUAWEI INTO DEPARTMENT OF DEFENSE NETWORKS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the incorporation into Department of Defense networks or the networks of Department of Defense contractors of equipment manufactured by Huawei or any of its affiliates, subsidiaries, or allied organizations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A comprehensive list of the networks of the Department of Defense into which equipment manufactured by Huawei or any of its affiliates, subsidiaries, or allied organizations was incorporated.

(2) A comprehensive list of the networks of Department of Defense contractors into which such equipment was incorporated.

(3) An assessment of the vulnerabilities created by the incorporation of such equipment into such networks.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 1338. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. PROHIBITION ON USE OF FUNDS FOR CONTRACTS THAT INCORPORATE EQUIPMENT MANUFACTURED BY HUAWEI INTO DEPARTMENT OF DEFENSE NETWORKS.

None of the amounts authorized to be appropriated by this Act may be expended on a contract that results in the incorporation into Department of Defense networks of any equipment manufactured by Huawei or any of its affiliates, subsidiaries, or allied organizations.

SA 1339. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) in subsection (a), by striking ''the Secretary of Defense shall submit'' and inserting ''the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit''; and

(2) in subsection (b)—

(A) by redesignating paragraph (12) as paragraph (15); and

(B) by inserting after paragraph (11) the following new paragraphs:

''(12) Chinese military-to-military relationships with other countries, including—

''(A) the size and activity of military attache offices around the world;

''(B) military education programs conducted in China for others countries or in other countries for the Chinese;

''(C) the size and scope of purchases of foreign military hardware and software by the Chinese and from the Chinese; and

''(D) Chinese foreign aid to and economic investment in other countries.

''(13) Activities by the Government of the People's Republic of China at or near United States military installations worldwide.

''(14) Activities by the Government of the People's Republic of China in key industries, including energy, rare earth minerals, biotechnology, and telecommunications, and the implications of those activities to the national security of the United States.

''(15) Joint ventures between firms in the People's Republic of China and contractors of the Department of Defense that involve the intellectual property of those contractors.''.

SA 1340. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. SECRETARY OF DEFENSE ASSESSMENT OF INDEPENDENT COMMISSION TO REFORM FEDERAL ACQUISITION RULES.

(a) FINDINGS.—Congress makes the following findings:

(1) There are 1,680 policy documents and 91 laws affecting the Federal acquisition rules (FARs), with 30 new documents added in 2011.

(2) The Department of Defense has develop alternative procedures, working groups, and organizations, such as the Joint Improvised Explosive Device Defeat Organization (JIEDDO), that essentially bypass current Federal acquisition rules in order to rapidly field new weapons systems critically needed by our warfighters.

(3) In 2005, the Defense Acquisition Performance Assessment (DAPA) panel found that problems in the defense acquisition system were deeply embedded in many of its acquisition management processes.

(4) The General Services Administration (GSA), the National Aeronautics and Space Administration (NASA), the Department of Defense, and the Office of Management and Budget (OMB) met in February 2011 to develop ''bold, new ways to improve the product quality and timeliness of the FAR process'' and ''called for a tune-up of the FARs''.

(5) Despite attempts by Congress and other Federal agencies, Federal acquisition rules remain complicated and outdated, leading to increased procurement times and costs.

(b) ASSESSMENT.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the other members of the Federal Acquisition Regulatory Council, conduct an assessment the feasibility and advisability of establishing an independent commission to streamline and simplify current Federal acquisition rules and guidance. The purpose of the commission for purposes of the assessment shall be to reduce, consolidate, and update all Federal acquisition rules in order to create an acquisition system that is more cost effective, efficient, and timely.

(2) ELEMENTS.—The assessment required by this subsection shall include, but not limited to, the following:

(A) A comprehensive review of current Federal acquisition rules affecting defense acquisition.

(B) A consideration of the history, rationale and effects of the proliferation of the documents, rules, and regulations relating to the Federal acquisition process.

(C) The impact of current Federal acquisition rules on open competition, small business participation, and execution of contracts.

(D) The impact of current Federal acquisition rules on warfighter access to the latest technologies and weapon systems.

(E) Such recommendations as the Secretary considers appropriate regarding potential changes to documents, rules, and procedures relating to the Federal acquisition process.

(F) An assessment of the feasibility and advisability of establishing an independent commission to reform the Federal acquisition rules.

(G) If such an independent commission is considered feasible and advisable, such recommendation on the size, composition, and duration of the commission as the Secretary considers appropriate.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the assessment required by this subsection.

SA 1341. Mr. NELSON of Florida (for himself and Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 1243 submitted by Mr. WARNER (for himself and Mr. WEBB) and intended to be proposed to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, beginning on line 2, strike ''**LIMITATION**'' and all that follows through page 2, line 2, and insert the

following: "**SENSE OF CONGRESS ON IMPORTANCE OF ESTABLISHING A HOMEPORT FOR A NUCLEAR-POWERED AIRCRAFT CARRIER AT MAYPORT NAVAL STATION, FLORIDA.**

It is the sense of Congress that—

(1) as mandated in the 2010 Quadrennial Defense Review, in order to mitigate the risk of a terrorist attack, accident, or natural disaster, the United States Navy will homeport an East Coast carrier in Mayport, Florida;

(2) numerous studies have affirmed what the Navy has maintained all along, that dispersing our capital ships is in our best national security interest;

(3) this decision has been supported by the past four Chiefs of Naval Operations, and both President George W. Bush and President Barack Obama;

(4) during this time of fiscal austerity, the case for strategic dispersal has been strengthened by the recent Government Accountability Office report that states that the total one-time cost of homeporting a nuclear-powered aircraft carrier at Naval Station Mayport is expected to be between $258,700,000 and $356,000,000, which is well below the Navy's estimate of the one-time cost as $537,600,000;

(5) the infrastructure improvements necessary to ready Mayport for a carrier move in 2019 are purposefully spread out over the next five years in order to mitigate the impact on the Navy's budget in any given year; and

(6) dispersing the East Coast carrier fleet is a national security priority, and the infrastructure improvements necessary to achieve this goal are vital to the defense of our Nation.

SA 1342. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading "OPERATION AND MAINTENANCE" under the heading "CORP OF ENGINEERS—CIVIL" under the heading "CORP OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY", strike "such fees have been collected" and all that follows through the matter under the heading "REGULATORY PROGRAM" and insert the following:

such fees have been collected; *Provided*, That no funds shall be made available to carry out a project for the dredging of small ports unless the project complies with a tonnage requirement of a minimum of 500,000 tons, which shall be calculated by each relevant port authority and submitted to the Corps of Engineers.

REGULATORY PROGRAM

None of the funds made available by this Act may be used to enforce laws pertaining to regulation of navigable waters and wetlands: *Provided*, That $64,333,333 shall be deposited in the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1954: *Provided further*, That $128,666,667 shall be deposited in the Treasury and used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

At the appropriate place, add the following:

SEC. ___.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for the highway bridge program established under section 144 of title 23, United States Code, $238,000,000, to remain available until expended, which shall be derived by transfer from amounts made available under the heading under the heading "TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM" under the heading "DEPARTMENT OF ENERGY, ENERGY PROGRAMS", so that the total amount available under the heading "TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM" is $0.

SA 1343. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5____. None of the funds made available by this Act for fiscal year 2012 may be obligated or expended to implement or use green building rating standards unless the standards—

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

PRIVILEGES OF THE FLOOR

Ms. AYOTTE. Mr. President, I ask unanimous consent that Dennis Deziel, a defense fellow in my office, be granted floor privileges during the consideration of S. 1867.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that Joel Garrison, a defense legislative fellow in our office, be granted floor privileges for the consideration of these amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the legislative fellow in the office of Senator CONRAD, Air Force MAJ Jason Jensen, be granted the privilege of the floor for the duration of debate on S. 1867.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to allow CDR Mike Moore, my defense legislative fellow, floor privileges through final passage of S. 1867, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will say how much I have appreciated Commander Moore's contributions to our effort to preserve and protect and defend this country, and he is going to be returning to the full naval service before too much longer. It has been a great asset to have him on board.

Mr. LEVIN. Mr. President, I ask unanimous consent that Christopher White, a national security fellow in Senator WARNER's office, be given floor privileges during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Connecticut, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:24 p.m., recessed subject to the call of the Chair and reassembled at 3:47 p.m., when called to order by the Presiding Officer (Mr. LEVIN).

Mr. REID. Mr. President, I thought we were in a quorum call. I didn't realize we were out of session subject to the call of the Chair, so I thank the Chair.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, November 28, 2011, at 5 p.m., the Senate proceed to executive session to consider Calendar No. 270; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar No. 270; 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 of the United States be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 436, 445, 446, 447, 448, 449, 451, 452, 453, 454, 455, 457, 466, 467, 468, 469, 470, 471, and 498; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

SMALL BUSINESS ADMINISTRATION

Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration.

THE JUDICIARY

Catharine Friend Easterly, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Corinne Ann Beckwith, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

DEPARTMENT OF HOMELAND SECURITY

Ernest Mitchell, Jr., of California, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2012.

Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2016.

NATIONAL SCIENCE FOUNDATION

Claude M. Steele, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014.

Anneila I. Sargent, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2016.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Dana Katherine Bilyeu, of Nevada, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2015.

NATIONAL CONSUMER COOPERATIVE BANK

Cyrus Amir-Mokri, of New York, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

FEDERAL MARITIME COMMISSION

Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner for a term expiring June 30, 2016.

NATIONAL TRANSPORTATION SAFETY BOARD

Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2016.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

David A. Montoya, of Texas, to be Inspector General, Department of Housing and Urban Development.

THE JUDICIARY

John Francis McCabe, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Peter Arno Krauthamer, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Danya Ariel Dayson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

Nancy Maria Ware, of the District of Columbia, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia for a term of six years.

DEPARTMENT OF JUSTICE

Michael A. Hughes, of the District of Columbia, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

David Avren Jones, of Connecticut, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2014.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

REVISING THE FEDERAL CHARTER FOR THE BLUE STAR MOTHERS OF AMERICA, INC.

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1541 and that we now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1541) to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

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 that any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1541) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF MEMBERSHIP TERMS.

Section 30504 of title 36, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the text preceding subparagraph (A) and inserting ''she is a mother (meaning a woman who filled the role of birthmother, adoptive mother, step-mother, foster-mother, grandmother, or legal guardian) of a person who—''; and

(B) in subparagraph (B), by striking ''in World War II or the Korean hostilities''; and

(2) in paragraph (2), by inserting ''or is a citizen of the United States living outside the United States'' before the period at the end.

HONORING THE LIFE AND LEGACY OF EVELYN H. LAUDER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 335.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 335) honoring the life and legacy of Evelyn H. Lauder.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise today in strong support of this resolution, submitted with my colleagues, Senator GILLIBRAND and Senator FEINSTEIN, which honors the life and legacy of Evelyn Lauder.

Fittingly extolled by The New York Times as a ''Champion of Breast Cancer Research,'' Evelyn will be long remembered by our Nation and indeed the world for her profound and lasting leadership in combating the dreaded scourge of breast cancer which Evelyn battled herself.

One of the great philanthropists of our time or any time, Evelyn undeniably had the Midas touch as a superb business leader and innovator during her more than 50 years at the Estee Lauder Companies, where she had been initially persuaded by her mother-in-law, Mrs. Estee Lauder, to join the family business.

And over the course of five decades, Evelyn became a driving impetus behind some of the company's most monumental strides. Make no mistake, any one of her myriad industry milestones alone would have secured Evelyn's name in the constellation of stars in cosmetics, but truly what set her apart time and again was the Midas heart she possessed that reached millions, especially breast cancer survivors.

Evelyn was a rare visionary who not only conceived tremendous endeavors, but also possessed the will, talent, and fortitude to bring them to fruition. When the venerable Memorial Sloan-Kettering Cancer Center lacked a breast and diagnostic center, Evelyn undertook a fundraising campaign to establish the Evelyn H. Lauder Breast Center which opened its doors in 1992 and underwent an expansion in 2009.

When also in 1992 Evelyn saw a gap in breast cancer awareness, she and Alexandra Penney, then editor of SELF magazine, developed the now iconic and legendary Pink Ribbon Campaign which has become the universal symbol for the battle against breast cancer.

When Evelyn recognized a lack of funding for breast cancer research, she founded the landmark Breast Cancer Research Foundation which under her aegis grew from providing research grant awards totaling $159,000 to fund eight researchers in 1994 to remarkably awarding $36.5 million to 186 researchers this year. And this renowned foundation has since become the largest national organization dedicated exclusively to funding research relating to the causes, treatment, and prevention of breast cancer.

And so, Mr. President, you can imagine the honor I felt upon being named a Funding Hero by The Breast Cancer Research Foundation along with then-Senator Hillary Clinton in 2004. And it is only fitting that I have joined with then-Senator Clinton's successor, Senator GILLIBRAND, in paying tribute to one of their legendary constituents from the Empire State.

Evelyn Lauder was proof positive of Andrew Jackson's tenet that ''one

man''—or, I might add, a woman—''with courage makes a majority'' as she helped to dramatically destigmatize and demystify the topic of breast cancer, spurring more women to seek medical attention sooner and improve their capacities to be their own best advocates. With unsurpassed leadership, Evelyn helped fill the so-called ''funding gap'' that scientists too often must confront between good and bold ideas.

And I don't have to tell any of my colleagues here today, that means enabling more promising scientists with innovative scientific proposals to accelerate their research and findings rather than apply for federal grants alone.

As I have remarked in the past, breast cancer doesn't wait to strike, just as our best researchers shouldn't have to wait to begin the work that just might lead to the goal we all seek a cure. Not only that, but with more than 90 cents of every dollar going directly to research and awareness, it seems to me Congress would do well to emulate the Foundation's efficiency.

By increasing awareness, by funding research, by searching tirelessly for a cure, Evelyn Lauder was a vital, public service catalyst in this battle against breast cancer. Undoubtedly, Evelyn was not just a difference-maker in this fight, but the consummate, indispensable game-changer as well.

Surely, integral to Evelyn's long cavalcade of achievements will be our continuous drive to make breast cancer history to move the needle where 1 in 8 women will be diagnosed with breast cancer at some point in their lifetime to eradicating this disease for all time. As someone who battled breast cancer herself, Evelyn understood better than anyone the urgency of waging a full attack that was both relentless and comprehensive.

Indeed, Evelyn through her foundation was crucial in contributing dollars to the development of targeted therapies, such as Herceptin. As a longtime, vigorous advocate of the DOD Breast Cancer Research Program, which also contributed funding into the early research behind Herceptin, I recognize how essential it is to have strong partners like Evelyn complementing and amplifying our efforts in Congress.

Finally, no discussion about Evelyn Lauder is remotely complete without paying tribute to the love of her life for well more than half a century, her incredible husband Leonard Lauder, Chairman Emeritus of the Estee Lauder Companies. Theirs was indeed a partnership in every sense of the word their mutual regard and respect for one another could not have been greater, and the joy they took in being in each other's company could not have been more evident. Each was instrumental to the success and trajectory of the other.

Evelyn's legacy was perhaps best crystallized in her response to an interviewer's question about none other than her own critically-acclaimed photography. Regarding her passion for being behind the camera, Evelyn observed that ''you can't hold back time, but you can look forward to what's coming next and do everything in your power to create the best possible future.''

Suffice it to say, the lens through which Evelyn saw her camera's subjects will forever be the lens through which we will remember Evelyn, as she helped create the best possible future for millions of breast cancer survivors around the world.

Our thoughts and prayers remain with her beloved Leonard and their two sons, William and Gary. It's often been said that ''we make a living by what we get, but we make a life by what we give.'' Never have the words rung more true than when associated with the incomparable, selfless, trailblazer for good, Evelyn Lauder.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 335) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 335

Whereas with the passing of Evelyn H. Lauder, the world has lost an energetic and dedicated friend and ally who catapulted to the world stage the quest to prevent and cure breast cancer in this lifetime;

Whereas Evelyn was born Evelyn Hausner on August 12, 1936, in Vienna, Austria;

Whereas in 1940, the Hausner family fled Nazi-occupied Austria, eventually settling in the State of New York, where Eveyln was a proud product of the New York City public school system and met her future husband of more than half a century, Leonard Lauder;

Whereas Evelyn and Leonard wed in July 1959;

Whereas, Evelyn joined the family cosmetic company, Estée Lauder, handling many roles in the early years and later becoming Senior Corporate Vice President and Head of Fragrance Development Worldwide;

Whereas Evelyn helped bring global awareness to breast cancer after being diagnosed with early stages of the disease in 1987;

Whereas in 1989, Evelyn initiated the fundraising drive to establish the Evelyn H. Lauder Breast Cancer Center at Memorial Sloan-Kettering Cancer Center in New York City, which opened in 1992 and quickly became the model for similar breast cancer diagnostic centers around the world;

Whereas the expanded Evelyn H. Lauder Breast Cancer Center opened in 2009 and provides the most up-to-date breast cancer prevention, diagnosis, and outpatient treatment services under 1 roof;

Whereas in 1992, Evelyn worked with longtime friend Alexandra Penney, former editor-in-chief of SELF magazine, to create the Pink Ribbon Campaign for breast cancer;

Whereas Evelyn launched the Estée Lauder Companies' Breast Cancer Awareness Campaign, which has distributed more than 115,000,000 pink ribbons worldwide;

Whereas in 1993, Evelyn founded The Breast Cancer Research Foundation, thereby affirming her commitment to preventing breast cancer and finding a cure in this lifetime through funding some of the most innovative clinical and translation research at leading medical centers worldwide;

Whereas The Breast Center Research Foundation, which to date funds 186 researchers around the world and has raised $350,000,000, has grown to become the largest national organization dedicated exclusively to funding research relating to the causes, treatment and prevention of breast cancer;

Whereas during Breast Cancer Awareness Month in October 2010, Evelyn and the Estée Lauder Companies' Breast Cancer Awareness Campaign achieved a first-ever Guinness World Record, ''Most Landmarks Illuminated for a Cause in 24 Hours'', by illuminating 38 iconic landmarks, including the Taj Mahal, the Tokyo Tower, the Hotel Majestic, the Empire State Building, and Niagara Falls;

Whereas in October 2011, the Lauder family was honored with the prestigious Carnegie Medal of Philanthropy for commitment to philanthropic endeavors and public service;

Whereas Evelyn will be remembered for her vision and leadership in achieving funding for promising scientific research that lead to breakthrough drugs, including Herceptin and Avastin, a better understanding of how tumors develop and risk factors for recurrence, and an improved quality of life for breast cancer survivors;

Whereas her work continues to help promising scientists who have equally promising, imaginative, and innovative proposals get research off the ground;

Whereas there is no doubt that we must find a cure, and research is instrumental to achieving this goal;

Whereas this year, nearly 40,000 women of the United States are expected to die of breast cancer; and

Whereas we must keep up the battle and recruit more heroes like Evelyn if we are to achieve ''prevention and a cure in our lifetime'': Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Evelyn H. Lauder;

(2) honors the life and accomplishments of Evelyn H. Lauder, a world renowned advocate for breast cancer awareness and health of women; and

(3) offers the deepest condolences to the beloved husband, Leonard, sons, William and Gary, and 5 grandchildren of Evelyn H. Lauder.

