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## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
March 6, 2012.

I hereby appoint the Honorable LYNN JENKINS to act as Speaker pro tempore on this day.

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

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

### WHY DOCTORS DIE DIFFERENTLY

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

Mr. BLUMENAUER. Recently, there has been a series of very powerful articles in the popular press about what we call "end of life." The most recent was by Dr. Ken Murray in *The Wall Street Journal* last week, entitled, "Why Doctors Die Differently." This series of articles focuses in on this end of life period—usually the most intense, the most painful, the most expensive. It's too often confusing for patients and

their families. Too often, we find that people don't get the care they want and they need.

This has been a passion of mine for years now to make sure that families and patients are equipped to deal with the end of life. It was my legislation that was in the health care reform that was, unfortunately, not in the final legislation because the reconciliation process wouldn't allow the Senate to consider it in the House bill. We're working on it again with legislation entitled *Personalize Your Health Care*, H.R. 1589, to make sure that these provisions that are strongly supported by the public finally become law.

I think, perhaps, the best case that I have seen for this legislation is found by Dr. Murray in his article, "Why Doctors Die Differently." It is a simple, powerful, two-page statement explaining the hows and whys.

Doctors actually do pass away, but they pass away differently. What is interesting is that, of these who are well off and connected to the medical care profession, it's not how much health care they get in their final months but actually how little. They do have more information than the average member of the public. They know their choices, and they act to make sure that their choices are respected. Doctors are more than three times likely than the average member of the public to have an advance directive that instructs families, doctors, hospitals how they want to be treated. That percentage is even higher for older doctors.

They know, for instance, in their last moments, most doctors don't want CPR performed on them. Unlike on television, where 75 percent of the CPR instances that the American public watches are successful and patients go on to lead happy, normal lives, doctors know that after the ribs are broken, which is what happens normally in CPR that's done properly, that fewer than 8 percent live even another month.

Doctors understand the facts. They tell their families. It's probably not accurate to say they get less care, but what is accurate is they get different care. They're more likely to use hospice services. They're more likely to have palliative care to make sure in their final moments they're not in pain. They're less likely to have invasive, painful, expensive treatment, particularly if they don't want it, because they've taken care of making sure that their wishes are known and respected.

Now, I don't want everybody to "die like a doctor," but I do want everybody to have the knowledge and the power so that their wishes, whatever they are, are respected. It is time that Congress passes legislation to make sure the American public has the information and that their wishes, whatever their wishes may be, are respected, because those final months or weeks or days of life deserve to be gentle, thoughtful, respectful, and people having whatever care they and their families want.

I strongly urge my colleagues to look at H.R. 1589, *Personalize Your Health Care*.

### AFGHANISTAN

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

Mr. JONES. Last week, Congresswoman BARBARA LEE and I asked for a classified briefing on Afghanistan. Really, the only thing I can say about the briefing, because it was classified, is that I will continue to come to the floor and to say let's bring our troops home from Afghanistan.

Also last week, we had two Army officers from Fort Bragg, North Carolina, who were in Afghanistan to train, and they were shot by the Afghan trainee at point blank range. This brings the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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count to 42 Americans who have been killed in Afghanistan while working with the Afghans to train them to be police and soldiers. When you factor in how many coalition troops have been killed, along with the Americans, it's about 70. It is a totally impossible situation, as well as the fact that we continue to spend \$10 billion a month there.

I have beside me, Madam Speaker, a poster from the Greensboro News-Record in Greensboro, North Carolina. The headline is "Get Out," and there is an honor guard bringing a transfer case off the plane. The sad thing is that the day is on a Sunday in February 2011, and we're now in March of 2012. We continue to spend money that we cannot even account for. We send auditors to Afghanistan to try to account for the \$10 billion a month that is being given to Mr. Karzai so he can lead Afghanistan—buy some new roads and camps, I guess—while our troops are losing their legs, their arms, and their lives in a war that should be ended now, not later. We will, during the debate on the DOD bill in May, continue to try to bring amendments to the floor to bring some sanity to this involvement in Afghanistan.

As I mentioned many times, a former marine commandant has been my adviser on Afghanistan, and he continues to talk about the fact that we are wearing out our military, the equipment, our manpower. Yet, there is a threat growing in the Pacific that we seem not to pay any attention to.

Recently, JIM MCGOVERN and I and JOHN GARAMENDI and some others met with Lieutenant Colonel Danny Davis. He is an active duty reservist who has been to Afghanistan. He returned just a couple of months ago, and had been over there for almost 10 months. He has written articles saying that the Congress in these hearings with the military leadership is not getting the straight talk that we need to hear. Too many times they use the words: Well, the training of the Afghans is going pretty well, but it's fragile, it's real fragile.

□ 1010

Well, I'd like to say it's real fragile. No, it's even worse than that. You cannot predict what is going to happen in the country of Afghanistan. We had two marines from my district, Camp Lejeune, the Marine base in the Third District that I represent, that were over there.

About 3 months ago, Sergeant Baldus and Colonel Palmer—Colonel Palmer being from Cherry Point Marine Air Station and Sergeant Baldus from Camp Lejeune, also, like these two Army officers—were training in Afghanistan. They were having dinner with the Afghan trainees, and that night one of the trainees stood up and shot and killed both of them.

This is not fair to the American soldier, marine, sailor, airman, Navy, whatever, to continue to be in Afghani-

stan 11 years after it started. The money that we're going to cut here in America of the senior citizens and the children who need programs to have a better quality of life, we are going to cut their programs, but we are going to keep spending \$10 billion a month in Afghanistan. It makes no sense.

Madam Speaker, before I close, I would like to encourage every Member of Congress—who has the authority, should they want to implement that authority—to read the National Intelligence Estimate on Afghanistan that was published in 2011. It is classified, but every Member of Congress can take 1 hour—it's about 55 pages, I've read it—and read it. You need to read it, and then maybe you can help us make better decisions here on the floor about what in the world are we doing in Afghanistan spending Uncle Sam's money that he doesn't even have. He has to borrow his money from the Chinese to pay Karzai.

Where does that make any sense? The American people do not think it makes any sense.

We did a teletown hall about a month ago, and 66 percent of thousands of people that were on that call said bring our troops home now. Now, I realize that's the Third District of North Carolina, the home of Camp Lejeune, Cherry Point Marine Air Station and New River.

Madam Speaker, I do want to close by asking God to please bless our men and women in uniform and ask God to continue to bless America.

#### HONORING JOHN OLIVER

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

Mr. DONNELLY of Indiana. Madam Speaker, today I rise to pay tribute to John Oliver, an outstanding American citizen who has shown commitment and service to his hometown of Plymouth, Indiana, our State, and our country.

A native of Newcastle in the United Kingdom, 50 years ago this month, John immigrated to the United States on March 19, 1962, when he was only 19. In 1975, he officially became a United States citizen. He is a dear friend, not only to me, but to people all around the country and around the world.

He began his journey in the manufacturing industry as a laborer for a small research and development firm. He moved to Plymouth, Indiana, to work for that company, ultimately becoming its president in 1977. Nine years later, John purchased the company and renamed it U.S. Granules, which today produces 50 percent of the world's granulated aluminum. With his leadership, U.S. Granules remains a leader in technology and in quality, and they have established customers on five different continents.

John's heart and soul, though, is with his family, his friends, and his service to his community. He has been

a pillar of support for the children of Plymouth. Quietly, and without recognition, John endowed a fund to benefit the Plymouth High School speech team, a State leader in debate competition.

To further advance the strength of local schools, John has made donation after donation to help with the purchase of books for school libraries, leadership seminars for students, and the expansion of scholarship and other award programs. In addition, John maintains an intern program at U.S. Granules, and it provides work experience and scholarship assistance and a chance for our children to succeed and for their dreams to come true.

John has also been a supporter of youth baseball, in particular, American Legion Post 27, and he has also extended his support to the Indiana Baseball Hall of Fame. When he was inducted into the Indiana Baseball Hall of Fame in 2009, he humbly, as he always did, reminded everyone that his contributions were dedicated to his community's youth and to their future and that it was not about him.

John has also been an active board member of the Saint Joseph Regional Medical Center, where his work has helped provide vital health care for an entire region. He is a former director of the Indiana Manufacturing Association, the Marshall County Industrial Association, and the Plymouth Industrial Development Company. He has served as fundraising drive chairman for the Marshall County United Way and the Plymouth emergency vehicle fund.

John has also served in the United States Army Reserves. He exemplifies the promise and the spirit of America, that with hard work, determination, and love of country you can accomplish anything.

On behalf of the citizens of Indiana's Second District, I would like to salute John's character, his personal achievements, and his contributions to our community.

We are very lucky to have been touched by you, John, and for our lives to have been changed by you. Happy 50th anniversary as an American citizen. God bless you, and God bless the United States of America.

#### GAS PRICES AND PRESIDENT OBAMA'S ENERGY AGENDA

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, today, right now in America, around the dining room tables at home, there are two topics of discussion that I have to think are most pressing during that dinner conversation, and that is unemployment and price at the pumps; and, frankly, they're both related, very closely.

Madam Speaker, before being appointed to office, President Obama's

Energy Secretary Steven Chu stated: "Somehow we have to figure out how to boost the price of gasoline to the levels in Europe."

Well, Madam Speaker, at the time of that statement, gasoline prices in Europe were \$8 to \$10 a gallon. Last week, the Energy Secretary made headlines when he seemed to say the administration's goal was not to lower gas prices. Considering the goal is not to lower gas prices, this may be the first time that the administration's energy policies match its rhetoric.

Now, despite the President's rhetoric about the need for increased domestic production of fossil fuels, to date, this administration has seemingly done everything it can to block production. But the purpose of these remarks is to highlight not the administration's statements but, instead, their policies.

Let's look at the record, starting with some positive things that happened just before President Obama took office and continuing through 2012 to present day, as shown on this graph.

First of all, July of 2008, at the peak of the 2008 gas price spike, President George Bush removed 18 years of Presidential Executive Orders restricting offshore oil and gas energy development. Prices began to fall immediately, almost overnight. Given the fact that not one additional barrel of oil was drilled, it was a message to the market, a strong message to the market that America finally recognized that the American taxpayers owned assets in oil and were willing to use them. What a message to the market it would be today, a similar message. But back in 2008, that's where we saw this drop begin to start.

Now, in September of 2008, just a couple of months later, Congress finally followed, after its 26-year ban on offshore drilling, to allow that to expire. Prices at the pump, as you can see, Madam Speaker, dropped dramatically, even more.

Then President Obama took office. February 2009, soon after, not long after inauguration, the administration rescinded oil shale lease plans put in place during the Bush administration to aid the production of oil in U.S. Government lands. These are lands that are owned by Federal taxpayers. President Obama's actions reduced production of oil in the United States Government lands, and we see what continues to happen with prices.

In June of 2010, the House Democrats passed a cap-and-trade national energy tax, which would have dramatically increased gasoline prices.

In November of 2009, the administration unilaterally shortened lease terms on some Outer Continental Shelf leases. Well, this policy not only discouraged oil and natural gas production, but also decreased much needed government revenues.

□ 1020

In March of 2010, the administration canceled the remaining lease sales in

seas off the Alaska coast, eliminating development of reserves that the government estimates could be as large as 65 billion barrels of oil.

In May of 2010, the administration canceled the Virginia offshore lease sale, which had bipartisan support from the Virginia Governor and the Virginia congressional delegation. The administration also canceled the remaining 2010 Gulf of Mexico lease sales.

In December of 2010, the administration extended the moratorium on leasing off the Atlantic and eastern Gulf of Mexico through 2017.

In January 2012, President Obama rejected the Keystone XL pipeline. Estimates show that the Keystone XL pipeline would add 1.1 million barrels a day of friendly Canadian oil to our Gulf of Mexico refineries.

Madam Speaker, moving forward with a credible energy policy can only be achieved if we all have a shared understanding of the facts. Global demand for oil is increasingly driven by developing economies such as China and India. In the U.S., our demand is down 6 percent year after year, and prices are still skyrocketing. And it's going to stay that way.

Eighty-five percent of the world's energy consumption comes from hydrocarbons—oil, coal, and natural gas. While renewable energy is needed and new consumption efficiencies should be encouraged to meet future energy demands, hydrocarbons will be the dominant source of fuel for the world's economy for many decades to come. No one can deny that before we can create an energy supply that is substantially more diversified, we are going to need more fossil fuels to get us there.

We're not running out of Natural Gas. In 2000, shale gas represented just 1 percent of American natural gas supplies. Today, it is 30 percent and rising.

We are not running out of oil. Former CEO of Shell, John Hoffmeister, stated last week on State of the Union, "We use 20 million barrels a day every day in a full economy in this country. We only produce 7. We used to produce 10. Let's go back to 10. We know how to produce 10. We have the oil to produce 10 for decades to come."

Unfortunately, this Administration is preventing the U.S. from developing additional energy supplies to meet our demand. As a result, families are struggling with rising energy costs and higher gas prices at the pump.

Madam Speaker, these are the facts and the solutions are within our reach.

#### STOP BEING ACCESSORIES TO CRIME

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

Mr. COHEN. Madam Speaker, I came here to speak about a topic which I will address shortly, but I couldn't not take the moment to reflect on the passing of a great man who served in this Chamber since 1989, Representative DONALD PAYNE of New Jersey, who passed away this morning. Representative PAYNE

sat in this section, was a quiet, righteous, courageous man with whom I had the good fortune to travel at the request of and sponsorship of CARE and the Gates Foundation to Rwanda and to the Congo last August.

He cared about children greatly. He cared about education. He cared about people, and was very upset some years back when Don Imus, the radio shock jock, said some wrongful things about the Rutgers women's basketball team that cost Mr. Imus his position. And that brings me to what I was going to speak about today.

Yesterday, I mentioned that I slept well on my Sleep Number bed, and I slept well on my Sleep Number bed last night because they canceled their advertising on the Rush Limbaugh show. I mentioned that advertisers are accessories to the crime when radio people go too far and destroy someone's character, or try to, and make libelous statements. Limbaugh did that when he called Sandra Fluke some names, said she did some things or whatever, that were wrong, totally wrong.

Eleven advertisers have pulled their advertising because they don't want to, in the future, be accessories to such conduct. Talk radio has gone way over the top in this country, doing anything for ratings and money.

It came to my attention that two radio stations have dropped Rush Limbaugh, and it's not just advertisers but it's radio stations that are accessories to the fact of this type of crime. It's not like we don't know it's coming because it's been out there for people to see for years, and they've sat by as this type of lies and hateful speech and wrongful speech has taken place on the radio, Rush Limbaugh being the main violator of people's rights.

I decided last night in my elections to come—and I've got a primary and a general—I've always bought billboard advertising, and Clear Channel almost has a monopoly in my city on billboards, and they have Rush Limbaugh on their network, that until they drop Rush Limbaugh, I'm not going to buy billboards for my campaign.

I'm also going to discontinue radio advertising on Clear Channel, which I've done in the past. It might hurt me a little bit politically, but it's the right thing to do. That type of conduct should not be advanced on the airwaves that are supposed to be for the public good. It's interesting to note that Don Imus' comments were about women, and Rush Limbaugh's comments are about women. It seems to be fair game sometimes for men on radio to take on women and cast aspersions.

Don Imus learned his lesson, and he said that Rush Limbaugh's apology was inadequate and weak and cowardly, and indeed it was. He hasn't called the lady. He hasn't come to Georgetown University and made amends to all those women whose character he impugned in misogynist statements, and he hasn't given a proper apology. He said he used inappropriate

words. He was on an inappropriate topic. And Mitt Romney certainly didn't rise to the occasion when he said they weren't the words he would have used. It wasn't an area that anybody should have brought up or even thought about.

Limbaugh said that the woman wanted to be paid for sex because she, in his thoughts, wanted contraception so she could have sex without the fear of pregnancy. It's funny, Rush Limbaugh never questioned anybody getting a vasectomy, for what's the use of a vasectomy, that's covered by insurance, but to have sex without the fear or possibility of pregnancy. He said because she wanted sex paid for by the taxpayers that he ought to be able to watch it. Well, I wonder if he wants to watch all the men who had vasectomies have their sex.

There's something wrong in the country, and the advertisers and the radio stations are responsible, and they need to take appropriate moral and ethical action and not continue to be accessories to the fact and support such trash.

#### CONTINUING IRANIAN THREAT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Mrs. ADAMS) for 5 minutes.

Mrs. ADAMS. Madam Speaker, I come to the floor today to speak about the continuing Iranian threat to the United States and Israel.

Just as the President of Iran continues to spew his vile poison into the civil discourse of the United Nations, the regime of the Ayatollah issued a threat of violent aggression 2 weeks ago against Israel through the deputy head of the armed forces.

Through its actions, Iran has proven that it will never work with the peaceful nations of the world community. In fact, in yet another affront to diplomacy, Iran recently offered to allow inspectors from the IAEA into the country only to refuse them entry into the most important facilities to examine those nuclear sites in dispute.

The threat of a nuclear-armed Iran is not only a threat to Israel; it is also a direct threat to the United States and to the entire world community. Just this week, the chief of the International Atomic Energy Agency said there were unspecified activities at an Iranian military site which inspectors wanted to visit.

The Iranian regime has publicly threatened to close the Strait of Hormuz, a major shipping route for Middle Eastern nations to export oil and supply the world's energy needs. This threat by Iran amounts to economic warfare, as the closure of the Strait of Hormuz would trigger spikes in crude oil, gasoline bottlenecks in the supply chain, increased prices for all manufactured goods, and would likely lead to massive increases for gas here in the United States.

At a time when our domestic economy is struggling to recover, the last

thing hardworking Americans need is for gas prices to soar even higher.

While drastic reductions in the supply of crude oil would be devastating to the world economy, the threat of a theocratic, unstable Iranian regime bent on the destruction of Israel and its allies is even worse. A nuclear Iran will not care about economic sanctions. A nuclear Iran will not care about diplomacy. A nuclear Iran will not negotiate in good faith. And a nuclear Iran will not be a friend of the United States.

Perhaps the greatest threat to peace and security in the world is the refusal to heed the warnings of the most violent and dangerous regimes when they tell us what their exact intentions are. My hope is that it will not be a mistake of this Nation, one that this Nation makes with this regime in Tehran. Again, my hope is that it will not be our mistake not to pay attention to the signals from the regime in Tehran.

□ 1030

#### THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY DRAFT REPORT ON VIEQUES, PUERTO RICO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Madam Speaker, I rise to discuss a subject of great importance to me, to the people I represent, and to many of our fellow citizens around the country, and that is the health of nearly 10,000 residents of Vieques, Puerto Rico.

The people of Vieques sacrificed as much as, if not more than, any other U.S. civilian population to advance our military readiness. In the 1940s, the Federal Government expropriated lands on Vieques for use by the Navy. For over 60 years, the Navy conducted training operations on eastern Vieques, including ship-to-shore bombing, aerial bombing, and ground-based exercises. The Navy has reported that it dropped between 3 and 4 million pounds of ordnance on Vieques each year between 1983 and 1998.

Training operations on Vieques ceased in 2003, in part due to concerns about the risks to safety, health, and the environment posed by decades of weapons use. The Navy is now administering the cleanup of Vieques with support from other Federal and local agencies. In 2005, the EPA listed Vieques as one of the most hazardous sites in the U.S. To date, over 35,000 munitions on Vieques have been recovered and destroyed, including at least 19,000 live munitions.

Unfortunately, numerous studies have shown that residents of Vieques have higher rates of cancer and other chronic illnesses than residents of mainland Puerto Rico, raising serious questions about whether there may be a link between those health problems

and the island's long use as a military training range.

In December, the Agency for Toxic Substances and Disease Registry, an agency within HHS, released a draft report that addresses whether there is evidence of a causal relationship between the identified health problems and the Navy's activities. ATSDR examined five "pathways" through which residents of Vieques might have been exposed to harmful contaminants: air, soil, fish, local produce and livestock, and drinking water. The conclusion reached by ATSDR in its draft report is generally the same as the conclusion reached by the agency in a series of controversial public health assessments it conducted on Vieques about a decade ago, specifically, that the available data does not establish that the contaminants in these pathways, some of which can be linked to military activities, were at levels expected to cause the reported health problems.

Because the draft report leaves many crucial questions unanswered, today I'm filing extensive comments that I urge ATSDR to address before its report is finalized. My comments are intended to be constructive, because my constituents deserve a meticulous evaluation of the draft report aimed at producing concrete action by the Federal Government.

In my comments, I note that ATSDR repeatedly acknowledges that its conclusions are not definitive, or even close to it, because the available data upon which the agency relies is incomplete in many respects. While ATSDR recommends that further studies be conducted to fill certain data gaps, the agency does not go far enough.

In 2009, ATSDR stated that it expected to recommend biomonitoring to determine whether, and to what extent, residents have been exposed to harmful chemicals. Yet, in a startling reversal, the agency has now stated that "it is not recommending a comprehensive, systematic biomonitoring effort at this time."

Given the health problems on Vieques and the potential link between those problems and military activities, such an action is misplaced. Therefore, I have urged ATSDR to recommend a comprehensive biomonitoring investigation. More generally, I have encouraged ATSDR and other Federal agencies, working in partnership with independent researchers, to take a more active and assertive role in designing, implementing, and especially funding the additional studies that are still needed to determine the nature and potential causes of the health problems being experienced by residents of Vieques.

It is unacceptable that more than a decade after ATSDR completed its first public health assessments on Vieques, fundamental questions about the safety of the island's environment and the health of its residents remain unanswered. My constituents deserve better.

## TOMB OF THE UNKNOWNNS

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

Mr. STIVERS. Madam Speaker, I've served for 26 years in the Ohio Army National Guard and had the pleasure of serving with many brave men and women over the years, including a tour of duty in Operation Iraqi Freedom. As a member of the armed services as well as a Member of Congress, I was shocked and horrified last year by reports of the Dover Air Force Base mortuary sending veterans' remains to the Prince George landfill.

The Washington Post reported on December 7, 2011, that they uncovered "976 fragments from 274 servicemembers that were cremated, incinerated and taken to the landfill between 2004 and 2008." This is an outrage. It disrespects our men and women in uniform, and it can't be allowed to stand.

The first step to fixing this is creating a proper memorial for those who have served our country so well and given their last measure of devotion. I'm working on legislation to create a Tomb of the Unknowns at Arlington National Cemetery for every conflict moving forward. This plan will be paid for by taking money from the Air Force, because that's where the poor decisions were made. I plan to introduce this legislation very soon.

To those who have given their final measure of devotion in service to our country, they deserve a final resting place worthy of their dedication, commitment, and devotion, and we need to give that to them.

God bless the United States of America.

[From the Washington Post, Dec. 7, 2011]

AIR FORCE DUMPED ASHES OF MORE TROOPS' REMAINS IN VA. LANDFILL THAN ACKNOWLEDGED

(By Craig Whitlock and Mary Pat Flaherty)

The Air Force dumped the incinerated partial remains of at least 274 American troops in a Virginia landfill, far more than the military had acknowledged, before halting the secretive practice three years ago, records show.

The landfill dumping was concealed from families who had authorized the military to dispose of the remains in a dignified and respectful manner, Air Force officials said. There are no plans, they said, to alert those families now.

The Air Force had maintained that it could not estimate how many troops might have had their remains sent to a landfill. The practice was revealed last month by The Washington Post, which was able to document a single case of a soldier whose partial remains were sent to the King George County landfill in Virginia. The new data, for the first time, show the scope of what has become an embarrassing episode for vaunted Dover Air Base, the main port of entry for America's war dead.

The landfill disposals were never formally authorized under military policies or regulations. They also were not disclosed to senior Pentagon officials who conducted a high-level review of cremation policies at the Dover mortuary in 2008, records show.

Air Force and Pentagon officials said last month that determining how many remains

went to the landfill would require searching through the records of more than 6,300 troops whose remains have passed through the mortuary since 2001.

"It would require a massive effort and time to recall records and research individually," Jo Ann Rooney, the Pentagon's acting undersecretary for personnel, wrote in a Nov. 22 letter to Rep. Rush D. Holt (D-N.J.).

Holt, who has pressed the Pentagon for answers on behalf of a constituent whose husband was killed in Iraq, accused the Air Force and Defense Department of hiding the truth.

"What the hell?" Holt said in a phone interview. "We spent millions, tens of millions, to find any trace of soldiers killed, and they're concerned about a 'massive' effort to go back and pull out the files and find out how many soldiers were disrespected this way?" He added: "They just don't want to ask questions or look very hard."

Senior Air Force leaders said there was no intent to deceive. "Absolutely not," said Lt. Gen. Darrell D. Jones, the Air Force's deputy chief of staff for personnel.

This week, after The Post pressed for information contained in the Dover mortuary's electronic database, the Air Force produced a tally based on those records. It showed that 976 fragments from 274 military personnel were cremated, incinerated and taken to the landfill between 2004 and 2008.

An additional group of 1,762 unidentified remains were collected from the battlefield and disposed of in the same manner, the Air Force said. Those fragments could not undergo DNA testing because they had been badly burned or damaged in explosions. The total number of incinerated fragments dumped in the landfill exceeded 2,700.

A separate federal investigation of the mortuary last month, prompted by whistleblower complaints, uncovered "gross mismanagement" and documented how body parts recovered from bomb blasts stacked up in the morgue's coolers for months or years before they were identified and disposed of.

The problems also transpired at a time when the mortuary was shielded from public scrutiny. News coverage of the return of fallen troops to Dover was banned by President George H.W. Bush in 1991 before the first Persian Gulf War. The ban remained until April 2009, when the Obama administration lifted it.

The Air Force said it first cremated the remains and then included those ashes in larger loads of mortuary medical waste that were burned in an incinerator and taken to a landfill. Incinerating medical waste is a common disposal practice but including cremated human ashes is not, according to funeral home directors, regulators and waste haulers.

Air Force officials said they do not know when the landfill disposals began. They said their first record of it is Feb. 23, 2004. The mortuary database became operational in late 2003.