PERMITTING COLLECTION IN SENATE BUILDINGS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 336.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 336) to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 336) was agreed to, as follows:

S. RES. 336

Resolved,

SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may collect from another Senator, officer of the Senate, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving persons in need or members of the Armed Services and the families of those members during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described under paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the first session of the 112th Congress.

APPOINTMENTS AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that from Friday, November 18, through Monday, November 28, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, but not prior to December 5, 2011, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 363, 364, 365, and 406; there be a total of 1 hour for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote with no intervening action or debate on the nominations in the order listed; further, that on all of the listed nominations, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, NOVEMBER 22, 2011, THROUGH MONDAY, NOVEMBER 28, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., on Tuesday, November 22, 2011, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn until 10:30 a.m., on Friday, November 25, 2011, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn until 1 p.m., on Monday, November 28, 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 resume consideration of S. 1867, the Department of Defense bill, and that at 5 p.m. the Senate proceed to executive session, as indicated under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. The next rollcall vote will be Monday, November 28, at about 5:30 p.m., on confirmation of the Droney nomination. Additional votes on DOD authorization amendments are possible Monday evening, and everyone should be aware of that. Senators LEVIN and MCCAIN want to move as many amendments as they can, and so we will try to schedule some more amendments that evening to be voted on.

I would also indicate, we have worked long and hard today to try to have a consent agreement on amendments to go to the Energy and Water appropriations bill. Senators FEINSTEIN and ALEXANDER have worked very hard. At this stage, we just can't do it. I am sorry we didn't try to do it yesterday because yesterday's issues were easier than those today. Twenty-four hours has not helped, but we will continue to work on that.

ADJOURNMENT UNTIL TUESDAY, NOVEMBER 22, 2011, AT 11 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 3:54 p.m., adjourned until Tuesday, November 22, 2011, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOMELAND SECURITY

MARGARET ANN SHERRY, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOMELAND SECURITY, VICE DAVID L. NORQUIST, RESIGNED.

NATIONAL COUNCIL ON DISABILITY

SARA A. GELSER, OF OREGON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2014. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate November 18, 2011:

SMALL BUSINESS ADMINISTRATION

WINSLOW LORENZO SARGEANT, OF WISCONSIN, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION.

THE JUDICIARY

CATHARINE FRIEND EASTERLY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

CORINNE ANN BECKWITH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF HOMELAND SECURITY

ERNEST MITCHELL, JR., OF CALIFORNIA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

RONALD DAVID MCCRAY, OF TEXAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2012.

RONALD DAVID MCCRAY, OF TEXAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2016.

NATIONAL SCIENCE FOUNDATION

CLAUDE M. STEELE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014.

ANNEILA I. SARGENT, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2016.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DANA KATHERINE BILYEU, OF NEVADA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2015.

NATIONAL CONSUMER COOPERATIVE BANK

CYRUS AMIR—MOKRI, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

FEDERAL MARITIME COMMISSION

MICHAEL A. KHOURI, OF KENTUCKY, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2016.

NATIONAL TRANSPORTATION SAFETY BOARD

ROBERT L. SUMWALT III, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2016.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DAVID A. MONTOYA, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

THE JUDICIARY

JOHN FRANCIS MCCABE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

PETER ARNO KRAUTHAMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

DANYA ARIEL DAYSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR

COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

NANCY MARIA WARE, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA FOR A TERM OF SIX YEARS.

DEPARTMENT OF JUSTICE

MICHAEL A. HUGHES, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DAVID AVREN JONES, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2014.

EXTENSIONS OF REMARKS

NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State:

Mr. KIND. Mr. Chair, I rise today in strong support of the National Right-to-Carry Reciprocity Act, H.R. 822. Not only am I a proud cosponsor of this legislation but I am also a firm and committed supporter of Second Amendment rights. This legislation will ensure further protection of this vital right by allowing law abiding citizens to carry concealed weapons across state lines.

On November 1st of this year, Wisconsin became the 49th state to implement a concealed carry law. The first day the law went into effect, the Wisconsin State Department of Justice website had 400,000 hits and residents had downloaded 83,000 applications. It is clear that Wisconsinites were eager to take advantage of this new law. Given the strong interest this law has garnered in my state and in other states throughout the country, I believe that it is only logical to extend this right across state lines.

The bill allows law-abiding gun owners with valid state-issued concealed firearm permits or licenses to carry a concealed firearm in any other state that also allows concealed carry. In all actuality, with all but one state allowing concealed carry, this legislation doesn't break that much new ground. In fact, for the majority of states that have had concealed carry laws on the books for some time now; they have been recognizing permits from other states for years. As can be the case, the state by state approach has caused confusion. This legislation will eliminate any uncertainty by putting in place simple and concise federal policy.

This is a widely supported bill with 245 bipartisan House cosponsors. Given the strong support here in Congress and the increased interest in states throughout the country, it is my hope that the Senate will follow our lead and pass this legislation. It would be a great victory to have this become law this year.

DR. MANERT KENNEDY TRIBUTE

HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. TIPTON. Mr. Speaker, I rise today to honor Marine Corps Veteran Dr. Manert Kennedy. Dr. Kennedy was a professor at Adams State College and CU Boulder, where he taught Genetics and Biology until retiring in 1995.

Dr. Kennedy is a veteran of the United States Marine Corps. His career in education and in the military afforded him the opportunity to conduct research in over 48 different countries, including making 27 separate trips to Korea where he first visited while serving in the Marines in 1951.

Dr. Kennedy reflected upon his time in the military, including his participation in the battle of Chosin Reservoir, stating that it "defined [him] as the person [he is] today."

After his service, Dr. Kennedy attended Butler University where he played football, earned his bachelor's degree, and started a family.

Dr. Kennedy is a shining example of the honor and devotion that so many of our uniformed servicemen and women exemplify.

Mr. Speaker, it is an honor to recognize Dr. Manert Kennedy. His love for his country and sense of duty and responsibility is something we should all strive to replicate.

SUPPORT FOR THE ARTIFICIAL PANCREAS

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. TIBERI. Mr. Speaker, I rise today to express my strong support for advancement of the artificial pancreas, a transformative medical technology under consideration at the Food and Drug Administration that would help millions of Americans who suffer from diabetes.

In my home state of Ohio, approximately 900,000 people have diabetes—nearly 10 percent of the state's population. This unforgiving disease is not only the leading cause of kidney failure and adult-onset blindness, it also causes more than 80,000 amputations each year and increases the chance of suffering a heart attack.

The toll of diabetes is not limited to health. Americans spend $174 billion each year in diabetes-related treatments, with a significant portion of that figure going toward addressing long-term complications. With millions of lives at stake and billions of dollars being spent, this is a disease that demands our attention and we must strive to find better treatments for it until a cure is found.

The artificial pancreas is one such technology that automatically adjusts blood sugar levels for people with type 1 diabetes. With this technology, people will see optimal blood sugar control and as a result, significant reductions in complications associated with type 1 diabetes. Furthermore, an independent study has projected that Medicare will save $2 billion over 25 years once this technology is finally available to the diabetes community.

Currently, this technology is awaiting draft guidance from the Food and Drug Administration as to how clinical trials can proceed. The FDA has a self-imposed deadline of December 1st to issue this draft guidance and it is my sincere hope that they will not only meet this goal, but will give full credence to clinical expert recommendations so as to assure that this life-saving technology can safely and quickly be put in the hands of the people who need it.

EXPRESSING SUPPORT FOR LEGISLATIVE EFFORTS TO COMBAT BULLYING IN SCHOOLS

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. INSLEE. Mr. Speaker, a fundamental principle of our nation's education system is that all schools should provide students with a safe environment that allows them to learn without fear of harassment or discrimination. Unfortunately, we are not doing nearly a good enough job to provide this type of environment for our children, as far too many students go to school every day facing anti-LGBT bullying and discrimination. Allowing this sort of atmosphere to exist anywhere is unconscionable and wrong.

Over the last fifty years, the federal government has taken action to require that all schools receiving federal funds prohibit discrimination on the basis of race, color, national origin, gender, disability, and age. These laws are now in desperate need of updating, in order to expressly protect students from discrimination and harassment on the basis of sexual orientation and gender identity. This gap has left students and guardians with limited legal recourse in case of discrimination and harassment, and the federal government currently faces a dearth of information on how deep the problem runs. As a result, I am adding my name as a cosponsor to H.R. 998 and H.R. 1648 to help address these issues. While this law would place additional reporting requirements on cash-strapped school districts, I hope the federal government can work with states to share in this burden.

Studies have shown just how detrimental an impact this type of treatment can have on LGBT youth. Among the many potential consequences of anti-LGBT bullying are increased absenteeism, academic underachievement, and serious health consequences. The need for this legislative change has only been made more acute recently, as we have seen far too many tragic deaths arise from the terrors of bullying in schools. I refuse to stand by and let any more suicides occur among students who were not sufficiently protected from harassment at school.

While these bills address discriminatory activities occurring on school grounds, we must also encourage parents in every state to provide safe, healthy environments at home. This

is particularly important as we continue to see a steep rise in cyber bullying, which can further isolate youth in desperate need of an open and honest environment. I look forward to working with my colleagues to modernize our federal laws to recognize this serious and growing problem as well.

A TRIBUTE TO JEFF MANTO AND THE 21ST CENTURY LEARNING CENTER IN BRISTOL BOROUGH

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor Mr. Jeffrey Paul Manto, former Major League Baseball player and longtime resident of Bristol, Pennsylvania. This Saturday, Jeff will be honored by the 21st Century Learning Center in Bristol Borough as ''Person of the Year,'' for his community support and involvement with the center's After School Steering Committee.

Mr. Manto was born at Lower Bucks Hospital in Bristol, Pennsylvania on August 23, 1964. Jeff was the third of four children of Michael and Antoinette ''Toni'' Manto. His father was a Magisterial District Judge in Bristol Borough and his mother was a homemaker. Mike and Toni encouraged all of their children to excel in every arena in which they participated. This encouragement was the guiding force that helped Jeff develop his baseball acumen, which was the predominant sport played on the streets in his closely knit neighborhood, called the ''Avenues.'' At Bristol High School, Jeff was a star athlete. He was the first student-athlete in Bucks County to pass for 1,000 yards in football and score 1,000 points in basketball in the same year. Often overlooked, Jeff also struck out nearly 100 hitters during the baseball season that year.

In 1982, Jeff Manto was selected to All League and All-County first teams in football, basketball and baseball. He was subsequently spotted by a scout and drafted by the New York Yankees, but instead chose to accept a baseball scholarship to Temple University after considering other colleges with equal or better offers to play either football or basketball. His passion was the game of baseball. At Temple, Jeff set the single season record for homeruns and still holds the all-time batting average of .441.

After three years playing Temple baseball, Jeff was drafted in 1985 by the California Angels. By 1990, Manto was a dominant player in the game. He made his Major League debut with the Cleveland Indians and later that year hit his first professional major league homerun, in front of dozens of family members and friends, at Yankee Stadium. By the end of his professional baseball career, Jeff played in three World Series on three different teams: the Philadelphia Phillies, the Cleveland Indians, and the New York Yankees.

Jeff retired from playing professional baseball in 2000 and is known today as one of the game's greatest all-around utility players, recognized for his power hitting and homerun swings. Often referred to as ''Mickey Manto,'' Jeff is the only player from the area with his bat on display at the National Baseball Hall of Fame in Cooperstown, New York.

On December 7, 1991, Jeff married Denise Louise Sabol of my hometown of Levittown. Jeff and Denise have three children, Gabrielle, Andreana, and Jeffrey Jr. Beyond his career in baseball, Jeff continues to be involved in various community activities in our area, including scouting, coaching, and helping out at the Learning Center in Bristol. Accordingly, for his outstanding athletic, civic, and charitable contributions, Jeff Manto is being honored today.

At the Bristol Borough 21st Century Community Learning Center, children have the opportunity to enrich their lives. Programs and services provided at the Learning Center, which are free and available to Borough residents in grades 6 through 12, include access to tutoring, academic, and cultural enrichment activities. Some of those activities include SAT Prep help, Hip Hop studies, sports, and community service projects. These programs provide opportunities for students to grow socially and emotionally and help them stay away from high-risk activities. Over 200 students attended programs and services in 2010–2011, and an independent report authored by the Bucks County Intermediate Unit that documents students' achievement gains substantiates the level of satisfaction with the Learning Center expressed by teachers and parents.

Thank you once again to Jeff Manto and the Bristol Borough 21st Century Community Learning Center for all that you do for our community. Thank you for your hard work, dedication, and devotion to bettering Bucks County. It is my pleasure to speak on your behalf today, and I am truly honored to serve you in Congress.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. KIND. Mr. Speaker, I was unable to record my vote on the House floor for the McCarthy of New York Amendment No. 2 to H.R. 822 on Wednesday, November 16, 2011. I was in a meeting with U.S. Secretary of Transportation Ray LaHood, U.S. Secretary of the Interior Ken Salazar, and others discussing how to move forward with the St. Croix River Crossing Project, a transportation project of critical importance to western Wisconsin. Had I been present, I would have voted against the McCarthy Amendment No. 2 to H.R. 822 (Roll No. 844).

CONGRATULATING CECILIO LAMAR FOWLER, RECIPIENT OF THE 2011 MILKEN EDUCATOR AWARD

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Cecilio Lamar Fowler upon receiving the 2011 Milken Educator Award. Predicated on the maxim ''The future belongs to the educated,'' the Milken Educator Awards have recognized over the last 25 years more than 2,500 teachers, principals, and specialists who have made outstanding contributions to the education of K–12 students.

Fowler is a teacher of mathematics and geometry at Evans High School in Orlando, Florida. A native of Winter Park, Fowler graduated from Winter Park High School and the University of Florida. In only his second year at Evans High, Fowler has demonstrated a commitment to educating and mentoring, requesting the most challenging students be assigned to his classroom.

Fowler emphasizes the importance of education in student lives and believes nothing provides his students with greater opportunity in life than a good education. He has been praised by Evans High School Principal David Christiansen for reaching students previously considered ''unreachable.''

Fowler was awarded the Milken Educator Award for the dramatic improvement his students made on state and local tests and for the efficiency and industriousness of his model classroom, where Fowler encourages peer collaboration and works to help his students achieve confidence-building accomplishments, no matter how small. Fowler is the only 2011 Milken Educator Award recipient in Florida.

On behalf of the citizens of Florida's 8th Congressional District, I congratulate Mr. Fowler for his hard work, dedication, and leadership. He is most deserving of the 2011 Milken Educator Award. I hope his investment in Florida's students and Florida's future inspires others to follow in his footsteps.

CONGRATULATING THE ACADEMY OF MODEL AERONAUTICS

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. PENCE. Mr. Speaker, I rise to congratulate the Academy of Model Aeronautics located in Muncie, Indiana, for their receipt of the prestigious National Aeronautic Association's Brewer Trophy for youth education. The Brewer Trophy is the nation's highest award for aerospace education and is awarded annually to individuals or organizations who make significant contributions to aerospace education in the United States.

The Academy of Model Aeronautics has a 75-year history of aviation education, and they have impacted millions of young people across the country. They have taught tens of thousands of teachers, community leaders, and students how to build and fly miniature aircraft. In addition to their educational programs, the Academy of Model Aeronautics has given nearly $800,000 in scholarships to college-bound seniors pursuing careers almost exclusively in engineering, technical, and professional disciplines. The Academy is also strongly invested in science, technology, engineering, and math education programs.

I commend the Academy of Model Aeronautics for their receipt of the prestigious Brewery Trophy and thank them for their numerous contributions to the Muncie community, the State of Indiana, and the nation.

LIBERIA'S PRESIDENTIAL ELECTIONS

HON. JESSE L. JACKSON, JR.

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. JACKSON of Illinois. Mr. Speaker, I rise today to congratulate Liberia on the completion of its second peaceful and democratic election. On November 15th, Liberia's National Elections Commission certified President Ellen Johnson Sirleaf of the Unity Party as the President of the Republic of Liberia. The November 15 declaration followed a Presidential run-off election on November 8, which was required by the Liberian Constitution as no candidate received a majority of votes in the first round held on October 11.

I was encouraged by reports that the Liberian election process was deemed free, fair and transparent by some 4,800 domestic and international observers. The role that the African Union (AU), the Economic Community of West African States, ECOWAS, the Carter Center and other institutions played was crucial in providing additional confidence in the process. I applaud the UN Mission in Liberia for providing a safe and secure environment in which voters were able to cast their ballots without incident on both October 11 and November 8. Furthermore, I applaud the Liberian people on demonstrating their commitment to peace and democracy.

I congratulate President Johnson Sirleaf and the newly elected members of the National Legislature, and I hope that they will work together to continue along the path to progress, peace, and prosperity that Liberia has already taken. At the same time, I express my deep regret over the decision of the Congress for Democratic Change, CDC, to boycott the runoff election based upon unproven allegations that the election process was fraudulent. I concur in the sentiments expressed by ECOWAS, the AU and the Carter Center that the CDC boycott deprived the people of Liberia of a dynamic vote in the runoff and created a climate of intimidation and fear in the country.

I was saddened by the violent protest that erupted on November 7, the eve of Liberia's runoff election, and I mourn the lives lost on that day, which will remain a shadow cast over an otherwise peaceful and democratic process. I'm pleased by President Johnson Sirleaf's efforts to set up an independent commission to investigate the incident and bring those responsible to justice. I firmly believe that reconciliation is essential to create a sense of national unity and purpose, and I call upon all political party leaders and their supporters to recognize the certified results of the Presidential and Legislative contests.

The United States will hold accountable any and all political leaders and their supporters seeking to undermine Liberia's peace and democracy by all means available, including the possible use of multilateral and bilateral sanctions.

It is now more important than ever that the United States continue to work with Liberia's elected leaders and stand by the Liberian people as they move to complete their journey into post-conflict success, and sustain the path toward social stability and economic prosperity.

TRIBUTE TO THE MEMORY OF MR. BENJAMIN HICKMANN WRIGHT SR.

HON. DONALD M. PAYNE

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. PAYNE. Mr. Speaker, I rise today to honor the memory of Mr. Benjamin Hickman Wright, Senior who passed away on April 12, 2011. His beloved family is holding a memorial service on November 23, 2011. Throughout his lifetime, Mr. Wright exemplified the highest traits of fidelity to his country and family in a manner truly deserving of this great honor. Mr. Wright was an individual who came from a lineage that strove for excellence in all facets of their work. Over a lifetime of achievement and service to others, Mr. Wright embodied the ideals of hard work and dedication to his community, which is the bedrock of American values.

Mr. Wright was an individual who realized significant achievements throughout his life. This can be traced back to his family who attained advanced degrees in the early twentieth century. In fact Mr. Wright's grandfather and great uncle were the first African American physicians in Ohio. Mr. Wright's father was a top ranking life insurance salesman who also gave back to his community by teaching sharecroppers how to read, write and calculate the price of their produce and goods. After receiving a stellar education, Mr. Wright served in the armed forces during World War II in the European Theater as a First Class Petty Officer of the United States Navy. He was recently honored for his service with an Armed Forces Citation signed by President Obama.

From one generation to the next, it is evident that the Wright family has attained significant accomplishments and remained committed to excellence in their work. Mr. Wright maintained and advanced this work through his many accomplishments including his service in the military followed by his service as an Economic Advisor in Monrovia, Liberia. Mr. Wright would go on to become a business owner and an employee in several fortune 500 companies. By the 1980's he founded a nationwide coalition of civic and fraternal associations that served to empower and up lift others.

His commitment to serving his community and country and his accomplishments benefited and enhanced the lives of many citizens over several decades. His memory and work will be remembered by a grateful nation and I am pleased to add my voice as his family celebrates his legacy.

TRIBUTE TO THE CITY OF RIALTO'S CENTENNIAL CELEBRATION

HON. JOE BACA

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BACA. Mr. Speaker, I rise today to ask Congress to join me in celebrating the City of Rialto's 100th Birthday. Rialto has a long, rich history, and has grown into a city that is home to over 100,000 people. I have been fortunate enough to raise my family in Rialto. I am proud to live in this city, represent these people, and join them in celebrating this momentous event.

Ancient artifacts and traces of a village indicate that Native Americans inhabited this area between 1500 AD and 1800 AD. What happened to these people and settlements still remains a mystery. In 1769, the King of Spain awarded areas of Rialto as land grants to Spanish Dons. Following the cession of California to the United States, Mormons became the next wave of settlers in the San Bernardino valley. By 1854 some of these early pioneers settled in Rialto, constructing ranches and farms in their wake. This period gave birth to the international distribution of Muscat Grapes and the building of the oldest structure in Rialto.

The Semi Tropic Land and Water Company purchased 25,000 acres of land in 1887. The company helped develop and christen the town site. Hattie Merrill, daughter of the former Governor of Iowa, Samuel Merrill, named the town site after the Rialto Bridge in Venice, Italy. Within the same year, a railroad connector line was constructed in Rialto. Towns were located every 2,600 yards along the line, connecting Rialto to towns from San Bernardino to Pasadena. That year alone over 25 new towns were built. During the same year, a group of Methodists settled in Rialto. They originally came to build a college, but soon began to grow citrus in the beautiful climate of Rialto. Their farms quickly expanded to acres of citrus groves. In 1888, the Brooke School was built to educate the growing population. Many credit this group of Methodists for developing the Town of Rialto.

By the late 1800s, Rialto became home to a blacksmith, lumber yard, and a cement pipe manufacturing company. The first citrus association was established, and the first citrus packing house was built. Rialto's reputation for beautiful homes with shaded drives began to grow, and so did the population. In 1891, the Rialto School District was formed, and in 1907 the Chamber of Commerce was established. Over the next four years, the population grew to the point that the town supported 40 businesses and a newspaper. In 1911, Rialto was officially incorporated as a City.

For many years thereafter, the City of Rialto continued to grow, shipping citrus to every area in the country. Today those train tracks still run through the City, but are used on a much smaller scale—the area has matured and modernized. Throughout these changes, Rialto remains a great place to raise a family. My children grew up attending school and playing sports in the area. I am honored to have had the opportunity to serve this community both at the local and national level. My son, Joe Baca, Jr. still lives in Rialto and has the opportunity to serve our community as a City Council Member. On behalf of my wife, Barbara, and my children, Councilman Joe Baca Jr., Jeremy, Natalie, and Jennifer, we would like to join our neighbors in celebrating Rialto's 100th birthday.

HONORING NATIONAL ADOPTION DAY

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. MARINO. Mr. Speaker, as a parent of two wonderful adopted children and a co-chairman of the newly established bi-partisan Congressional Caucus on Foster Care, I rise today in recognition of the 12th Annual National Adoption Day which is tomorrow November 19.

As we look forward to celebrating Thanksgiving, it is important to keep in mind there are over 400,000 children in foster care across the nation who will not be spending the holiday with a permanent family. Of these children, nearly 107,000 of them are eligible for adoption and waiting for a family.

In my home State of Pennsylvania, over 19,000 children are in Pennsylvania's foster care system. About 3,300 of these children await adoption.

Each year about 28,000 youth age out of foster care having never been adopted.

I want to issue a challenge those us here in Washington and around the country to make it easier for families to adopt children.

Our goal must be a loving, caring and safe permanent home for each of these children. For this to happen, courts, judges, attorneys, adoption professionals, child welfare agencies, religious and civic organizations needs to work together to finalize adoptions and find homes for children in foster care.

National adoption Day is an essential part of this effort.

For the past 12 years, National Adoption Day has been a nationwide attempt to raise awareness of the children in foster care waiting to find permanent homes and loving families. It is commemorated across the country with numerous events held each year to finalize the adoptions of children in foster care, and to celebrate all families who adopt.

The result is that since 2000, more than 35,000 children have been adopted from foster care on National Adoption Day. This year nearly 5,000 adoptions will be finalized in through these special events.

That is why I am gratified to be speaking in recognition National Adoption Day. I also want to thank foster and adoptive families across the country because of the important role that they play in the well-being of our children.

IN RECOGNITION OF THE CANON CITY NOON LIONS IN HONOR OF THEIR 90TH ANNIVERSARY

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. LAMBORN. Mr. Speaker, I rise today to pay tribute to the 90th Anniversary of the Cañon City Noon Lions Club in my district in Colorado. For Ninety years, the Noon Lions have been dedicated to providing aid and assistance to the needy and less fortunate in their community. During the Lions Club International Campaign Sight First II, the Noon Lions were one of five Model Clubs within the state of Colorado raising over $32,000 for the program. This program helps under-privileged children from all over the world get much needed eye exams and medications. Last December, the Noon Lions raised over $3,000 in a ''Cash for Christmas'' raffle in order to pay for appointments and surgery for a young girl with Amblyopic eye condition and a man with cataracts.

The Cañon City Noon Lions are dedicated to serving their community and the wider world. Ever since they started in the basement of a local YMCA building on November 22, 1921, the Noon Lions have tirelessly devoted their time, effort, and energy to fighting blindness, combating hunger, and aiding seniors and the disabled. With the introduction of the ''Sight First'' program the Noon Lions have screened the eyes of more than 5,000 children within their community and surrounding area. The Noon Lions look back at their legacy of community service with an eye on the future and on the service they will be a part of in strengthening their community. I am proud of the work they have done my district and I offer them my most sincere congratulations on their 90th anniversary.

A TRIBUTE TO THE FAMILY ALLIANCE FOR VETERANS OF AMERICA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the exceptional work that the Family Alliance for Veterans of America has been doing on behalf of our veterans, and to congratulate them on the recent launch of their cutting-edge website.

FAVA's Chairman, Rhonda Jordal, has been a tireless advocate for veterans and military families for numerous years. Because of her commitment, FAVA has been at the forefront of providing information, advocacy and support to our veterans and their families in their most crucial time of need. FAVA's nationwide assistance is aimed at helping with any difficult situation veterans or their families find themselves in. This program has found a niche that allows them to assist veterans through their own practices, as well as assisting government agencies in being more attentive and responsive to the needs of America's heroes.

FAVA's goal is to become a comprehensive repository of information that can assist veterans all over the globe, and the launch of their new website is a crucial step in that direction. At fava.westcare.com, families of veterans, and veterans themselves, can read and share their own stories regarding unexpected difficulties and experiences that they have faced. The message that FAVA wishes to convey to every veteran and their family is simple—you are not alone.

Mr. Speaker, it is a privilege and an honor to represent Iowa veterans in the U.S. House of Representatives. No one has done more to secure the freedom enjoyed by every single American than our veterans and those currently serving in the armed services. It goes without saying that we must collectively do everything we can to deliver on the benefits and support our veterans deserve, and I am proud to honor the Family Alliance for Veterans of America for supporting our veterans in such a tangible and meaningful way. Thank you.

IN CELEBRATION OF THE 100TH ANNIVERSARY OF THE LUKENS BAND

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. GERLACH. Mr. Speaker, I rise today to congratulate The Lukens Band of Coatesville, Chester County, Pennsylvania on the occasion of its 100th Anniversary.

Founded in 1911 by Mr. and Mrs. Charles Lukens Huston, the first meeting of the Lukens Mission Band brought together fifteen youngsters with little or no musical ability. Today, they number in excess of 40 musicians. The Band performs about 60 times per year and has four subgroups known as the Lukens Marching Band, Lukens Concert Band, Lukens German Band and Lukens Small Ensemble. In its many forms, the Band plays for a wide variety of venues such as community concerts, the Coatesville VA Hospital, senior centers, retirement communities, corporate events and community celebrations.

In 1994, the Band incorporated as The Lukens Band, to reflect a broader scope as a non-profit public organization, the end of support by the Lukens Steel Company, and the start of support from The Huston Foundation and The Stewart Huston Charitable Trust.

Mr. Speaker, in light of its years of service to the community and outstanding entertainment and musical accomplishments, I ask that my colleagues join me today in recognizing The Lukens Band in celebration of its 100 year anniversary.

HONORING ALEXANDER SCOTT MASON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Alexander Scott Mason. Alexander is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the many years Alexander has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Alexander has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Alexander Scott Mason for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent on November 14, 2011. Had I been present, I would have voted on the following: rollcall No. 837—S. 1412 (Sen. KERRY), ''aye''; rollcall No. 838—H.R. 298 (Rep. CARTER), ''aye''; rollcall No. 839—H.R. 2422 (Rep. GRIMM), ''aye''.

PERSONAL EXPLANATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mrs. BIGGERT. Mr. Speaker, on rollcall No. 855 I was unavoidably detained. Had I been present, I would have voted ''yea.''

RECOGNIZING MAYOR MARILYN STEPHAN'S LEADERSHIP IN THE CITY OF BERKLEY, MICHIGAN

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. PETERS. Mr. Speaker, I rise today to recognize my friend, Mayor Marilyn Stephan, as she retires from her position as Mayor of Berkley, Michigan, after more than a decade of service to her community and region.

A longtime resident of Berkley, Marilyn's record of service long predates her involvement on Berkley's City Council and as Mayor.

In a demonstration of her commitment to building a stronger community, Marilyn dedicated her professional life to educating and nurturing the development of her students. As a teacher, first in Clarenceville and later in the Berkley School District, Marilyn made development of future generations her daily responsibility. Whether it was teaching English or home economics, Marilyn brought with her an unwavering commitment and passion for educating her students in the skills they needed to become successful. As a debate coach, Marilyn helped her students refine their critical thinking and public speaking skills, both of which are required for being an effective leader.

As a passionate educator in her community, Marilyn's work during her tenure did not end in the classroom. In her home, Marilyn raised her children with the same zeal she displayed in her teaching and today is a proud mother and grandmother. As an impassioned leader among her fellow educators, Marilyn also served a decade as President of the Berkley Education Association.

It is no surprise that a quiet retirement was unlikely for Marilyn and in November 1999 she was elected to the Berkley City Council and later as Mayor of Berkley in 2005. In her role as Mayor, Marilyn has been a strong voice of the needs of her community in important regional organizations like the Southeast Michigan Council of Governments, the Woodward Avenue Action Association and the South Oakland County Mayors Association. Under her leadership, Berkley has successfully implemented major road improvements, stabilized its financial outlook and updated its master plan, all of which made Berkley a better place to live for its residents. As a testament to the improvements she oversaw, Forbes Magazine and Business Week named Berkley one of America's best affordable suburbs in 2010.

Mr. Speaker, I ask my colleagues to join me today in recognizing Marilyn's lifelong career of service to Berkley, Michigan. I know that her dedication, passion and leadership will be greatly missed within Berkley's city administration and by its neighboring communities. I wish Marilyn many happy years with her children and grandchildren in retirement and I know she will continue to be a voice of positive change in her community.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. SMITH of Washington. Mr. Speaker, on Wednesday, November 16, 2011, I was detained in a meeting and inadvertently missed a vote in a series of recorded votes. Had I been present, I would have voted ''no'' on rollcall vote No. 850 (on agreeing to the Cicilline amendment to H.R. 822).

TRIBUTE TO DANIEL ''DAN'' SISEMORE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to Daniel ''Dan'' Sisemore who passed away on November 11, 2011 in Newport Beach, California. Dan was a pillar of the community in Corona, California and he will be deeply missed.

Dan Sisemore was born on November 9, 1934, in California. In 1952, Dan and his father began work in the construction industry. With just one truck they founded the company More Truck Lines. The business grew and in 1969 they started All American Asphalt with an asphalt plant in Westminster, California. The company has grown exponentially over the years and now owns an aggregate quarry in Corona, California and six asphalt plants throughout the region. All American Asphalt is not only a material supplier but also a fully integrated road construction firm. All American Asphalt employs 850 employees, all of whom took inspiration from the founder and leader: Dan Sisemore. Dan was a visionary in the industry and the quintessential American entrepreneur.

Dan's hobbies and interests included golf, fishing, hunting and horse racing. He enjoyed the desert and spending time with friends at the beach. The way in which Dan lived his life should serve as reminder to others that the power of an individual with drive, perseverance and a stellar work-ethic can do great things.

Dan was the loving husband to Betty, brother to Cindy, father to Toni, Tracy, Donna and Mark and devoted uncle to Bob and Don. He was affectionately known to his grandchildren as ''Papa.''

On Saturday, November 19, 2011, a memorial service celebrating Dan's extraordinary life will be held. Dan will always be remembered for his incredible contributions to business, his work ethic, generosity, and love of family. His dedication to his work, family and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Dan's family and friends; although Dan may be gone, the light and goodness he brought to the world remains and will never be forgotten.

HONORING THE HUDSON RIVER SCHOOL OF PAINTING

HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. GIBSON. Mr. Speaker, I am privileged to represent a district along the Hudson River that is steeped in history and produced the first American school of painting in the mid-nineteenth century, called the Hudson River School of Painting. Its founder and spiritual leader was Thomas Cole, who, in 1825, sailed up the Hudson River to the Catskill Mountains and painted inspiring pictures of New York State sites that attracted instant acclaim. Thomas Cole was born in Bolton, Lancashire in northwest England in 1801. He emigrated to the United States in 1818, and around 1832, rented a small studio in my district called Cedar Grove. This is now known today as the Thomas Cole National Historic Site. Complementing Cedar Grove, and also located in my district, is the home and studio of Frederic Edwin Church, who was a student of Thomas Cole. During the last 40 years of Church's life, he created a 250 acre estate called Olana. Olana is a National Historic Landmark located in Hudson, NY, and I proud to represent this fine marker of our history, which is home to the Hudson River School of Painting. The painters that gathered here, among them Asher B. Durand, Jasper F. Cropsey, John F. Kensett, Sanford R. Gifford, formed the first coherent society of artists in America, and led the fine arts until the end of the Civil War. Today, their major paintings are seen in museums throughout the United States, including major federal buildings in Washington, D.C., such as the White House, State Department, and National Gallery of Art. They depict the landscape of America, and some have said these were the first environmental conservationists, who glorified our land and its contours in the mid-nineteenth century.

I would like to take this opportunity to commend the effort to place creative bronze ''Arches'' historic markers along the Hudson River, marking where these artists painted. My colleague, Rep. ELIOT ENGEL, recently unveiled a Hudson River School of Painting historic marker at Hastings on Hudson, and others will be placed at Hook Mountain, on the Hudson River near Nyack, with a beautiful view of the Tappen Zee Bride and Haverstraw Bay, as well as at Newburgh, New York. Greg Wyatt, Director of the Academy of Art at the

Newington-Cropsey Foundation, has created these historic markers, and I encourage those that visit our region to view them, as well as the striking landscape and sweeping natural beauty of our Hudson River.

Mr. Speaker, it has been said that the Hudson River School of Painting led not only to the establishment of the Metropolitan Museum of Art in New York City, but also to the creation of the National Parks Systems begun under the late President Theodore Roosevelt. I salute the Hudson River School painters, who celebrated the ideals of American democracy, individuality, and illustrated themes such as nature, education, family, and chivalry. I urge my colleagues to take the time to review the influences of this American art movement and to have all Americans understand its impact on our culture. There are two paintings by Albert Bierstadt, a prominent member of the Hudson River School of Painting, that were recently placed on public view in the Capitol Visitors Center of the U.S. Congress. These works, ''Discovery of the Hudson River'' and ''Entrance into Monterey,'' were purchased by Congress after the Civil War and are beautiful examples of this movement.