The Air Force said mortuary leaders decided to end the practice in May 2008 because "there was a better way to do it," Jones said. The military now cremates unclaimed and unidentified body parts and buries the ashes at sea.

Jones said the Air Force did not need to inform relatives of troops whose remains ended up in the landfill because they had signed forms stipulating that they did not wish to be notified if additional remains were identified. The forms authorized the military to make "appropriate disposition" of those subsequent remains.

Asked if the landfill was a dignified final resting place, Jones said: "The way we're doing it today is much better."

Gari-Lynn Smith, the widow of an Army sergeant killed in Iraq, said she received an

e-mail in July from Trevor Dean, the mortuary director, saying that incinerated remains had been taken to landfills at least since he began working at Dover in 1996. Dean is one of the officials facing discipline for his role in the reported mismanagement at the mortuary.

Smith's husband, Sgt. 1st Class Scott R. Smith, a member of a bomb-disposal unit, was killed on July 17, 2006. In 2007, she began asking the military what happened to some of his remains that were identified after his funeral.

After four years of letters, phone calls and records requests, she received a letter from the mortuary in April stating that the military cremated and incinerated those partial remains and disposed of them in the King George landfill.

"I hope this information brings some comfort to you during your time of loss," read the letter, signed by Dean.

Smith was infuriated. "They have known that they were doing something disgusting, and they were doing everything they could to keep it from us," she said in a phone interview.

In May 2008, then-Defense Secretary Robert M. Gates ordered a detailed review of policies at Dover after an Army officer complained that the mortuary had cremated a fallen comrade at a nearby funeral home that also cremated pets in a separate chamber.

The review team ordered changes, emphasizing the need to ensure the highest levels of dignity and honor.

The Pentagon would not release the report, which was overseen by David Chu, who was undersecretary of defense for personnel. A copy obtained by The Post, however, shows that the landfill disposal practice was never reviewed or mentioned. Chu, now president of the Institute for Defense Analyses in Alexandria, declined to comment.

Private contractors hired by the Air Force to handle the remains' incineration and disposal of the residue said they were unaware that they were transporting the ashes of dead troops. Records show that the Air Force hired the contractors to dispose of medical waste and did not specify that cremated body parts were included.

MedTrace Inc. of North East, Md., had Air Force disposal contracts between 2004 and 2007, records show. Don Holland, a manager for the company, said his employees picked up boxes of sealed containers from the Dover mortuary.

"They were certified as medical waste that had been properly treated—that's it," Holland said. "We don't go looking at what's in there. It's sealed."

MedTrace took the items to an incinerator in Baltimore, according to state records in Delaware, where the mortuary is located. Holland declined to discuss the incineration and which landfill his company used.

Lisa Kardell, a spokeswoman for Waste Management, which operates the King George landfill, said the firm has no record of a contract with MedTrace for the years 2003 through 2008.

She said that Air Force officials have not returned calls over the past two weeks from her company's attorneys, asking which haulers would have been handling the Dover materials and the disposition of the ashes.

"Obviously, we would be opposed to taking cremated remains of our servicemen and servicewomen and putting them in our landfill," Kardell said. "But it sounds like a lot of us were pulled in unknowingly to this unfortunate situation with the Air Force," she added.

"It's a moral thing," said Jeff Jenkins, the manager of the King George landfill. "Someone killed overseas fighting for our country,

I wouldn't want them buried—any part of them—in the landfill.”

#### WOMEN'S HISTORY MONTH AND A WOMAN'S RIGHT TO CHOOSE

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

Ms. RICHARDSON. In this month of March, as we celebrate Women's History Month, I would like to take a moment to recognize some of our great female leaders who, throughout history, have persevered in the face of monumental opposition and successfully have accomplished great things on behalf of the American people.

From the words of the great poet, Maya Angelou, from the beautiful singing voice of Marian Anderson, from the tireless activism of Dolores Huerta, to the groundbreaking leadership of Secretary of State Hillary Clinton, Secretary of Labor Frances Perkins, and, of course, our own Democratic leader NANCY PELOSI, these women and many more have played an integral role in the history in this Nation.

Madam Speaker, every day, women take great strides to help others and to improve the quality of life for everyone. Unfortunately, in matters involving health care, women are still facing these challenges. Whether it's on the Senate floor last week during a debate on the Blunt amendment or whether it's during a House Committee on Oversight and Government Reform hearing, women continue to face unwarranted attacks on their reproductive health rights and their access to contraceptives.

More disconcerting, these debates and veiled attacks have escalated beyond misguided attempts to repeal the Affordable Care Act. Now they've taken aim at restricting women's choices in the area of reproductive health altogether. This is wrong. Medical decisions about a woman's health must leave the political arena and be left to the discretion of the patient and their doctor, not employers, and certainly not the government.

It is astonishing and disappointing that more than 50 years after the landmark Supreme Court decision in *Griswold v. Connecticut*, a decision which found that women have a constitutional right to use contraceptives, continued attacks on women's rights of privacy and health care still persist, and at an alarming rate.

The American people want us to work towards addressing their top priority: creating jobs, not their reproductive rights. However, this Congress seems to be more focused on bringing forward legislation that targets women's access to basic health care. In this Congress alone, we've taken eight votes on antiwomen health legislation.

A 2011 Guttmacher Institute study found that over 90 percent of women, and over 90 percent of Catholic women, between the ages of 15 and 44 have used

some sort of birth control at some point during their lives. Birth control can cost up to \$600 a year. So for a college student, a woman who's had multiple children and is still in child-bearing years, low-income women or those who are underinsured, insurance coverage means the difference between accessing contraceptive services or not.

□ 1040

Quite simply, Madam Speaker, all women should have the choice and access to contraception and have the resources no matter where they work, where they live, or where they go to college. This is why I'm proud to support President Obama's Affordable Care Act, which I voted on, which will make a positive impact on women and children in their access to health care and greatly decrease the number of women and their families who are uninsured or underinsured.

Studies have shown that women who have health insurance don't always receive the medical care they need because their policies don't cover certain services or the women simply can't afford the high deductibles and copayments. The Affordable Care Act changes this unfortunate reality by assisting women in gaining access to basic preventive health care in order to prevent life-threatening diseases in the future.

Our country is facing great challenges. People need jobs. Students need affordable education. Seniors and working families need affordable health care. But one thing we don't need is to continue to waste time debating extreme legislation that is dangerous to women's health, disrespects the judgment of American women, and is nothing less than the most comprehensive and radical assault on women's health in our lifetime.

Madam Speaker, as people all over America pay tribute during the month of March to the generations of women who have committed to progress and have proved invaluable assets to our society, let us in Congress renew our commitment to support women—not with certificates at banquets, but by working to ensure equal treatment of all women in society, providing women with equal access to health care, and protecting women's rights, and their families, to choose once and for all their own health care.

#### HOOSIERS MAKE INDIANA PROUD

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

Mr. YOUNG of Indiana. Madam Speaker, I rise today because I've never been prouder to call southern Indiana home. Late Friday afternoon, in our part of America, a disaster brought neighbors together, turned strangers into friends, and reminded us all what it means to be part of a community.

Over the course of several hours, fierce winds, softball-sized hail, and

deadly tornados descended upon southern Indiana communities, leaving behind a 50-mile path of destruction from New Pekin to Chelsea and beyond. Our people are still assessing the costs, but we know this much: 13 Hoosiers have died, scores have lost their homes and businesses, and citizens across the region have suffered untold damage to their personal and public property.

As hard as it is to imagine, the tragedy might have been worse were it not for the bravery and resilience of rank-and-file Hoosiers. Our firemen, policemen, EMTs, and local officials deserve our thanks. Those who serve in Indiana's National Guard, our State police, and our Department of Homeland Security stepped up, too. From the initial response through the ongoing efforts today, their service has been exemplary.

But it has been concerned citizens, so-called "ordinary" Americans who have restored a measure of stability to a region pummeled by forces beyond our control. There was a bus driver in Henryville who, in the nick of time, rushed dozens of children back to school to protect them from the approaching twister. There were the EMTs off Interstate 65 who saw a woman thrown from her car and saved her from being pummeled by hail by dragging a large metal sign across the road and holding it over her. They likely saved her life.

There were parents and friends and even strangers across southern Indiana who, as danger approached, took a moment to extend a hand to others and said, Come inside, we'll find room. After the storms left their mark, Hoosiers immediately turned to accounting for loved ones and comforting neighbors.

The damage was and is severe. One tornado—by some accounts a half-mile wide—carved a clear path through southern Indiana, ripping trees out of the Earth, hurling automobiles and combines long distances, severing power lines, and decimating countless homes and businesses. Here, again, Hoosiers didn't sit around and wait for others to help us out. We got to work.

Now, over the weekend I spent time surveying the damage and meeting with those who lost the most. Everywhere I visited, I met citizens wearing work boots and work gloves who were busily beginning to sort through the piles of rubble. I met others who had fired up their chainsaws and were clearing debris from roadways. I saw clusters of cars and pickup trucks parked outside homes that were hit hardest.

In the aftermath of such a tragedy, one would be forgiven for asking: Why me? But I never heard it. Instead, time and again I heard Hoosiers sympathize with those who lost more than they. And more than one person told me that, in the end, stuff doesn't really matter; it's people that are important.

I heard sincere, caring people ask their neighbors: How can I help? In

Henryville, a pizza shop was mostly destroyed, except for the freezer. The couple who owned it, rather than worrying about the loss of their business, asked officials how they could donate food from the freezer to those who needed it most.

In Marysville, the local Christian church remains intact, but little else. Pastor Bob Priest told me their decades-old building is no longer structurally sound, but the congregation has never been stronger.

For those of us who have seen the scale and scope of destruction up close, we know the path back will not be easy, but we will fix all that Mother Nature broke. Government at all levels will and must be there to help, from local authorities, to the State of Indiana, to our congressional offices. My staff and I, in particular, are eager to connect our constituents to whatever Federal services and funds might be available to help them get their lives back on track. But make no mistake, it will be the people of Indiana, the people of tight-knit communities like Henryville, Marysville, Chelsea, and New Pekin, who will rebuild their broken lives.

Now, during these tough times, Hoosiers are reminding us what it means to be a community of citizens—one Nation under God, indivisible, come what may. That sense of community has always bound Americans together in tough times, and it will get us through this tragedy as well.

May God be with those Americans who are putting their lives back together. We're praying for you and here for you.

#### VOTE "NO" ON AMERICAN ENERGY AND INFRASTRUCTURE JOBS ACT

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

Mr. CONNOLLY of Virginia. Madam Speaker, last month, the House Republican leadership commemorated Valentine's Day by planning a shotgun wedding between transportation reauthorization and the Arctic National Wildlife Refuge; between highway funding and Federal pension cuts. Many Members of this House spoke for and against this troubling bill, but I think it's time Congress started listening to the people.

Consider what my constituents wrote me when they asked me to oppose this transportation disinvestment plan. One concerned citizen in Vienna said:

I'm writing to urge you not to support the proposed American Energy and Infrastructure Jobs Act. This bill is anti-jobs, anti-business, anti-transit, and anti-environment. It slashes funding for transit, guts our Nation's environmental laws, and green-lights a set of controversial and damaging new drilling projects, including in the Arctic National Wildlife Refuge.

The director of a nonprofit in Dumfries, Virginia, worried about the utter lack of transit support in the proposed legislation, wrote:

I can tell you from firsthand experience that this proposal would have a profoundly negative impact on the ability of our clients to go about their daily lives. Many clients use public transportation to access our services, seek and hold employment, and remain independent. This legislation puts jobs and the services this agency provides to vulnerable populations at risk.

A constituent from Prince William County bemoaned the dearth of transit investments and commented:

For nearly 30 years, beginning with President Reagan, a portion of Federal motor fuels tax revenues has been dedicated to public transportation investment under Federal law. These revenues are a dependable and predictable source of funding and should remain dedicated to public transportation. The House Ways and Means plan would eliminate this reliable funding source and provides no funding for public transportation after 2016.

A senior citizen from Springfield, Virginia, worried about the impact of this legislation on alternative transportation options, said:

I strongly encourage you to vote "no" on H.R. 7. I am 65 years old and have spent the last 10 years of my life utilizing the paths and trails around Fairfax County and this area of the country for safe biking and exercising. Their existence has been critical to my efforts to improve my personal health. These trails cost so little compared to building highways and using automobiles and have tremendous benefits to all of us. Please do not allow this bill to halt the great progress that this country has made in its trails. Please vote "no" on H.R. 7.

□ 1050

A constituent from Gainesville, Prince William County, Virginia, where they have one of the longest daily commutes in America:

I am writing in opposition to the proposal to pay for any of H.R. 7 through cuts to Federal workers' pay and benefits. I urge you to vote against any plan that unfairly targets Federal workers and retirees to pay more for their fair share. Our nation's Federal workers are already doing their part to address America's deficit problem, which they did not cause. Their pay freeze will have contributed over \$60 billion to debt reduction.

A constituent from Fairfax echoed those concerns:

Congressman Connolly, I am contacting you about H.R. 7. I'm disgusted and appalled that those in public service are being targeted yet again to fix Federal budget shortfalls they didn't cause. As a Federal employee, I'm acutely aware of the shared sacrifices Federal employees have made in these turbulent times. I appreciate your support and representation in defeating this bill.

Madam Speaker, my constituents make a compelling case. Americans are looking for a long-term solution to transportation. Like any successful relationship, this one must be balanced, with sustained investment in highways, transit, and non-motorized transportation. We can't slash funding in 45 of the 50 States, including my home State of Virginia, while eliminating all dedicated funding for transit and hope to solve our transportation problems.

I urge my Republican colleagues, junk this bill. Let's start over again and work in a bipartisan fashion for

transportation in America for the benefit of all of our citizens.

#### REMOVE THE FOREIGN TERRORIST ORGANIZATION DESIGNATION FROM THE MEK

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

Mr. POE of Texas. Madam Speaker, for nearly a decade the United States has invested money, sweat, blood and tears, all in the name of a free and democratic Iraq.

Before the war, Iraqis suffered from the oppressive dictatorship of Saddam Hussein, and recent events have led me to believe that perhaps the new government does not value freedom any more than the last one did.

As a Member of Congress, I've been fortunate to go to Iraq several times to visit with our troops. And during my last visit with a bipartisan congressional delegation, we also met with Iraqi Prime Minister Maliki. During the 2-hour-long discussion covering many things, I asked one question: "Can we go see Camp Ashraf?"

Now, Madam Speaker, Camp Ashraf houses Iranian dissidents who are called the MEK, and I represent a good number of Iranian Americans who have family members in this camp. They are particularly worried at this point in time, since Iraqi forces had recently killed 36 residents at the camp just a few weeks before. Here are the pictures of those real people that were killed by the Iraqi forces that came into the camp.

Here is an example. You notice this is an American-made HUMVEE coming into the camp. And over here on this far picture, you see an Iranian dissident being run over by one of those HUMVEES driven by an Iraqi soldier.

So that is why the question was asked: can we go see the camp and see these Iranian dissidents? And of course, Maliki said, "no way that's going to happen." It left me wondering why he would refuse to let us see and talk to these people and get the other side of this invasion by the Iraqi soldiers. So we didn't get to go. And later I learned that one reason we were actually told to leave the country is because we asked to go see this camp and what happened to these 36 Iranian dissidents.

And now we have Camp Liberty. Camp Liberty, Madam Speaker, is the result of the fact that in Camp Ashraf, the Iraqi government is moving these dissidents to another camp called Camp Liberty. These dissidents are commonly referred to as the MEK, and Camp Liberty, ironically, should be symbolic of a name of freedom, but it's anything but that.

Now the Iraqi government, having moved these dissidents from Camp Ashraf to Camp Liberty, is still oppressing these Iranian dissidents. The reality is Camp Liberty is worse than Camp Ashraf.

Former New York Mayor Rudy Giuliani said it best: "This isn't a jail, it's a concentration camp."

Even in prisons, we allow lawyers to see their clients and their family to see their loved ones. But not in Camp Liberty. And remember, these people in Camp Liberty, these Iranian dissidents, have committed no crime. They have violated no law. You can't help but think that good old Maliki has something to hide again.

But word is leaking out that there's not enough drinking water in the camp, there are ruptures in the sewage system, and they're having to be fixed by hand by the residents.

Iraqi guards have their will at the camp, and they wander around with no rules. They violate the privacy of these Iranian dissidents, many of whom are women.

What's more, no one, not even the U.N., is confident that once political refugee determination is made by other countries, those countries will accept these dissidents into their country. Why?

Because our State Department incredibly, has the MEK, these folks in this Camp Liberty, designated as a foreign terrorist organization. In fact, Maliki told Members of Congress, one reason he treated the residents in Camp Ashraf so poorly is because our own State Department designates them as a foreign terrorist organization.

This designation is an old, failed State Department foreign policy that designated these people as an FTO as a favor to the Iranian government. That hasn't worked out too well with our foreign relations with Iran, has it?

Since then, we've seen that the real terrorists in Iran are the extreme mullahs and the tiny tyrant of the desert, Ahmadinejad, not the opposition groups that want democracy in Iran.

Both the EU and the United Kingdom have removed the foreign terrorist designation from the group, the MEK, but not the State Department. As Iran defiantly marches toward nuclear weapons, the best hope for the world is the people of Iran pushing for a regime change of their own government. The longer we keep opposition groups who want to do just that on the foreign terrorist organization list, the less likely it is that the light of liberty will have a chance to shine in Iran.

The Federal courts have even ordered the State Department to review this FTO designation, but the State Department continues to delay, to delay, delay making a decision. The State Department must remove the MEK from the foreign terrorist organization list immediately, and then let liberty prevail in Camp Liberty and let these people leave Iraq in a peaceful manner.

And that's just the way it is.

#### OUR LEGACY TO A NEW GENERATION: A WORLD FREE OF NUCLEAR WEAPONS

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

Ms. WOOLSEY. Madam Speaker, there was good news on the national security front last week. North Korea, one of the most dangerous rogue nations on the Earth, far more dangerous than Iraq was when we invaded 9 years ago, has agreed to suspend nuclear weapons activity. Through careful diplomacy, the Obama administration has secured this concession by offering badly needed nutritional assistance to North Koreans.

The North Korean regime has also consented to stop uranium enrichment, impose an important moratorium on long-range missile testing, and allow international weapons inspectors into the country for the first time in 3 years.

Of course, we must remain cautious, and we must remain vigilant in our dealings with North Korea. But it's clear that peaceful negotiations and diplomacy, as opposed to saber rattling that we've seen much too often in the recent past, is advancing our national security interests and moving us closer to a future of peace and security.

The President and Secretary Clinton deserve credit for this breakthrough. They have made nonproliferation and the securing of loose nuclear material top priorities. The New START Treaty represented a critical step in finally putting the Cold War behind us and increasing security cooperation between Russia and the United States.

It's my hope now that we will be bolder and more ambitious because it's time for the United States to exercise global leadership and true statesmanship, and move toward complete dismantling of our nuclear arsenal. That's exactly the long-term goal we committed to as a Nation when we signed the NPT 40 years ago.

To that end, Madam Speaker, I've introduced a resolution called NO NUKES, which stands for Nonproliferation Options for Nuclear Understanding to Keep Everyone Safe. NO NUKES. NO NUKES moves us aggressively in that direction.

It makes no sense at all that we have thousands of nuclear warheads when just one of them has the power to end life on Earth as we know it.

And if that's not good enough, eliminating nuclear weapons isn't just a matter of human rights and moral urgency, it's also a big budget item at a time when we must be exercising fiscal restraint.

□ 1100

We currently spend over \$50 billion a year on maintenance of our existing nuclear arsenal. How about we invest that money on programs that save lives instead of weapons designed to destroy life? For nearly a decade now, we've defended our country and its interests by sending thousands of troops to die in a foreign war that isn't making America safer but is costing Americans billions of dollars every month.

Madam Speaker, there has to be a different way. My SMART Security

Platform advances the idea that we make the world safer, not through acts of war and arms escalation, but through cooperation and conflict resolution.

For nearly my entire life, the world has lived under a shadow of nuclear confrontation. My oldest child turned 50 over the weekend. He was an infant in my arms during the terrifying days of the Cuban Missile Crisis. We can't make another generation go through that.

Actually, my 7-year-old grandson, Jake Eddie, is joining me in Washington this week, and I believe it is our responsibility to make a promise to him and to his classmates and his peers. Our legacy to them must be a world free of nuclear weapons. Our legacy to them must be a peaceful future. And one step in the right direction, in the memory of DONALD PAYNE, is to bring our troops home from Afghanistan.

#### RECESS

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

Accordingly (at 11 o'clock and 1 minute a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

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

#### PRAYER

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

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

Today is a significant day for Americans in this election year. We ask Your blessing upon the American people, especially those who choose to participate this day in primary elections. Give them good judgment and a sincere desire for the welfare of this great Nation as they cast their ballots.

Bless, as well, the Members of this people's House. May they be filled with Your spirit this day and exercise their responsibilities with wisdom, understanding, and goodwill. May all they do be for Your greater honor and glory.

In the past few days, O Lord, many have been assailed by terrifying and destructive weather. Send Your healing balm upon those who have been afflicted and bless with rapid success the efforts of those emergency responders who are working tirelessly to rebuild shattered lives and communities.

And finally, with sorrow, we acknowledge the passing of DONALD PAYNE of the 10th District of New Jersey. We thank You for his years of service in this assembly and ask You to bless his family and loved ones. Eternal

rest grant unto him, O Lord, and let perpetual light shine upon him. May his soul and the souls of all the departed, through the mercy of God, rest in peace.

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 New York (Mr. HIGGINS) come forward and lead the House in the Pledge of Allegiance.

Mr. HIGGINS 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 15 requests for 1-minute speeches on each side of the aisle.

#### THE IRANIAN DUCK

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

Mr. POE of Texas. Mr. Speaker, Iran continues to inch closer to making its nuclear ambitions a reality.

The administration wants Israel to give diplomacy more time, but Prime Minister Netanyahu said, "pressure on Iran is growing, but time is growing short."

For Israel, a nuclear armed Iran threatens its very existence. Ahmadinejad says he wants to wipe Israel off the face of the Earth, and this radical extremist means what he says.

Israel will do what it has to in order to be master of its own faith, with or without the United States. Unfortunately, the days of full trust between the U.S. and Israel seem to be on shaky ground.

Netanyahu said:

I will never let my people live in the shadow of annihilation.

If it looks like a duck, walks like a duck, and quacks like a duck, it's a duck. But this duck is a nuclear duck, and it's time the world started calling a duck a duck.

Mr. Speaker, America must totally get behind our friend and let the Iranian duck know whose side we are on.

And that's just the way it is.

#### LET'S WORK TOGETHER

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

Mr. CICILLINE. Madam Speaker, I rise today to discuss an issue that is very important to the hardworking men and women in my home State of Rhode Island. Rhode Islanders learned yesterday that our workforce has grown smaller and our unemployment rate sits at 10.9 percent, the third highest in the Nation.

While some may struggle to see these problems from the steps of the Capitol, I hear frequently from constituents who can't understand why the House still has not considered a comprehensive jobs plan. That's why I and many of my colleagues have been working hard on legislation to put Americans back to work, including our Make it In America agenda to help reinvigorate American manufacturing.

We also need to start developing new ways to repair America's infrastructure and new ways to finance it, like a national infrastructure bank, a modern-day version of the WPA, and provide much needed help to small businesses and entrepreneurs. Yet the House leadership has stood in the path of progress on these issues.

Rhode Islanders know that Congress can do better. We need to work together and get these things done and get the American people back to work.

#### HIGHER GAS PRICES ARE HURTING OUR SMALL BUSINESSES

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

Mr. WILSON of South Carolina. Madam Speaker, since the President was sworn into office in January of 2009, gas prices have risen drastically by 156 percent. This fact shows the President's energy policy is failing our country and destroying jobs.

According to the National Federation of Independent Business, rising energy costs are a constant struggle for our small business owners. Our small business owners are already threatened with the rising cost of health care due to the mandates in the government takeover health care bill.

Instead of supporting effective energy policies that will lower the price at the pump, this administration has decided to delay the Keystone pipeline, a project that will create over 100,000 jobs at no taxpayer expense. If completed, this project will dramatically decrease our dependence on foreign oil and provide relief with energy costs for every small business.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### HEZBOLLAH IN THE WESTERN HEMISPHERE

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

Mr. HIGGINS. Madam Speaker, I rise to express my concern about the pres-

ence of Hezbollah in the Western Hemisphere.

In the Homeland Security Committee, we've heard from experts who testified that Hezbollah, which is a terrorist proxy for Iran, Syria, and Venezuela, has an active membership in 14 North American cities, including Toronto, which is 90 miles from my western New York home.

Some dismiss this concern by saying that their activities are limited to fundraising. This is not comforting.

Madam Speaker, I have joined with my colleague, JEFF DUNCAN, to introduce H.R. 3783, the Countering Iran in the Western Hemisphere Act. Our legislation would call for the State Department to investigate Hezbollah's presence in the Western Hemisphere and to create a long-term strategy for keeping our communities and our Nation safe.

Madam Speaker, I'm pleased to say that this bipartisan legislation was unanimously passed in the subcommittee. As this bill moves through the House, I urge my colleagues to support our legislation to combat this growing threat.

#### PASS OUR JOBS BILL

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

Ms. JENKINS. Madam Speaker, it has been 4 years since the height of the Great Recession and our economy is nowhere near where it should be. Unemployment continues to hover around 8 percent and thousands upon thousands of hardworking Americans have left the job market altogether.

After the President killed the Keystone pipeline, gas prices have skyrocketed, and, by some estimates, more than 20 percent of homeowners are underwater on their mortgages.

Madam Speaker, Americans need real jobs, real solutions, and real results, not the unprecedented, unacceptable, and unsustainable wasteful Washington spending some of our colleagues continue to promote. It's time Washington started protecting and respecting the hardworking American taxpayers. We need a system where their hard work is rewarded and every American has a chance to succeed.