HONORING MICHAEL ANTHONY MASON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Michael Anthony Mason. Michael is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Michael has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Michael Anthony Mason for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. KING of Iowa. Mr. Speaker, on November 16, on rollcall No. 843, I mistakenly cast a ''yes'' vote in favor of the Woodall amendment to H.R. 822. I am submitting this statement for printing in the CONGRESSIONAL RECORD to clarify that I am opposed to the Woodall amendment and had intended to vote ''no.''

I was delayed in reaching the House floor because of a meeting in my office and, as a result, I arrived on the floor just before the vote was closed. Owing to this, I cast my vote in haste, which led to the resultant errant vote.

HONORING UNION COUNTY KENTUCKY ON THEIR 200TH ANNIVERSARY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. WHITFIELD. Mr. Speaker, I rise today to honor Union County in the First Congressional District of Kentucky on their 200th Anniversary. This momentous occasion not only celebrates the rich history of Union County, but the many thousands of residents who over the years have made it a vibrant and thriving community.

Union County was formed on January 15, 1811 and was likely named for the unanimous agreement of Henderson and Webster citizens to create a new county. Union County is rich in soil and farming is one of the industries that thrive in this part of Kentucky. Coal mining is also a large industry that continues to provide good jobs.

During World War II, Camp Breckinridge Training Center was established near Morganfield and between 1942 and 1946 more than 30,000 infantry recruits were trained there. In 1965 the Earle C. Clements Job Corps Center, which teaches vocational courses, was established on eight hundred acres of the original camp land. The Job Corps Center provided a labor pool for Union County industries and is the second largest Job Corps center in the nation.

Today, Union County attracts many tourists through U.S. 60, railroads, and a nine-foot navigation channel on the Ohio River. The county also hosts the annual Corn Festival and the Union County Fair. There are almost 16,000 people who are proud to call Union County their home.

To commemorate the county's 200th anniversary, community leaders and residents of Union County have planned over 16 different events to educate Kentuckians about the history of Union County and celebrate its residents and culture. It is my privilege to represent Union County in the U.S. House of Representatives and I hope my colleagues in Congress will join me in celebrating this community and its residents.

PERSONAL EXPLANATION

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. COURTNEY. Mr. Speaker, I regret that I was unable to attend votes on Thursday, November 17, 2011 as I was accompanying Secretary of Defense Leon Panetta on a visit to the Electric Boat shipyard in Groton, Connecticut. Had I been present, I would have voted:

''Nay'' on rollcall vote No. 854 (ordering the previous question on H. Res. 466, the rule providing for consideration of motions to suspend the rules);

''Nay'' on rollcall vote No. 855 (on passage of H. Res. 466, the rule providing for consideration of motions to suspend the rules);

''Nay'' on rollcall vote No. 856 (on passage of H. Res. 467, the rule providing for consideration of the conference report to accompany H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes);

''Yea'' on rollcall vote No. 857 (on agreeing to the Conference Report for H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes).

THE WORLD DAY OF REMEMBRANCE FOR ROAD TRAFFIC VICTIMS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in observance of the World Day of Remembrance for Road Traffic Victims, which will be observed on Sunday, November 20, 2011. I offer my thoughts and prayers to all those who have lost loved ones to road crashes. All over the world, in every country and locality, traffic accidents remain an ongoing peril and a source of preventable tragedy. As we embark on the Decade of Action for Road Safety, we should pause to remember who it is that we are fighting for.

Road traffic crashes kill nearly 1.3 million people every year and injure or disable as many as 50 million more. The leading cause of death throughout the world for people ages 10 to 29 is not disease or war, but road crashes. Even today, we can expect that 1,000 people under the age of 25 will die on the world's roads.

These numbers are dramatically increasing and place particular strain on developing nations, where crash rates are highest. In developing countries, road crashes have a dramatic impact on their fragile economies, costing an estimated $100 billion and often exceeding the total amount received by these countries in development assistance. Furthermore, road crashes affect first responder services, health care services, and health insurance services, as many victims require extensive, and expensive, critical care, as well as follow-up care and rehabilitation.

In October 2005, the United Nations General Assembly adopted a resolution which calls for governments to mark the third Sunday in November each year as World Day of Remembrance for Road Traffic Victims. The day was created as a means to give recognition both to victims of road traffic crashes and to the plight of their relatives who must cope with the emotional and practical consequences of these tragic events.

This Day of Remembrance also calls attention to the necessary policies needed to improve transportation management, infrastructure, vehicle safety, education, and post-crash care and rehabilitation. Here in the United States it is of the utmost importance that we continue to support public policies designed to reduce key risk factors like speeding, drunk driving, distracted driving, and the failure of

many Americans to use seat belts, child restraints, and other safety devices.

The Decade of Action for Road Safety has not been declared to merely raise awareness, but also to take action. We all use roads, cars, buses, and bicycles every day. It is easy to take our safety for granted. But too many tragedies remind us that road fatalities and injuries have an enormous impact on our lives. As Americans travel the world more and more and as our global society grows ever more close-knit, the pressing importance of our observance of the World Day of Remembrance only grows as well.

Mr. Speaker, no one should die because of entirely preventable traffic accidents. We must do everything we can to raise awareness and address the underlying causes. On this year's Day of Remembrance, let us pay extra attention to ways we can make the world a safer place.

CELEBRATING THE SERVICE OF JON MARTHEDAL

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. COSTA. Mr. Speaker, I rise today to congratulate Mr. Jon Marthedal, a third generation farmer from Fresno, California. Jon has been named Agriculturalist of the Year by the Greater Fresno Area Chamber of Commerce. Jon has been instrumental in enhancing the San Joaquin Valley by advocating for business opportunities and encouraging innovation in our community. A distinguished farmer and leader, Jon is certainly deserving of recognition by the Chamber.

Marthedal Farms has been a family operation since its inception in 1903. Upon immigrating to the United States from Denmark, Harold Marthedal, Sr. purchased 20 acres of property. Years later, his son Harold Jr. took over and worked to expand the size of the farm. Today, Marthedal Farms is operated by Jon and his son Eric. They manage about 700 acres of raisin grapes, table grapes, and blueberries.

Jon has been an important part of the agricultural community for many years. Upon earning his degree in Agricultural Business from California State University, Fresno, he began his career at Sun-Maid Growers in 1978. In ten years, he became Director, and then served as Vice Chairman before becoming Chairman in 1999. Through his progressive and innovative work, Jon has become a respected voice in matters pertaining to California agriculture.

Jon's passion and commitment to agriculture has been demonstrated by his enthusiastic membership and leadership within a number of agriculture-based organizations. He serves as Secretary of the Raisin Administrative Committee, Vice Chairman of the Agricultural Council of California, Chairman of the California Blueberry Commission, and is a member of the Board Restructuring Committee for CoBank—a lender to cooperatives. For over 100 years, Marthedal Farms has been an integral part of maintaining the San Joaquin Valley's status as the breadbasket of the world.

Jon and his wife Sandy have three children. Whether he is spending time with his family and friends, or serving our community, Jon has always been known to be a man of principle and integrity.

I applaud Jon for his many years of work and congratulate him on his well-deserved recognition from the Greater Fresno Area Chamber of Commerce.

Mr. Speaker, I invite my colleagues to join me in applauding and expressing appreciation for Jon's work.

NATIONAL NURSE PRACTITIONER WEEK

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. LEVIN. Mr. Speaker, I rise in support of National Nurse Practitioner Week.

This honorary week, November 13th through the 19th, celebrates the vital service that over 148,000 nurse practitioners provide to patients around the country. At a time when there is a shortage of primary care physicians, more and more Americans are turning to nurse practitioners to help with their medical problems.

Nurse practitioners are highly educated, licensed clinicians that provide a broad range of patient-focused care. Besides treating medical needs, nurse practitioners also focus on health promotion and disease prevention as well as health education that helps guide patients and assist them in making healthy choices in their day-to-day lives. Nurse practitioners improve the lives of Americans and help reduce health care costs. We should celebrate nurse practitioners as a crucial part of our healthcare system and a solution to many of the problems it faces.

I urge all my colleagues to join me in recognizing the important work of nurse practitioners across the nation.

HONORING MICHAEL DUANE CURTIS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Michael Duane Curtis. Michael is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many Scout activities. Over the many years Michael has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Michael has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Michael Duane Curtis for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

MIKE WHITT, EXECUTIVE DIRECTOR MINGO COUNTY REDEVELOPMENT AUTHORITY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. RAHALL. Mr. Speaker, I want to call to my colleagues' attention, during these times of budgetary debate, the significant savings realized by the taxpayers of our country by the vision and work of one of my constituents, Mr. Mike Whitt, the Executive Director of the Mingo County Redevelopment Authority.

In pursuit of sound, forward-thinking economic development initiatives, Mike was light-years ahead of other jurisdictions when he began forging public-private partnerships to save taxpayer dollars, leveraging public funding and above all creating good paying sustainable jobs for families. No slick financing schemes; no hocus pocus accounting tricks here. Mike did his homework and did it well. He still does. Anyone, who has ever had the good fortune to participate in one of his project presentations, knows they have to be on their toes to answer detailed questions about what they can bring to the table.

Mike has travelled the country sharing his valuable time with agencies and associations to spread the word about how some old-fashioned hard work in planning economic development ventures upfront can save millions in the end. He has given freely of his experience and expertise so others can adopt his sensible and thoughtful approach to investing public funds to address citizen's needs for a darn good return on the taxpayer's dime.

As we debate ways to improve our budget in the coming weeks, I hope my colleagues will look to the results sound public investment can yield when that investment is married with private investment and properly managed. I am certain the Mingo County Redevelopment Authority will be happy to share their accomplishments.

In a larger sense, Mike Whitt serves as a bright beacon to all who strive to serve the public, administer public programs, and manage public funds. Our country owes Mike a debt of great gratitude for his work and his years of sacrifice away from family and friends to serve the public good.

Recently, Mike has been battling some health issues. Mike is a man of great faith, a strong fighter, who has the courage of his convictions. We know though he appreciates the power of partnership, so we welcome your thoughts and prayers for Mike and his family as he tackles this personal challenge.

TAIWAN AIRPOWER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. POE of Texas. Mr. Speaker, China should not dictate what America can or cannot do. But, when it comes to our Taiwan policy, it seems we kowtow to the wannabe empire of the East. China has over 1,400 missiles pointed at Taiwan, and military experts agree that Taiwan is losing its ability to even slow China

down if it chooses to attack. Yet China tells the U.S. ''don't sell F–16s to Taiwan'' and so we don't.

On September 21st, the Administration officially notified Congress of its decision to only offer Taiwan an upgrade of existing F–16A/Bs, rather than sell 66 new F–16 C/Ds as the Government in Taipei had requested. The C/D aircraft would've gone to replace the 30-year-old F–5s. Now, the Ft. Worth, Texas production line may close because of lack of new orders. This should not be an issue. Our good friends, the Taiwanese, want to buy them.

The U.S. needs to boost its economy and prevent Chinese aggression. This sale would've been good for everybody. Everybody, that is, except China. America has to do what is in our best interest. And, it is not in our best interest to give in to a brutal, communist regime while forsaking our democratic ally. I fully support selling modern aircraft to Taiwan.

And that's just the way it is.

HONORING THOMAS MORAN AND THE HUDSON RIVER SCHOOL OF PAINTING

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize the important role played by the artists of the Hudson River School in the development of the conservation movement and the creation of America's National Park System. In particular, I rise to honor the painter Thomas Moran, who came to prominence in the United States in the 1870's for the landscapes he painted while accompanying the geological and geographic survey of America's West headed by Ferdinand V. Hayden. During that era, the promotion of settlement and commerce in America's West was a centerpiece of federal domestic policy, with a special focus on exploiting the area's vast natural resources. However, watercolors by Moran sent back to Washington with Hayden's scientific data helped convince Congress that certain areas of exceptional beauty in the West should be preserved in their natural state.

Shortly after Congress established the first National Park at Yellowstone, Moran's 7 by 11 foot canvas ''The Grand Canyon of The Yellowstone'' was unveiled to the public at the U.S. Capitol. If any pictorial representation could do justice to the West's natural treasures, it was the large-scale landscape style of Moran and his contemporaries. These massive paintings captured the popular imagination, compelling Congress to expand federal land holdings in the West and establish Yosemite and Sequoia National Parks in California and Mount Rainier National Park in Washington before the close of the 19th Century.

Moran later accompanied John Wesley Powell's survey of the Utah and Arizona Territories, documenting the natural formations of what are now Zion and Arches National Parks. On this expedition, Moran encountered the natural wonder that would fascinate him for the rest of his life: the Grand Canyon of the Colorado River. In 1874, Congress purchased Moran's massive canvas: ''The Chasm of the Colorado,'' which he produced along with two dozen wood engravings for a widely read account of the Powell expedition published in Scribner's Monthly magazine. Moran wrote of the Grand Canyon, which joined the ranks of the National Parks in 1912: ''Of all places on Earth the great canyon of Arizona is the most inspiring in its pictorial possibilities.''

Mr. Speaker, later in life, Moran spent many years living and working in East Hampton, in New York's First Congressional District, where the unique quality of light has attracted some of our Nation's finest painters. However, we are truly fortunate that his prodigious talent found a fitting subject in the incomparable majesty of the American West. Along with his contemporary Albert Bierstadt and the other members of the Hudson River School, Moran introduced millions of Americans to our western lands and played a vital role in encouraging his generation to preserve America's Crown Jewels—our National Parks—for the enjoyment of generations to come.

CONFERENCE REPORT ON H.R. 2112, CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. DINGELL. Mr. Speaker, this is not a perfect bill, but it is certainly worthy of our support. H.R. 2112 represents a fair compromise between both parties and is an example of how we can achieve concrete results for the American people if we roll up our sleeves and get to work. Earlier today, I called on Congress to skip the upcoming planned recess so we can accomplish the business of the American people. Passage of this bill will represent the first step forward in that regard.

There is much to be proud of in this legislation. H.R. 2112 provides $2.5 billion for the U.S. Food and Drug Administration (FDA), which is $334 million above the House-passed version of the legislation. This bill will give FDA the necessary resources to continue the implementation of the Food Safety Modernization Act, of which I am the author and will help keep tainted food off of our shelves. We will also restore our commitment to the most vulnerable among us by providing $6.6 billion for the Women, Infant and Children (WIC) nutrition program, which is $570 million over the House-passed level.

I have called on my colleagues to pass legislation that will invest in our infrastructure and H.R. 2112 will make small progress in that area. It includes $500 million for a third round of TIGER grants, which have been critical in helping state and local governments to move forward on large, regional projects that will have significant impacts on their communities. The federal-aid highway program will receive $39.8 billion, which is $12.1 billion more than the House proposal, an investment that will result in 400,000 more jobs than what House Republicans supported. This bill will also include $10.5 billion for transit programs, $2.5 billion more than the House bill, which means DOT will be able to continue to support projects that help to reduce greenhouse gas emissions and provide commuters with an alternative to their personal vehicles when traveling to work or to run errands. I am, however, disappointed that this bill contains no funding for high-speed rail. I would remind my colleagues that we are continuing to cede innovative ground on this development to the Chinese, Japanese and French, and it is imperative we do not halt progress on President Obama's vision to create national high-speed rail network.

H.R. 2112 will also invest in innovation by providing an increase of $173 billion, or $7 billion, for the National Science Foundation. This investment is critical to ensuring that the United States is supporting high-risk, high-payoff ideas that the private market cannot or will not invest in. Such innovation will also be supported through an increase in funding for the Manufacturing Extension Partnership, which helps small to medium-sized manufacturers to become more efficient and more competitive in a globalized economy. It also maintains funding for research efforts in the Great Lakes, a national treasure we must preserve and which provides countless opportunities for recreation, conservation, and jobs.

Compromise is never perfect, and quite often neither side is fully satisfied with the outcome. But everyone will need to make sacrifices if we are to adequately address the unfinished business of the American people. And that is what this bill is—unfinished business. H.R. 2112 will ensure that Congress is back here to have the same debate on a different set of appropriation bills on December 16th. If Congress had passed the 12 appropriations bills individually, we would not be debating H.R. 2112 today.

We were elected to be civic leaders who could put public interests before self interests. It is not in America's best interest to sit here refusing to support a bill that does not mirror each of our individual priorities. What is in America's best interest and helps move us forward is to come together today and support a compromise that, while imperfect, gets the job done. I urge my colleagues on both sides of the aisle to serve that purpose by supporting this bill and continue to find ways to make meaningful agreements to pass legislation that will put Americans back to work and help rebuild our economy.

MISSISSIPPI AND VIRGINIA MAKE HISTORY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. WILSON of South Carolina. Mr. Speaker, history was made last week in off-year elections with Republicans gaining a majority in the Mississippi House for the first time in years and Republicans gaining a majority in the Virginia Senate, along with the State House and the Governorship for the first time in 130 years.

With these gains, Republicans are now state legislative majorities in both houses in all states from Texas to Florida to Virginia and all states in between except narrowly in Arkansas.

I am grateful my home state of South Carolina is symbolic of change. Fifty years ago this

August, Charlie Boineau of Richland was elected the first Republican legislator of the Twentieth Century and the next year, State Rep. Floyd Spence was the first party switch ever leading in 1994 to David Wilkins elected the first Republican Speaker in the South. In 2010 all nine Republican statewide candidates were elected with the Governor being the first female in 341 years and only the second Indian American in national history. Seven out of eight federal officials are now Republicans.

Encouraging the extraordinary change are transplants from the Northeast and Midwest who have relocated for a milder climate and lower taxes.

In conclusion, God Bless our Troops and we will never forget September 11th in the Global War on Terrorism.

IN RECOGNITION OF THE GREATER BEULAH BAPTIST CHURCH'S 108TH ANNIVERSARY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BISHOP of Georgia. Mr. Speaker, It is my pleasure and honor to extend my sincere congratulations to the congregation of the Greater Beulah Baptist Church in Columbus, as the church's membership and leadership celebrates 108 years of providing spiritual guidance, moral counseling and dedicated community service to the residents of Muscogee County, Georgia. The congregation of Greater Beulah Baptist Church will celebrate their 108th anniversary on Sunday, November 20, 2011 at service ceremonies on the church's campus at 631 Sixth Avenue in Columbus, Georgia.