I urge the Senate and the President to pass our jobs bills and work with us to get the American people back to work.

□ 1210

#### IT'S TIME TO GET RID OF THE SPECULATORS

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

Mr. DEFAZIO. I paid \$4.01 a gallon at home in Oregon last weekend. There's a lot of people who've got long-term plans, drill now, drill here, drill everywhere, conservation, whatever. They

say there's nothing we can do in the short-term. Well, there is.

Seventy percent of the oil futures, the supply of oil, is owned by speculators on Wall Street and other places around the world—70 percent. The head of ExxonMobil testified that about \$38 a barrel is due to speculation. That's the head of ExxonMobil. He says we're paying 38 bucks a barrel for speculators on Wall Street.

Goldman Sachs says, well, it's only \$22 to \$28 a barrel. Let's take the lowest number, \$22 a barrel. That would lower regular gas by 64 cents a gallon if we got rid of the speculators.

I've proposed a tax of 1/100 of 1 cent per transaction that would drive most of these speculators out of the market and raise some revenues.

It's time to get rid of the speculators, provide price relief to Americans, and then we can talk about a long-term plan for energy self-sufficiency.

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#### THE JOBS ACT

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

Mr. HENSARLING. Madam Speaker, the President's policies have failed and, indeed, made our economy worse. For three straight years, unemployment has been above 8 percent, and the Congressional Budget Office predicts now that will last through 2014, the worst period of sustained high unemployment since the Great Depression.

America has a deficit of jobs because America's job creators have a deficit of confidence in this administration. New business startups are at an almost 17-year low, and that's why House Republicans have a plan for America's job creators that will help ease the President's job-killing policies.

Our plan will continue to unfold this week when the House votes on the actual JOBS Act to help small businesses and entrepreneurs access vital equity capital and put Americans back to work. The bill does exactly what the President's own job council recommends. It's time, for once, to work together to pass the bipartisan JOBS Act and give the American people the jobs and recovery they deserve.

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#### HONORING THE LIFE OF CONGRESSMAN DONALD PAYNE

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

Ms. LEE of California. Madam Speaker, last night we lost a world leader, a father, a grandfather, a brother, an uncle, a great leader who consistently brought light to human suffering taking place around the world and what we here in Washington, D.C., can do for it.

It is with a heavy heart that I rise today in memory and in honor of Congressman DON PAYNE, a brilliant leader, former chair of the Africa Sub-

committee on Foreign Affairs, and to do what I'm sure he would be doing if he were with us today, speak out against the massacres taking place in Sudan.

These killings are taking place in the Sudanese state of South Kordofan, outside the view of this Congress, and most Americans are unaware of this humanitarian catastrophe unfolding in the same region where we saw bloodshed in Darfur for many, many years.

Madam Speaker, on this day of mourning for Representative PAYNE, I know he would want us to recommit ourselves to act to prevent further bloodshed and suffering in Sudan.

My thoughts and my prayers are with Congressman PAYNE's family, his friends, and his constituents. May his legacy live forever. I will deeply miss his wise counsel and his friendship.

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#### HONORING THE LIFE OF CONGRESSMAN DONALD PAYNE

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

Mr. PITTS. Madam Speaker, today the House of Representatives lost a distinguished Member who served with honor for more than two decades. I had the pleasure of working with DONALD PAYNE many times over the years. He had an incredible heart for Africa and suffering people in every corner of the continent.

From Morocco to South Africa, he was a tireless advocate for freedom and self-determination. We worked together speaking on behalf of the Sahrawi people in Western Sahara. Representative PAYNE watched Western Sahara closely, working toward a peaceful resolution that would allow for a free referendum that could establish self-government.

We also worked together in 2007 to recognize the 200th anniversary of the abolition of the British slave trade and to honor the legacy of William Wilberforce.

And in one amazing episode, he risked his life seeking peace in Sudan and nearly had his plane shot down in 2009.

DONALD PAYNE never missed an opportunity to advocate on behalf of the oppressed, and his work has had a lasting impact on the human rights of people around the world. I'm proud to have fought the good fight alongside of him. He will be missed.

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#### GAS PRICES ARE KILLING THE AMERICAN CONSUMER

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

Mr. WELCH. Gas prices are killing the American consumer. They're doing real damage to small businesses.

In my State, Cabot Creamery, which has fixed price contracts to deliver

cheese, very important to farmers, very important to that business, price of gas going up a dollar, it's like another \$135,000 off their bottom line.

There are long-term issues we've got to address, but you know what? There's stuff we can do in the short term. The futures market has been flipped upside down. It should be serving end users like airlines, fuel dealers. Instead, it's been taken over by speculators.

Goldman Sachs study says about \$23 on the price of a barrel of oil is attributable to speculation. That's about 56 cents when you go to fill up your pickup truck, about an extra 15 bucks just for the speculation premium.

Past Presidents have used the Strategic Petroleum Reserve to spook the speculators, to send a shot across their bow that they're going to be on the wrong side, the losing side of these trades. Let's use the Strategic Petroleum Reserve to give some relief to our consumers and to our small businesses.

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#### THE JOBS ACT

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

Ms. HAYWORTH. Madam Speaker, I received a letter from a young constituent who is a vigorous Boy Scout and a great citizen, Matthew Barbuti from Yorktown Heights, New York. He's only in sixth grade, but he's very concerned about our economy. And he wrote to me, "If the economy doesn't turn around, our country will no longer be a world leader, and the American people will suffer."

Matthew, you are exactly right. We do have a tremendous job ahead of us, and we are working here, all of us together, for you and for all the kids in this country who need a future, the kind of dreams that we have been privileged to dream.

So this week, we're bringing to the House floor the JOBS Act, part of a whole package of jobs bills that we've been sending to our colleagues in the Senate, and we certainly hope that, with Democratic and Republican support, and with the President's support of this bill as well, we'll be able to activate that economy to create the kind of jobs and opportunities that all of us need throughout this country, no matter where we come from.

Thank you, Matthew, for your common sense.

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#### THE GOP'S ASSAULT ON WOMEN

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

Mr. YARMUTH. Madam Speaker, Rush Limbaugh's appalling attack on Georgetown student Sandra Fluke is no isolated incident, but part of a broader GOP assault on women's health.

Republicans have ushered in Women's History Month with legislation to

allow employers and insurance companies to deny women needed health coverage. But let's also take a look at their recent record on issues important to women's health.

Last year, Republicans voted to end Federal funding for Planned Parenthood, the largest provider of reproductive health services in the United States. They voted to eliminate funding for Title X family planning which, for 40 years, has provided family planning services, cancer screenings, and other preventive health services to low-income women.

And with their attempt to repeal the health care reform law, Republicans voted to allow insurance companies to, once again, deny women coverage if they've ever been pregnant, had a C-section, or been the victim of domestic violence.

Madam Speaker, Republicans' idea of Women's History Month is reenacting the women's equality fight of 100 years ago.

I call on my GOP colleagues to join us here in the 21st century, where women not only raise families, they have jobs, and they even wear pants.

**CONGRATULATING BRIDGET BROWN ON RECEIVING THE 2012 SELF-ADVOCATE OF THE YEAR CHAMPION OF CHANGE AWARD**

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

Mrs. BIGGERT. Madam Speaker, hundreds of advocates from across the country traveled to Capitol Hill last week to raise awareness on behalf of the National Down Syndrome Society. Today I rise to congratulate one of those individuals, Bridget Brown, who is being honored with the 2012 Self-Advocate of the Year Champion of Change Award.

A resident of Darien, Illinois, Bridget has helped to empower and inspire thousands of others with Down Syndrome to lead full and successful lives. A role model, mentor, and national speaker, she graduated from high school in 2005 after becoming the first person with Down Syndrome to be included in her school district. She helped to promote among Illinois educators the concept of inclusion, and launched her own advocacy organization called Butterflies for Change.

I applaud Bridget for her amazing work at the local and national level to help others achieve their full potential. She has made her State and her community proud, and I wish Bridget continued success in her efforts on behalf of the more than 400,000 Americans with Down Syndrome.

□ 1220

**PROTECT AMERICAN MANUFACTURING**

(Ms. BALDWIN asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. BALDWIN. Madam Speaker, I rise today in support of H.R. 4105, a bill that would allow us to protect American manufacturing, including Wisconsin's paper industry, from unfair Chinese trade practices.

The simple fact is that China is cheating. Chinese manufacturers are not outcompeting American manufacturers. Chinese companies receive direct subsidies from their government to help them undercut American businesses. We've seen the result this has had on our manufacturing base, and in my home State of Wisconsin, particularly on our paper industry.

In the paper sector alone, China has provided more than \$33.1 billion in subsidies from 2002 to 2009 and is now the world's largest producer of paper and paper products. Hardworking American businesses in these and other sectors rely on countervailing duties to combat these illegal subsidies and help them keep their doors open.

Last month, I introduced bipartisan legislation to ensure the Department of Commerce has the legal authority to impose these countervailing duties on subsidized imports from countries like China. I am very proud to see that legislation incorporated in the larger bill before us later today, and I urge my colleagues to vote "aye."

**WELCOMING ISRAELI PRIME MINISTER BENJAMIN NETANYAHU**

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

Mr. YODER. Madam Speaker, I rise today to welcome Israeli Prime Minister Benjamin Netanyahu on his visit to the United States and to reaffirm our commitment to our strongest ally, Israel.

As Prime Minister Netanyahu visits our Nation, Israel presently stands in the shadow of a threatening neighbor who is intent on producing nuclear weapons.

Israel must remain the master of its fate and be able to defend itself against Iran. Iran's nuclear program is unequivocally a threat to Israel's existence and a threat to stability throughout the whole Middle East region and throughout the whole world by way of proliferation. There is no telling who Iran may sell their enriched uranium to; but their state policy of sponsoring groups that promote terrorism, it's not hard to speculate on the dire consequences.

Madam Speaker, as we work together to combat global terrorism and those that would threaten peace, democracy, and stability in the world, we must stand strong behind our ally Israel.

**WOMEN WAIT AS POLITICIANS DEBATE THEIR CARE**

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, I have a headline here this morning that indicates, "Women Wait as Politicians Debate Their Care."

This is not a story about accusations or calling college coeds prostitutes and, if you will, sluts and other negative words. This is about women's access to health care, and I'm sad to even say those words, but we see them broadcast across America's Federal airwaves by talk show entertainers like Rush Limbaugh. This young woman's name is Kimberly Moore, who is caught in a conflict in the State of Texas with the Women's Health Program that is funded by Medicaid and the decision of the State of Texas to evict Planned Parenthood from caring for women like Kimberly, a single mother working part time, who can't afford health care.

Between judges who want to accuse our President of dastardly things through jokes and the idea of keeping women away from access to health care, that should not resolve around their choice of contraceptives, but plain old health care, it's time for us to stand with the women of America and the decent people of America, to stand with this President, to stand with the idea of providing women health care, and to stand against those who are in States where they want to reject Planned Parenthood for simply giving health care access to women and to stand against divisive corrosive language.

**AFFIRMING SUPPORT FOR THE STATE OF ISRAEL**

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

Mr. PALAZZO. Madam Speaker, like many of my colleagues, I have visited the State of Israel. I have walked the streets of Jerusalem, and I have seen firsthand the beauty of its people, its culture, and its incredible history and heritage.

Prime Minister Benjamin Netanyahu reminded us of that heritage last night as he addressed a crowd of thousands, and I know he is on Capitol Hill again today sending the same message: serious threats have been made towards Israel, and Israel must take threats seriously, especially when dealing with a madman working toward a nuclear weapon.

No one wants a war in an area where world peace rests on such a delicate balance. No one wants to have to initiate unnecessary aggression. I have supported sanctions. I have supported resolutions of disapproval. I want to believe that Iran's offer today to allow U.N. weapons inspectors in means that they have nothing to hide.

If our friends in Israel decide to act, I know it will not be a decision made lightly nor without good reason. I urge my colleagues to join me in affirming our support of Israel, not just to stand behind her but to stand beside her.

## NATIONAL BREAKFAST WEEK

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

Mr. COHEN. This week is National Breakfast Week, which offers an opportunity to talk about the importance of a healthy breakfast for America's children. Breakfast, as we've all heard, is the most important meal of the day. Studies have shown that breakfast can help boost a child's academic performance and can also improve classroom behavior, reduce absences and tardiness, as well as increase mental focus and physical performance. However, according to the U.S. Department of Agriculture, one in five children live in homes where food is not always available, making breakfast often hard to come by.

I want to commend Kellogg's, which has a cereal plant in my district, and Action for Healthy Kids for starting the Share Your Breakfast program which provides grants directly to school or school districts to help them increase participation in school breakfast programs. Our children need to receive a holistic, well-rounded education, one that includes staying active and fit and, most importantly, starts off with a healthy breakfast.

I'm off to lunch.

JUMPSTART OUR BUSINESS  
STARTUPS

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

Mr. SCHWEIKERT. Madam Speaker, this is going to be one of those weeks where I believe we can be proud here in the House. We're going to be moving forward with a jobs bill we've monikered Jumpstart Our Business Startups. I just had in my office a coalition from high-tech companies from Arizona, and they unanimously had a story to tell, and that was a story of the difficulty in finding capital for moving small companies, small organizations, these organizations that are creating jobs.

I'm particularly blessed this week to have multiple bills in the package. One is the Small Company Capital Formation bill, a Private Company Flexibility and Growth Act of the six bills that are coming.

I'm proud of the House. I look forward to these bills moving forward.

REMEMBERING THE HON. DONALD  
PAYNE

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

Mr. PALLONE. Madam Speaker, I would like to speak about my dear friend and colleague, DONALD PAYNE, who passed away this morning. I saw him on Saturday for the last time, and I can't think of anybody who in this

House has been closer to me and someone who made it so much better for us to be in Congress, not only for all of us as colleagues but also for the rest of the world.

DONALD always made me smile. DONALD was a very serious person who cared so much about his constituents in Norwich and the rest of the towns that he represented in New Jersey and really reached out to the rest of the world. He was always looking out for the concerns of the poor and the disadvantaged and the people in need, whether it was their health care or whether they had adequate food or housing.

But I think more than anything else, I remember his smile. He would always be happy. He would always have a joke to say; and, frankly, in dealing with all the serious issues that he dealt with and he cared so much about, both here at home, as well as overseas, it was always nice to have someone that you could call a friend, that you could confide in, that you could talk to about your own problems as well, but always with that smile, always with that joke, always with the ability to say, FRANK, you know, let's not take ourselves too seriously, even though we have a lot of serious work to do.

I will sorely miss him. I don't think there will be anybody who can replace him, and I just want to reach out to his family and his friends back at home today and express my sympathy to all of them for such a wonderful person that you were able to share some time with here.

Ms. JACKSON LEE of Texas. Would the gentleman yield for just a moment?

Mr. PALLONE. I yield to the gentlewoman.

Ms. JACKSON LEE of Texas. Just one simple statement. I couldn't leave the floor.

Just to express our love and affection for DON PAYNE and just to say that he saved lives because he intruded in places like Africa and Sudan, in Africa and many other places. He saved lives because of his compassion for people, his fight for human rights, and his fight for peace.

Mr. PALLONE. Thank you.

□ 1230

## REMEMBERING THE ALAMO

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

Mr. OLSON. Madam Speaker, 176 years ago, the Alamo fell. Every Texan fighting for independence was either killed or executed. I would like to read a portion of the last letter sent from the Alamo by its commander:

Fellow citizens and compatriots, I am besieged by 1,000 or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion. Otherwise, the garrison are to be put to the sword . . .

I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat . . . Victory or death.

Signed, William Barret Travis, Lieutenant Colonel Commander at the Alamo.

Remember the Alamo. God bless Texas.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

APPLYING COUNTERVAILING DUTY  
PROVISIONS TO NONMARKET  
ECONOMY COUNTRIES

Mr. CAMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4105) to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4105

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. APPLICATION OF COUNTERVAILING  
DUTY PROVISIONS TO NONMARKET  
ECONOMY COUNTRIES.

(a) IN GENERAL.—Section 701 of the Tariff Act of 1930 (19 U.S.C. 1671) is amended by adding at the end the following:

“(f) APPLICABILITY TO PROCEEDINGS INVOLVING NONMARKET ECONOMY COUNTRIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the merchandise on which countervailing duties shall be imposed under subsection (a) includes a class or kind of merchandise imported, or sold (or likely to be sold) for importation, into the United States from a nonmarket economy country.

“(2) EXCEPTION.—A countervailing duty is not required to be imposed under subsection (a) on a class or kind of merchandise imported, or sold (or likely to be sold) for importation, into the United States from a nonmarket economy country if the administering authority is unable to identify and measure subsidies provided by the government of the nonmarket economy country or a public entity within the territory of the nonmarket economy country because the economy of that country is essentially comprised of a single entity.”

(b) EFFECTIVE DATE.—Subsection (f) of section 701 of the Tariff Act of 1930, as added by subsection (a) of this section, applies to—

(1) all proceedings initiated under subtitle A of title VII of that Act (19 U.S.C. 1671 et seq.) on or after November 20, 2006;

(2) all resulting actions by U.S. Customs and Border Protection; and

(3) all civil actions, criminal proceedings, and other proceedings before a Federal court relating to proceedings referred to in paragraph (1) or actions referred to in paragraph (2).

**SEC. 2. ADJUSTMENT OF ANTIDUMPING DUTY IN CERTAIN PROCEEDINGS RELATING TO IMPORTS FROM NONMARKET ECONOMY COUNTRIES.**

(a) IN GENERAL.—Section 777A of the Tariff Act of 1930 (19 U.S.C. 1677f-1) is amended by adding at the end the following:

“(f) ADJUSTMENT OF ANTIDUMPING DUTY IN CERTAIN PROCEEDINGS RELATING TO IMPORTS FROM NONMARKET ECONOMY COUNTRIES.—

“(1) IN GENERAL.—If the administering authority determines, with respect to a class or kind of merchandise from a nonmarket economy country for which an antidumping duty is determined using normal value pursuant to section 773(c), that—

“(A) pursuant to section 701(a)(1), a countervailable subsidy (other than an export subsidy referred to in section 772(c)(1)(C)) has been provided with respect to the class or kind of merchandise,

“(B) such countervailable subsidy has been demonstrated to have reduced the average price of imports of the class or kind of merchandise during the relevant period, and

“(C) the administering authority can reasonably estimate the extent to which the countervailable subsidy referred to in subparagraph (B), in combination with the use of normal value determined pursuant to section 773(c), has increased the weighted average dumping margin for the class or kind of merchandise,

the administering authority shall, except as provided in paragraph (2), reduce the antidumping duty by the amount of the increase in the weighted average dumping margin estimated by the administering authority under subparagraph (C).

“(2) MAXIMUM REDUCTION IN ANTIDUMPING DUTY.—The administering authority may not reduce the antidumping duty applicable to a class or kind of merchandise from a nonmarket economy country under this subsection by more than the portion of the countervailing duty rate attributable to a countervailable subsidy that is provided with respect to the class or kind of merchandise and that meets the conditions described in subparagraphs (A), (B), and (C) of paragraph (1).”.

(b) EFFECTIVE DATE.—Subsection (f) of section 777A of the Tariff Act of 1930, as added by subsection (a) of this section, applies to—

(1) all investigations and reviews initiated pursuant to title VII of that Act (19 U.S.C. 1671 et seq.) on or after the date of the enactment of this Act; and

(2) subject to subsection (c) of section 129 of the Uruguay Round Agreements Act (19 U.S.C. 3538), all determinations issued under subsection (b)(2) of that section on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

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

I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. CAMP. Madam Speaker, I urge the passage of this legislation to ensure that we can continue to fight un-

fair subsidies from countries like China that violate the WTO, injure our industries, and cost U.S. jobs. This legislation reaffirms that our antisubsidy laws, or countervailing duty laws, apply to subsidies from China and other nonmarket countries, and it overturns an erroneous decision by the Federal circuit that the Department of Commerce does not have the authority to apply these countervailing duty rules to nonmarket economies.

China distorts the free market by giving enormous subsidies to its producers and exporters, and our companies and our workers should not be expected to compete against the deep pockets of the Chinese Government. That is why it is vital that we preserve this important tool and ensure that current countervailing duty orders and investigations from nonmarket economies remain in place and that this important tool is available in the future.

In addition, this legislation fully complies with our WTO obligations. China agreed to be subject to countervailing duty laws when it joined the WTO in 2001, and the WTO has reaffirmed our right to apply these laws to China. Failing to enact this legislation would mean that we're unilaterally giving away a right that allows us to protect American workers. This legislation also brings the United States into compliance with its obligations by requiring the Department of Commerce to make an adjustment when there is evidence of a double remedy.

Finally, I am pleased that this legislation, which has already passed the Senate, is bipartisan and has administration support.

For all of these reasons, we urgently need to pass this important legislation. I urge all of my colleagues to support this bipartisan bill.

Madam Speaker, I reserve the balance of my time.

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

This bill will send a clear signal, especially with an overwhelming vote, that there are clear consequences when a nation violates the rules. China is, indeed, tilting the field of competition by not playing by the rules. This bill restores a key instrument for our Nation to hold China and other nations accountable. The failure to pass it would be an enormous step backwards at a time when, indeed, we need to fast-forward our efforts to rein in China's abusive trade practices that, in part, have led to our record \$295 billion trade deficit with China. This legislation ensures that tools remain available under U.S. trade law so that manufacturers can fight back against China's unfair trade subsidies.

Countervailing duties have been a part of U.S. trade law for nearly 120 years, and today, almost one-half—23 of 50—of all countervailing duty orders in place involve China. This is not surprising. A central element of Chinese industrial policy has been to provide massive subsidies to its producers to

help them knock out competitors and to dominate the market. These include loans at below-market interest rates, cheap or sometimes free land, extensive tax breaks, and other subsidies designed to advantage domestic industry.

To date, countervailing duties have been the singular form of relief available to American workers and companies devastated by these mercantilist policies. Over the last 6 years, Commerce has put in place 23 countervailing duty orders against China—23—and five other investigations are currently underway. More than \$4 billion in subsidized imports have been covered by these measures, shielding an estimated 80,000 American jobs from unfair competition.

Yet, in December, based on a deeply flawed assessment of congressional intent, the court of appeals for the Federal circuit ruled that Commerce, which administers our countervailing duty laws, does not have the authority to apply those laws to nonmarket economy countries like China. That decision threatens to eviscerate the U.S. right to apply countervailing duties to China, a right protected under WTO rules; and it threatens to cripple Commerce in its efforts to combat Chinese subsidies that harm our industries.

With this bill, we are making clear that the Federal circuit's decision was wrong and that it cannot stand. Commerce has always had the authority to apply countervailing duties to nonmarket economies such as China, and now it shall continue to have and exercise this vitally important authority in the future.

Because of this bill—and I urge the strongest possible support—tens of thousands of American workers and scores of American companies in 38 States across this country that have shown that they are entitled to relief from unfair subsidization by nonmarket economies will continue to get that relief. This bill ensures all of the existing orders and investigations remain in place.

For these reasons, I support the passage of H.R. 4105, and I urge all of my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. CAMP. I yield 2 minutes to the distinguished chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, I strongly support the passage of this bill.

When China repeatedly undermines the free market by subsidizing its exports to the United States, we can't just give them a pass, especially when the businesses China subsidizes are often government-owned businesses that compete unfairly against our American companies and workers.

□ 1240

If you don't believe the American Government should pick winners and losers in the marketplace, you certainly don't support the Chinese Government doing the same. There is an

important distinction between the duties that seek to protect companies that are afraid to compete in the marketplace—those I oppose—and in this case duties assessed against those who try to distort the free market through unfair government subsidies.

It's a distinction between the price of legal software and illegal software. We would shoot ourselves in the foot if we denied this important tool to protect the free market for American workers.

It's important, as Chairman CAMP noted today, that this legislation is WTO consistent and fully within America's rights when dealing with China and other nonmarket economies. It's also important that this bill addresses the double-remedies laws in the right way to ensure that America applies these laws in accordance with our WTO obligations.

In conclusion, this legislation ensures the freedom of U.S. companies and workers to compete in a market that is not distorted by the Chinese Government. It restores free market principles by allowing us to address China's unfair subsidies. It has no different impact on consumers than enforcing our intellectual property laws.

We owe it to America's job creators and our workers to make sure we have the tools at our disposal to offset such unfair trade practices and allow the free market to work properly. That's why I urge strong support for this vital legislation.

Mr. LEVIN. I yield 1½ minutes to a distinguished member of our committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman.

Madam Speaker, I certainly rise in support of this legislation, which confirms that the Commerce Department can continue to apply countervailing duties on subsidized imports from countries with nonmarket economies such as China and Vietnam.

In fact, this legislation strengthens the opportunity to use an international forum for the prescribed purpose of resolving disputes. If our trading partners are not playing by the rules, it's imperative that the United States have the tools to challenge these unfair practices. Countervailing duties level the playing field for U.S. employers and workers and allow them to compete against imports that are subsidized through unfair trade practices, emphasis on the word "unfair."

Since the Commerce Department started applying these duties in 2007, it is estimated that countervailing duties have protected an estimated 80,000 jobs in the United States. At the same time, it's important to point out this is not a protectionist measure. It strengthens our hand in dealing with negotiations.

Let's pass this commonsense legislation and keep American jobs defended against unfair trade practices.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. I rise in favor of H.R. 4105 because we need to have

every tool we can muster to fight China's unfair trade practices, which not only steal markets and jobs from American producers, but also provides Beijing with a means to finance its military buildup and expanding influence around the world.

This bill should not have been necessary. It overturns a faulty court decision that claimed U.S. law prohibits the Department of Commerce from applying countervailing duties to nonmarket economies. Yet nonmarket economies, where the government directs business through trade subsidies, national planning and state ownership of firms, this is where the greatest abuses occur that distort the market.

Unfortunately, our system to combat trade abuses and unfair foreign practices does not work. We have had a massive transfer, which is evident, when we see that we have had a massive historic transfer of wealth from the American people to China over these last few decades. That policy should have been corrected long ago to prevent this deprivation of the American people.