This upcoming anniversary ceremony will enable church members, local religious leaders, elected officials and other individuals throughout the Columbus, Georgia metropolitan area to pay tribute to the members of Greater Beulah Baptist Church who have positively contributed to the spiritual maturation and personal development of those in the Columbus, Georgia metropolitan area and beyond.

As one of Columbus, Georgia's long-standing institutions of Christian excellence, the Greater Beulah Baptist Church traces its historical roots back to 1903.

Throughout the last two centuries, the church's edifice has gone through numerous transformations, renovations and relocations. In the early 20th century, the church was located in a one-bedroom house on the corner of Dry Avenue and 12th Street. In 1904, the church relocated to a red church building on Magnolia Street and in the late 1940s, the church was reconstructed before moving to 6th Avenue.

Over the years the church has expanded its external and internal outreach efforts through the establishment of a Senior Choir; Gospel Choir; Junior Choir; Inspirational & Mass Choirs; Chester Medley Hayes Young Adult Choir; Golden Age Ministry; Layman Ministry; Prayer and Praise Team; Intercessory Prayer Ministry; Women Outreach Ministry; Greater Beulah Women Inreach Ministry; and Children's Church.

Over the years, the Greater Beulah Baptist Church has remained a dedicated community leader and supporter of projects that have assisted individuals in need. The church's Evangelistic Committee and Catherine Gordon Scholarship Fund have helped to advance educational charitable opportunities for students throughout Muscogee County, Georgia.

Mr. Speaker, today I ask my colleagues to join me in paying tribute to the Greater Beulah Baptist Church in Columbus, Georgia for all the many things this church's members have done and will continue to do to positively impact the lives of those seeking spiritual guidance and in need of charitable assistance.

CELEBRATING THE 100TH BIRTHDAY OF MS. SARAH BOYD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. RANGEL. Mr. Speaker, I rise today to recognize the birthday of Ms. Sarah Boyd who turns 100 years old on November 22, 2011.

Born to Sanders Aye and Annie Aye on November 22, 1911, in Eastover, South Carolina, Ms. Boyd is the youngest of her four siblings, two brothers, and two sisters. She received her education from The Weber School in Eastover, South Carolina and lived in the city of Columbia, South Carolina where she met and married Ernest Boyd. In 1945, they moved to my Congressional District in Harlem, New York where she has remained ever since.

Nicknamed ''Doll'', it is remarkable to imagine all that she has been able to witness during her remarkable life. When she was born, the 27th President William H. Taft was in office and Jim Crow Laws ruled the land. She lived through the Civil Rights Movement during the Sixties and saw President Barak Obama elected as 44th President of the United States of America. She has seen our great nation in times of peace and in times of wars. She has lived through the Great Depression, and has been part of our country's strength and resolve during this past century. Let us look to her today for inspiration as we face many challenges.

A couple of her anecdotes are: ''Make sure to get plenty of rest'' and ''Don't eat meat a few hours before going bed.'' But most of all, she often says: ''God is Good'' and ''He will make a way! If you take one step, God will take two.''

Mr. Speaker, I am proud to honor such an extraordinary member of our community on her 100th birthday. I wish Ms. Sarah ''Doll'' Boyd, as well her daughter Annie, son-in-law Levi Carter, four grandchildren, five great grandchildren and twin great, great granddaughters many more joyous days.

RECOGNIZING NOVEMBER 15 AS AMERICA RECYCLES DAY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize, along with my colleague, Rep. GEOFF DAVIS, the date of November 15 as America Recycles Day, an annual event intended to raise awareness and promote the social, environmental, and economic benefits of recycling and purchasing products made from recycled materials.

I also wish to highlight the automotive recycling industry, which reduces our need for already scarce landfill space, and makes important strides toward preserving precious natural resources. During the recycling process, more than 80 percent of an entire automobile by weight can be reused, remanufactured or recycled. This process saves an estimated 85 million barrels of oil, which would have otherwise been used in the manufacturing of new or replacement parts.

In addition, the automotive recycling industry employs more than 108,000 workers throughout the United States. A majority of the businesses in this industry are small, and in many cases are owned and operated by families.

The Automotive Recycler's Association (ARA) is an international trade association which represents businesses in an industry devoted to the removal and reuse of still-viable automotive parts, and to the safe disposal of inoperable motor vehicles. Our Nation owes a great debt to the 4,500 automotive recycling facilities represented by the ARA, which help to recycle more than 11 million retired vehicles each year. ARA also serves as a regulatory body, utilizing a program that ensures each automotive recycling facility meets specific business, environmental, safety and licensing standards.

Mr. Speaker, please join me in recognizing the annual occurrence of America Recycles Day, and in my commendation of the automotive recycling industry for all that it does to protect our environment.

HONORING TIMOTHY AARON MASON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Timothy Aaron Mason. Timothy is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 247, and earning the most prestigious award of Eagle Scout.

Timothy has been very active with his troop, participating in many scout activities. Over the many years Timothy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Timothy has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Timothy Aaron Mason for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EXTENSION OF PORT SECURITY GRANT PROGRAM THROUGH 2015

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Ms. HAHN. Mr. Speaker, each day, U.S. ports move both imports and exports totaling some $3.8 billion worth of goods through all 50 States. Additionally, ports move 99.4 percent of overseas cargo volume by weight and generate $3.95 trillion in international trade. Given the importance of ports to our national economy, they must remain competitive and secure.

Thus, we must remain vigilant and make sure we are giving States the resources necessary, so they can address the constant security threats that continue to loom at our Nation's ports. Whether its scanning foreign cargo for nuclear material or patrolling essential waterways, port security has become increasingly important as we expand into a 21st century global economy. However, funding for these efforts continue to be a challenge as maritime security continue to expand and broaden with ever-evolving threats. Additionally, the economic downturn has forced cash-strapped States to cut funding for these vital security initiatives.

That is why I am introducing the Port Security Grant Act, which will extend the Port Security Grant Program through 2015. The Port Security Grant Program addresses these problems by allowing States to receive the Federal funding they need in order to secure their vital ports of entry. The program provides up to $400 million for states to train personnel, expand port recovery and resiliency capabilities, and increase their capacity to detect, respond to, and recover from attacks involving explosive devices.

However, Congress has failed to extend this vital program beyond 2015. By not extending this program, we risk compromising the critical progress that has been made in port security and increasing the overall risk.

By passing this bill, we will ensure that States continue to receive the funding they need in order to protect our Nation's gateways to the rest of the world.

PERSONAL EXPLANATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mrs. BIGGERT. Mr. Speaker, on rollcall No. 854, I was unavoidably detained. Had I been present, I would have voted "yea."

ACKNOWLEDGING WORLD REMEMBRANCE DAY 2011

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise today to take a moment to pay my respects to road traffic victims in honor of World Remembrance Day, this Sunday, November 20th. Since 1993, this special Remembrance Day responds to the great need that road crash victims and their loved ones harbor for public recognition of their loss and pain.

The sense of grief and distress of this large group of people is all the greater because many of the victims are young and many of the crashes could have been prevented. The response to road death and injury is often experienced as inadequate, cruelly unsympathetic, and inappropriate to a loss of life or quality of life. In 2005, the United Nations took it global, endorsing it to be the third Sunday in November each year, encouraging NGOs, such as the Association for Safe International Road Travel to commemorate this day.

I am proud to say, this past July, Indiana became the 32nd state to ban texting while behind the wheel. On May 11, Gov. Mitch Daniels signed the legislation which became effective July 1, 2011. Distraction is still a factor in too many serious crashes, and the new law is a small step to help make Indiana roads safer—and a small initiative which I hope will inspire road safety initiatives worldwide.

It is estimated that 1.3 million people die in road crashes each year. Unless action is taken, road traffic injuries are predicted to become the fifth leading cause of death by 2030.

It is my hope that recognizing Remembrance Day will signal the importance the issue of reducing road danger to government.

GLOBAL ENTREPRENEURSHIP WEEK

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. CLEAVER. Mr. Speaker, I rise in support of Global Entrepreneurship Week, a celebration of the innovators and job creators who launch new companies. These innovators bring forth new ideas, drive economic growth and expand human welfare. This year, I am pleased to announce that Global Entrepreneurship Week, supported by the Ewing Marion Kauffman Foundation in my district, will be celebrated in 123 different countries, directly engaging more than seven million participants.

During this week each November, Global Entrepreneurship Week inspires Americans from all walks of life through local, national and global activities designed to help them explore their potential as self-starters and imaginative innovators. These activities, from large-scale competitions to intimate networking gatherings, connect participants to potential collaborators, mentors and even investors—introducing them to new possibilities and exciting opportunities.

But G.E.W. is more than just an awareness campaign supported by world leaders and celebrity entrepreneurs. It is a rallying cry, calling us to unleash ideas and bring them to life—recognizing opportunities, taking risks, solving problems, being creative, building connections and learning from both failure and success. It is about challenging young people to think big and to make an impact on the world.

Entrepreneurs do three things—they advance innovation, build wealth for society, and create jobs. In fact, research from the Kauffman Foundation shows that almost all net new jobs in the United States over the past 25 years have come from firms less than five years old. It's not surprising that policymakers are looking to reinvigorate their economies by focusing on ways to stimulate new firm formation.

I invite my colleagues to take part in Global Entrepreneurship Week in your community. Support the innovators and engage the entrepreneurs that are a driving economic force in each of our districts. Together, we can encourage and empower aspiring and existing entrepreneurs to unleash their ideas and create the startups of the future that will change our country forever.

A TRIBUTE TO DR. BOBBY MUKKAMALA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. KILDEE. Mr. Speaker, I rise today to extend congratulations to Dr. S. Bobby Mukkamala as he completes his term as the youngest president of the Genesee County Medical Society.

Bobby and his family have dedicated their lives to providing health care to our community. His parents, his wife, his sister and brother-in-law are all physicians. Bobby fondly remembers playing as a child on the grounds of Hurley Medical Center while his mother, Dr. Sumathi Mukkamala made her hospital rounds. The twin sons of Bobby and his wife Dr. Nita Kulkarni, Nikhil and Deven, play today on that same playground while they wait for their parents to finish rounds.

Despite his young age, Dr. Mukkamala has extensive leadership experience. Bobby served on the Michigan State Medical Society Board as Young Physicians Section Chair in 2002 and was elected as a District Director to the Board earlier this year. Governor Jennifer Granholm appointed Bobby to the Board of Audiology for the State of Michigan. In 2008, Bobby received the American Medical Association Foundation Leadership Award.

Dr. Mukkamala was tapped in October of 2010 to serve as President of the Genesee County Medical Society where in his tenure he dramatically increased membership while encouraging his colleagues to focus on the many diverse needs of the Flint community. This was a realization of his dream to serve as President as his father, Dr. AppaRao Mukkamala, did in 1994. His commitment is best illustrated by the scholarship that was created by Bobby and his wife Nita at the University of Michigan-Flint and the endowment fund they established for the Community Foundation of Greater Flint.

Mr. Speaker, I find Dr. Mukkamala's dedication and leadership in the community a great inspiration and I am a better person for knowing him. That is why I ask You to please join me in congratulating Dr. Mukkamala on his many accomplishments as President of the Genesee County Medical Society. We graciously thank him for the leadership and vision he continues to bring to our community.

NATIONAL ADOPTION DAY

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. SCHILLING. Mr. Speaker, I rise today to recognize National Adoption Day and to celebrate the many families who graciously open their homes and their lives to the most vulnerable and often forgotten children in our communities. As the father of 10 children I understand the importance of family, I also understand the many sacrifices parents make to provide the best opportunities for their kids. This is why I deeply respect adoptive and foster parents; they so readily take on additional expenses and sacrifices to provide a safe home for a child.

I recently joined the Congressional Caucus on Foster Care which is dedicated to protecting and promoting the welfare of the more than 424,000 children who are part of the foster care system in the U.S. The Caucus provides a forum where Members can come together to discuss ways we can improve the system and help these children make a successful transition out of care and into society.

Tomorrow, National Adoption Day will be celebrated across the country. There are more than 400 events planned to highlight the need for more families to open their hearts to children in need and to show gratitude to those who have taken that step. I want to thank each and every foster parent and adoptive parent for opening your safe and loving home to a child. Thank you for taking the time to enrich the lives of those children who need it the most.

ON THE OCCASION OF MARY LOUISE PETERS-HUGHES' 100th BIRTHDAY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. PETERS. Mr. Speaker, I rise today for the most special purpose and privilege of honoring the life of Mary Louise Peters-Hughes on the occasion of her 100th birthday.

Mary Louise Peters-Hughes is a most remarkable woman, having lived through 100 years of the most changeable times in human history; she is also my aunt, big sister to my late father Herb, and the matriarch of our family.

Born on September 20, 1911, Mary came of age amidst the burgeoning era of women's rights. Her achievements embodied the kind of progress and leadership envisioned by that movement; throughout her life, Mary has held herself to a high standard of achievement and leadership.

In 1929, she graduated valedictorian from Rochester High School, after serving in the National Honor Society and as president of her senior class. Mary matriculated to Alma College, during a time when only 10% of young people sought higher education. Mary studied English and Latin and continued to be a leader among her peers by serving as President of the Wright Ladies Hall and member of the Philamathion Ladies Social Society. Within four years, she graduated with a near-perfect grade point average. Finally, before embarking upon a career in teaching, Aunt Mary obtained her Master's Degree from the University of Michigan.

Aunt Mary was a devoted teacher, always encouraging her students to fulfill their best potentials. She did the same with family, too. Ever the supportive big sister, she sent my father money every week as he worked to get his own degree from her alma mater, Alma College. My father often talked of his deep gratitude for her vital support of him during those lean depression. After marrying my uncle, Halley Hughes, Mary took a leave from her career and devoted herself full time to family and raising her three sons: Bob, Dick, and Jim.

Later in life, Aunt Mary returned to her beloved career and for another 21 years. And as a passionate educator, Aunt Mary joined both the National Education Association and Delta Kappa Gamma to enhance the status and fight for the rights of her fellow teachers across Michigan and the Nation.

Mr. Speaker, though she is my beloved aunt, by any objective measure Mary Louise Peters-Hughes has lived an exceptional life, marked by academic excellence, an admirable professional career and a most compassionate and strong family life. Her story and path is truly one we can all look to as an example for our own lives. I, my wife and children and Mary's three children, six grandchildren and nine great grandchildren are grateful for the 100 years she has lived and the lessons and love she has shared with each of us. We wish for many more lived in health and happiness.

CONFERENCE REPORT ON H.R. 2112, CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. HOLT. Mr. Speaker, I rise today in support of the Fiscal Year 2012 Conference report for the Agriculture, Commerce-Justice-Science, and Transportation-HUD appropriations bill.

However, I regret the process that brought this bill to the floor. A full one third of this bill, the Transportation-HUD appropriations, has never been considered by the House before. This bill was not written in an open process and members were not allowed to offer amendments to improve the bill.

I am pleased that this bill included the funding I fought for to help our local residents recover and rebuild from the flooding which caused so much destruction in New Jersey. This bill provides $2.3 billion in needed disaster assistance to ensure Central New Jersey's businesses and home owners have the resources they need to mitigate the damage and put in place preventive measures in advance of future disasters.

Further, this bill rejects the dangerous attempt by House Republicans to end the Community Oriented Policing Services (COPS) and provides the program with almost $200 million to help local police departments keep our communities safe despite the local budget constraints. While this represents a steep cut in funding from last year, these funds will help some local departments who are having to make tough decisions about firing police officers for a lack of resources. Going forward, we must do far more to get more cops back on the beat.

In these difficult times, this bill also denies an attempt to reduce funding for the Supplemental Nutrition Assistance Program (SNAP) and the Women, Infants and Children (WIC). SNAP and WIC help our fellow Americans during their most difficult times with some food assistance to help make ends meet. As millions of our fellow Americans are struggling in this difficult economy, this bill provides $105 billion for domestic food assistance programs, an 18 percent increase from last year, to make sure they are at least able to keep some food on the table.

As a research scientist, I have long supported the important role of federal investment in basic research. I am glad this bill increases funding for the National Science Foundation (NSF) to $7 billion, an increase of $173 million. It also provides the necessary funding to continue the development of the James Webb Space Telescope that will allow researchers to find the first galaxies and help create jobs now. Further, this bill provides the U.S. Patent and Trademark Office a 29 percent increase in funding to ensure that our Nation's inventors are able to get their ideas to market and help grow our economy.

I am also pleased that this bill makes needed changes to ensure that the maximum loan limits for the Federal Housing Administration are maintained at a level necessary for areas with high cost housing like we have in New Jersey. With the housing market still weak, this will help provide some necessary stability and support for prospective home owners.

It is unfortunate that this bill freezes funding for the Commodity Futures Trading Commission which is tasked with implementing many of the commonsense Wall Street reforms we approved last year. Without additional funding the CFTC will struggle to prevent future financial crises, and not have the resources needed to fight oil speculation which is increasing the cost of gas at the pump.

Finally, I regret that this bill contains a number of funding restrictions that will limit our Nation's law enforcement officers from combating gun trafficking and prevent sensible regulations from being established to prevent guns from falling into the hands of criminals. Yet again the NRA has been given an early Christmas present with the inclusion of these special giveaways tucked into this bill without a vote or any debate on them.

This is not a perfect bill but it prevents a looming government shutdown. Further, it provides funding increases for a number of critical programs and rejects many of the dangerous cuts contained in the funding bills that the House previously approved. I support passage of this bill despite its pessimistic view of what America can achieve through ambitious funding of the programs covered under the bill.

HONORING 70TH ANNIVERSARY OF MESSIAS TEMPLE CHURCH AND THE PASTORAL ANNIVERSARY OF SUFFRAGAN BISHOP HARRY S. GRAYSON

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to the honorable Suffragan Bishop Harry S. Grayson, who is celebrating his 60th birthday and 20th year of service as the pastor of The Messias Temple Church, as well as the 70th Anniversary of the Church in the community of Ypsilanti, Michigan. As friends and family and community members gathered last Saturday on November 12, 2011 to honor both anniversaries, my wife Deborah and I joined the service to honor the church and Pastor Grayson's service and care to the Ypsilanti community.