Furthermore, this bill allows the Commerce Department to adjust actions to avoid future negative findings by the World Trade Organization. Again, this should not be necessary because China should not be part of the World Trade Organization. It is not a market economy and thus should have been denied membership. It has not lived up to its obligations of WTO membership, and thus Beijing should not be made a stakeholder in world affairs.

It remains an aggressive, communist dictatorship that supports every rogue enemy of the United States. It is the world's number one proliferator of nuclear technology and the number one abuser of human rights. It is a land of cronyism, corruption, and repression. We should not be helping a country ruled by this kind of government grow while we stagnate.

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

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. ROHRBACHER. We ran a record \$295 billion trade deficit in goods with China last year at a time when the U.S. economy was trying to struggle from a recession and we had high unemployment. This bill would be a small step in the right direction; but we need to do much more to restore growth and balance to our international, economic and strategic relations with other countries, especially China. We should end this massive transfer of wealth from our people to China. It's a sin against our own people.

Mr. LEVIN. I yield 2 minutes to another distinguished member of our committee, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Thank you, Mr. LEVIN. I appreciate the fact that our chairman, Mr. CAMP, and our ranking

member, Mr. LEVIN, are here today advocating H.R. 4105.

We are not going to unring the bell.

The Chinese Government is an important part of the world economy. We are interrelated and interdependent. American people buy things from China every day. I was happy to have them be part of the WTO so there would be rules of the road.

It's not about protectionism for the United States. It is making sure that our competitors in China play by the rules. Too often we have seen that they don't. We've seen their massive unjustified subsidies. We've found cheating in the international arena in terms of stealing intellectual products, stealing Web sites. The Chinese Government needs to be encouraged directly to play by the same sorts of rules.

If America is on a level playing field, our manufacturers can work and compete against the best the world has to offer. But, unfortunately, related to China right now, it is too often not a level playing field. This is an important step going forward to make sure that we can rebalance the equation.

I hope that the administration will be aggressive in using the tools that it has to make sure the rules of the road are observed. This has been a frustration I have had since I have been in Congress with both Republican and Democratic administrations. I don't think we have done all, in fact, that we could. I hope that we will.

I think this bill is a step in the right direction, and I appreciate the bipartisan show of support from our committee to move it forward. I hope that the House passes it overwhelmingly, and that it is something that the other body moves on, so that we can have this tool back in our tool kit.

Mr. CAMP. I yield 2 minutes to the distinguished chairman of the Oversight Subcommittee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. Madam Speaker, I rise in strong, vigorous support of H.R. 4105, and I want to commend Chairman CAMP for his leadership in bringing this appropriate bill to the floor today.

As a supporter of free and fair trade, I believe that U.S. companies and workers deserve a level playing field in order to successfully compete around the world. This bill restores Commerce's ability to protect American jobs and companies from unfair, WTO-inconsistent practices, inconsistent trade practices perpetrated by nonmarket economies, mainly China and Vietnam.

This is an important tool being used by several industries in my home State of Louisiana, the ability to use countervailing duties, companies that produce steel pipe, aluminum extrusion, woven sack industries, just to name a few. More importantly, many key industries such as shrimp processors want to make sure that this tool remains in place in case they need to use it in the future to deal with unfair trade practices.

As our industries expand and compete for businesses around the world, it's irresponsible to not have these types of measures, enforcement measures, in place and to take this vital tool away from the Department of Commerce.

□ 1250

This has been a practice that is WTO compliant. We have used it for years, and now because of a recent Federal court ruling, it has been taken away.

The bill simply amends the 1930 Tariff Act to allow this WTO-compliant technique to be used to impose countervailing duties on nonmarket economies when they use unfair subsidies. It's fully consistent with our international trade obligations, it restores current practices, and it is the right thing to do for American businesses and workers. I strongly encourage our colleagues in this House to support this important bill.

AMERICAN SHRIMP  
PROCESSORS ASSOCIATION,  
*Biloxi, MS, March 5, 2012.*

Hon. DAVE CAMP,  
*Chairman, Ways and Means Committee, Cannon House Office Building, Washington, DC.*

Hon. SANDER M. LEVIN,  
*Ranking Member, Ways and Means Committee, Longworth House Office Building, Washington, DC.*

DEAR CHAIRMAN CAMP AND RANKING MEMBER LEVIN: The American Shrimp Processors Association (ASPA) strongly supports, H.R. 4105, the bill you introduced on February 29, "to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries." We appreciate that you took the lead on this measure and are working hard to quickly pass this critical bipartisan legislation that allows the Commerce Department to continue to apply countervailing duty laws to non-market economies. We believe passage of this measure is critical to the continued ability of domestic industries like ASPA to fight unfair Chinese and Vietnamese trade practices. Additionally, we salute the strong support offered to this measure by our Gulf coast Ways and Means Committee Member Charles Boustany, Jr.

This bipartisan and bicameral legislation aims to correct a problematic decision by the Court of Appeals for the Federal Circuit that found that U.S. law prohibits the Department of Commerce from applying countervailing duties to non-market economies like China and Vietnam. We understand that Congress must act by March 15th to ensure that the law is changed prior to final action in the courts.

As a domestic industry that has struggled to survive amidst a barrage of subsidized imports from Asian non-market and market economies alike, ASPA has a strong interest in seeing U.S. countervailing duty law enforced. If the Congress were to do nothing, important trade orders already in place on subsidized imports from China and Vietnam would disappear. These orders have corrected Chinese and Vietnamese practices that have injured a broad range of domestic industries and threatened the jobs of tens of thousands of American workers.

Additionally, and more importantly to ASPA members, the recent Court decision would prohibit the U.S. shrimp industry from ever using the U.S. trade laws designed to correct unfair government subsidies on shrimp exported from non-market economies

like China and Vietnam, which have been flooding the U.S. market for years.

While the U.S. shrimp industry has repeatedly demonstrated its resilience in the past, the failure to pass this important legislation leaves the domestic shrimp industry, and all U.S. industries, at a permanent disadvantage, as they will be unable to take any action to redress the harm that subsidized imports from non-market economies cause. All our major trading partners have trade laws that allow them to go after government subsidies from non-market economies. Why would the United States want to unilaterally disarm?

Without this legislative fix, ASPA members' ability to go after egregious trade practices in China and Vietnam would be severely limited. ASPA urges you to maintain a level playing field for all domestic industries by passing this legislation this week.

Sincerely,

C. DAVID VEAL,  
*Executive Director.*

Mr. LEVIN. Madam Speaker, I now yield 2 minutes to Mr. PASCRELL from the great State of New Jersey, another very active member of our committee.

Mr. PASCRELL. Madam Speaker, as cosponsor of this legislation, I rise in strong support of the bill. I want to thank Chairman CAMP and Ranking Member LEVIN for working together in a bipartisan way to address this issue, and I hope this is the beginning of more bipartisan trade negotiations amongst ourselves. I think it's healthy.

We all know that China uses a variety of mercantilist measures to distort trade with the United States. Illegal subsidies—we must admit we are not playing on a level playing field when they are allowed to subsidize their industry, and we don't choose to do that. Second, forced technology transfers. And, third, currency manipulation.

It is important that our government have every tool at its disposal in order to combat these abuses and others. This legislation will once again allow the application of our countervailing duty laws and the enforcement of existing orders to nonmarket economies like China.

But we must go further if we are going to level this playing field with China in a way that truly benefits American workers and businesses. We need to extend our trade remedy laws to cover currency manipulation, an approach embraced by a large bipartisan majority of this body that could create over a million jobs.

Also, I believe we must embrace and fully fund the President's new Interagency Trade Enforcement Center to focus our resources on leveling the playing field with China. We can't continue to sit on our hands while Chinese businesses undercut American workers and our manufacturing base continues to drift overseas. Let's not stop with the passage of this bill, but continue to move forward on a fair trade policy that places American workers and businesses first.

Mr. CAMP. Madam Speaker, at this time I yield 1 minute to the distinguished gentlewoman from North Carolina (Mrs. ELLMERS).

Mrs. ELLMERS. Madam Speaker, I would like to thank the chairman for bringing this very, very important piece of legislation to the floor for a vote. I'm here to join my colleagues in support of H.R. 4105, which will protect the free market and prevent American businesses from unfair dumping practices by countries such as China.

Madam Speaker, I hear from businesses in North Carolina every day who are telling me that in order to compete in the global market, action must be taken to prevent nonmarket countries like China from distorting the market and costing American jobs.

Since 2007, the Department of Commerce has applied countervailing duties to Chinese products where it determines that China has provided unfair subsidies that violate its WTO obligations. These duties are not punitive; they merely serve as a correction to unfair Chinese subsidies. They restore the level playing field that U.S. industries and small businesses—such as wire producers and textile companies in North Carolina—provide.

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

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

Mrs. ELLMERS. I thank the gentleman.

H.R. 4105 will ensure that the Department of Commerce can continue to apply countervailing duty and anti-subsidy laws to nonmarket economies that are violating current law. At the same time, we need robust trade policies that will strengthen our economy and build upon the partnerships we have made with countries around the world.

Mr. LEVIN. Madam Speaker, I now yield 2 minutes to the gentleman from Maine (Mr. MICHAUD) who is very active in trade matters.

Mr. MICHAUD. Madam Speaker, I rise today in strong support of H.R. 4105. I want to thank the chairman and the ranking member for their efforts in bringing this bill before this body. Passing this bill will ensure that the Commerce Department has the authority to apply tariffs on illegally subsidized goods from China and other nonmarket economies.

For the State of Maine, passing this bill will protect the countervailing and anti-dumping duties in place on coated paper imports from China. From 2002 to 2009, China provided more than \$33 billion in subsidies, many of them illegal, to the paper sector. As a result, China overtook the United States as the world's largest producer of paper and paper products. This growth in Beijing's paper sector hits Maine's mills hard.

Since 2008, Maine workers from both Sappi Fine and NewPage companies have become eligible for trade adjustment assistance after they were laid off as a result of increased foreign imports. But after countervailing and anti-dumping duties were applied to paper imports from China, one mill

hired 100 employees. This is just one example of how much of a difference countervailing duties can make for an American company having to compete against illegally subsidized Chinese goods.

H.R. 4105 will ensure that countervailing duties can continue to be applied to illegally subsidized goods from all countries, including China. This bill is critical to ensuring that our American businesses compete on a level playing field, and I urge all my colleagues to vote for it. And I want to once again thank the chairman and the ranking member for their efforts in bringing this bill forward. It's always good to be on the same side as the chair and the ranking member.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. Madam Speaker, I thank the chairman. I rise today in strong support of H.R. 4105.

Where I'm from in northwest Pennsylvania, western Pennsylvania, we relish competition. In fact, we can't wait to go head-to-head and toe-to-toe with anybody, anytime, anyplace in the world. The only thing we ask for is a level playing field, something that's fair for everyone.

And when you look at markets in Vietnam and China and other non-market economies that are able to game us, we don't like it. So places like Sharon Tube and Wheatland Tube, those are the workers I'm talking about. And those are workers who I will tell you today would stand here with us, arm-in-arm, in saying, Bring it on. Bring it on. We want the competition. We can prove to the competition that we are the best and always will be the best, but keep it a level playing field, keep the rules where they should be, and enforce them.

Mr. LEVIN. I now yield 1 minute to Mr. CRITZ from the great State of Pennsylvania, a gentleman who is most active on these issues.

Mr. CRITZ. Madam Speaker, I thank Mr. LEVIN. As a cosponsor of this bill, I rise in strong support of H.R. 4105.

In 2011, the U.S. Court of Appeals ruled that the Department of Commerce did not have the authority to impose countervailing duties on goods from nonmarket economies. Of the 24 countervailing duties currently in place against goods from nonmarket economies, 23 are for China. Without the legislative action we are proposing today to overturn this ruling, it is very likely that these current countervailing duties would be negated.

This is unacceptable, and we cannot stand by when over 80,000 American manufacturing jobs are at stake. Almost every State is impacted by this decision, and almost every congressional district in Pennsylvania has companies that would be affected if this legislation does not pass.

We must take action today and pass H.R. 4105 to overturn a flawed court ruling and to ensure that the Depart-

ment of Commerce can continue to fight unfair subsidies that hurt American manufacturers and American workers. We must level the playing field, and I strongly urge my colleagues to stand with American workers and pass this bill.

□ 1300

Mr. CAMP. At this time, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from New York (Mr. REED).

Mr. REED. Madam Speaker, I rise today to join in what appears to be a bipartisan sentiment that's developing on the floor of the House today, and I'm pleased to be part of it. I'm pleased to stand with my colleagues on the other side of the aisle and members of the Ways and Means Committee in support of a bill that will go a long way to protecting American job creators and American employees from coast to coast.

What we are talking about is allowing the imposition of countervailing duties in order to protect the American market to make sure that the American market is in a competitive position when it comes to our competitors in China and making sure that when we go to the battlefield of the marketplace that that marketplace is put on an even, level playing field so that we can compete squarely.

As my colleague from Pennsylvania (Mr. KELLY) just articulated, I bet on the American worker every single time when we have a marketplace that is level, that is fair, and that is even. And that's why I ask all my colleagues—all of my colleagues—to join us in sending a message today by passing the subject bill and sending a message to the world, to the world economy and to the world markets that America will compete on an even playing field and allow the imposition of countervailing duties to make sure that we have free marketplace principles in place that protect our American workers and protect our American job creators.

For that, I wholeheartedly support and stand with hardworking taxpayers across this country. I ask all colleagues to join in support of this resolution and legislation.

Mr. LEVIN. I now yield 2 minutes to our ranking member on the Rules Committee, the gentlelady from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman for yielding. This is very important legislation we're doing here today because in December the Federal Court of Appeals wrongly determined that the Commerce Department does not have the authority to respond to illegal Chinese subsidies with countervailing duties. The court said that despite illegal action from the Chinese, we, as a Nation, are unable to respond as we wish to stop the loss of thousands of American jobs.

This court decision would have immediately reversed 23 import duties that protect 80,000 American workers

from subsidized goods entering our market. In addition, it would have halted six pending U.S. investigations into unfair trade practices while costing the taxpayers billions of dollars each year.

Quite simply, allowing this decision to stand would unilaterally disarm our Nation of one of the most important weapons we have in combating subsidized Chinese exports. In the world of global trade, our Nation can ill afford to let any country assume an unfair and illegal advantage. Countless American companies, from Rochester, New York, to Detroit, Michigan, rely upon a level playing field to compete and win.

From the day of this court ruling, I've been working closely with my colleagues on Ways and Means to reverse this decision, and I'm so happy to support today's bipartisan legislation. Tens of thousands of working Americans are counting on Congress today to reverse the court decision and preserve the ability of our country to respond to illegal trade.

I want to thank Chairman CAMP and Ranking Member LEVIN for the good work that they have done in working together to reach an agreement that stands up for American manufacturers. I urge all of my colleagues to support this critical legislation.

Mr. LEVIN. I yield myself the balance of our time.

The need is clear, the answer is clear, and I hope the vote will be clear. I yield back the balance of my time.

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

In summary, I'd like to say that an identical bill to this passed the Senate with unanimous consent. The ability of the U.S. to impose countervailing duties on nonmarket economies, specifically on China, was something China agreed to when it entered the WTO. There are massive subsidies that distort the free market and cost us jobs here in the United States. This is an important tool, as so many have said, as speakers today have said, for us to have to address unfair subsidies from China that hurt our U.S. workers.

I think this is an important bill. It has bipartisan support, and I urge the passage of this legislation.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Speaker I rise today in order to debate H.R. 4105, "To apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries," would ensure that the Department of Commerce can continue to apply countervailing duty law (CDV) to nonmarket economies (NME), such as China and Vietnam. Countervailing duties aim to offset the benefits of government subsidies to industries. Anti-dumping (AD) duties apply to goods sold overseas at or below the price in the home country.

As we enter the first full week of spring and trees are regaining their leaves. We are once again faced with finding ways to help strengthen our economy. After years of witnessing a decline in manufacturing, before us this year there has been a revival. This legislation that

would further enhance the economic viability of our manufacturing industries against unfair competition is welcome news.

The measure before us would enable U.S. manufactures to fairly compete with goods which enter our stream of commerce. Goods supplied to the United States from nonmarket economies have a significant market advantage. Those goods receive multiple subsidies from their governments that allow them to be sold at a steeply discounted price in the United States and thereby gain a competitive advantage against products that are unsubsidized and manufactured in the United States.

Just think of a main street which employs hundreds of local workers. The main manufacturing plant on main street supplies both goods and services to the community. When outside goods and manufacturers, from non-market economies, compete with main street manufacturers by undercutting prices the result will be that manufacturers on main street will close. American workers will lose jobs and it will cause the death of main streets all over the country.

We must continue to support measures that will establish and ensure a level playing field for American workers and American companies. The issue before us is how to address goods from countries like China and Vietnam that have entered our stream of commerce, and compete with our business but have a significant market advantage because they are heavily subsidized.

I firmly believe in the importance of continuing a balanced trade relationship with China. Trade between the United States and China has expanded dramatically in the years since China acceded to the World Trade Organization in December 2001. In 2009, bilateral trade in goods totaled \$366 billion, with U.S. imports from China totaling \$296 billion and U.S. exports to China totaling \$70 billion.

In my home State of Texas we have also increased our exports of goods to China. In the District I represent, the 18th Congressional District of Texas, we export chemicals, machinery, computers & electronics, fabricated metal products, and primary metal manufacturing. Yet, I can attest that more can be done to ensure that our trading relationship must improve.

Experts agree that the disparity in imports and exports has resulted in a U.S. goods trade deficit with China. In 2009, there was a trade deficit with China for \$227 billion in which accounts for 45.3 percent of the overall U.S. goods trade deficit.

In trade in services, the United States runs a surplus with China, with exports to China of \$16 billion in 2008 (the latest year for which numbers are available) and imports from China valued at \$10 billion.

The United States' bilateral goods trade imbalance with China may be attributed to a variety of factors such as alleged unfair trade practices and their undervalued currency and their impact on the U.S. economy.

Chinese officials, who cite different figures for the bilateral trade deficit provided by the United States, routinely seek to shift some of the blame for the trade deficit to the United States by criticizing U.S. controls on exports of advanced technology. They further argue that the sharp increase in exports to the United States reflects the shifting of production from other countries to China and many "made-in-

China" products contain components from other countries.

Since 2006, the U.S. government has repeatedly raised concerns about alleged backsliding in China's implementation of commitments it made as part of its 2001 accession to the World Trade Organization. Most prominently the problem of "excessive trade-distorting government intervention intended to promote or protect China's domestic industries and state-owned enterprises." China's inadequate protection of intellectual property rights has also been a major concern. Under the Obama Administration, there have been four cases filed against China with the World Trade Organization, including three in 2010.

Those four cases relate to China's import substitution subsidies in the wind energy sector, its anti-dumping and countervailing duties on grain-oriented electrical steel from the United States, its restrictions on foreign suppliers of electronic payment services, and its restraints on exports of raw materials used in the steel, aluminum, and chemical sectors.

The White House reports, however, that it made progress on some long-standing trade issues with China at the December 2010 meeting of the U.S.-China Joint Commission on Commerce and Trade in Washington, D.C.

Currently, there are more than 300 anti-dumping and countervailing duty orders to shield American-made goods, from honey to bedroom furniture, against global competition it deems unfair and damaging to U.S. companies. About half the orders target iron and steel products.

China accounts for a third of all U.S. unfair trade cases, the most of any country, including about 100 anti-dumping and two dozen countervailing duty orders, according to the U.S. International Trade Commission.

The U.S. Commerce Department would be allowed to apply duties to offset government subsidies in nations such as China and Vietnam under this bipartisan bill.

H.R. 4105, overturns the decision of the Court of Appeals for the Federal Circuit and preserves the validity of the countervailing duty proceedings against imports from China and Vietnam, beginning in 2006. This would ensure that the Department of Commerce can continue to apply countervailing duty law (CDV) to non-market economies (NME), such as China and Vietnam. Countervailing duties aim to offset the benefits of government subsidies to industries. Anti-dumping (AD) duties apply to goods sold overseas at or below the price in the home country.

The legislation also addresses an adverse World Trade Organization (WTO) finding that there may be "double remedies" in situations where countervailing duties are applied to NME exports at the same time that anti-dumping duties calculated using the so-called "surrogate value" methodology are applied to the exports.

As a senior Member of the Judiciary Committee it is not without hesitation that I join my colleagues in overturning a court ruling. I believe in the deliberative process from the judiciary and I was pleased that the court entrusted Congress to act.

In 2007, the Department of Commerce began applying countervailing duty laws (CVD). This was after nearly 20 years of not applying CVD laws to import from NME countries. In 2007, Commerce began to impose CVDs to imports from China, a country which

it has long been considered to be a NME for the purposes of Anti-dumping /CVD laws.

The legality of applying both CVD/and AD laws to Chinese goods was first tested in the U.S. Court of International Trade (CIT) in 2009, when the CIT found that Commerce's approach unreasonable. *GPX Int'l Tire Corp. v. United States*, 645 F. Supp. 2d 1231, 1242–1243 (Ct. Int'l Trade 2009).

The CIT ruled that the prospect of a double remedy is likely when CVD duties are imposed at the same time as the NME AD duties. As the CIT explained, "the NME AD statute was designed to remedy the inability to apply the CVD law to NME countries, so that subsidization of a foreign producer or exporter in a NME country was addressed through the NME AD methodology."

The CIT instructed Commerce ". . . to forego the imposition of CVDs on the merchandise at issue or for Commerce to adopt additional policies and procedures to adapt its NME AD and CVD methodologies to account for the imposition of CVD remedies on merchandise from the PRC." *GPX Int'l Tire Corp. v. United States*.

Commerce was unable to find a reasonable methodology to prevent the likely double-counting outcome and, under protest, it complied with the CIT's order not to apply CVDs on imports of tires from China, but appealed the CIT decision.

The Federal Circuit affirmed the holding of the Court of International Trade that such countervailing duties could not be collected but did so on different grounds. Without this legislation the Department of Commerce will be required to stop imposing countervailing duties on goods imported from nonmarket economies (NME).

Rather, in affirming the CIT's judgment, the CAFC held more broadly that the legislative history of the U.S. CVD laws, Commerce's longtime practice up to 2007 of not applying CVD law to NMEs, and the CAFC's 1986 opinion in *Georgetown Steel Corp. v. United States*, compel the interpretation that the CVD statute cannot be applied to NME countries. The CAFC reasoned that the earlier interpretation was considered and adopted by Congress, when Congress amended the Trade Act of 1930 in the 1988 Trade Act, and again in 1994 when it reenacted most of CVD law while making changes to conform U.S. law to its international obligations as part of the Uruguay Round Agreements Act. The Federal Circuit stated:

We thus find that in amending and re-enacting the trade laws in 1988 and 1994, Congress adopted the position that countervailing duty law does not apply to NME countries. Although Commerce has wide discretion in administering countervailing duty and antidumping law, it cannot exercise this discretion contrary to congressional intent.

It is a broader ruling from several points of view, which, in practice, may succeed in providing more clarity on the issues than if the CAFC had affirmed GPX by adopting the CIT's rationale. First, the CAFC did not distinguish between NME countries, as Commerce did in 2007 when it found that CVD law can be applied to China. In essence the CAFC's opinion tells Commerce that it cannot have it both ways: where the agency makes a determination that a country is a NME, it does not have authority to assess CVDs on imports from that country. Second, GPX involved an

alleged “domestic subsidy,” which generally benefits both domestic and exported goods, as opposed to an “export subsidy” which applies only to exports. The CIT’s opinion in GPX may have not prevented Commerce from countervailing export subsidies in other cases. However, the CAFC’s language does not distinguish between subsidies and holds that “countervailing duty law does not apply to NME countries.” Third, as noted supra, the CAFC did not adopt the CIT’s reasoning of double-counting of remedies. The CIT’s reasoning left open the possibility that Commerce may come up with a methodology that somehow eliminates double-counting, while imposing both ADs and CVDs on imports from a NME. The CAFC’s decision in GPX closed that possibility by explicitly stating that one cannot apply CVD law to a NME country. In short, had the CAFC adopted the CIT’s reasoning in GPX, it is possible that some of Commerce’s authority to proceed with CVD investigations—albeit on a much more restricted scale—would have survived. However, the CAFC’s decision, once final, will compel Commerce to cease its current CVD practice with respect to countries designated as NMEs.

The problems raised by this decision have been addressed by this legislation. As H.R. 4105 amends the Tariff Act of 1930 regarding the imposition of countervailing duties on imports into the United States from a country subsidizing, directly or indirectly, the manufacture, production, or export of merchandise which materially injures a U.S. industry or threatens to.

Declares that merchandise on which countervailing duties must be imposed includes merchandise from a nonmarket country, unless the administering authority cannot identify and measure subsidies provided by the government of the nonmarket economy country (or a public entity within its territory) because the economy of that country is essentially composed of a single entity.

Requires the administering authority to reduce the antidumping duty on a class or kind of merchandise from a nonmarket economy country in cases where: (1) such country (or a public entity within its territory) has provided the merchandise with a countervailable subsidy (other than an export subsidy), (2) the subsidy has reduced the average price of imports of that class or kind of merchandise during the relevant period, and (3) the extent to which the subsidy, in combination with the use of normal value, has increased the weighted average dumping margin for such merchandise can be reasonably estimated.

Requires the administering authority, in such cases, to reduce the antidumping duty by the amount of the increase in the weighted average dumping margin estimated (but not by more than the portion of the countervailing duty rate attributable to the countervailable subsidy).

#### FACTS

Antidumping and countervailing duty laws are administered jointly by the U.S. International Trade Commission and the U.S. Department of Commerce.

Currently, the U.S. International Trade Commission (USITC) determines whether articles from China are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products.

If the Commission makes an affirmative determination, it proposes a remedy. The Commission sends its report to the President and the U.S. Trade Representative. The President makes the final remedy decision.

When China entered the WTO in 2001, it agreed to allow the United States to continue to treat it as a non-market economy for 12 years (codified in U.S. law under Sections 421 of the 1974 Trade Act, as amended) for the purpose of U.S. safeguards. This provision enables the United States (and other WTO members) to impose restrictions (such as quotas and/or increased tariffs) on Chinese products when imports of those products have sharply increased and have caused, or threaten to cause, market disruption to U.S. domestic producers.

Under the Bush Administration on six different occasions chose not to extend relief to various industries under the China-specific safeguard, even though in four cases the U.S. International Trade Commission (USITC) recommended relief. A number of U.S. industries and labor groups have called on the Obama Administration to utilize the China safeguard provision, especially in the face of the current U.S. recession and because of “unfair” Chinese trade practices.

Countervailing duty (CVD) laws give a similar kind of relief to domestic industries that have been, or are threatened with, the adverse impact of imported goods that have been subsidized by a foreign government or public entity, and can therefore be sold at lower prices than similar goods produced in the United States. The relief provided is an additional import duty placed on the subsidized imports.

Currently, there are more than 300 anti-dumping and countervailing duty orders to shield American-made goods, from honey to bedroom furniture, against global competition it deems unfair and damaging to U.S. companies. About half the orders target iron and steel products.

China accounts for a third of all U.S. unfair trade cases, the most of any country, including about 100 anti-dumping and two dozen countervailing duty orders, according to the U.S. International Trade Commission.

#### STORY OF SOLAR CELL AND PANEL INDUSTRY

China exports the vast majority of its solar products, and has a small domestic market. Chinese exports of crystalline silicon solar cells and panels to the United States rose more than 350 percent from 2008 to 2010. Exports in July 2011 alone exceeded those from all of 2010.

The continued push of massive volumes of dumped Chinese cells and panels, along with growing margins of underselling at artificially and illegally low prices, ultimately caused market pricing in the United States to collapse in 2011—with an average worldwide price decline of 40 percent—despite a growing market for these goods.

Chinese subsidies caused the price collapse and has had a devastating impact on the U.S. solar cell and panel industry, resulting in shut-downs, layoffs, and bankruptcies throughout the country. Over the past 18 months, seven solar plants have shut down or downsized, eliminating thousands of U.S. solar manufacturing jobs in Arizona, California, Massachusetts, Maryland, New York, and Pennsylvania.

China does not have a production cost advantage—labor accounts for only 10 percent

of solar panel production costs, and China actually imports U.S. raw materials and equipment. Further, China’s extra shipping costs and comparatively lower labor productivity make its pricing impossible without illegal subsidization and dumping.

#### OVERVIEW H.R. 4105

H.R. 4105 is a direct response to a December 19, 2011, decision by the United States Court of Appeals for the Federal Circuit. The Court found that certain countervailing duties levied by the Department of Commerce on tires imported from China should not have been assessed because countervailing duty law does not apply to the context of a non-market economy (NME) such as China’s. The United States Court of International Trade originally ruled that the prospect of a double remedy is likely when CVD duties are imposed in parallel with NMEAD duties.

The Federal Circuit affirmed the holding of the Court of International Trade that such countervailing duties could not be collected, but did so on different grounds. If this ruling is allowed to stand then U.S. manufacturers would be adversely affected, thousands of American workers could lose their jobs, and the Commerce Department would not be able to affectively address unfair trade practices.

#### HUMAN RIGHTS VIOLATIONS

I would be remiss if I did not mention today the importance of not only establishing a fair and positive trade relationship with China, but also ensuring that our trade partner continues to address human rights issues.

In the past several years, the People’s Republic of China had enacted some laws aimed at reducing human rights abuses, including those related to the use of torture, the death penalty, and labor conditions. It also has promulgated legislation protecting property rights and promoting government transparency, and developed mechanisms for soliciting public input in the policy-making process.

However, the enforcement of human rights protections remains weak and arbitrary. The People’s Republic of China’s leadership has instituted few real checks on its power and remains extremely sensitive to social instability, autonomous political activity, and potential challenges to its authority.

In the past two years, the government has cracked down upon human rights lawyers, social organizations, and Internet use. Major ongoing problems include the following: excessive use of violence by security forces and their proxies; unlawful detention; torture; arbitrary use of state security laws against political dissidents; coercive family planning policies; state control of information; and harassment and persecution of people involved in unsanctioned religious activities, including worship in unregistered Protestant “house churches” and Catholic churches that express loyalty to the Pope. Many Tibetans, ethnic Uighur (Uyghur) Muslims, and Falun Gong adherents have been singled out for especially harsh treatment. The Congressional-Executive Commission on China has documented 1,452 cases of political and religious prisoners known or believed to be under detention.

As we move forward in addressing the needs of American workers and American business, we must continue by leveling the playing field against highly subsidized non-market economy goods through the application of countervailing duty and antidumping as laws. And, as we build trade relationships with

China, Vietnam, and other Global partners they must be balanced relationships. We must also remember to ask of our partners to strongly advocate for fair trade, fair labor practices, and stress the importance of human rights. The advancement of human rights is an important American value. Today, marks the opportunity for American workers to breathe a sigh of relief, that their jobs are not going to be jeopardized by goods manufactured outside of the United States that have an unfair competitive advantage.

Mr. DINGELL. Madam Speaker, I rise in very strong support of H.R. 4105. I am an original co-sponsor of this wonderfully common-sense bill, which will permit the Department of Commerce to apply countervailing duty orders to non-market economies like China. While the term, "countervailing duty order," is not one on the tip of every American's tongue, it is an extraordinarily important trade enforcement tool. In times like these, we need to be able to use our trade laws to the fullest extent, so we can protect jobs at home and ensure our trading partners play by the rules.

H.R. 4105 is a bipartisan, bicameral bill that will be signed into law by President Obama. It is another step in the right direction for American trade, and it is one that is fully consistent with our World Trade Organization obligations. A flawed decision by the Court of Appeals for the Federal Circuit weakened our country's ability to protect itself from unfair trade practices, and H.R. 4105 will fix it. Most importantly, the bill will help workers and businesses in my home State of Michigan compete fairly on a level playing field.

I commend my good friends, Messrs. CAMP, LEVIN, BRADY, and McDERMOTT for introducing H.R. 4105, and I congratulate House leadership for bringing it to a vote so expeditiously. I urge my colleagues in the Senate to act swiftly, so we can send this measure to President Obama for his signature.

Vote "yes" on H.R. 4105.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to ask my colleagues to join me in support of domestic manufacturing, middle class jobs, and American in-sourcing by voting in favor of H.R. 4105.

Last December, the U.S. Court of Appeals for the Federal Circuit ruled that the Commerce Department could not apply countervailing duties (CVDs) on imports from non-market economies. If this ruling were allowed to stand, it would terminate 23 existing CVD orders on certain imports from China and one from Vietnam.

H.R. 4105 would reverse the court's ruling and make clear the intent of Congress to allow CVDs to be applied to non-market economies.

Several of the endangered CVD orders provide relief to steel and pipe manufacturers, many of which, including VAM Drilling, V&M Star, and TMK IPSCO, are located in or near the 29th District of Texas.

These manufacturers, and the dozens like them throughout the country, have witnessed unfair competition on a mass scale in recent years due to the large subsidies provided by the Chinese government towards their domestic industries.

Without these countervailing duties, tens of thousands of well-paying, middle class jobs would be threatened around the country, including several thousand in the 29th District alone.

As our Nation's economy continues to recover from the Great Recession, and American industry rebounds from a decade of outsourcing and unfair competition, it is important that this Congress support domestic manufacturing and good paying jobs by voting in favor of H.R. 4105.

Mr. TURNER of Ohio. Madam Speaker, the December 2011 ruling by the U.S. Court of Appeals for the Federal Circuit bars the Department of Commerce from applying countervailing duties (CVDs) on goods produced by heavily subsidized foreign companies from non-market economy countries like China and Vietnam.

This ruling is a significant blow to U.S. manufacturers and workers. If action is not taken to remedy the situation, the Department of Commerce could likely be forced to terminate 24 existing CVD orders against unfairly subsidized products from China and Vietnam, including a CVD order to help companies and families in southwest Ohio.

In my community, paper manufacturers New Page, SMART Papers and Appleton Papers, petitioned the International Trade Commission to levy CVDs on subsidized imports of coated fresh-sheet paper from China and Indonesia. In 2008, NewPage was forced to close its sheeting facility for coated paper due to these unfair trade practices, resulting in a loss of 175 Ohio jobs. Just recently, Appleton Papers announced it would cut 330 jobs from the West Carrollton plant in my Dayton community as it struggles against unfair competition.

I strongly backed the application of CVDs against this unfair trade practice and testified before the ITC in support of the petition, which was unanimously approved in 2010. However, the court's recent ruling could negate the ITC's unanimous action and threaten more jobs in my community.

Madam Speaker, we must move swiftly to ensure U.S. manufacturers and workers can compete on a level playing field in the global marketplace. That is why I am an original co-sponsor of H.R. 4105, bipartisan legislation that confirms the Department of Commerce may continue to apply CVDs against unfairly subsidized imports from nonmarket economies like China.

At the same time, with 95 percent of consumers overseas, it is essential that U.S. companies have the opportunity to export their products. U.S. exporters face many non-tariff barriers that violate existing trade agreements, hampering the ability of U.S. companies to access foreign markets and create jobs. My bill, H.R. 3112, the Trade Law Enforcement Act, provides an affordable way for U.S. companies to have their market access complaints investigated and resolved in a manner consistent with U.S. international obligations.

Madam Speaker, I strongly support H.R. 4105 and urge my colleagues to vote yes on this important legislation. I also urge my colleagues to support and co-sponsor my bill, H.R. 3112, to help U.S. manufacturers reach new consumers abroad and spur job creation right here at home.

Mr. VISCLOSKEY. Madam Speaker, I rise in support of H.R. 4105, a measure that will apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries.

Steelworkers and manufacturers in Northwest Indiana need every tool available to them to combat duplicitous trade practices, and this

legislation is critical to preserving their ability to combat such practices by countries such as China.

I applaud the expeditiousness of the House Ways and Means Committee and the House leadership in bringing this important legislation to the floor, and I urge my colleagues to vote "aye."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 4105.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

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#### PROVIDING FOR CONSIDERATION OF H.R. 2842, BUREAU OF RECLAMATION SMALL CONDUIT HYDROPOWER DEVELOPMENT AND RURAL JOBS ACT OF 2011

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 570 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 570

*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. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes. 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 Natural Resources. 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 Natural Resources now printed in the bill. Each section of 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: (1) those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII dated at least one day before the day of consideration of the amendment; and (2) pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. 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 recommend with or without instructions.

SEC. 2. The chair of the Committee on Financial Services is authorized, on behalf of the committee, to file a supplemental report to accompany H.R. 3606.

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

Mr. BISHOP of Utah. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlelady from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. BISHOP of Utah. This resolution provides for a modified open rule for the consideration of H.R. 2842, succinctly titled the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011. It provides for 1 hour of general debate equally divided between and controlled by the chairman and ranking member of the Committee on Natural Resources and makes in order all amendments which were preprinted in the CONGRESSIONAL RECORD and which otherwise comply with the rules of the House.

□ 1310

So this modified open rule is a very fair and generous rule—a continuation of the work of Chairman DREIER and the Rules Committee—and will provide for a balanced and open debate on the merits of the bill.

Madam Speaker, I am pleased to stand before the House today in support of this rule, as well as the underlying legislation, H.R. 2842. I appreciate the hard work of the bill's chief sponsor, Mr. TIPTON of Colorado, as well as Mr. GOSAR of Arizona, one of the cosponsors. Representative MCCLINTOCK of California, who is the chairman of the subcommittee that held the hearings on this bill, and of course Chairman HASTINGS of the Resource Committee, who brought this bill forward as one of the companion pieces of the myriad of pieces of legislation which, if enacted, would greatly improve our Nation's energy policy and provide for a responsible and balanced approach to further energy development.

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

Ms. SLAUGHTER. I thank the gentleman from Utah for yielding me the

customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, in my home State of New York, unemployment continues to remain stubbornly high. Thousands of Americans have given up looking for work altogether. For many, unemployment benefits have expired, and there is little hope that a paycheck will soon be a regular part of daily life.

Despite this dire economic reality, once again we are going through a bill that has nothing to do with job creation. Instead, we have piecemeal proposal after piecemeal proposal to do more to further ideological goals than create jobs.

Instead of creating jobs, today's bill would clarify lines of authority for two government agencies. Is this a worthy goal? Maybe. Some say yes. But does it create thousands of American jobs? The answer is clearly no.

As they have with so many other bills, the majority has also inserted unnecessary partisan language into today's bill language that attacks existing environmental law for no good reason. Specifically, it provides a categorical exemption for all small hydropower projects from National Environmental Policy Act compliance. There is no clear reason for this exemption from environmental protection.

Currently, hydropower projects that don't raise substantive environmental concerns have always been approved relatively quickly. From 2006 to 2010, 13 exemptions were completed in less than a year each. In 2011, there were nine exemptions that were granted in an average of 40 days. Yet, despite seeing a system that works relatively well, the majority decided to once again put industry before the environment and include this controversial provision. This approach may fill a legislative calendar, but it fails to create jobs for the American people.

We could be considering a 5-year surface transportation bill, which everybody's waiting for, something we were supposed to consider weeks ago. A well-written and bipartisan bill—and all the transportation bills from the Eisenhower administration up to now were always bipartisan bills—would have created thousands of American jobs; but, once again, no such bill has come to the floor. Instead, they were forced to pull a proposed surface transportation bill because they had alienated Members of their own party with extreme provisions that would decimate public transportation and fail to create jobs.

Now we continue to wait as the majority works to write a reasonable transportation bill that will actually create jobs. In the meantime, we consider bill after bill that does nothing to create the many thousands of jobs that are so desperately needed.

Madam Speaker, the record is clear. When the majority pushes partisan politics over good governance, the American people lose. Today is the latest in a long line of such partisan bills, and

yet one more day when the American people will go without new American jobs.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. MCCLINTOCK), who is the chair of the subcommittee that heard this particular bill.

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Madam Speaker, this rule brings to the floor one of the most simple and sensible bills on energy development that we have yet heard. It is H.R. 2842, offered by the gentleman from Colorado (Mr. TIPTON).

What it promises is this: At precisely no cost to taxpayers, freeing up absolutely clean electricity on a scale so vast that it would take several hydroelectric dams to duplicate, simply by relaxing the regulatory stranglehold, simply by getting government bureaucrats out of the way, this bill has the potential of adding thousands of megawatts of absolutely clean and renewable electricity to the Nation's energy supply, reducing utility bills, reducing reliance on fossil fuels, and, to answer the gentlelady from New York, adding thousands of permanent high-paying jobs to the Nation's economy. All that is necessary for this to happen is for government bureaucrats to get out of the way and allow people to place small hydroelectric generators in thousands of miles of existing pipelines, canals, and aqueducts.

This doesn't involve new construction. The facilities are already there. It doesn't involve any adverse impact to the environment. These are water pipes and canals in which there are no fish of any kind. And yet this administration forces water users and developers to go through a lengthy, costly, and pointless environmental review process that literally doubles the cost of these projects and makes them cost prohibitive.

The reason there are so few applications is because the requirements of this absurd law simply make these projects cost prohibitive, and it simply doesn't make sense to move forward with them. This bill simply says this: You don't need to go through that nonsense anymore.

Now, why isn't this bill being taken up on suspension? It would be one of the all-time no-brainers. It passed the Natural Resources Committee on a bipartisan vote. The reason that this debate is required is because this commonsense legislation is vigorously opposed by the environmental left; that is the measure of extremism from which this movement now suffers. Perhaps the best way to alert the American people to this extremism is through debate that this rule makes possible.

A generation ago, in the 1960s, electricity was so cheap that some communities didn't even bother with electricity meters, and there's a reason for

that. In those days, we were building hydroelectric dams that not only protected us from floods and droughts, but that delivered electricity for as little as 3 cents per kilowatt hour. At that price, an average household's electricity bill would come to about \$30 a month. That dream seems surreal today.

Today, government regulations are literally threatening the ability of this Nation to generate sufficient electricity to keep people's air conditioning and refrigerators running in the summer, just as similar policies prevent Americans from prospering from our vast petroleum reserves and nuclear power potential.

It's no coincidence that the States with the most stringent regulations also have the highest electricity prices and the sickest economies. People of my State of California, the land of vast unrealized hydroelectric potential and a pioneer in nuclear power, now use less electricity per capita than any other State in the Union, and yet we pay among the highest electricity prices in the country. We also suffer from one of the highest unemployment rates in the country, despite ceaseless empty promises of green jobs.

Now along comes this bill by Mr. TIPTON of Colorado that does everything the environmental left claims it likes: It produces absolutely clean and renewable electricity in vast quantities at precisely no cost to taxpayers. It requires no new construction. All that's necessary to achieve this is to put small generators in existing pipelines and canals that have already passed environmental review and pose no conceivable environmental impact. Yet, instead of embracing this measure, these radical elements instead throw a connoption fit.

Well, let them do that in public. Let the American people see this debate. Let them see for themselves the nihilistic ideology behind this movement and how it is practiced by those in this Congress who share and support it, and then let the American people judge. I think the debate over this bill will offer our fellow citizens a real insight into this movement, and I support the resolution that makes this debate possible.

Ms. SLAUGHTER. Madam Speaker, if we defeat the previous question—and I hope we will—I'm going to offer an amendment to the rule to provide that immediately after the House adopts the rule, we will bring up H.R. 964, the Federal Price Gouging Prevention Act.

To talk about our proposal, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

□ 1320

Mr. ANDREWS. I thank the gentleman for yielding.

Madam Speaker, 180 days ago, the President of the United States came to

this Chamber and laid out before the country and the Congress some very specific proposals to help put Americans back to work. The President proposed that we give a tax cut to small businesses who hire people. The House has never voted on that proposal. The President proposed that at a time when our bridges and roads and airports and ports need construction and reconstruction, that we put Americans back to work in the construction industry performing those vitally necessary tasks. The House has never voted on that proposal. At a time when police officers and firefighters and teachers are being laid off across our country, the President proposed some short-term relief so we could put our officers back on the beat, our firefighters back on the apparatus, our teachers back in the classroom. The House has never voted on that proposal.

Here we are 6 months later, doing what we're doing today. In that 6 months, another crisis has manifested itself, one that affects Americans across our country more severely every day, and that is each time they fill up their vehicle, it takes just a little bit more money out of their grocery budget, the utility budget, what they use to pay their mortgage payment, what they use to educate their children. The rising price of gasoline is a serious threat to the prosperity and stability of American families.

The president of Exxon has said that his conclusion is that about \$30 of the cost of a barrel of crude oil is attributable to the speculation of prices by people who never really buy, sell or use oil, but who bet on its price: casino gamblers, not deliverers of oil. Goldman Sachs estimates that anywhere from \$22 to \$28 a barrel is also due to speculation, and they ought to know because they're no doubt participating in it.

The bill that we would propose be put on the floor this afternoon would crack down on that speculation. It would require that trades be disclosed; it would empower regulatory agencies to identify illegal price manipulation behavior; and reduce the price of crude oil to American consumers.

There are other ways to do this. I, for one, favor increased domestic production. I think there are ways that we can increase the natural gas and coal and oil that we produce. I certainly think that we should expand renewables as well. But there is one regulatory tool that we have not given our regulators and we ought to give it to them here. The underlying bill is certainly worthy of consideration, but we have an immediate energy problem here in America, an immediate jobs problem. And I would respectfully suggest that the right vote is to defeat the previous question so we may move on and consider legislation that would deal with the current price of gasoline prices.

Mr. BISHOP of Utah. Madam Speaker, I am pleased to yield 3 minutes to

the gentleman from Colorado (Mr. TIPTON), the sponsor of this particular bill, who will talk about how to create real power using water resources that we have.

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

Mr. TIPTON. As a sponsor of this bipartisan legislation, I support the rule on H.R. 2842, and I encourage an open debate because I believe the merits of this bill will speak for themselves. H.R. 2842 is a bipartisan plan to authorize new hydropower production and streamline the regulatory process in order to create new American jobs.

Many rural water and irrigation districts and electric utilities in western States seek to develop hydropower on Bureau of Reclamation water canals and pipelines, but overburdensome and unnecessary regulations stand in the way and discourage investment in these projects. Most of these small projects are not currently authorized at Bureau of Reclamation canals and, as a result, they never get off the ground. Those that are currently authorized are subject to an additional review process under the National Environmental Policy Act even though the canals on which they are built have already gone through a full environmental review when they were constructed or rehabilitated.

H.R. 2842 authorizes the production of hydropower at all Bureau of Reclamation conduits; and by doing so, it allows placement of small hydropower generators on existing man-made canals and pipes that have already gone through the NEPA process. This authorization does not currently exist, and therefore hydropower development under current reclamation law will not happen unless Congress acts. This bill also eliminates duplicative red tape by exempting small hydropower projects on previously disturbed ground from going through an additional NEPA review. This bill does not apply to rivers, large dams, or natural-flowing waters in any way, and it will not impact endangered fish or wildlife.

In many cases, having to go through an additional unnecessary review process determines whether or not a hydropower project is economically feasible and, as a result, determines whether or not this country moves forward with the development of green energy.

Chris Treese of the Colorado Water District in the Natural Resources Committee testified on this bill and he stated:

Environmental reviews under NEPA are universally time consuming and expensive. The River District's current experience with an environmental assessment on a non-construction action has taken over a year and nearly \$1 million in outside expenses.

By eliminating this duplicative requirement, we can add power to the grid, provide an environment for job growth in rural America and return revenues to the Treasury. This commonsense piece of legislation has bipartisan cosponsorship and passed out

of the committee with bipartisan support. It's also been endorsed by the rural irrigators and electric utilities that operate the Bureau of Reclamation canals and know the issue best. These organizations include: the Family Farm Alliance, the National Water Resources Association, the American Public Power Association, and the Association of California Water Agencies.

I'm proud to offer this contribution to the House Republicans of the all-of-the-above energy strategy for America, and I look forward to a spirited discussion on how we can produce more renewable energy and put our people in this country back to work.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the gentlelady for yielding.

I rise in opposition to the rule and in support of moving the previous question. This motion would amend the bill with strong provisions to stop price gouging at the gas pumps.

We really are long overdue for a serious debate about gas prices. Scoring political points on this issue may make us all feel good, but it serves no one, particularly our constituents; and it certainly doesn't get us any closer to solving the problem.

Here are the facts: domestic production of oil in the United States is at an 8-year high; imports of oil into the United States are at a 17-year low; more oil rigs drill in the United States today than in the rest of the world combined. Let me say that again: there are more oil rigs at work in the United States today drilling for oil than in the rest of the world combined; the number of oil rigs in operation in the United States today has quadrupled since President Obama took office. Last year, the U.S. became a net exporter of oil for the first time in 62 years.

I think what these facts demonstrate very clearly is that this is not a supply-driven problem, nor—as good as it might feel to some—is this a problem that can be blamed on the administration for not doing enough to facilitate or encourage exploration for drilling.

This is not a demand-driven problem either. Demand is down 6½ percent in just 1 year and 17 percent since 2008.

There are several factors that contribute to rising gas prices, but U.S. supply and U.S. demand are not among them.

The gas prices in my district of eastern Long Island are up over 60 cents per gallon in just a matter of weeks. Rampant speculation accounts for most of that with over 60 percent of the market controlled by speculators. The speculators' overriding goal is profit-taking, which is what our legislation targets. There is nothing wrong with profits. Profits are what made our Nation strong. But when profits are pursued at the expense of middle class families or at the expense of our fragile economic recovery, we need to take action.

This legislation makes sure that we do cut out speculators. It strengthens penalties for manipulating the market, which forces up gas prices and leads to price gouging. After we cut out speculators, we should cut out the subsidies for Big Oil, and we should reinvest those dollars in a long-term strategy focused on clean and renewable sources.

Mr. Speaker, our debate should focus on a green-energy policy free of market speculation and subsidies our Nation can't afford. We must tackle this problem rather than using it to point fingers and try to score points. Thus I encourage my colleagues to vote "no" on the previous question and vote "no" on the rule.

Mr. BISHOP of Utah. I reserve the balance of my time.

I advise my colleague that I am prepared to close.

Ms. SLAUGHTER. Madam Speaker, I yield myself the balance of my time.

Millions of Americans remain out of work, countless more run out of unemployment assistance, and meanwhile gas prices continue to rise on every American family; and they are turning to us for much needed relief.

Today's bill does nothing to address these pressing economic issues. Instead, we're doing more busy work on the floor today, preparing to consider a bill that clarifies the responsibility for two government agencies. This type of bill does little to create the many thousands of jobs needed to begin reviving our economy.

I urge my colleagues to end the long delay and finally bring forth two American job-creation legislations so that American families can live with some hope.

□ 1330

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Ms. SLAUGHTER. I urge my colleagues to vote "no" and defeat the previous question, and I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

I am grateful that we have found new sources of energy, specifically oil and natural gas, on private property because it has not allowed the Federal Government to stop the development of those, and that is the growth that we have seen in recent times.

However, it is interesting to note that the bill before us, which deals with hydropower and development of more hydropower, is a bipartisan bill and for just cause. We can both agree, on both sides of the aisle, that there is a great need for more energy, and that

greater, cheaper energy is vital to the growth of the economy and the growth of jobs. That's what this bill tries to do.

Frequently in this House, we have brought bills that have tried to increase our offshore drilling on Federal property. We have talked about the Keystone pipeline and the ability of 20,000 high-paying jobs if it were just permitted. We have talked about trying to increase domestic energy production on public lands that have been put off-limits by this particular administration. Those efforts we have dealt with. We have passed through this House. They're over sitting in the Senate waiting for action. And today we add to that effort with a significant bill that will add to our hydropower and hydroenergy that once again comes along with this.