Time tends to show us what is really important in life. Since the founding of the Messias Temple on November 10, 1940, four pastors have dedicated their lives to spreading the Gospel and ministering to the well-being of the congregation and the community. As the church family grew in size, so did the church's community outreach and it was the spirit and leadership of these ministers, including Pastor Grayson, that have made the difference.

Over the past 20 years, many programs that promote the joy of giving have been initiated under the fine leadership of Pastor Grayson. They include the sharing of hot meals, holiday food giveaways, and vital prison, shelter, and re-entry ministries. I also applaud his commitment to promoting education in Ypsilanti through tutoring, financial assistance programs, and educational children activities. Pastor Grayson and his lovely wife Mary have raised their three children in the same place where he came of age and found his call for the ministry. His compassion, tireless efforts, and loving care for the Ypsilanti community is extraordinary and I am not alone in celebrating the amazing positive impact the church and Pastor Grayson have had in my district.

NATIONAL COMMUNITY FOUNDATIONS WEEK

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BLUMENAUER. Mr. Speaker, this week we recognize millions of Americans who have voluntarily joined together to meet important needs in their communities. National Community Foundations Week celebrates the generosity and shared efforts to common goals that mark the American character.

Community foundations make substantial contributions to our nation's well-being in areas such as health care and social services, education and the arts, economic development, and environmental protection. In 2010, community foundations gave an estimated $4 billion to a variety of nonprofit activities.

Directed by volunteers, community foundations provide effective leadership in communities throughout the United States, often supplementing or assisting in the coordination of public programs and other private services. They are one of the fastest-growing forms of philanthropy in the United States.

The Oregon Community Foundation exemplifies these virtues. For instance, its "Access to Higher Education" initiative includes a one-on-one mentoring program fostering post-high school education and a scholarship program directing millions of dollars each year to help Oregonians pursue advanced education. The Oregon Community Foundation also addresses needs like literacy on the North Coast, children's dental health in South Willamette Valley and community school programs in Central Oregon.

Please join me in recognizing National Community Foundation Week, and in gratefully acknowledging the nation's charitable organizations as well as the concerned individuals who donate their time, talent, and resources.

CONGRATULATIONS TO CANTON HIGH SCHOOL STATE CHAMPION BOY'S SOCCER TEAM

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to acknowledge the Division 1 State Champion Boys' Soccer Team from Canton High School. On November 5, 2011, the Canton Chiefs eked out a 1–0 victory over Grand Haven, marking their 1st State Championship since 1994 when Head Coach George Tomasso was the Canton goalkeeper.

After having amassed a division record of 9–0–1 and winning the Kensington Lake Athletic Association's South Division, the Kensington Conference and the KLAA overall title, the Chiefs headed in to district play with overall regular season tally of 14–1–2. Canton leveled Ann Arbor Skyline 2–1 before taming the Northville Mustangs 3–0 in the district semi-final. The Chiefs caged the Novi Wildcats, winning 3–1 in double overtime to take the District 5 crown.

Moving on to regional match-ups, Canton stormed past Dearborn by a score of 3–0. The Chiefs blazed by Ann Arbor Pioneer 4–1 to claim the Region 2 crown. Canton's defense would prove impenetrable against top ranked Warren DeLasalle in the semi-final round as the Red and White grounded the Pilots 1–0, setting the stage for the championship showdown.

Facing Grand Haven in the final match of the season, a pair of sophomore midfielders gave the Canton Chiefs the only goal they would need. At 3:32 in the second half, a perfectly threaded pass led to an unstoppable low shot ripping past the Buccaneers' goalie into the middle of the net. Canton's defense stymied the Bucs, giving the Chiefs the right to hoist the Michigan High School Athletic Association Division 1 Championship trophy.

Mr. Speaker, with a season record of 24–1–2 and having allowed only three goals during their entire playoff run, the 2011 Canton Chiefs deserve to be recognized for their determination, achievement, spirit and effort. I ask colleagues to join me in congratulating the Chiefs for obtaining this spectacular title and in honoring their devotion to our community and country.

IN COMMEMORATION OF WORLD REMEMBRANCE DAY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. VAN HOLLEN. Mr. Speaker, as a co-chair of the Congressional Caucus on Global Road Safety, a caucus dedicated to supporting safe road travel worldwide, I rise to commemorate World Remembrance Day.

World Remembrance Day was established to honor the memory of those who have been injured or killed in traffic crashes around the world. The day was set aside as a sign of the world's commitment to preventing road traffic deaths, to educating drivers and pedestrians about the hazards of road travel and to improving the safety of our roads.

Road crashes are the leading cause of death globally for people between the ages of 5 and 29 years old. According to the 2009 Global Status Report on Road Safety, nearly 1,300,000 people globally die in road crashes each year. Unless action is taken, it is predicted that road traffic injuries could double by 2030, killing an estimated 2,400,000 people per year.

The hazards of road travel are a persistent problem regardless of a country's wealth. According to a report by the Governors Highway Safety Association, a body representing the safety departments from around the U.S., the overall number of pedestrian fatalities in this country is increasing.

Statistics such as these are the rallying call of a growing number of public safety groups like the Association for Safe International Road Travel. Due to ASIRT's determined advocacy, there is now an increased emphasis being placed by American officials on providing our citizens with the tools they need to travel safely while abroad. ASIRT's encouragement influenced the Department of State's decision to post road safety information on its website and to offer safe driver training at its missions around the world.

I am proud of my association with ASIRT. Its commitment to raising awareness about the hazards of road travel is helping to make the world a safer place. On this World Remembrance Day, may we all take a moment to reflect on the importance of road safety.

IN CELEBRATION OF THE LIFE AND THEATRICAL ACHIEVEMENTS OF SHAUNEILLE PERRY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. RANGEL. Mr. Speaker, today I rise with great cultural pride to join Byron Lewis, CEO of Uniworld Group, Woodie King, Jr., Founder and Executive Artistic Director of New Federal Theatre and Voza Rivers, Co-Founder and Executive Producer of New Heritage Theatre to celebrate the life and theatrical achievements of renowned actor, author, director and educator, Shauneille Perry.

On November 13, 2011, at Harlem's landmarked Riverside Church, the Uniworld Group, New Federal Theatre and New Heritage Theatre will join hundreds of actors, playwrights, designers, technicians, and students

in the field of Black Theater to say thank you to Shauneille Perry for her historic accomplishments and contributions to American Theater.

Shauneille Perry was born on July 26, 1929 in Chicago to a very prominent African American family. Her father, Graham T. Perry, was one of the first African American Assistant Attorney Generals for the State of Illinois. Her mother, the former Laura Pearl Gant, was one of the first African American court reporters for the City of Chicago. Ms. Perry is also the niece of real estate broker and political activist Carl Augustus Hansberry and Africanist scholar William Leo Hansberry. She is also the first cousin of Carl Hansberry's daughter, Lorraine Hansberry, famous playwright and author of the 1973 Tony Award Best Musical, ''A Raisin in the Sun''.

Shauneille attended Howard University, where she was a member of the Howard Players under the direction of Owen Dodson. In 1950, she received a B.A. in drama from Howard. Her studies followed at the Goodman Theatre Art Institute in Chicago, where she received her M.A. in directing. She is also a Fulbright Scholar at the Royal Academy of Dramatic Art in London.

In Chicago of 1957, Perry married Architect Donald Ryder. Several months later, she received national exposure as the second place winner in the 1958 Picturama Contest, an essay competition sponsored by Ebony Magazine. She took advantage of the prize with her husband, which was a $4,000, three-week tour of Paris. By the end of the decade, the couple relocated to New York City, where it did not take long for her to establish herself as an actor.

In the late 1950s and early 1960s, she acted in various productions on the New York stage including The Goose, Dark of the Moon, Talent '60, Ondine, Clandestine on the Morning Line and The Octoroon. Her work as Lilly Ruth, a pregnant girl in the short-lived off-Broadway production of Clandestine on the Morning Line received particular notice. After her many successes as a performing actor, Shauneille switched her career toward writing, directing, and raising a family.

Following in the footsteps of Vinnette Carroll, the first great African American playwright, stage director, and actor to direct on Broadway with the hit gospel revue, Don't Bother Me, I Can't Cope, Shauneille became one of the first African American women to direct on the New York stage. Her notable works on the Broadway and on the national and international tour stage include one of her early efforts, the Mau Mau Room, at the Negro Ensemble Company. It was the first major stage production of a play written by J. E. Franklin.

Shauneille Perry staged the productions of Strivers Row, Looking Back, the music of Micki Grant by Rosalie Pritchett, Sty of the Blind Pig by Phillip Hayes Dean for the Negro Ensemble Company, Moon on a Rainbow Shawl produced by Voza Rivers at Harlem's Roger Furman's New Heritage Theatre, the award-winning production of Paul Robeson, and the original off-Broadway production of J. E. Franklin's play, Black Girl for Woodie King, Jr.'s New Federal Theatre, which became a film directed by another award winning actor and civil rights activist Ossie Davis.

A gifted writer of several plays including ''Pearl,'' a short story collection and children's musical Mio, which she staged as a workshop production at the New Federal Theatre in the fall of 1971. Shauneille's work includes Sass and Class, In Dahomey, Music Magic, Daddy Goodness with Clifton Davis; Last Night, Night Before, Things of the Heart, Marian Anderson's Story, and Sounds of the City, a 15 minute daily soap opera that aired on the Mutual Black Network in the mid-1970s for Byron Lewis' Uniworld Group, Inc. Shauneille Perry's other gifted works include the KCET teleplay of John Henry Redwood's Old Settler starring Phylicia Rashad and Debbie Allen, Black Beauties for Equity Fights Aids and the narrative for the 2005 Harlem Exhibition at the Museum of the City of New York.

An innovator and contributor of the Black Arts Movement, Shauneille Perry has been honored with four AUDELCO Awards, two CEBAS, the Lloyd Richards Award of Directing (National Black Theatre Festival), the Black Rose of Achievement (Encore Magazine), the distinguished Howard Player and Alumni Awards, and the Scholar Achievement Award from Lehman College of the City University of New York, where she was a professor of Theatre and Black Studies.

Mr. Speaker, please join me and a grateful nation in celebrating the life and theatrical achievements of Shauneille Perry as a living legend of the American and Black Theater. Her talented works and legacy will forever remain in our ever-changing world. With her accomplishments and contributions, the Black Theatre community has had the opportunity to help advance the quality and heritage of the American Theatre.

ACKNOWLEDGING WORLD REMEMBRANCE DAY 2011

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise today to take a moment to pay my respects to road traffic victims in honor of World Remembrance Day, this Sunday, November 20th. Since 1993, this special Remembrance Day responds to the great need that road crash victims and their loved ones harbor for public recognition of their loss and pain.

The sense of grief and distress of this large group of people is all the greater because many of the victims are young and many of the crashes could have been prevented. The response to road death and injury is often experienced as inadequate, cruelly unsympathetic, and inappropriate to a loss of life or quality of life. In 2005, the United Nations took it global, endorsing it to be the third Sunday in November each year, encouraging NGOs, such as the Association for Safe International Road Travel to commemorate this day.

I am proud to say, this past July, Indiana became the 32nd state to ban texting while behind the wheel. On May 11, Gov. Mitch Daniels signed the legislation which became effective July 1, 2011. Distraction is still a factor in too many serious crashes, and the new law is a small step to help make Indiana roads safer—and a small initiative which I hope will inspire road safety initiatives worldwide.

It is estimated that 1.3 million people die in road crashes each year. Unless action is taken, road traffic injuries are predicted to become the fifth leading cause of death by 2030.

It is my hope that recognizing Remembrance Day will signal the importance the issue of reducing road danger to government.

TOM CAVALERI

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Ms. CASTOR of Florida. Mr. Speaker I rise today to honor and highlight the distinguished career of Tom Cavaleri. Mr. Cavaleri's contributions to the Tampa community are worthy of recognition by all.

Born in Tampa, Florida, Mr. Cavaleri attended Plant High School. Upon graduation from the University of South Florida, he began his first job with Hillsborough County, establishing and working with youth groups in the Sulphur Springs area to offer them productive and positive after school activities. Since then, Mr. Cavaleri's career with Hillsborough County has spanned 39 years and several departments, all the while devoting himself to helping the disadvantaged and underserved.

Throughout his career, Mr. Cavaleri has served as a social worker, a front line supervisor, a section manager, and is currently the division manager for Social Services in Hillsborough County. Through his work, he has improved the efficiency of customer service while also maintaining the compassion and human dignity so essential to an applicant during his or her time of need.

During his time as manager or director, Mr. Cavaleri has created innovative programs to improve program operations while also expanding the services available to Hillsborough County residents. This included designing and implementing a health care certification unit which centralized and streamlined enrollment processes, allowing front-line staff time to more effectively manage their clients, and leading the Health and Social Services department through a transition from crisis intervention to a case managed self-sufficiency model.

The Tampa community is proud to recognize Mr. Cavaleri for his continued dedication to improving the lives of Hillsborough County residents and, most especially the lives of those most in need. His outstanding commitment to improving the lives of others has made him an inspirational community leader and a true unsung hero. I ask that you and all Americans recognize such a remarkable citizen for his contribution and service to our community.

IN RECOGNITION OF BRIGADIER GENERAL STEPHEN G. SANDERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BURGESS. Mr. Speaker, today I rise to recognize Brigadier General Stephen G. Sanders for his dedicated service as the Deputy Commanding General for the 36th Infantry Division of the Texas Army National Guard and welcome him home to the 26th District of Texas.

I met BG Sanders on my last two visits to Iraq. Like so many other great men and

women of our armed forces, BG Sanders and his family have repeatedly sacrificed time together for extended periods to answer the call to serve his country.

Commissioned in May 1980 through the Army Reserve Officers Training Corps at Sam Houston State University, BG Sanders began his military career with Texas Army National Guard. His subsequent duties included various tactical, operational and strategic assignments, including commands of a combat engineer company, battalion and brigade. He was deployed to Bosnia-Herzegovina, Stabilization Force (SFOR) 7 and on active duty in support of Operation Iraqi Freedom III in 2004. Most recently, he was deployed to Iraq with his division headquarters where he assumed responsibilities to establish the U.S. Consulate in Basrah; assess, plan and build-out oil and gas infrastructure; and establish logistical conditions for the withdrawal of U.S. Forces from Iraq. BG Sanders has served honorably through each of his assignments and deployments and has received the Bronze Star and Meritorious Service Medal among additional commendation and service medals.

It is due to the selfless actions and sacrifices of the men and women like BG Sanders that we enjoy the quality of life and freedoms that are the envy of nations around the world. I am honored for the privilege to represent Brigadier General Stephen G. Sanders in the United States Congress. I, along with his family, friends, citizens and his safe return.

IN RECOGNITION OF THE SPANISH AMERICAN COMMITTEE FOR A BETTER COMMUNITY'S 45TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Spanish American Committee for a Better Community, an organization that has been addressing the most pressing issues of the Hispanic/Latino community living in Cleveland since 1966. It is celebrating its 45th anniversary on November 18, 2011.

The Spanish American Committee for a Better Community is the oldest and largest Hispanic human services organization in Ohio and serves more than 5,500 people annually. Its vision is to continuously enhance programs and services designed to foster self-sufficiency, career readiness, and wealth creation for individuals, children, and families, with a goal of creating socioeconomic stability in the community and in the entire Northeast Ohio region. It offers programming in several areas including family support, early childhood enrichment, educational training, home ownership counseling and employment training.

The success achieved by the Spanish American Committee is acknowledged by outside organizations. The United Way recognizes the Spanish American Committee as a partnering agency. The Spanish American Committee is a national affiliate member of the National Council of La Raza. Additionally, the United States of America's Department of Housing and Urban Development has certified the Spanish American Committee as a housing council site.

Mr. Speaker and colleagues, please join me in honoring the Spanish American Committee for a Better Community as they celebrate 45 years of community assistance.

INTRODUCING THE NATIONAL COMMISSION ON EMPLOYMENT AND ECONOMIC SECURITY ACT OF 2011

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the National Commission on Employment and Economic Security Act of 2011.

This legislation is a necessary and vital investment for our nation's workforce and their families. It will establish a national commission to examine issues of economic and psychological insecurity within our workforce that have been caused by employment displacement. Further, it will propose solutions, including recommendations for legislative and administrative action, to Congress and the President.

Since the recession began in December 2007, more than 5.1 million jobs have been lost. In October 2011, the unemployment rate remains firm at 9 percent, and it is much higher in many states like Florida, at 10.6 percent, and it has topped 11 percent in Michigan, California, South Carolina, and the District of Columbia.

Over the past year, unemployment rates have increased in all 50 states and the District of Columbia. The scope of the economic downturn is so large that its impact is felt virtually everywhere along the economic spectrum.

While Americans lose their jobs and their incomes shrink, too often, they face the loss of their family's health insurance and, subsequent to the loss of income, even their housing. According to an American Psychological Association September 2010 report, money (76 percent), work (70 percent) and the economy (65 percent) remain the most frequently cited sources of stress for Americans. Perhaps even more disturbing, calls to the National Suicide Prevention Lifeline have increased by more than 72 percent from 2007 to 2010.

Mr. Speaker, the mental health of the American worker will be integral on the road to economic recovery. Congress must face this problem head on and help the very people who are facing unemployment, loss of health insurance, home foreclosure, stress, increased violence, and depression. It is time that we create this Commission and get our nation back on track.

I believe that we have a responsibility to ensure the greatest possible assistance to our nation's workforce, whose commitment to economic participation has been a defining feature of the cultural fabric of our country. I urge my colleagues to support this legislation.

RECOGNIZING NATIONAL ADOPTION DAY/MONTH NOVEMBER 18, 2011

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Ms. RICHARDSON. Mr. Speaker, I rise to recognize November 19, 2011 as National Adoption Day, which celebrates adoptive families who have opened their homes to children placed in foster care. Today, states, communities, public and private organizations, businesses, families, and individuals come together to increase awareness of children in need of permanent homes and families.

Mr. Speaker, currently there are over 463,000 children living in foster care. These children have been placed in homes on the account of the physical, sexual and emotional abuse they have endured with their biological caretaker. My state of California currently has the largest foster care population with the number of youths in foster care tripling since 1981. These children deserve to grow up in a loving home that is safe, happy, and most importantly one they can call their own.

Since the first major effort to bring awareness to the need of adoptive families, which was initiated by former Massachusetts Governor Michael Dukakis and later proclaimed a month in November 1995 by President William J. Clinton, nearly 50,000 children in the system have been adopted yearly. American families have opened their homes to these children and provided resources and opportunities that allowed them to have a chance of claiming the American Dream.

Unfortunately out of the 463,000 children living in foster care, about 107,000 are available for adoption. 65% of children who are not placed in a permanent home emancipate themselves from the system often left unemployed, without a place to live and resorting to homeless shelters. Less than 3 percent go on to college and emancipated females end up four times more likely to receive public assistance compared to the overall population of the United States.

Measures by the government have been implemented to increase the adoption rate and make the process of adoption easier for families who seek to adopt. The Affordable Care Act increases and improves the Adoption Tax Credit. It allows the process of adoption to be accessible and affordable for families who want to nurture, care, uplift and open their home to a child. States can also receive incentives for increasing adoptions of children adopted from foster care. A project by the Department of Health and Human Services, AdoptUsKids, offers support to States and even tribes and territories to recruit adoptive parents. The project also provides assistance and help to families considering adoption or those who have begun the process.

Mr. Speaker, it is vital that we continue to create more programs, events and activities that will enlighten citizens of the United States on stories of children successfully placed in permanent homes, debunk myths about the process and acknowledge the thousands of children who could potentially become a part of these statistics. Through these efforts we can increase the rate of adoption, decrease the rate of homelessness among the youths in

this group and help develop future leaders and innovative thinkers of tomorrow.

To the families who have opened their hearts and homes to these children we celebrate you and your efforts to change the lives of these children. As the rest of us enjoy and share the company of our children and extended family members, let us not forget those children who will not have the same opportunity to do the same. Let us not forget the children who will not be able to celebrate the holiday season in a warm, loving, and happy home they can call their own. Let us remember these children and work towards positively affecting these children's lives and securing their success in the future.

THE NEED TO PROTECT PROGRAMS FOR SENIORS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. ROSS of Arkansas. Mr. Speaker, earlier this summer, Congress passed a bipartisan, compromise agreement—known as the Budget Control Act of 2011—to raise the debt ceiling in two stages by 2013. The new law cuts spending by more than it increases the debt limit and it does not raise any taxes.

Specifically, the Budget Control Act will reduce the deficit by more than $2 trillion over the next 10 years. To do so, it directly specifies $917 billion in deficit cuts now and requires at least an additional $1.2 trillion in savings by December 23, 2011. Tasked with finding these deficit cuts is the 12-member, bipartisan and bicameral Joint Committee on Deficit Reduction, also known as the ''Super Committee.''

According to the new law, the Super Committee must recommend a plan to Congress by November 23, 2011, that cuts the deficit by at least $1.2 trillion in ten years. Then, Congress has until December 23, 2011, to pass the plan on a straight up-or-down vote, meaning no amendments and no filibusters allowed. If Congress fails to pass the plan or comes up short, then across-the-board spending cuts would automatically take effect, split evenly among defense and non-defense spending.

As we are approaching the November 23 deadline, I continue to believe that we need to make serious changes to our budget that will provide necessary savings to help stabilize our long-term financial security. However, any changes that take place over the long run must not be at the expense of our seniors. We absolutely cannot reduce the deficit by cutting seniors' benefits or jeopardizing the stability of programs that they rely on. This is not what I want and this is not what the American people want.

Over 20 million Americans aged 60 and older are economically insecure—living at or below 250 percent of the federal poverty level (FPL). The FPL does not account for the rising cost of living seniors experience as they age, which can include illness, loss of a spouse, or care for a disabled spouse, adult dependent child, or grandchildren.

Many seniors rely on fixed incomes, receiving on average $1,081 in Social Security benefits, $401.70 in Supplemental Security Income, and/or $297 in public assistance each month. Women fare worse than men, with 56% economically disadvantaged compared to 30% of men. Weekly earnings vary by age and gender. Men aged 55 and older have the highest average weekly earnings at $965, while women earn $744.

In August 2011, 1.7 million Americans aged 55 and older were actively seeking work. The unemployment rate for mature workers in this age group is 6.6 percent. The average duration of looking for employment is 44.6 weeks.

These are only a few statistics highlighting the economic difficulties many of our nation's elders face.

I believe that reducing the federal budget deficit is important to our nation's economic future and will require difficult choices and shared sacrifice. However, spending cuts cannot be made at the expense of economically disadvantaged seniors. Due to the recent economic downturn, more seniors than ever need assistance and support to make ends meet.

The Super Committee and Congress must be mindful of this as any possible changes are made to senior related programs and benefits.

BALANCED BUDGET AMENDMENT FROM NOVEMBER 18TH

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. BURTON of Indiana. Madam Speaker, today the House, as required by the Budget Control Act, voted on a Balanced Budget Amendment (BBA) to the Constitution. It is disheartening that we could not get the required two-thirds votes needed to pass the BBA. With the National Debt topping $15 Trillion this week and our country continues to reel from the effects of irresponsible government spending, now more than ever, Congress needed to take bold action to permanently stanch the bleeding.''

Unfortunately, the BBA was dead on arrival in the House after President Obama announced his formal opposition to the legislation. Today's vote proves that Washington is not serious about solving our Nation's spending problem. Forty-nine out of fifty states have set an example for Washington by passing BBA's of their own. As Hoosier families continue to struggle to live within their means, the President and House Democrats clearly believe those same rules shouldn't apply to Big Government. Washington continues to borrow 40 cents of every dollar it spends, robbing Peter to pay Paul in a vain attempt to perpetuate the existence of the federal government's bloated bureaucracies. The system is broken and they simply refused to see the reason in this common sense measure. The President and his like minded cronies instead have chosen to reduce this debate to election year scare tactics by falsely claiming to seniors that the BBA will kill Social Security and Medicare all the while continuing to stoke the coals of their burgeoning class war, rather than work with their colleagues across the aisle to stave off out of control spending and get American's back to work. In defeating the balanced budget amendment they have made their priorities clear.

MILFORD HIGH SCHOOL STATE CHAMPION CROSS COUNTRY TEAM

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to acknowledge Michigan's Division 1 State Champion Cross Country team from Milford High School. On November 5, 2011 the Milford Mavericks outran the Hartland Eagles to claim the title, placing three runners among the state's top five finalists.

After a season that saw great success in both dual meets and invitationals, Milford won the West Division of the Lakes Conference in the Kensington Lakes Activities Association with a record of 5–0. The Eagles placed 2nd in the talent laden Lakes Conference meet behind Hartland. Moving on to the undeniably toughest MHSAA Regional, the Eagles' 55 point total topped conference rivals Hartland and Lakeland with 83 and 94, respectively.

Head Coach Brian Salyer's harriers were determined to take the state title as the starter's pistol sounded at Michigan International Speedway. The Kensington Lake Activities Association Lakes Conference placed an incredible four teams in the top five state finalists. Milford avenged the stinging conference loss to Hartland by legging out a 1st place finish of 128 over 2nd place Hartland's 172. Waterford Mott took 3rd with 177 and Lakeland finished 5th with 188.

Mr. Speaker, the 2011 Milford Mustangs deserve to be recognized for their determination, achievement and spirit, and I am very proud of their fortitude and effort. I ask my colleagues to join me in congratulating the Mavericks for obtaining this spectacular title and in honoring their devotion to our community and country.

ON THE OCCASION OF DANIEL BENTON'S RETIREMENT FROM THE BERKLEY CITY COUNCIL AFTER FIFTEEN YEARS OF SERVICE

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. PETERS. Mr. Speaker, I rise today to recognize Mr. Daniel Benton for his fifteen years of leadership in the Berkley, Michigan community as a City Councilman.

A resident of Berkley since 1979, Dan has been an active member of the community, working to improve the lives of its residents. With his wife, Carol, he raised their three sons, all of whom attended Berkley Public Schools. Outside of his own family, Dan's values are evident in his support of local Park and Recreation programs like Hoops Basketball and Dad's Club Baseball, which promote athletic programs that help local youth make healthy life choices. And, as a dentist, Dan also operates his own practice within Berkley, providing area residents with important healthcare services.

One area of particular focus for Dan's activism has been the Berkley Public Library, which he has supported in many different capacities over the years. He served the library

both as an elected board member and then later as a member of the Friends of the Berkley Library. Dan was also on the Library Building Committee which oversaw the expansion of the library and the acquisition of new materials. Thanks to his work and those of his colleagues, the newly renovated library opened in 1998 and has continued to be a valuable resource for the community.

Beyond his advocacy and support of the Berkley Public Library, Dan is involved in many other local organizations and projects geared toward strengthening the community. As a concerned citizen, prior to his election to the City Council, Dan served on the Planning Commission, working to secure continued future prosperity for Berkley residents. In furtherance of that goal, Dan also helped establish the Woodward 5, a local association of surrounding communities and school districts along the Woodward Corridor dedicated to promoting the region to prospective businesses and residents. As a Berkley resident passionate about the health of his city, Dan has also organized annual sweep operations, which bring Berkley residents together to clean up the city's downtown area.

Mr. Speaker, I ask my colleagues to join me today in recognizing Dan's positive impact on the Berkley community and wish him well in his retirement from the Berkley City Council. As a true advocate for building a strong community, I know Dan's work on behalf of his city and its residents will be felt far into the future. I wish Dan many years of happiness and trust he will continue to advocate for the brightest future for Berkley and its residents.

PERSONAL EXPLANATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mrs. BIGGERT. Mr. Speaker, on rollcall No. 856 I was unavoidably detained. Had I been present, I would have voted "yea".

RECOGNIZING NATIONAL EDUCATION WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. RANGEL. Mr. Speaker, I rise to recognize National Education Week, which was established 90 years ago, and is taking place from November 14–19, 2011.

I ask all of my constituents to please join the National Education Association (NEA) and myself in celebrating National Education Week. It is a wonderful opportunity for us to honor the hard work of our students, dedication of our teachers, educators, and all those in our community who help our students to succeed.

Providing high quality education to every student in our Manhattan Congressional District and across America has always been one of my life's top priorities. This past summer I introduced the Rebuilding America's Schools Act, which would increase aid for school construction and renovation across the country.

My passion for improving our children's education is also why I continue to fight alongside President Barack Obama to pass the DREAM Act, which would provide 360,000 high school graduates who are undocumented with a legal means to work and attend college, and could provide incentives for another 715,000 children of illegal immigrants between the ages of 5 and 17 to finish high school and pursue higher education.

I strongly believe that we must give every possible amount of support to our students, teachers and educators so that future generations of Americans will have the ability to succeed in a global economy and face the challenges of tomorrow.

I would like to recognize all the public and charter schools in our District, and the numerous unions and organizations dedicated to educating our community such as the United Federation of Teachers, the New York State United Teachers, the Support Workers' Union, Harlem YMCA, Harlem Children's Zone, Harlem Center for Education, Children's Aid Society of East Harlem Center, and all the employees of the New York City Department of Education.

I would also like to encourage all the students in our District to keep working hard and reach for the stars because you are our future.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2011

Mr. SMITH of Washington. Mr. Speaker, on Friday, November 4, 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. 830 (on Agreeing to the Resolution H. Res. 455, providing for consideration of the bill H.R. 2838), "yes" on rollcall vote No. 831 (on the Motion to Suspend the Rules and Pass H.R. 3321), "yes" on rollcall vote No. 832 (on Agreeing to the Cummings Amendment to H.R. 2838), "yes" on rollcall vote No. 833 (on Agreeing to the Thompson Amendment to H.R. 2838), "yes" on rollcall vote No. 834 (on Agreeing to the Napolitano Amendment to H.R. 2838), "yes" on rollcall vote No. 835 (on Agreeing to the Bishop Amendment to H.R. 2838), and "yes" on rollcall vote No. 836 (on Agreeing to the Slaughter Amendment to H.R. 2838).

CONFERENCE REPORT ON H.R. 2112, CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of today's appropriations bills, which—while far from perfect—marks a distinct and bipartisan improvement over the House's original product. Today's bill restores key investments in jobs, innovation and public safety that were eliminated in the original House bills. In addition, we have removed the extreme policy riders on issues ranging from Wall Street reform to women's health. Additionally, in order to give the Appropriations Committees time to complete the rest of their FY 2012 work, H.R. 2112 extends the current Continuing Resolution through December 16, 2011.

This conference report includes the Agriculture-FDA, Commerce-Justice-Science and Transportation-HUD Appropriations bills for FY 2012. Consistent with the $1.043 trillion cap on discretionary spending for FY 2012 set forth in the Budget Control Act, these three bills contain $128 billion in discretionary spending, with associated mandatory spending and transportation trust funds bringing the total to $297 billion. An additional $2.3 billion is provided for emergency disaster relief.

The final Agricultural-FDA bill provides a total of $105.6 billion for domestic food assistance programs, including $80.4 billion for the Supplemental Nutrition Assistance Program, SNAP, and $6.6 billion for the Women's Infant and Children, WIC, program. This result is $33 million more than the Senate mark and $9.3 billion more than the original House bill, which is appropriate given the increased demand for food aid during this economic recovery. The Food and Drug Administration receives $2.5 billion, which is $334 million more than the original House level, and will allow FDA to continue implementing the landmark Food Safety and Modernization Act to better protect the estimated 48 million Americans sickened by food-borne illness each year. Of concern in the final Agricultural-FDA bill is misguided language barring USDA from implementing new child nutrition standards and clearly inadequate funding for the Commodity Futures Trading Commission which has been charged with regulating the rampant speculation that helped precipitate the financial crisis. Now is not the time to be under-resourcing our regulatory cops in this demonstrably troubled neighborhood.

The final Commerce-Justice-Science bill allocates $751 million to the National Institute of Standards and Technology, NIST, including $128 million for the Manufacturing Extension Partnership Program to provide training and technical assistance to U.S. manufacturers. The National Science Foundation, NSF, receives $7 billion, or $173 million above FY 2011, to enhance the basic research necessary to accelerate innovation and enhance U.S. competitiveness. And the National Aeronautics and Space Administration, NASA, is funded at $17.8 billion, which is a 6 percent increase over the original House level and includes $529.6 million for NASA's James Webb Space Telescope.

Finally, I'm pleased that the final Transportation-HUD contains $18.9 billion for Section 8 vouchers and $9.34 billion for the project-based Section 8 program, as well as $45 million in housing counseling, which was not funded in FY 2011. Additionally, the THUD title in today's conference report preserves funding for key transit priorities, including $10.6 billion for the FTA, $1.95 billion for New Starts, $500 million for TIGER grants and

$150 million for the Washington Metropolitan Area Transportation Authority, WMATA. Unfortunately, this bill also mistakenly zeroes out high speed rail funding and cuts Community Development Block Grants by 12 percent.

Mr. Speaker, while I do not agree with every choice made in this legislation, I commend my colleagues on both sides of the aisle for working through these issues on a bipartisan basis in a fiscally constrained environment and bringing this much improved product to the floor today.

CORRECTION

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7785–S7877

Measures Introduced: Ten bills and three resolutions were introduced, as follows: S. 1905–1914, and S. Res. 334–336. **Page S7829**

Measures Passed:

Blue Star Mothers of America: Committee on the Judiciary was discharged from further consideration of S. 1541, to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership, and the bill was then passed. **Page S7874**

Honoring the Life of Evelyn H. Lauder: Senate agreed to S. Res. 335, honoring the life and legacy of Evelyn H. Lauder. **Pages S7874–75**

Collection of Charitable Donations: Senate agreed to S. Res. 336, to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings. **Pages S7875–76**

Measures Considered:

Department of Defense Authorization Act—Agreement: Senate continued consideration of S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, taking action on the following amendments proposed thereto: **Pages S7785–S7824**

Adopted:

Ayotte (for McCain) Amendment No. 1071, to require the Secretary of Defense to report on all information with respect to the Evolved Expendable Launch Vehicle program that would be required if the program were designated as a major defense acquisition program not in the sustainment phase. **Pages S7807, S7820–21**

Levin (for Roberts/Moran) Amendment No. 1086, to authorize and request the President to award the Medal of Honor posthumously to Captain Emil Kapaun of the United States Army for acts of valor during the Korean War. **Page S7821**

Levin (for McCain/Levin) Amendment No. 1106, to require a report on the status of the implementation of accepted recommendations in the Final Report of the 2010 Army Acquisition Review panel. **Page S7821**

Casey Amendment No. 1140, to require a report by the Comptroller General on Department of Defense military spouse employment programs. **Pages S7786, S7821**

Levin (for Levin/Webb) Amendment No. 1219, to provide authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergency. **Pages S7821–22**

Pending:

Levin/McCain Amendment No. 1092, to bolster the detection and avoidance of counterfeit electronic parts. **Page S7785**

McConnell (for Kirk) Amendment No. 1084, to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran. **Page S7785**

Leahy Amendment No. 1072, 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. **Page S7785**

Paul/Gillibrand Amendment No. 1064, to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002. **Page S7785**

Merkley Amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Page S7785**

Feinstein Amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees. **Page S7785**

Feinstein Amendment No. 1126, to limit the authority of the Armed Forces to detain citizens of the United States under section 1031. **Page S7785**

Udall (CO) Amendment No. 1107, to revise the provisions relating to detainee matters. **Page S7785**

Landrieu/Snowe Amendment No. 1115, to reauthorize and improve the SBIR and STTR programs, and for other purposes. **Page S7785**

Franken Amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns. **Page S7785**

Cardin/Mikulski Amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland. **Page S7785**

Begich Amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents. **Pages S7785, S7822**

Begich Amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska. **Pages S7785, S7822–24**

Shaheen Amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense. **Page S7785**

Collins Amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities. **Page S7785**

Collins Amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy. **Page S7785**

Collins Amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities. **Page S7785**

Collins/Shaheen Amendment No. 1180, relating to man-portable air-defense systems originating from Libya. **Page S7785**

Inhofe Amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities. **Page S7785**

Inhofe Amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling. **Page S7785**

Inhofe Amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for Traumatic Brain Injury and Post Traumatic Stress Disorder. **Page S7785**