But the problem that we have and the reason why this bill is here before us, if I can summarize, is, simply, our efforts to add this kind of energy to our portfolio are being stopped by special interest groups and, unfortunately, layers of bureaucracy.

It was Nelson Rockefeller who came up with the great line of calling the deadening hand of bureaucracy on proposals and programs; and, indeed, we see that and we feel it today as we are having a harder time trying to be energy independent, and we are feeling the results of the Federal Government's program to stop energy production on Federal lands and Federal property every time we fill up our cars and, unfortunately, every time we pay our electrical bills.

Now, it is bureaucratic manipulation that is causing this problem and why this bill is here. Look, it was the energy debate and the energy bill of 2005 that told the Federal Government to move forward in this area with making sure that we had a master plan for hydrological development of energy. Seven years later, now the Federal Government and our Department of the Interior is starting to move forward in that direction, which is either the old cliché of paralysis by analysis or the fact that Rockefeller was right when he called the bureaucracy a deadening hand on programs and progress.

One particular program, the Klamath River, took 5 years for government to decide who actually had the authority to move forward on the project. That is the kind of bureaucratic analysis, that's the kind of red tape that is slowing back our efforts to develop this type of energy, and we need it desperately.

That's why H.R. 2842 is here, to develop small projects that will add to our total energy portfolio and add to our independence. It stops and simplifies a regulatory process which unfortunately costs these small efforts, these small entities trying to make these efforts tens of thousands of dollars just to do the paperwork. It's ridiculous.

It clarifies the role of the Bureau of Reclamation on this area. This only

deals with Bureau of Reclamation projects on manmade facilities, but the jurisdictions are not clear. Some jurisdictions have been mandated by Congress; some are administrative; some are questions on whether FERC has responsibility, the Bureau of Reclamation has responsibility. That is causing our slowing in developing these projects. This bill clarifies what that role is.

It also clarifies NEPA, that you don't have to do a second NEPA on these small jobs. Anything greater than 1.5 megawatts of production, you do the analysis again. But for small projects, on man-made property where the land has already been disturbed and already has had an analysis done and the mitigation has already taken place, we move on and do the job.

The Bureau of Reclamation does have a right of categorical exclusion, but they won't do it. All they're saying is, We may start thinking about it some time in the future.

Let me give you an example. There are three specific projects in the neighboring State of mine. One was mandated by Congress in 1990. They are still starting the process because of that administrative red tape. Two other projects took a full year for them to decide to actually start going through a process, and when they did it, they realized there was no change; it had already been done before. All you did is take a year to check off the box and do the expense with it. We had somebody from Arizona come in and testify that the administrator review cost more than the actual construction of the project. That's silly. That is ridiculous.

H.R. 795 deals with this same issue on non-Federal land. This bill deals with this same issue on existing Bureau of Reclamation projects. It's a common-sense development to get an untapped resource that we need to develop. It would not significantly enlarge the environmental footprint because these are already man-made entities who have already gone through the NEPA process once, and there is no rational reason to reinvent the wheel and do it a second time only to find out they were right the first time.

What would be the benefit from this bill?

First of all, new sources of clean energy to add to our portfolio.

Second, we can facilitate small projects to help offset carbon-based irrigation pumping in the West.

Third, it would help reduce the cost of energy. It would produce a cash flow to irrigation districts so they could actually increase and pay for and improve their aging infrastructure and modernize these water facilities.

Fourth, it does create jobs, and for once we have a bill that actually increases revenue coming into the government from this. CBO has estimated, the Congressional Budget Office, that this will generate \$5 million in additional revenue coming into the govern-

ment. So not only can we create more energy, we can do the right thing, we can fix our infrastructure, but we actually make money that comes into the government to help with other issues.

There is a reason this is a bipartisan bill: because it's the right thing to do.

There is a reason why we should move forward with this bill: because it taps a valuable resource that will go to waste if we do not do it.

There is a reason that this bill is here: to speed up the regulatory red tape, to cut through the cost, to make things happen and help us move forward as a Nation with better energy development and energy independence.

There's a whole bunch of good reasons for this bill, and that's why I support the bill, and I also support the rule that will make it possible to give a good and fair open balance to this debate.

With that, this is a good bill and an incredibly fair rule. I urge the adoption.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 570 OFFERED BY  
MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, 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. 964) to protect consumers from price-gouging of gasoline and other fuels, and for other purposes. 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 Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill 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. 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. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It

is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the *Republican Leadership Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In *Deschler's Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### APPLYING COUNTERVAILING DUTY PROVISIONS TO NONMARKET ECONOMY COUNTRIES

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4105) to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 370, nays 39, not voting 24, as follows:

[Roll No. 96]

YEAS—370

Ackerman	Chu	Gallegly
Adams	Cicilline	Garamendi
Aderholt	Clarke (MI)	Gerlach
Akin	Clarke (NY)	Gibbs
Alexander	Clay	Gibson
Altmire	Cleaver	Gingrey (GA)
Amodi	Clyburn	Gonzalez
Andrews	Coble	Goodlatte
Austria	Coffman (CO)	Gowdy
Baca	Cohen	Granger
Bachus	Cole	Graves (MO)
Baldwin	Conaway	Green, Al
Barletta	Connolly (VA)	Green, Gene
Barrow	Conyers	Griffin (AR)
Bartlett	Cooper	Griffith (VA)
Barton (TX)	Costa	Grijalva
Bass (CA)	Costello	Grimm
Bass (NH)	Courtney	Guinta
Becerra	Crawaack	Guthrie
Benishek	Crawford	Gutierrez
Berg	Crenshaw	Hahn
Berkley	Critz	Hanabusa
Berman	Crowley	Hanna
Biggart	Cuellar	Harper
Bilbray	Culberson	Hartzler
Bilirakis	Cummings	Hastings (FL)
Bishop (GA)	Davis (CA)	Hastings (WA)
Black	Davis (KY)	Hayworth
Blackburn	DeFazio	Heck
Blumenauer	DeGette	Heinrich
Bonamici	DeLauro	Herrger
Bonner	Denham	Herrera Beutler
Bono Mack	Dent	Higgins
Boren	DesJarlais	Himes
Boswell	Deutch	Hinchev
Boustany	Diaz-Balart	Hirono
Brady (PA)	Dicks	Hochul
Brady (TX)	Dingell	Holden
Braley (IA)	Dold	Holt
Brooks	Donnelly (IN)	Honda
Brown (FL)	Doyle	Hoyer
Buchanan	Dreier	Huizenga (MI)
Buechson	Duffy	Hultgren
Buerkle	Duncan (TN)	Hunter
Burton (IN)	Edwards	Hurt
Butterfield	Ellison	Inslee
Calvert	Ellmers	Israel
Camp	Emerson	Issa
Cantor	Engel	Jackson (IL)
Capito	Eshoo	Jackson Lee
Capps	Farenthold	(TX)
Capuano	Farr	Jenkins
Carnahan	Filner	Johnson (GA)
Carney	Fitzpatrick	Johnson (IL)
Carson (IN)	Fleischmann	Johnson (OH)
Carter	Forbes	Johnson, E. B.
Cassidy	Fortenberry	Johnson, Sam
Castor (FL)	Fox	Jones
Chabot	Frank (MA)	Keating
Chandler	Frelinghuysen	Kelly

Kildee	Neal
Kind	Neugebauer
King (NY)	Noem
Kinzinger (IL)	Nunes
Kissell	Nunnelee
Kline	Olson
Landry	Olver
Langevin	Owens
Lankford	Palazzo
Larsen (WA)	Pallone
Larson (CT)	Pascrell
Latham	Pastor (AZ)
LaTourette	Paulsen
Latta	Pelosi
Lee (CA)	Pence
Levin	Peters
Lewis (CA)	Peterson
Lewis (GA)	Petri
Lipinski	Pingree (ME)
LoBiondo	Pitts
Loeb sack	Platts
Lofgren, Zoe	Poe (TX)
Long	Polis
Lowey	Posey
Lucas	Price (GA)
Luetkemeyer	Price (NC)
Lujan	Quigley
Lummis	Rahall
Lungren, Daniel E.	Reed
Lynch	Rehberg
Maloney	Reichert
Manzullo	Renacci
Marchant	Reyes
Marino	Ribble
Markey	Richardson
Matheson	Richmond
Matsui	Rigell
McCarthy (CA)	Rivera
McCarthy (NY)	Roby
McCaul	Roe (TN)
McCollum	Rogers (AL)
McDermott	Rogers (KY)
McGovern	Rogers (MI)
McHenry	Rohrabacher
McIntyre	Rokita
McKeon	Rooney
McKinley	Ros-Lehtinen
McMorris	Roskam
Granger	Ross (AR)
Rodgers	Ross (FL)
McNerney	Rothman (NJ)
Meehan	Roybal-Allard
Meeks	Royce
Mica	Runyan
Michaud	Ruppersberger
Miller (MI)	Rush
Miller (NC)	Ryan (OH)
Miller, Gary	Ryan (WI)
Miller, George	Sanchez, Linda T.
Moran	Sanchez, Loretta
Murphy (CT)	Sarbanes
Murphy (PA)	Schakowsky
Myrick	Schiff
Nadler	Schilling
Napolitano	

NAYS—39

Amash	Garrett	Mulvaney
Bachmann	Gosar	Nugent
Broun (GA)	Graves (GA)	Pearce
Burgess	Hall	Pompeo
Canseco	Harris	Quayle
Chaffetz	Hensarling	Scalise
Himes	Huelskamp	Schmidt
Duncan (SC)	Jordan	Schweikert
Fincher	Kingston	Scott (SC)
Flake	Lamborn	Southerland
Fleming	Lance	Stearns
Flores	Mack	Walsh (IL)
Franks (AZ)	McClintock	Yoder
Gardner		

NOT VOTING—24

Bishop (NY)	Gohmert	Moore
Bishop (UT)	Hinojosa	Paul
Campbell	Kaptur	Payne
Cardoza	King (IA)	Perlmutter
Davis (IL)	Kucinich	Rangel
Doggett	Labrador	Schwartz
Fattah	McCotter	Speier
Fudge	Miller (FL)	Visclosky

□ 1408

Mrs. BACHMANN, Messrs. STEARNS and KINGSTON changed their vote from “yea” to “nay.”

Mr. DEUTCH, Mrs. EMERSON, and Mr. SARBANES changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PERLMUTTER. Mr. Speaker, on rollcall No. 96, I was unavoidably detained and missed voting on H.R. 4105. Had I not been detained, I would have voted “yea.”

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 96, had I been present, I would have voted “yea.”

#### MOURNING THE PASSING OF CONGRESSMAN DONALD PAYNE

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

Mr. SMITH of New Jersey. Mr. Speaker, it is with deep sorrow that I inform the House that our dear friend and colleague, DON PAYNE, has passed. He had colon cancer.

In a few moments a privileged resolution will be offered on the floor that recognizes and honors this extraordinary man who dedicated his entire life to public service, a man who made a significant difference in the lives of many in his district, in our State, in the Nation, and in the world.

Elected in 1988, after first serving as a Newark city councilman and Essex County freeholder, this high school teacher and coach-turned-politician went on to be the first African American ever to serve in Congress from the State of New Jersey.

DON fought tenaciously to combat the HIV-AIDS pandemic and mitigate the loss of life and morbidity from TB and malaria on the subcontinent of Africa. He coauthored the Sudan Peace Act and worked tirelessly to end the genocide in both South Sudan and Darfur. As a matter of fact, he even risked his life in Somalia—was shot at—in the pursuit of peace.

I know firsthand, Mr. Speaker, how much he truly cared and how hard he worked for peace and reconciliation in war-ravaged nations. I served as the ranking member of the Africa Subcommittee when he chaired it, and he served as the ranking member when I chaired it.

Finally, let me just say that DON PAYNE also served as chairman of the Congressional Black Caucus, and until his untimely death today, chairman of the Congressional Black Caucus Foundation. He was predeceased by his wife, Hazel. DON is also the proud father of three, grandfather of four, and great grandfather of one.

DONALD PAYNE, Mr. Speaker, will be missed.

I yield to my good friend and colleague, Mr. PALLONE.

Mr. PALLONE. I thank my friend.

Mr. Speaker, I can't believe that DON PAYNE is not with us today. I'm looking over there where he would often

sit, and I would come down on the floor and ask him to do a 1 minute or a Special Order.

□ 1410

He was very proud of his African American roots, and it was one of the reasons that he would often go to Africa and champion so many causes for those in Africa.

DON cared so deeply about his hometown of Newark and the other towns that he represented. He was always looking out for those in need—the disadvantaged and the poor. Those were the people that he cared about, and he spent so much time trying to deal with their problems and making their lives better.

I think more than anything else I remember DON's smile. DON always felt that things could get better and that we could work together. I think a lot of people don't know that his district was very diverse. There were many African Americans, but there were many people of other nationalities. We would often talk about the Italian Americans that he had lived with, grew up with, and worked with in his district.

DON always felt that we could have a better world, that Democrats and Republicans could work together and that people could work across ethnic and racial barriers. And he always made me feel, no matter how down I was on a particular day, that this place was important and that we can make a difference in people's lives. So I will sorely miss him.

I would ask that this afternoon, at the end of the day, at approximately 4 o'clock, we have unlimited 1 minutes, and we're going to have a bipartisan hour Special Order where Members can come down and pay tribute.

MOMENT OF SILENCE

Mr. SMITH of New Jersey. Mr. Speaker, I do ask for a moment of silence to remember our dearly departed friend, DON PAYNE.

The SPEAKER. Members and guests will rise and observe a moment of silence.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HON. DONALD M. PAYNE, A REPRESENTATIVE OF THE STATE OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 571

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Donald M. Payne, a Representative from the State of New Jersey.

*Resolved*, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the passing of the gentleman from the State of New Jersey (Mr. PAYNE), the whole number of the House is 433.

PROVIDING FOR CONSIDERATION OF H.R. 2842, THE BUREAU OF RECLAMATION SMALL CONDUIT HYDROPOWER DEVELOPMENT AND RURAL JOBS ACT OF 2011

The SPEAKER. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 570) providing for consideration of the bill (H.R. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal reclamation law, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 232, nays 177, not voting 24, as follows:

[Roll No. 97]

YEAS—232

Adams	Camp	Flores
Aderholt	Canseco	Forbes
Akin	Cantor	Fortenberry
Alexander	Capito	Foxx
Amash	Carter	Franks (AZ)
Amodei	Cassidy	Frelinghuysen
Austria	Chabot	Gallely
Bachmann	Chaffetz	Gardner
Bachus	Chandler	Garrett
Barietta	Coffman (CO)	Gerlach
Bartlett	Cole	Gibbs
Barton (TX)	Conaway	Gingrey (GA)
Bass (NH)	Cravaack	Goodlatte
Benishek	Crawford	Gosar
Berg	Crenshaw	Gowdy
Biggert	Culberson	Granger
Bilbray	Davis (KY)	Graves (GA)
Bilirakis	Denham	Graves (MO)
Bishop (UT)	Dent	Griffin (AR)
Black	DesJarlais	Griffith (VA)
Blackburn	Diaz-Balart	Grimm
Bonner	Dold	Guinta
Bono Mack	Dreier	Guthrie
Boren	Duffy	Hall
Boustany	Duncan (SC)	Hanna
Brady (TX)	Duncan (TN)	Harper
Brooks	Ellmers	Harris
Broun (GA)	Emerson	Hartzler
Buchanan	Farenthold	Hastings (WA)
Bucshon	Fincher	Hayworth
Buerkle	Fitzpatrick	Heck
Burgess	Flake	Hensarling
Burton (IN)	Fleischmann	Hergert
Calvert	Fleming	Herrera Beutler

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

NAYS—177

Ackerman	Edwards	McCarthy (NY)
Altire	Ellison	McCollum
Andrews	Engel	McDermott
Baca	Eshoo	McGovern
Baldwin	Farr	McIntyre
Barrow	Fattah	McNerney
Bass (CA)	Filner	Meeks
Becerra	Frank (MA)	Michaud
Berkley	Garamendi	Miller (NC)
Berman	Gonzalez	Miller, George
Bishop (GA)	Green, Al	Moran
Bishop (NY)	Green, Gene	Murphy (CT)
Blumenauer	Grijalva	Nadler
Bonamici	Gutierrez	Napolitano
Boswell	Hahn	Neal
Brady (PA)	Hanabusa	Olver
Braley (IA)	Hastings (FL)	Owens
Brown (FL)	Heinrich	Pallone
Butterfield	Higgins	Pascrell
Capps	Himes	Pastor (AZ)
Capuano	Hinches	Pelosi
Carnahan	Hirono	Perlmutter
Carney	Hochul	Peters
Carson (IN)	Holden	Peterson
Castor (FL)	Holt	Pingree (ME)
Chu	Honda	Polis
Ciциlline	Hoyer	Price (NC)
Clarke (MI)	Inslee	Quigley
Clarke (NY)	Israel	Rahall
Clay	Jackson (IL)	Reyes
Cleaver	Jackson Lee	Richardson
Clyburn	(TX)	Richmond
Cohen	Johnson (GA)	Rothman (NJ)
Cornollosy (VA)	Johnson, E. B.	Royal-Allard
Conyers	Keating	Ruppersberger
Cooper	Kildee	Rush
Costa	Kind	Ryan (OH)
Costello	Kissell	Sanchez, Linda
Courtney	Langevin	T.
Critz	Larsen (WA)	Sanchez, Loretta
Crowley	Larson (CT)	Sarbanes
Cuellar	Lee (CA)	Schakowsky
Cummings	Levin	Schiff
Davis (CA)	Lewis (GA)	Schrader
Davis (IL)	Lipinski	Schwartz
DeFazio	Loeb sack	Scott (VA)
DeGette	Lofgren, Zoe	Scott, David
DeLauro	Lowey	Serrano
Deutch	Lujan	Sewell
Dicks	Lynch	Sherman
Dingell	Maloney	Shuler
Donnelly (IN)	Markey	Sires
Doyle	Matsui	Slaughter

Smith (WA)	Towns	Waters
Stark	Tsongas	Watt
Sutton	Van Hollen	Waxman
Thompson (CA)	Velázquez	Welch
Thompson (MS)	Walz (MN)	Wilson (FL)
Tierney	Wasserman	Woolsey
Tonko	Schultz	Yarmuth

## NOT VOTING—24

Campbell	Kaptur	Paul
Cardoza	King (IA)	Payne
Coble	Kucinich	Rangel
Doggett	Labrador	Roskam
Fudge	LaTourette	Speier
Gibson	McCotter	Visclosky
Gohmert	Miller (FL)	Wilson (SC)
Hinojosa	Moore	Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAFFETZ) (during the vote). There are 2 minutes remaining.

□ 1434

So the previous question was ordered. The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. VISCLOSKY. Mr. Speaker, on March 6, 2012, I was absent from the House and missed rollcall votes 96 and 97.

Had I been present for rollcall 96, on a motion to suspend the rules and pass H.R. 4105, to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, I would have voted "yea."

Had I been present for rollcall 97, on ordering the previous question of H. Res. 570, providing for consideration of the bill H.R. 2842, to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes, I would have voted "nay."

## PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Speaker, due to a family emergency, I missed the following rollcall votes: No. 96 and No. 97 on March 6, 2012.

If present, I would have voted: rollcall vote No. 96—H.R. 4105—To apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes, "nay"; rollcall vote No. 97—Previous Question, Providing for consideration of H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act, "yea."

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3610 AND H.R. 3611

Mr. CLAY. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3610 and H.R. 3611.

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

There was no objection.

## BUREAU OF RECLAMATION SMALL CONDUIT HYDROPOWER DEVELOPMENT ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that

all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 2842.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 570 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2842.

□ 1434

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal reclamation law, and for other purposes, with Mr. CHAFFETZ in the chair.

The Clerk read the title of the bill.

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

The gentleman from Washington (Mr. HASTINGS) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011. It authorizes hydropower at existing Bureau of Reclamation facilities and, by doing so, it allows placement of hydropower generators on existing man-made canals and pipes that have already gone through extensive environmental review.

This is a bipartisan plan to create new American jobs, cut government red tape, and expand production of clean, renewable and low-cost hydropower.

This past weekend President Obama once again tried to claim support for an all-of-the-above energy production, but unlike President Obama's empty rhetoric, House Republicans are taking real action to prove our commitment to expanding all forms of American energy.

Americans have now experienced 27 consecutive days of rising gas prices, and now the national average is pushing closer to \$4 a gallon. In order to address the skyrocketing prices, Republicans will continue to pursue an all-of-the-above approach that responsibly develops the natural resources that we have right here at home.

The facts are, Mr. Chairman, we have followed through on this commitment by passing through the House bipartisan reforms to break down government barriers to American energy production. Just weeks ago, the House passed a bipartisan jobs plan to vastly

expand access to our oil and natural gas resources offshore and in ANWR. Today we're putting forth a plan to expand production of clean, renewable hydropower.

As families and small businesses across the country are worried about rising gasoline prices, they are also worried about escalating electricity costs. Rising energy prices are a drain on our economy, pure and simple. It increases business costs and makes everything we do more expensive.

Hydropower is one of the cleanest and cheapest forms of electricity. In my view, coming from the Pacific Northwest, where nearly 70 percent of our power comes from hydropower, hydropower is the poster child for clean, renewable energy. Unfortunately, as is too often the case, the Federal Government is one of the biggest obstacles to increasing the development of hydropower projects, especially small projects.

This bill would remove government roadblocks and streamline the duplicative regulatory process for developing small canal and pipeline hydropower projects on existing Bureau of Reclamation facilities. This commonsense plan would help generate thousands of megawatts of clean, cheap, abundant and reliable hydroelectricity. Furthermore, it allows for hydropower generation without a single new dam, and at no cost to the Federal Government.

Now, let there be no mistake. I am a proponent of new dams. But this bill rightly harnesses hydropower potential at existing facilities. Water users throughout the West will be empowered to develop hydropower at the Federal canals they operate and maintain.

It's once again important to note that this bill only allows for small hydropower projects on existing canals and pipelines. Such manmade facilities are already on what I would call disturbed ground and have already gone through extensive environmental reviews.

Furthermore, this bill is a revenue generator for the Federal Government. The nonpartisan Congressional Budget Office, or CBO, estimates that it will generate \$5 million over the next 10 years through increased hydropower production and rental fees associated with it.

H.R. 2842 affirms Republicans' commitment to a true, all-of-the-above energy plan. It will create jobs in rural areas, lower energy prices, and expand production of clean, renewable American energy by simply getting the Federal Government out of the way.

This bill received bipartisan support in the Natural Resources Committee and is endorsed by the Family Farm Alliance, the National Water Resources Association, the American Public Power Association, and the Association of California Water Agencies.

□ 1440

I want to commend the bill's sponsors, Mr. TIPTON of Colorado and Mr.

GOSAR of Arizona, for their work on this.

I urge my colleagues to support the bill, and I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Chair, I yield myself 5 minutes.

I do rise in support of the general premise—I repeat—the general premise of this legislation, but oppose the legislation as amended. I would like to mention that only 3 out of 15 Democrats support it. So while it is bipartisan, it is minor bipartisanism on this particular issue.

H.R. 2842 does seek to generate additional hydropower at the existing Bureau of Reclamation facilities—that is, Federal properties—through developing new process of conduit and in-canal hydropower, which we should be developing at a greater speed and length.

We cannot support this bill as amended, even though the original bill did also state it and an attempt was tried to be able to take this waiver language out on page 4, lines 12 to 15. We were unsuccessful, and we cannot support it because it does have a NEPA waiver, language that we cannot support.

We are in support of the general intent. H.R. 2842, the Federal conduits, continue to fall under Reclamation Lease of Power Privilege process, LOPP. It requires offering a preference to irrigation districts or water users associations with an existing contract, those that already have a contract, which we support.

It safeguards current project users by recognizing the project's primary authorized purposes and that no financial and/or operational costs will be incurred by the existing water and power users.

The Federal Power Marketing Administrations are also—and I repeat—are not obligated to purchase or market the power produced.

The legislation does go a step too far and includes an unnecessary and unwise blanket exemption from a critical environmental law.

If my colleagues on the other side had simply followed the advice of the National Hydropower Association and the conservation group American Rivers, we would have a noncontroversial bill which would have passed unanimously out of the House. We also received a letter from six environmental groups in opposition that I would like to include in the RECORD.

Proponents for exempting the National Environmental Policy Act, NEPA, will argue that government regulatory red tape is preventing the development of more hydropower. Reclamation already has the authority to comply with NEPA through categorical exemptions, and the system is working. Categorical exclusions have been issued for hydropower sites under the reclamation's LOPP process at three specific sites in Colorado: the Lemon, which was in 1989; the Grand Valley Power Plant in 2011; and Jackson Gulch in 1995.

NEPA compliance for other sites, in fact, has not been the bureaucratic chaos some would make it out to be. There are three projects in the home State of Colorado for my colleague, the sponsor of this bill. In Jordanelle, Utah, compliance took 15 months from start to finish to receive final permit in 2004. At Lake Carter, Colorado, it took 6 months to finish NEPA in 2010. At Ridgway, Colorado, an LOPP was just issued last month after completing a 15-month NEPA process. On the South Canal Drop 3 site in Colorado, a finding of "no significant impact" was just issued last month after a 15-month NEPA process.

Developers and irrigators need clarity and certainty so their project can be developed. Waiving NEPA will not provide clarity and certainty. The stopgap for development is not NEPA; it's a lack of a Reclamation process. There must be a clear process in place for the development of hydropower at Reclamation facilities.

I urge Reclamation to finalize the directives and standards as soon as possible, and it's my understanding the draft is already out to developers and irrigators for their view, and the final directives and standards will be completed by the end of this year.

It is unfortunate that this legislation contains this controversial waiver. Without the NEPA exemption, this legislation would have been on suspension, and I do oppose the legislation and ask my colleagues to join me in opposition to this very sad portion of waiver of NEPA.

MARCH 6, 2012.