Inhofe Amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury. **Page S7786**

Inhofe Amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base. **Page S7786**

Inhofe Amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces. **Page S7786**

Inhofe Amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan. **Page S7786**

Inhofe Amendment No. 1101, to strike section 156, relating to a transfer of Air Force C–12 aircraft to the Army. **Page S7786**

Inhofe Amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace. **Page S7786**

Inhofe Amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term. **Page S7786**

Casey Amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices. **Page S7786**

Casey Amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies. **Page S7786**

McCain (for Cornyn) Amendment No. 1200, to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China. **Pages S7787–88**

McCain (for Ayotte) Amendment No. 1066, to modify the Financial Improvement and Audit Readiness Plan to provide that a complete and validated full statement of budget resources is ready by not later than September 30, 2014. **Page S7788**

McCain (for Ayotte) Modified Amendment No. 1067, to require notification of Congress with respect to the initial custody and further disposition of members of al-Qaeda and affiliated entities. **Page S7788**

McCain (for Ayotte) Amendment No. 1068, to authorize lawful interrogation methods in addition

to those authorized by the Army Field Manual for the collection of foreign intelligence information through interrogations. **Page S7788**

McCain (for Brown (MA)/Boozman) Amendment No. 1119, to protect the child custody rights of members of the Armed Forces deployed in support of a contingency operation. **Page S7789**

McCain (for Brown (MA)) Amendment No. 1090, to provide that the basic allowance for housing in effect for a member of the National Guard is not reduced when the member transitions between active duty and full-time National Guard duty without a break in active service. **Page S7789**

McCain (for Brown (MA)) Amendment No. 1089, to require certain disclosures from post-secondary institutions that participate in tuition assistance programs of the Department of Defense. **Page S7789**

McCain (for Wicker) Amendment No. 1056, to provide for the freedom of conscience of military chaplains with respect to the performance of marriages. **Page S7789**

McCain (for Wicker) Amendment No. 1116, to improve the transition of members of the Armed Forces with experience in the operation of certain motor vehicles into careers operating commercial motor vehicles in the private sector. **Pages S7789–90**

Udall (NM) Amendment No. 1153, to include ultralight vehicles in the definition of aircraft for purposes of the aviation smuggling provisions of the Tariff Act of 1930. **Pages S7790, S7791**

Udall (NM) Amendment No. 1154, to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure. **Pages S7790, S7791**

Udall (NM)/Schumer Amendment No. 1202, to clarify the application of the provisions of the Buy American Act to the procurement of photovoltaic devices by the Department of Defense. **Pages S7790, S7791–94**

McCain (for Corker) Amendment No. 1171, to prohibit funding for any unit of a security force of Pakistan if there is credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies. **Page S7794**

McCain (for Corker) Amendment No. 1172, to require a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom. **Page S7794**

McCain (for Corker) Amendment No. 1173, to express the sense of the Senate on the North Atlantic Treaty Organization. **Page S7794**

Levin (for Bingaman) Amendment No. 1117, to provide for national security benefits for White Sands Missile Range and Fort Bliss. **Page S7795**

Levin (for Gillibrand/Portman) Amendment No. 1187, to expedite the hiring authority for the defense information technology/cyber workforce. **Page S7795**

Levin (for Gillibrand/Blunt) Amendment No. 1211, to authorize the Secretary of Defense to provide assistance to State National Guards to provide counseling and reintegration services for members of reserve components of the Armed Forces ordered to active duty in support of a contingency operation, members returning from such active duty, veterans of the Armed Forces, and their families. **Page S7795**

Merkley Amendment No. 1239, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty. **Page S7796**

Merkley Amendment No. 1256, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Page S7796**

Merkley Amendment No. 1257, to require a plan for the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Page S7796**

Merkley Amendment No. 1258, to require the timely identification of qualified census tracts for purposes of the HUBZone program. **Pages S7796–99**

Leahy Amendment No. 1087, to improve the provisions relating to the treatment of certain sensitive national security information under the Freedom of Information Act. **Pages S7799–S7801**

Leahy/Grassley Amendment No. 1186, to provide the Department of Justice necessary tools to fight fraud by reforming the working capital fund. **Page S7801**

Wyden/Merkley Amendment No. 1160, to provide for the closure of Umatilla Army Chemical Depot, Oregon. **Pages S7801–02**

Wyden Amendment No. 1253, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life. **Pages S7801–04**

Ayotte (for Graham) Amendment No. 1179, to specify the number of judge advocates of the Air Force in the regular grade of brigadier general. **Page S7804**

Ayotte (for McCain) Modified Amendment No. 1230, to modify the annual adjustment in enrollment fees for TRICARE Prime. **Page S7806**

Ayotte (for Heller/Kirk) Amendment No. 1137, to provide for the recognition of Jerusalem as the

capital of Israel and the relocation to Jerusalem of the United States Embassy in Israel. **Pages S7804–05**

Ayotte (for Heller) Amendment No. 1138, to provide for the exhumation and transfer of remains of deceased members of the Armed Forces buried in Tripoli, Libya. **Page S7805**

Ayotte (for McCain) Amendment No. 1247, to restrict the authority of the Secretary of Defense to develop public infrastructure on Guam until certain conditions related to Guam realignment have been met. **Page S7805**

Ayotte (for McCain) Amendment No. 1246, to establish a commission to study the United States Force Posture in East Asia and the Pacific region. **Pages S7805–06**

Ayotte (for McCain) Amendment No. 1229, to provide for greater cybersecurity collaboration between the Department of Defense and the Department of Homeland Security. **Page S7806**

Ayotte (for McCain/Ayotte) Amendment No. 1249, to limit the use of cost-type contracts by the Department of Defense for major defense acquisition programs. **Pages S7806–07**

Ayotte (for McCain) Amendment No. 1220, to require Comptroller General of the United States reports on the Department of Defense implementation of justification and approval requirements for certain sole-source contracts. **Page S7807**

Ayotte (for McCain/Ayotte) Amendment No. 1132, to require a plan to ensure audit readiness of statements of budgetary resources. **Page S7807**

Ayotte (for McCain) Amendment No. 1248, to expand the authority for the overhaul and repair of vessels to the United States, Guam, and the Commonwealth of the Northern Mariana Islands. **Page S7807**

Ayotte (for McCain) Amendment No. 1250, to require the Secretary of Defense to submit a report on the probationary period in the development of the short take-off, vertical landing variant of the Joint Strike Fighter. **Page S7807**

Ayotte (for McCain) Amendment No. 1118, to modify the availability of surcharges collected by commissary stores. **Pages S7807–08**

Sessions Amendment No. 1182, to prohibit the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command. **Page S7808**

Sessions Amendment No. 1183, to require the maintenance of a triad of strategic nuclear delivery systems. **Page S7808**

Sessions Amendment No. 1184, to limit any reduction in the number of surface combatants of the Navy below 313 vessels. **Page S7808**

Sessions Amendment No. 1185, to require a report on a missile defense site on the East Coast of the United States. **Page S7808**

Sessions Amendment No. 1274, to clarify the disposition under the law of war of persons detained by the Armed Forces of the United States pursuant to the Authorization for Use of Military Force. **Pages S7808–11**

Levin (for Reed) Amendment No. 1146, to provide for the participation of military technicians (dual status) in the study on the termination of military technician as a distinct personnel management category. **Page S7811**

Levin (for Reed) Amendment No. 1147, to prohibit the repayment of enlistment or related bonuses by certain individuals who become employed as military technicians (dual status) while already a member of a reserve component. **Page S7811**

Levin (for Reed) Amendment No. 1148, to provide rights of grievance, arbitration, appeal, and review beyond the adjutant general for military technicians. **Page S7811**

Levin (for Reed) Amendment No. 1204, to authorize a pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships. **Page S7812**

Levin (for Reed) Amendment No. 1294, to enhance consumer credit protections for members of the Armed Forces and their dependents. **Page S7812**

Levin Amendment No. 1293, to authorize the transfer of certain high-speed ferries to the Navy. **Pages S7812–13**

Levin (for Boxer) Amendment No. 1206, to implement common sense controls on the taxpayer-funded salaries of defense contractors. **Page S7813**

Levin (for Menendez) Amendment No. 1292, to require the President to impose sanctions with respect to the Central Bank of Iran if the President determines that the Central Bank of Iran has engaged in conduct that threatens the national security of the United States or allies of the United States. **Pages S7813–14**

Chambliss Amendment No. 1304, to require a report on the reorganization of the Air Force Materiel Command. **Pages S7814–17**

Levin (for Brown (OH)) Amendment No. 1259, to link domestic manufacturers to defense supply chain opportunities. **Page S7817**

Levin (for Brown (OH)) Amendment No. 1260, to strike section 846, relating to a waiver of "Buy American" requirements for procurement of components otherwise producible overseas with specialty metal not produced in the United States. **Page S7817**

Levin (for Brown (OH)) Amendment No. 1261, to extend treatment of base closure areas as HUBZones for purposes of the Small Business Act. **Page S7817**

Levin (for Brown (OH)) Amendment No. 1262, to clarify the meaning of ''produced'' for purposes of limitations on the procurement by the Department of Defense of specialty metals within the United States. **Page S7817**

Levin (for Brown (OH)) Amendment No. 1263, to authorize the conveyance of the John Kunkel Army Reserve Center, Warren, Ohio. **Pages S7817–18**

Levin (for Leahy) Amendment No. 1080, to clarify the applicability of requirements for military custody with respect to detainees. **Page S7818**

Levin (for Wyden) Amendment No. 1296, to require reports on the use of indemnification agreements in Department of Defense contracts. **Page S7818**

Levin (for Pryor) Amendment No. 1151, to authorize a death gratuity and related benefits for Reserves who die during an authorized stay at their residence during or between successive days of inactive duty training. **Page S7818**

Levin (for Pryor) Amendment No. 1152, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law. **Page S7818**

Levin (for Nelson (FL)) Amendment No. 1209, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation. **Pages S7818–19**

Levin (for Nelson (FL)) Amendment No. 1210, to require an assessment of the advisability of stationing additional DDG–51 class destroyers at Naval Station Mayport, Florida. **Page S7819**

Levin (for Nelson (FL)) Amendment No. 1236, to require a report on the effects of changing flag officer positions within the Air Force Material Command. **Page S7819**

Levin (for Nelson (FL)) Amendment No. 1255, to require an epidemiological study on the health of military personnel exposed to burn pit emissions at Joint Base Balad. **Page S7819**

Ayotte (for McCain) Amendment No. 1281, to require a plan for normalizing defense cooperation with the Republic of Georgia. **Page S7819**

Ayotte (for Blunt/Gillibrand) Amendment No. 1133, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty. **Page S7820**

Ayotte (for Blunt) Amendment No. 1134, to require a report on the policies and practices of the Navy for naming vessels of the Navy. **Page S7820**

Ayotte (for Murkowski) Amendment No. 1286, to require a Department of Defense Inspector General report on theft of computer tapes containing protected information on covered beneficiaries under the TRICARE program. **Page S7820**

Ayotte (for Murkowski) Amendment No. 1287, to provide limitations on the retirement of C–23 aircraft. **Page S7820**

Ayotte (for Rubio) Amendment No. 1290, to strike the national security waiver authority in section 1032, relating to requirements for military custody. **Page S7820**

Ayotte (for Rubio) Amendment No. 1291, to strike the national security waiver authority in section 1033, relating to requirements for certifications relating to transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities. **Page S7820**

A unanimous-consent agreement was reached providing that Senate resume consideration of the bill at approximately 1 p.m., on Monday, November 28, 2011. **Page S7873**

Authorizing Leadership To Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S7876**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that from Friday, November 18, 2011 through Monday, November 28, 2011, the Majority Leader, be authorized to sign duly enrolled bills or joint resolutions. **Page S7876**

Pro Formas—Agreement: A unanimous-consent agreement was reached providing that Senate adjourn until 11 a.m., on Tuesday, November 22, 2011 for a pro forma session only with no business conducted, and that following the pro forma session, Senate adjourn until 10:30 a.m., on Friday, November 25, 2011 for a pro forma session only with no business conducted, and that following the pro forma session, Senate adjourn until 1 p.m., on Monday, November 28, 2011. **Page S7876**

Droney Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 5 p.m., on Monday, November 28, 2011, Senate begin consideration of the nomination of Christopher Droney, of Connecticut, to be United States Circuit Judge for the Second Circuit; that there be 30 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. **Page S7873**

Judicial Nominations—Agreement: A unanimous-consent-time agreement was reached providing that a time to be determined by the Majority Leader, after consultation with the Republican Leader, but not prior to December 5, 2011, Senate begin consideration of the following nominations: Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York, Andrew L. Carter, Jr., of New York, to be United States District Judge for the Southern District of New York, and James Rodney Gilstrap, of Texas, to be United States District Judge for the Eastern District of Texas; that there be a total of one hour 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 nominations, in the order listed; provided further, that no further motions be in order to any of the nominations. **Page S7876**

Nominations Confirmed: Senate confirmed the following nominations:

Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration.

Corinne Ann Beckwith, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Claude M. Steele, of New York, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2014.

Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2012.

Ronald David McCray, of Texas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2016.

John Francis McCabe, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Peter Arno Krauthamer, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Danya Ariel Dayson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

David A. Montoya, of Texas, to be Inspector General, Department of Housing and Urban Development.

Anneila I. Sargent, of California, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2016.

Catharine Friend Easterly, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Nancy Maria Ware, of the District of Columbia, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia for a term of six years.

Ernest Mitchell, Jr., of California, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.

Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner for a term expiring June 30, 2016.

Dana Katherine Bilyeu, of Nevada, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2015.

David Avren Jones, of Connecticut, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2014.

Cyrus Amir-Mokri, of New York, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Michael A. Hughes, of the District of Columbia, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years.

Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2016.

Pages S7873, S7876–77

Nominations Received: Senate received the following nominations:

Margaret Ann Sherry, of Virginia, to be Chief Financial Officer, Department of Homeland Security.

Sara A. Gelser, of Oregon, to be a Member of the National Council on Disability for a term expiring September 17, 2014. **Page S7876**

Messages from the House: **Page S7827**

Enrolled Bills Presented: **Page S7827**

Executive Communications: **Pages S7827–29**

Additional Cosponsors: **Pages S7829–31**

Statements on Introduced Bills/Resolutions: **Pages S7831–35**

Amendments Submitted: **Pages S7835–73**

Privileges of the Floor: **Page S7873**

Adjournment: Senate convened at 9 a.m. and adjourned at 3:54 p.m., until 11 a.m. on Tuesday, November 22, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7876.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 32 public bills, H.R. 3473–3504; 1 private bill, H.R. 3505; and 6 resolutions, H.J. Res. 90; H. Con. Res. 89–90; and H. Res. 472–474 were introduced. **Pages H7889–092**

Additional Cosponsors: **Pages H7892–93**

Reports Filed: Reports were filed today as follows:

H.R. 10, to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, with an amendment (H. Rept. 112–278 Pt. 2) and

H.R. 3012, to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes, with an amendment (H. Rept. 112–292). **Page H7889**

Workforce Democracy and Fairness Act—Rule for Consideration: The House agreed to H. Res. 470, the rule that is providing for consideration of H.R. 3094, to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, by a yea-and-nay vote of 239 yeas to 167 nays, Roll No. 859, after the previous question was ordered without objection. **Pages H7835–40, H7874–75**

Federal Courts Jurisdiction and Venue Clarification Act of 2011: The House concurred in Senate amendment number 1 and concurred in Senate amendment number 2 with an amendment to H.R. 394, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, by unanimous consent. **Page H7841**

Appeal Time Clarification Act of 2011: The House passed S. 1637, to clarify appeal time limits in civil actions to which United States officers or employees are parties, by unanimous consent. **Page H7841**

Suspension—Proceedings Resumed: The House failed to agree to suspend the rules and agree to the following measure. Consideration of the resolution began yesterday, November 17th:

Proposing a balanced budget amendment to the Constitution of the United States: H.J. Res. 2, amended, to propose a balanced budget amendment to the Constitution of the United States, by a ⅔ yea-and-nay vote of 261 yeas to 165 nays, Roll No. 858. **Pages H7841–74**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. on Tuesday, November 22nd; when the House adjourns on that day, it adjourn to meet at 1 p.m. on Friday, November 25th; and when the House adjourns on that day, it adjourn to meet at 2 p.m. on Tuesday, November 29th. **Page H7875**

America's Cup Act of 2011: The House concurred in the Senate amendment to H.R. 3321, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, by unanimous consent. **Pages H7875–76**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H7840 .

Senate Referrals: S. 99 was referred to the committees on Energy and Commerce, Science, Space and Technology, and the Budget. **Pages H7840, H7888–89**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H7874 and H7874–75. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 4:19 p.m.

Committee Meetings

BUSINESS CHALLENGES WITHIN THE DEFENSE INDUSTRY

Committee on Armed Services: Panel on Business Challenges within the Defense Industry held a hearing on

Creating a 21st Century Defense Industry. Testimony was heard from public witnesses.

INTERNET GAMING

Committee on Energy and Commerce: Subcommittee on Commerce held a hearing entitled ''Internet Gaming: Regulating in an Online World.'' Testimony was heard from Rep. Campbell; Rep. Wolf; and Rep. Frank of Massachusetts; Mark Lipparelli, Chairman, Nevada Gaming Control Board; and public witnesses.

ANWR: JOBS, ENERGY AND DEFICIT REDUCTION

Committee on Natural Resources: Full Committee continued a hearing entitled ''ANWR: Jobs, Energy and Deficit Reduction.'' Testimony was heard from public witnesses.

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held a hearing on the following: the ''American-Made Energy and Infrastructure Jobs Act''; the ''Alaskan Energy for American Jobs Act''; ''Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act;'' and the ''Coal Miner Employment and Domestic Energy Infrastructure Protection Act. Testimony was heard from Frank Wagner, State Senator, Virginia; and public witnesses.

Joint Meetings

No joint committee meetings were held.

Next Meeting of the SENATE

11 a.m., Tuesday, November 22

Senate Chamber

Program for Tuesday: Senate will meet in a pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Tuesday, November 22

House Chamber

Program for Tuesday: The House will meet in pro forma session at 10 a.m.

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