DEAR REPRESENTATIVE: The undersigned organizations, on behalf of our millions of members and supporters are writing to express our opposition to the provision in Section 2 of H.R. 2842 that waives the National Environmental Policy Act (NEPA) with respect to small conduit hydropower projects at Bureau of Reclamation facilities.

While we support the legislation's intent to encourage the responsible development of renewable energy projects, waiving NEPA reviews for Bureau of Reclamation projects is unnecessary and unacceptable. The National Environmental Policy Act is not a roadblock to the successful approval of conduit hydropower projects at Bureau facilities. We believe that this backward step will not accelerate hydropower development. Rather, our experience has shown us that attempts to shortcut or sidestep environmental review typically result in delayed projects.

Successfully advancing the development of new energy resources, like conduit hydropower, requires us to do better than we have done with other forms of energy and other Bureau of Reclamation projects. While we do not oppose the development of conduit hydropower, it must be done responsibly and under all of the appropriate reviews necessary to make sure that such development is consistent with the public interest; a guarantee that NEPA provides.

Therefore we respectfully request that you oppose H.R. 2842 unless the language requiring a NEPA waiver is struck from the bill.

Sincerely,

AMERICAN RIVERS,  
CENTER FOR BIOLOGICAL  
DIVERSITY,  
DEFENDERS OF WILDLIFE,

GRAND CANYON TRUST,  
NATURAL RESOURCES  
DEFENSE COUNCIL,  
THE WILDERNESS SOCIETY.

NATIONAL HYDROPOWER  
ASSOCIATION,  
Washington, DC, March 5, 2012.

Hon. SCOTT TIPTON:  
U.S. House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE TIPTON: The National Hydropower Association writes to express our appreciation for your work to support development of the nation's conduit power potential with your bipartisan bill, H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011.

NHA believes there is tremendous untapped, renewable hydropower potential in existing man-made structures such as irrigation canals and other water conveyances, particularly on the federal system. As such, the Association supports policies encouraging these low-impact developments, while also ensuring appropriate project reviews.

NHA supports H.R. 2842, while also recommending a minor amendment to Section 2 of the bill to align the Bureau's treatment of these projects to that which they currently receive, and have received since the 1980s, at the Federal Energy Regulatory Commission. Specifically, NHA believes a provision that would require the Bureau to institute a NEPA categorical exclusion for small conduit projects provides appropriate oversight of these facilities, as longstanding practice and experience at FERC has shown.

As always, NHA stands ready to engage and work with policymakers and all stakeholders on hydropower legislation and policies. And again, we commend you for your work on this issue.

Sincerely,

LINDA CHURCH CIOCCI,  
Executive Director.

AMERICAN RIVERS,  
March 6, 2012.

DEAR REPRESENTATIVE: On behalf of American Rivers' thousands of members nationwide, I am writing to express our opposition to the provision in Section 2 of H.R. 2842 that waives the National Environmental Policy Act (NEPA) with respect to small conduit hydropower projects at Bureau of Reclamation facilities.

American Rivers supports the responsible development of conduit hydropower projects at Bureau facilities. We believe that there is significant untapped potential at these facilities for new hydropower generation. We believe that the Bureau of Reclamation should improve its process for small conduit hydropower permitting, modeling its process on that used by the Federal Energy Regulatory Commission (FERC). We believe that the Bureau should, like FERC, consider a categorical exclusion for these types of projects in order to facilitate their construction.

Unfortunately, H.R. 2842 creates a blanket waiver of NEPA for small conduit hydropower projects at Bureau facilities. We hope that in the course of House consideration of the bill, the NEPA waiver language can be amended. Pending that, American Rivers reluctantly opposes H.R. 2842 in its current form.

Sincerely,

JIM BRADLEY,  
Senior Director of Government Relations,  
American Rivers.

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

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 4

minutes to the gentleman from Colorado (Mr. TIPTON), the sponsor of this very important legislation.

Mr. TIPTON. I thank the gentleman from Washington for yielding.

Mr. Chairman, Members of the House on both sides of the aisle talk of the need for an all-of-the-above energy solution for this country, a solution that gives serious consideration to all resources, including renewable and alternative energy.

It's easy to talk about this need, but today I offer a bill that turns that talk into action. My bill, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2012, is a key piece of the all-of-the-above strategy energy that our country needs in order to strengthen reliable, domestic energy production; expand development of responsible, renewable energy; generate economic growth; and get Americans working once more.

Hydropower is the cheapest and cleanest source of electricity. This is created through modern technology. It's the highest source of non-carbon emitting energy in the world, accounting for approximately 69.9 percent of the United States' total renewable electricity generation, making it the lead renewable energy resource power, according to the Hydropower Association.

In Colorado, nearly 30.7 percent of our renewable energy is hydropower, but only 3.1 percent of all Colorado is hydropower. We have a significant opportunity in Colorado to expand on this clean, renewable source of power while creating badly needed jobs for the Third District of Colorado in the process. In Colorado alone, there's enough existing capacity to generate as much power as the Glen Canyon Dam. However, as it stands, no major hydroelectric facilities have been built in many years. Existing facilities are being drained by endless litigation and regulatory obstacles that stifle production and lead to an increase in electricity prices and shortages in many regions of the country.

By streamlining the regulatory process and reducing administrative costs for small hydropower development at Reclamation's facilities, this commonsense legislation will encourage the production of clean, renewable hydropower and provide much needed opportunities for the creation of new jobs in Colorado for some of our Nation's hardest hit rural areas.

This commonsense bill garnered bipartisan support in the House Natural Resources Committee and has been endorsed by the Family Farm Alliance, the National Water Resources Association, the Association of California Water Agencies, and the American Public Power Association.

Chris Treese of the Family Farm Alliance and a constituent of mine in the Third Congressional District put it best when talking about the need for the bill:

The margins on small hydro are very small. Districts need to be able to make

timely investment decisions without the prospect of environmental reviews of undetermined length and expense. Additionally, Western water districts share the Nation's desire to make investments that can put people to work immediately. Environmental reviews of small hydro on existing conduits represent an unnecessary and often chilling uncertainty for an economically marginal investment.

This legislation, which applies to all projects on Reclamation conduits without exception, seeks to address this concern and fix an unwieldy environmental review process that requires small developers to jump through unnecessary and duplicative bureaucratic hoops in order to complete a project on existing conduits that has already undergone the proper environmental reviews. By doing this, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2012 will jump-start small hydropower development through which power generated will be sent directly to the grid and also create revenues that will help pay for aging infrastructure in our communities.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

□ 1450

Mr. TIPTON. From the beginning, this Congress has made responsible energy development a legislative priority with the goal of putting forward a comprehensive solution that expands the development of alternative and renewable energy technologies while continuing the development of traditional energy resources.

We have an opportunity to join together in this body and pass a commonsense solution to advance the common goal of developing clean and renewable alternative energy and to put into place a key component of an all-of-the-above energy plan.

I ask my colleagues to take this into consideration and to remember the words that are inscribed in this very Chamber from Daniel Webster, saying:

Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

Hydropower development follows in the legacy of the responsible development of our precious natural resources with the steadfast protection of our environment. So I ask my colleagues for their support of the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011.

Mrs. NAPOLITANO. I couldn't agree with him more. My only objection is the small portion of the NEPA waiver.

Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Massachusetts, Ranking Member MARKEY.

Mr. MARKEY. I thank the gentlelady very much.

Mr. Chairman, I rise in opposition to this legislation.

After 427 days in the majority and having no energy or jobs strategy to show for it, House Republicans are now offering H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act.

We need legislation that gets hydro projects moving and that gets hard hats down in the ditches again. Instead, Republicans are offering more legislation that is certain to be ditched by the Senate. We should encourage the development of small hydropower projects at existing facilities. In fact, if the legislation simply gave the Bureau of Reclamation exclusive jurisdiction to develop hydropower at Federal reclamation facilities, I would support it. If it mandated that the Bureau of Reclamation institute categorical exclusions for their small hydro projects, I would support it.

But Republicans, they just couldn't help themselves. It doesn't matter the nature of the problem. For Republicans, the problem is always just nature, so they went and gutted environmental review altogether in this bill. That's what happens when your entire economic platform is deregulation and gutting safety and environmental protections. You start waiving environmental review even when the industry you're trying to help isn't asking for it. If the Republicans had simply followed the advice of the hydro industry, we would have a noncontroversial bill that I could support and recommend to all of the Democratic Members that we pass 435 to nothing out here on the House floor this afternoon. Instead, it's ideology over hydrology. That's what the Republicans bring to the floor today.

If Republicans are serious about advancing the hydro industry, here is what they can do: extend the production tax credit, support clean renewable energy bonds, support domestic clean energy manufacturing tax credits, and extend the section 1603 renewable energy grant program.

Here is what those successful Recovery Act programs have already done:

Three companies have received \$67 million in tax credits to build hydro-related manufacturing facilities in the United States. Eight companies have received \$2 million in grants to support hydro deployment under the 1603 renewable energy grant program. Clean renewable energy bonds have supported \$531 million in public power hydro projects across the country.

But Republicans aren't interested in doing something constructive for hydro or for any other clean energy technology. With their oil-above-all strategy, Republicans want to continue subsidizing the oil and gas industry \$4 billion annually—\$40 billion over 10 years—but shut down all of the clean energy programs that I just outlined. They're going directly after any and all threats to Big Oil and Big Coal, and they're targeting clean energy jobs for elimination.

Republicans on our committee have reported out a bill that would repeal the borrowing authority that the Western Area Power Administration currently has to help finance transmission serving renewable energy projects. Between one project in Montana that is already under construction and three others that are deep into development, there are 11,500 jobs at stake, but the Republicans don't care about those 11,500 jobs.

Then there is the wind industry. Ten thousand American workers have already been cut in the wind industry because the production tax credit is expiring at the end of the year and orders are drying up; 27,000 more wind workers will lose their jobs if Republicans get their way and raise taxes on the wind industry beginning on December 31 of this year.

A clean energy wave is upon us. America needs a vibrant domestic hydro industry, along with a healthy wind, solar, geothermal, and biomass industry, if we are to capture its benefits. Otherwise this wave will crash down upon us and, instead, carry the Chinese and the Indian and German economies to prosperity.

Let us vote down this bad bill before us and move on to the real policies that will help America's hydro sector.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 5 minutes to the chairman of the subcommittee that dealt with this legislation, the gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. I thank the gentleman for yielding.

I would say to the gentleman from Massachusetts that nothing in this measure has anything at all to do with oil production. Quite the contrary, this bill reduces our reliance on fossil fuels by bringing hundreds of thousands of megawatts of new, clean hydroelectricity to the grid.

I don't understand the objection to this bill. This measure by Mr. TIPTON does everything the environmental left says that it likes: At precisely no cost to taxpayers, it produces absolutely clean and renewable electricity in vast quantities, on projects that have already undergone environmental review, simply by installing small generators in existing pipelines and canals where there are no fish or no flora or no fowl of any kind.

This is the alpha and omega of Mr. TIPTON's bill. Authorize these simple projects on existing Bureau of Reclamation facilities. That's it.

There are untold thousands of miles of pipelines and canals and aqueducts attached to these facilities that convey water by simple gravity. There is water in these existing facilities that is utterly devoid of any life whatsoever, and there is no conceivable environmental impact whatsoever. These existing pipelines, if equipped with simple hydroelectric generators, could generate electricity that would take several major multibillion-dollar hydroelectric dams across the West to produce.

In fact, our committee took testimony that, in Colorado alone, the hydroelectric facilities' small generators that would be encouraged by this bill could produce as much power as is currently produced by the entire Glen Canyon Dam. Now, multiply that throughout the United States, and you begin to realize what a huge impact this could have on new, clean, affordable energy for America.

Those hydroelectric generators are not going into these pipelines right now for one simple and utterly absurd reason: government regulations make it economically impossible to do so. Our subcommittee took testimony from farmers in water districts who were trying to install these generators; but instead of doing everything it can to assist them, this administration smothers them with endless regulatory delays, demands for wildly expensive environmental studies and exorbitant permitting fees.

According to testimony before the committee that the gentleman from Colorado cited, the net effect of these environmental regulations can more than double the cost of these projects, simply pricing them out of reach. In one case, a witness told us that a \$20,000 small generator project would have required \$50,000 in permitting costs, and so it doesn't move forward.

Congressman TIPTON's bill, instead, welcomes these small hydroelectric generators by authorizing their placement in existing Bureau of Reclamation conduits. It invites existing operators and users to invest in these generators at no public cost. It establishes an office within the Bureau of Reclamation with the responsibility to assist projects, and it exempts them from paying for another costly, time-consuming, and pointless NEPA study when there is no conceivable environmental impact involved. These facilities already underwent the environmental process when they were built, when they were upgraded, or when their repayment contracts were renewed. It is simply a waste of time and money to put them through yet another review before these small generators can be installed.

I mean, think about the implications just to farming alone. Some irrigation districts are forced to use diesel generators to pump water to the fields. Put hydroelectric generators in existing canals and pipelines, and they become virtually self-sustaining while reducing their reliance on other sources of electricity that produce air emissions.

□ 1500

In addition, sales of canal-based electricity could generate local revenue for irrigators, which would help upgrade existing facilities and infrastructure, create jobs and relieve exhausted Federal taxpayers of these costs. The construction of these generators would mean new high-paying jobs for Americans.

It is truly mystifying that a nation plagued by prolonged economic stagnation, chronic unemployment, and increasingly scarce and expensive electricity would adopt a willful and deliberate policy obstructing the construction of these inexpensive and innocuous generators in already-existing facilities.

Mr. Chairman, there are fewer Americans working today than on the day that Barack Obama took office more than 3 long years ago. During that period, he has taken well over a trillion dollars from the earnings of hardworking American families to funnel to well-connected companies, claiming to create jobs. In the case of Solyndra, it penciled out to \$450,000 per job, jobs that disappeared as soon as the government money ran out.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

Mr. McCLINTOCK. I thank the gentleman.

Yet here, with this measure, at no cost to these hardworking families, at no cost to the environment, simply by getting absurdly and utterly duplicative government regulations out of the way, we could add tens of thousands of megawatts of clean and cheap electricity to our domestic energy supply, produce permanent jobs, reduce our reliance on fossil fuels, and lower the utility bills of American families.

Our Nation desperately needs clean, affordable, and abundant electricity; and it desperately needs permanent jobs. To get them, it most of all needs common sense restored to its government. The progress the American people have made in doing that, as well as the unfinished business remaining before them, will be very precisely measured by the roll call on this bill.

Mrs. NAPOLITANO. Mr. Chairman, how much time remains on both sides?

The CHAIR. The gentlewoman from California has 20½ minutes remaining, and the gentleman from Washington has 14 minutes remaining.

Mrs. NAPOLITANO. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 5 minutes to a cosponsor of this legislation and a very valuable member of the Natural Resources Committee, the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise in support of the bill Congressman TIPTON and I have worked closely on, H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011.

Arizona has been hit hard by the recent recession. The rural counties that I represent are faced with unemployment rates that far exceed the national average. This bill could provide a little of the much-needed relief for these communities.

The Bureau of Reclamation Small Conduit Hydropower Development and

Rural Jobs Act of 2011 is commonsense legislation that will create jobs in rural Arizona, increase our country's renewable energy portfolio, and generate revenues for the Federal Treasury by cutting duplicative, bureaucratic redtape.

Specifically, it would allow Arizonans that operate existing irrigation canals and ditch systems, man-made canals and pipes as you can see from here, to install hydropower generators. To be clear, we are not talking about free-flowing rivers or streams. These are man-made structures that have already gone through environmental review. These canals, as you can see, do not contain endangered fish or wildlife.

I worked very closely with the Irrigation & Electrical Districts Association of Arizona, the special districts, municipalities, Indian utility authorities and project managers that are engaged in the management and delivery of water and power in my State as Congressman TIPTON and I crafted this legislation.

I am proud to be from a State that is as innovative and as resourceful as Arizona. Our State is a leader in developing safe ways to tap into our natural resources, which provides much-needed energy and jobs.

Unfortunately, due to Federal constraints, Arizona is unable to fully tap its hydroelectric power generation potential because of the duplicative regulations that make it too expensive and burdensome to develop. It is simply the failure of the Federal policies to facilitate an environment that is conducive to this type of development. Instead of working with communities that share common goals and values, the Federal Government is dictating to them.

The experts on the ground in Arizona say that we are literally sitting on a hydropower gold mine waiting for the needed clarifications and streamlining that will cut costs and make this program more attractive.

This bill does just that. For example, the Maricopa-Stanfield Irrigation & Drainage District, located in Pinal County, Arizona, estimates that it has the capacity to build 14 to 17 hydropower units if this legislation is signed into law. Those units could generate a total of approximately 2,200 kilowatts of renewable energy, which is enough electricity to power 550 to 1,000 homes. This is just one of the power managers in my State.

Another district, the Central Irrigation and Drainage District centered in Eloy, Arizona, has indicated they could install eight to 10 hydropower units with a capacity of 1,200 to 1,500 kilowatts of renewable energy, another 500 or so homes. These economic impacts are not small for these rural communities. They would provide a real economic boost and will reduce consumer energy costs.

There is not one solution to our Nation's energy crisis, but hydropower is clearly part of an overall all-options-on-the-table solution. Hydropower is

the highest source of noncarbon-emitting energy in the world. It accounts for approximately 70 percent of the United States' total renewable electricity generation, and we are not even tapping the potential. Investing in hydropower infrastructure will strengthen our economy and help move us towards energy independence.

To top it off, the nonpartisan Congressional Budget Office estimates that our bill will generate \$5 million in Federal revenue over the next 10 years. Increased revenues from the sale of this renewable energy can result in a new source of funding for operating, maintaining, and rehabilitating our aging water-delivery infrastructure at lower costs to farmers.

This legislation is truly a win-win for the American people and is exactly the type of legislation this House should be passing.

Vote "yes" on this bill, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011. It will create jobs in rural America, increase U.S. energy independence, and raise revenue for the U.S. Treasury.

So I guess the opponents of this bill are right: if commonsense solutions are your cup of tea, then I guess I can't help myself. And this is at no—let me repeat myself and this fact—this renewable energy is at no cost to the taxpayer or the public.

Mrs. NAPOLITANO. Mr. Chairman, I couldn't agree with Mr. GOSAR more on some of his presentation that the bureau would be able to expedite some of these projects, and they are working on that categorical exemption determination to be able to understand how they can expedite some of these projects.

NEPA is not some radical piece of legislation. It was overwhelmingly approved by Congress more than four decades ago and signed into law by President Nixon.

It is not an obstacle. It's a tool to be used to facilitate coordination, cooperation, and public input. It is not a barrier. It is a shield protecting our communities, yours and mine, from the unintended consequences that can occur when a big, clumsy Federal Government acts without thinking.

NEPA does not and cannot prevent projects from going forward. They just require the government to analyze alternatives and, most importantly, seek public comment. Evidence that NEPA does not stop projects is plain. Our majority cannot provide a single example where NEPA prevented one of these small projects, the hydroprojects from moving forward. Most applications are granted expeditiously and easily. It also provides the Bureau of Reclamation all the flexibility necessary to apply NEPA quickly and efficiently to the projects. There is no delay.

To oppose NEPA is to oppose public input. Again, it would then oppose public input. To oppose NEPA is to oppose thinking before we act.

This unnecessary and unwise blanket waiver of NEPA should be struck from

this bill and then this bill could be passed unanimously and go on to approval in our other body.

I reserve the balance of my time.

□ 1510

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out what this bill does and the simplicity of this bill.

In 1902 when this House, along with the other House, created the Bureau of Reclamation, which was to reclaim the land—that's where "reclamation" comes from—it was designed to develop areas that heretofore did not have the resources with which to develop. Mainly, the resource they were lacking was water. And so the Bureau of Reclamation was created so that those arid areas, certainly my area of central Washington qualified as that because Grand Coulee Dam is a facility that irrigates the 500,000-plus acres in central Washington, but it was designed to develop areas that couldn't be developed before.

So now we have these facilities in place all over the West. They've gone through extensive environmental reviews in order to be put into place. Yet even with the technology that makes irrigation better and better and more and more efficient, there still is water in these canals that goes back to the river, in my case the Columbia River. It starts in the Columbia River and ends up in the Columbia River some 120 to 130 miles downstream. And during that process where the water goes to irrigate various parts of the project, we can better, more efficiently use that water by producing power, and that's what this legislation does.

Again, we have gone through the extensive environmental review to build the ditch, the canal. We saw pictures of that earlier. All we're suggesting now is we put something in there to capture the water power to generate electricity. It's no more complicated than that. That's all this bill is about. So with that, while there is an objection to the NEPA process, there is an amendment that will address that, and we will have more extensive debate on that.

But I would just repeat, Mr. Chairman, all of the building of the ditches, which is what really disturbs the land, that went through extensive environmental reviews to get to that point. We are now building within what we disturbed. Boy, to say that you have to have another process, environmental process, doesn't make sense, at least to this Member.

With that, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, how much time remains?

The CHAIR. The gentlewoman from California has 18½ minutes, and the gentleman from Washington has 6 minutes.

Mrs. NAPOLITANO. Mr. Chairman, I would like to reiterate that we fully

support the intent of the legislation without the exemption of NEPA stated on page 4, lines 12–15. And I must say that I have working relationships with some of my universities; and one of them, Cal Poly Pomona, has been working with hydrokinetics for awhile. We have been kind of tracking the issues of hydrokinetics and some of their results, the projects that they've got in New Jersey and New York, to be able to generate electricity. We have for at least 5 years been trying to make Congress and the committee understand that this is something that is very viable. Even the heat off the pumping motors is being recaptured and converted into electricity in one of my areas.

So I fully understand and I'm glad that it's finally beginning to take hold that there is the ability to create electricity from hydro. We support increased generation at all facilities by developing conduit and in-canal hydropower.

And, again, I support all of the provisions that I stated here, but waiving NEPA does not provide the clarity and the certainty needed to be a clear process for the development of hydro at reclamation facilities. That's Federal facilities only. We must ensure that the lease-of-power privilege, the law, is clear and does provide specific certainty. It should be consistent with the FERC process, as stated in the letter from the National Hydropower Association and American Rivers, as introduced into the RECORD. We will be proposing an amendment to fix the problem, and we want to make this in a truly bipartisan manner and look forward to working with my colleagues on the other side.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I would like to ask my friend from California if she has any more speakers on the debate portion of this.

Mrs. NAPOLITANO. I do not.

Mr. HASTINGS of Washington. If not, I am prepared to yield back and start the amendment process if the gentlelady yields back.

Mrs. NAPOLITANO. I yield back the balance of my time.

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

Ms. JACKSON LEE of Texas. Mr. Chair, I rise today in order to debate H.R. 2842. "Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act" would authorize the Bureau of Reclamation to permit private entities to develop small hydropower units on all irrigation canals and conduits under the agency's jurisdiction. Under current law, the Bureau or the Federal Energy Regulatory Commission, FERC, has jurisdiction over hydropower development at such facilities.

Currently both the Federal Energy Regulatory Commission and the Bureau of Reclamation have the authority to manage small conduit hydropower projects in all Bureau of Reclamation irrigation canals and conduits.

This bill would give this authority only to the Bureau of Reclamation thereby streamlining regulation. There will be jobs created by this measure, however not enough to be considered a Rural Jobs bill. The American people need a jobs bill.

I would have supported this legislation without hesitation if this bill did not contain a poison pill. As written I am concerned about a provision in the bill that would exempt small conduit hydropower projects from having to comply with the National Environmental Policy Act, NEPA. H.R. 2842 removes the requirement that all small hydropower projects must complete an environmental impact statement unless granted an exception from FERC. Although my colleagues who support this legislation will argue that NEPA compliance for small conduit hydropower is unnecessary and hinders developers from pursuing small conduit hydropower projects. There is a valid and proven counter to this argument.

Currently FERC has a successful licensing process for small conduit hydropower showing that compliance with NEPA need not hinder responsible development. FERC categorically exempts small conduit projects from NEPA. This approach works: from 2006–2010, 13 conduit exemptions were completed in less than a year. Of the 11 conduit exemptions that were issued in 2011, orders regarding the nine conduit exemptions that presented no substantive issues were issued on average 40 days after the comment deadline established in the public notice. We can protect our environment while meeting the needs of rural communities in need of an additional green energy resource.

I will continue to seek ways to improve the nation's hydropower system by encouraging increased generation while improving environmental performance.

Let me be clear, I support hydropower in both large scale and small projects that are developed and operated in a responsible manner that avoids harm to America's precious river resources. Given the very real environmental and social impacts of global climate change—especially on vital freshwater systems—I believe that we should develop new sources of energy that can supplement America's reliance on foreign oil.

However, I also know that the energy that we receive from hydropower if done improperly comes at an enormous cost to the health of our nation's rivers and communities.

The harm caused by any hydropower project can be avoided if hydropower is sited, constructed, and operated in a responsible manner. A few simple changes can make an enormous difference, which is why compliance with NEPA is important.

In the case of larger scale hydropower projects, hydropower operators could change the timing of power generation to mimic a river's natural hydrologic conditions, stabilize lake levels and dam releases to protect river-side land from erosion, provide fish ladders and other measures that protect fish and allow them to pass safely upstream and downstream of dams, restore habitat for fish and wildlife, alter the design and operation of plants to maintain appropriate temperature and oxygen levels in rivers, and provide public access and release water back into rivers so that people can fish, boat, and swim. These types of changes have a miniscule impact on the overall generation of the Nation's hydro-

power fleet. In fact, an analysis by FERC found that since Congress passed laws in the 1980s to encourage these types of improvements, overall generating capacity has actually increased by 4.1 percent. The benefits to human and natural communities have been immense.

The Bureau of Reclamation was established to construct water works to provide water for irrigation and power for utilities in arid western states. The agency manages a number of facilities as part of larger, multi-purpose reclamation projects serving irrigation, flood control, power supply, and recreation purposes. Overall, these facilities serve approximately 31 million people, delivering a total of approximately 28.5 million acre-feet of water (an acre-foot is enough to cover one acre of land one foot deep, or 325,851 gallons) and making the agency the second largest domestic hydropower producer. H.R. 2842 seeks to utilize these existing irrigation channels/waterways by inserting small conduits to create hydro power.

Hydropower is a clean, renewable, non-emitting source of energy that provides low-cost electricity and helps reduce carbon emissions. It is more efficient than any other form of electricity generation and offsets more carbon emissions than all other renewable energy sources combined.

It accounts for 67 percent of the Nation's total renewable electricity generation. In addition to providing low-cost electricity, multipurpose dams provide water for irrigation, wildlife, recreation and barge transportation and offer flood control benefits.

As part of the New Deal, the Roosevelt Administration sought to bridge the urban-rural divide in access to electricity. In the early 1930s, according to one estimate, 90 percent of Americans in urban areas had access to electric power, while only 10 percent of rural America had access.

The establishment of the Rural Electrification Administration, REA, in 1935 sparked a series of Federal investments that brought power to rural American homes over the coming years. By 1939, the REA had helped to establish more than 400 rural electric cooperatives, which served nearly 300,000 households.

Today, the RUS continues to provide credit and other assistance to help improve electric, water, and telecommunications services in rural areas. For example, between 2002 and 2009, the RUS invested \$36 billion in electric systems and \$14 billion in water and waste management systems throughout rural America. Small hydropower projects help to address the electricity needs of rural areas in a green way.

The Department of the Interior's Bureau of Reclamation also provides hydropower, and drinking water and irrigation services to rural America. Today, the Bureau is the Nation's largest wholesaler of water, serving 31 million people, and provides irrigation to one out of five western farmers. This is a very clever manner to use existing water ways and existing technology to create electricity.

Three manufacturers in the Nation build these small conduits. Apparently they are so prevalent that they are available at Home Depot. Again hydropower represents approximately two-thirds of the renewable electricity generation in the United States and is currently providing almost seven percent of the

country's total energy generation. About forty-five percent of all hydropower in the United States is generated at federally-owned facilities. With only three percent of the Nation's approximately eighty thousand federal and non-federal dams currently generating hydropower there is great potential to increase hydropower production. Additional hydropower can be sited, constructed, and operated in a responsible manner to reduce or avoid environmental damages.

#### FAST FACTS

Each kilowatt-hour of hydroelectricity is produced at an efficiency of more than twice that of any other energy source. Where hydropower does have environmental impacts, particularly on fish species and their habitats and extensive work is done within the Bureau to evaluate and mitigate these impacts.

Further, hydropower is very flexible and reliable when compared to other forms of generation. Reclamation has nearly 500 dams and dikes and 10,000 miles of canals and owns 58 hydropower plants, 53 of which are operated and maintained by Reclamation. On an annual basis, these plants produce an average of 40 million megawatt, MW, hours of electricity, enough to meet the entire electricity needs of over 9 million people on average.

Reclamation is the second largest producer of hydroelectric power in the United States, and today we are actively engaged in looking for opportunities to encourage development of additional hydropower capacity at our facilities.

Conventional hydropower is one of the oldest and most well-established among a growing number of technologies that provide low-emissions alternatives to fossil-fuel energy. Nationally, hydropower provides about 75,000 megawatts of capacity, and represents nearly 7 percent of total generation.

It is anticipated that hydropower will continue to be a part of our Nation's energy mix for years to come, and accordingly we have signed dozens of agreements supporting the continued, long-term operation of hydroelectric dams that together provide our Nation with thousands of megawatts of generating capacity. Reasonable modifications have dramatically improved the performance of these dams, providing fish passage, improving flows, enhancing water quality, protecting riparian lands, and restoring recreational opportunities.

Hydropower represents approximately two-thirds of the renewable electricity generation in the United States and is currently providing almost seven percent of the country's total energy generation. About forty-five percent of all hydropower in the United States is generated at federally-owned facilities.

With only three percent of the nation's approximately eighty thousand federal and non-federal dams currently generating hydropower there is great potential to increase hydropower production.

#### JOBS/ECONOMY/H.R. 3710—DEFICIT REDUCTION AND ENERGY SECURITY ACT

I am committed to producing tangible results in suffering communities through legislation that creates jobs, fosters minority business opportunities, and builds a foundation for the future. Every American deserves the right to be gainfully employed or own a successful business and I know we are all committed to that right and will not rest until all Americans have access to economic opportunity.

It has been over 10 months since the Republicans took control of the House, and Re-

publican Leadership has not considered a single jobs creation bill on the House floor.

With the national unemployment rate at 9.2 percent, and almost 1.9 million men and women who have exhausted the maximum of up to 99 weeks of state and Federal unemployment benefits, we cannot afford to continue with inaction.

Rather than wait for the economic tide to turn, Congress must take advantage of its exceptional opportunity to create jobs by embracing the development of natural and renewable resources in a responsible and environmentally conscious partnership with the energy industry.

I have recently introduced H.R. 3710 "The Deficit Reduction and Energy Security Act of 2012." My bill would protect America's energy security, reduce the deficit, and create jobs.

The energy industry has a long and storied history of facilitating robust job creation and economic growth. This legislation will help pay down the deficit and create jobs for workers with varying skill-levels nationwide. H.R. 3710 would also establish the Coastal and Ocean Sustainability Health Fund to provide grants for addressing coastal and ocean disasters, restoration, protection, and maintenance of coastal areas and oceans, as well as, research and programs in coordination with state and local agencies.

Additionally, the Deficit Reduction and Energy Security Act establishes the Office of Energy Employment and Training, and the Office of Minority and Women Inclusion to help foster job creation for groups who have traditionally been underrepresented in the energy industry. H.R. 3710 will spur our Nation's economic growth.

Working in a bipartisan spirit, Congress can aggressively take on the problem of job creation, by supporting measures like H.R. 3710.

The energy sector provides us with an exceptional starting place. In fact, we need to only look to Houston and the state of Texas for a strong example of how embracing the development of our own natural and renewable resources can play a major role in spurring our economy.

Texas serves as proof that the energy industry offers tremendous potential to provide jobs and foster economic growth. As a matter of fact, in 2008, Texas was one of the few states that saw its economy grow, grossing the second highest revenue of all states at \$1.2 trillion.

As the Representative of the 18th Congressional District of Houston, Texas, I can attest to the importance of a healthy energy industry. My district is the energy hub of Texas and is recognized worldwide for its energy industry, particularly for oil and natural gas, as well as biomedical research and aeronautics. Renewable energy sources—wind and solar—are also growing economic bases in Houston.

The energy industry and its supporting businesses provide my fellow Texans with tens of thousands of jobs, and have helped keep the state of Texas significantly below the national unemployment rate.

This prosperity can expand well beyond Texas, if the federal and state governments will act decisively and responsibly to expand domestic energy productions in an environmentally conscious manner, and keep billions of dollars and countless jobs here at home.

In fact, a study recently conducted by Wood Mackenzie indicates that the oil and natural

gas industry has the potential to create 1 million new jobs over the next 7 years through responsible development of America's oil and natural gas resources, while generating an estimated \$800 billion in revenue.

Additionally, Wood Mackenzie concluded that responsible domestic oil and natural gas development, along with increasing imports from Canada, and cultivating a domestic biofuels energy program, the United States could achieve energy independence within 15 years.

Expansion of our domestic energy industry presents us with the opportunity to divert the staggering amounts of money we spend on importing massive amounts of foreign oil. Instead, we can use these funds to make a considerable investment into our own American oil industry, which already pumps about \$1 trillion into our economy and helps create jobs for many Americans across many other industries. Furthermore, we must also bolster our investments in natural gas, wind, solar, and other forms of renewable alternative energy.

We must of course, act responsibly, and apply the safety lessons learned in the wake of the BP oil spill. Throughout my tenure in Congress, I have worked tirelessly to foster better relationship between the energy industry and regulating agencies. With an open dialogue and productive communication, we can forge compromise that will protect the environment without harming economic growth.

The benefits of a seamless domestic energy policy go beyond just creating jobs in the energy sector. A seamless domestic energy policy also promotes the ongoing need to develop the best technology to reduce risks and improve efficiency.

Demand for this technology creates an increased demand for Americans educated in Science, Technology, Engineering and Math, STEM. The energy sector can partner with educational institutions to meet that demand, foster American innovation and increase American competitiveness in an increasingly globalized economy.

The energy industry is putting my constituents back to work, and the Wood Mackenzie study indicates that increasing domestic development will create new jobs and generate government revenue.

It is time for my colleagues to join me in a truly bipartisan effort to create jobs, improve our education system, and strengthen the economy. It is time to return to an age of American ingenuity and prosperity. It is time for a seamless domestic energy policy. It's time to support job creation it is time to support legislation like the bill I recently introduced H.R. 3710 "The Deficit Reduction and Energy Security Act of 2012."

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment in the nature of a substitute, printed in the bill, shall be considered as an original bill for the purpose of amendment under the 5-minute rule. Each section of the committee amendment in the nature of a substitute shall be considered as read.

No amendment to the committee amendment in the nature of a substitute shall be in order except: (1) those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose dated at least

1 day before the date of consideration of the amendment; and (2) pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 2842

*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 "Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011".*

The CHAIR. Are there any amendments to section 1?

AMENDMENT NO. 2 OFFERED BY MR. TIPTON

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 1, strike "2011" and insert "2012".

The CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. TIPTON. Mr. Chairman, this is a technical amendment that changes the year of the bill from 2011 to 2012, and I ask my colleagues to support this non-controversial amendment.

I yield back the balance of my time.

The CHAIR. Does any Member seek recognition?

The question is on the amendment offered by the gentleman from Colorado (Mr. TIPTON).

The amendment was agreed to.

The CHAIR. The Clerk will designate section 2.

The text of section 2 is as follows:

**SEC. 2. AUTHORIZATION.**

*Section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) is amended—*

*(1) by striking "The Secretary is authorized to enter into contracts to furnish water" and inserting "(1) The Secretary is authorized to enter into contracts to furnish water";*

*(2) by striking "(1) shall" and inserting "(A) shall";*

*(3) by striking "(2) shall" and inserting "(B) shall";*

*(4) by striking "respecting the terms of sales of electric power and leases of power privileges shall be in addition and alternative to any authority in existing laws relating to particular projects" and inserting "respecting the sales of electric power and leases of power privileges shall be an authorization in addition to and alternative to any authority in existing laws relating to particular projects, including small conduit hydropower development"; and*

*(5) by adding at the end the following:*

*"(2) When carrying out this subsection, the Secretary shall first offer the lease of power privilege to an irrigation district or water users association operating the applicable transferred work, or to the irrigation district or water users association receiving water from the applicable reserved work. The Secretary shall determine a reasonable time frame for the irrigation district or water users association to accept or reject a lease of power privilege offer.*

*"(3) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to small conduit hydropower development, excluding siting of associated transmission on Federal lands, under this subsection.*

*"(4) The Power Resources Office of the Bureau of Reclamation shall be the lead office of small conduit hydropower policy and procedure-setting activities conducted under this subsection.*

*"(5) Nothing in this subsection shall obligate the Western Area Power Administration, the Bonneville Power Administration, or the Southwestern Power Administration to purchase or market any of the power produced by the facilities covered under this subsection and none of the costs associated with production or delivery of such power shall be assigned to project purposes for inclusion in project rates.*

*"(6) Nothing in this subsection shall alter or impede the delivery and management of water by Bureau of Reclamation facilities, as water used for conduit hydropower generation shall be deemed incidental to use of water for the original project purposes. Lease of power privilege shall be made only when, in the judgment of the Secretary, the exercise of the lease will not be incompatible with the purposes of the project or division involved, nor shall it create any unmitigated financial or physical impacts to the project or division involved. The Secretary shall notify and consult with the irrigation district or legally organized water users association operating the transferred work in advance of offering the lease of power privilege and shall prescribe such terms and conditions that will adequately protect the planning, design, construction, operation, maintenance, and other interests of the United States and the project or division involved.*

*"(7) Nothing in this subsection shall alter or affect any existing agreements for the development of conduit hydropower projects or disposition of revenues.*

*"(8) In this subsection:*

*"(A) CONDUIT.—The term 'conduit' means any Bureau of Reclamation tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.*

*"(B) IRRIGATION DISTRICT.—The term 'irrigation district' means any irrigation, water conservation or conservancy district, multicounty water conservation or conservancy district, or any separate public entity composed of two or more such districts and jointly exercising powers of its member districts.*

*"(C) RESERVED WORK.—The term 'reserved work' means any conduit that is included in project works the care, operation, and maintenance of which has been reserved by the Secretary, through the Commissioner of the Bureau of Reclamation.*

*"(D) TRANSFERRED WORK.—The term 'transferred work' means any conduit that is included in project works the care, operation, and maintenance of which has been transferred to a legally organized water users association or irrigation district.*

*"(E) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.*

*"(F) SMALL CONDUIT HYDROPOWER.—The term 'small conduit hydropower' means a facility capable of producing 1.5 megawatts or less of electric capacity."*

The CHAIR. Are there any amendments to section 2?

AMENDMENT NO. 1 OFFERED BY MRS.

NAPOLITANO

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, strike lines 12 through 15.

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

Mrs. NAPOLITANO. Mr. Chairman, this is a simple amendment striking out language in section 2, page 4, lines 12–15. It removes the exemption of the NEPA waiver for small conduits on Federal land.

The proponents of this measure again will argue that FERC regulations allow for categorical exemption for certain conduit hydropower projects that meet statutory and regulatory criteria and do not have the potential for significant environmental impacts. This is true.

First, treatment of conduits is not the same. It is not the same as what the legislation attempts where all environmental regards are completely waived. This bill, H.R. 2842, as amended, proposes to totally exempt all small hydro from the FERC exemption process. Reclamation already has the same authority as FERC to develop a process of complying with NEPA. Reclamation has already been in the process of investigating whether small hydropower developed in conduits or canals may be appropriately placed under categorical exemption.

As I stated before, the draft is already out. They are consulting with developers and irrigators to ensure that this bill is what they need. They have also granted specific categorical exemptions to three LOP projects, as mentioned in my opening statement. Low impact hydropower can be efficiently developed by utilizing existing environmental review provisions.

We have seen examples of projects that have not unduly delayed project development, and I again point to the three projects as stated before utilizing the yellow pea process. I have placed the letters from the National Hydropower Association and American Rivers and others to highlight the views of the hydropower industry and the leading conservation group on hydropower. Both are supportive of H.R. 2842 as long as it is modeled after the process used by FERC.

□ 1520

It would provide for proper oversight, a longstanding practice FERC has shown.

I urge my colleagues to vote positively "yes" on this amendment, and I yield back the balance of my time.

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

The CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. TIPTON. Mr. Chairman, I think our opponents on this piece of legislation are confused as to actually what the debate is truly about. If it is about jobs, if it is about the American people, if it is about providing energy certainty, and if it is about reducing the carbon footprint in this country, then 2842 is a good piece of legislation.

They say conceptually they embrace it, but they want to put on the backs of hardworking Americans more cost and more uncertainty at a time when we need to create certainty and when we

need to be able to have that opportunity to be able to reduce costs.

Our opponent commented that we see no evidence that projects are being delayed. Well, the fact of the matter is, when we had testimony, Chris Trees of the Colorado Water District noted that it took well over a year for a project to be approved. Many projects were not being considered simply because of the regulatory costs.

When we look at this chart on a projected cost to build a small hydropower installation, the actual cost to build the unit is \$20,000. By the time that we concur with our Democrat colleagues' insistence that we expand bureaucracy and have more government, we are going to add an additional \$50,000 in cost.

What's the challenge for rural America? It is dollars. We have struggling communities of people that need jobs. People need to be able to be put back to work. It may, in big cities, not be big money when you start to talk about \$50,000, but for our small water districts, it truly is.

This is a chance to stand up for the American people. This is a chance to be able to create clean energy for this Nation.

When we looked at examples in terms of what does overregulation by the government do, when we went through the NEPA process, no one argued as we had photos that my colleague, Mr. GOSAR, had shown of constructed ditches made by men, were put into place to have the NEPA process, but then to duplicate that process, we could look at Bureau of Reclamation's process in which it took 5 years for it to find out that it even had jurisdiction over the Klamath project C-Drop Canal in order to pave the way for conduit hydropower—5 years.

Join with us in caring about the environment, to make sure that we're going to be delivering clean hydropower—not delaying it for 5 years, not delaying it for a year, not putting more costs on the backs of the American people when they simply can't afford it—and putting people back to work. That's the choice we have on this legislation.

As Chairman HASTINGS has noted, it's a commonsense piece of legislation. It makes sense, and it makes good common sense to vote for it.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. TIPTON. I'll certainly yield to my colleague.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

Please put that poster back up again. That, I think, real-life example demonstrates why America is so fed up with what happens in Washington, DC. Here is a project that is affordable at \$20,000, and so somebody wants to take that opportunity to perhaps make some money—there's nothing wrong with that in our country—and you find out that the cost of regulation is 2½ times what the project is. Now, what

certainly does that send to the marketplace that we want to do business? That is absolutely incredible.

And its environmental permitting costs here, in this particular example, which, of course, are exemplified by what? NEPA. And this amendment would take the waiver of NEPA out of the equation. In other words, under the bill that you have authored—correct me if I am wrong—that red dot, that red slice there would be dramatically, dramatically reduced; is that correct?

Mr. TIPTON. That is correct.

I yield back the balance of my time.

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

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

Mr. McCLINTOCK. Mr. Chairman, this amendment, as the gentlelady has pointed out, strikes the NEPA exemption for small hydroelectric projects. Perhaps she hasn't been listening to the debate for the last hour. The NEPA exemption is the entire point of the bill.

As our subcommittee heard earlier this year, it's precisely this duplicative, costly, time-consuming, and entirely unnecessary process that has more than doubled the cost to small hydro projects which simply makes them cost-prohibitive. They don't apply for permits because they know they don't pencil out once all of the studies are factored into their costs. The Bureau of Reclamation doesn't deny permits; it simply demands such costly environmental studies as to make these projects cost-prohibitive. The bill authorizes these projects so they don't have to go through the costly, time-consuming, and pointless environmental studies.

The gentlelady, several times, mentioned the fact that the Bureau of Reclamation was moving ahead with three permits in Colorado. So what's the problem? Well, let's look at those three permits. One of these wasn't conduit hydropower, one was specifically approved by Congress in the 1980s, and the third took a full year to get the permitting done on an existing canal outlet. Now, if that's what the gentlelady describes as success, I think she has just proven our point.

Let me ask her this: What is the point of requiring expensive and time-consuming environmental reviews when all you're doing is putting a small generator in an existing Bureau of Reclamation pipe that has already undergone extensive environmental reviews?

FERC already provides for the categorical exemption on non-Federal projects. The Bureau's own NEPA manual, updated a decade ago, clearly allows categorical exemptions for—and this is from their manual—"minor construction activities associated with authorized projects which merely augment or supplement or are enclosed within existing facilities." These small hydro generators precisely meet this requirement. The problem is the agen-

cy ignores its own guidelines. That is precisely why this bill is necessary.

Mr. Chairman, either placing generators in pipelines is environmentally damaging or it's not, and anybody with a lick of sense already knows the answer to that question, and I would expect them to be supporting the bill of the gentleman from Colorado.

I yield back the balance of my time.

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

The CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GOSAR. Mr. Chairman, I rise against the amendment from the gentlelady from California.

In fact, I want to highlight two of the Arizona witnesses who have some of the most applicable understanding of this hydropower bill.

The first person I would like to quote is Mr. Bob Lynch, in which he testified:

We need Congress to streamline the processes both for reclamation facilities and for non-Federal facilities. This companion enterprise will open up the West to a whole new product line of small hydropower facilities that can tap the energy in flowing water that is currently being wasted. If the red tape can be cut down, the cost of installing these units can be amortized. These are existing facilities and will have no impact other than to provide additional clean, renewable hydropower in small quantities all over the Western United States.

The second person I would like to highlight is Mr. Grant Ward, who represents one of these districts in which he testified how the permitting costs of \$50,000 for every small conduit hydropower unit in his area are more expensive than the actual installation of \$20,000.

So here we hear from Mr. Bob Lynch representing the Irrigation and Electrical Districts Association in Arizona, someone who has countless decades of experience and expertise in these issues, as well as Mr. Grant Ward, who experienced this on the ground level, dictating exactly their testimony.

So I rise in opposition to this amendment.

I yield back the balance of my time.

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

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

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

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

□ 1530

AMENDMENT NO. 3 OFFERED BY MR. ELLISON

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

**SEC. 3. NO NET LOSS OF JOBS.**

Section 2 and the amendments made by section 2 shall not take effect unless the Secretary finds that such section and amendments, if in effect, shall not result in a net loss of jobs.

The CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Mr. Chairman, our transportation program expires at the end of March, and we are still facing high unemployment. Why aren't we working on a real jobs bill that will create good infrastructure jobs?

The GOP has wasted about 427 days since they've been in charge by not producing a real jobs agenda, but it's around transportation and infrastructure where we have real opportunity. Unfortunately, certain people have used creative titles—deceiving titles in some cases—to try to distract the public. Their transportation bill is called the American Energy and Infrastructure Jobs Act, but it wouldn't promote jobs in energy or infrastructure. It would actually cut highway investment by \$16 billion in 5 years. This would mean a loss of half a million jobs nationwide. That's right, the American Energy and Infrastructure Jobs Act would cut 500,000 jobs. The bill would cost about 11,000 jobs in my home State of Minnesota.

Today, we're debating the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act. Why are we talking about small conduit hydropower when we need investment in highways, bridges, transit and airports? Now, don't get me wrong, I'm not here to run down small conduit hydropower. I just think it's too small.

Also on the floor this week is the so-called Jumpstart Our Business Startups Act, JOBS. This is a rehash of access-to-capital bills that may be useful—in fact, I may support them—but will barely make a dent in our unemployment numbers. The GOP may have creative titles, may have some titles that catch attention and sound good; but if you scratch the surface just a little bit, there's no jobs agenda even on bills that say "jobs."

The American Society of Civil Engineers is a group that knows a little bit about infrastructure. This is a group, a collection of professionals, who know the issue; and they give our infrastructure grade a D—and D don't stand for "dandy." It stands for "downright bad and unfortunate."

We have nearly 70,000 bridges across this country—or 11.5 percent of all highway bridges—classified as "structurally deficient," meaning they require significant maintenance or replacement. There are about 1,400 structurally deficient bridges in my State of Minnesota, several within walking distance of my home. In 2007, my district tragically felt the impact of deficient bridges with the collapse of I-35W. We lost 13 lives, and 100 people ended up with serious injury in the hospital.

We need a real transportation bill and a real jobs agenda to rebuild our

infrastructure and to put Americans back to work.

Mr. Chairman, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank the gentleman from Minnesota for leading this position.

I rise today to speak about the current extension of the transportation bill, which is set to expire at the end of this month. I'm frustrated by the lack of action in this Chamber and the lack of attention being paid by the majority to the American people who desperately need these jobs.

The current transportation authorization expires at the end of March, but we are still facing high unemployment and a weak economy. We need the kind of long-term transportation policy that will repair our crumbling infrastructure and bring back good-paying construction jobs.

I have been on the House Transportation and Infrastructure Committee for 20 years this year; and up until now, the committee has worked in a bipartisan fashion and we have produced sound, commonsense legislation. But the progress that could have been made has been stymied by partisan bickering and bad policy.

The current transportation bill offered by the majority would cut investment in our Nation's highways by almost \$16 billion over the next 5 years. This would mean a loss of over 500,000 jobs nationwide.

Mr. Chairman, we talk about this being a jobs bill. What is before us is a job-killing bill. But the American people are waiting.

The CHAIR. The time of the gentlewoman has expired.

Mr. McCLINTOCK. Mr. Chairman, I rise to claim time in opposition to the amendment.

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

Mr. McCLINTOCK. Mr. Chairman, this amendment would give to the Secretary of the Interior the ability literally to unilaterally veto this measure if he finds it would result in a loss of jobs.

Now, let's be clear of what we're talking about here. This is the same Secretary of the Interior who came to the Natural Resources Committee in 2009 when Federal water diversions in California's Central Valley were throwing thousands and thousands of farm workers into unemployment. Before the committee, he admitted that he had the authority to stop the diversions and stop throwing these thousands of hardworking families into poverty, but he chose not to do so because he said it would be like admitting failure.

This is the same administration that blissfully threw thousands of gulf war workers into unemployment by declaring a de facto moratorium on oil production in the gulf. This is the same administration that's blocking energy

development in the Arctic tundra. This is the same administration that's torpedoed the Keystone pipeline and the thousands of jobs it would have created. And now the gentleman from Minnesota would give this same official and this same administration the power to shut down small hydroelectric facilities that could add thousands of megawatts of additional electricity to our energy supplies.

I would assure the gentleman that the reason for this bill is because we fully expect it to produce a quantum leap in demand for small generators; and somebody's going to have to build them, and somebody's going to have to install them. That means more jobs.

Now, if the gentleman is worried about jobs being lost in the regulatory bureaucracy because they won't have as many businesses to harass, I can assure him they have demonstrated over the years a tremendous creativity in finding new businesses to harass and new reasons to increase their budgets.

But I say again, I don't believe it would be a good idea to put in the hands of this Secretary and this administration yet another tool to obstruct energy and job development. Now, high electricity prices might not be a problem in Minnesota, but I can assure the gentleman they are a serious problem in California; and that's why his amendment is so dangerous.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, the bill that I'm speaking of is called the Transportation and Infrastructure Committee bill.

The Secretary of Transportation, who has served on this committee, has clearly explained what this bill in its present form will do for this country. Now, I know that probably no one wants to quote this particular Secretary, who has had inside experience as well as outside experience. He is very aware because he served on this committee during the time we worked in a bipartisan fashion.

We're talking about highways. And because someone put a lot more extracurricular, extraneous kind of stuff in this bill that does not relate to these highways, then they're against it. But the progress that could have been made was really stymied by this very kind of propaganda and bad policy.

The current transportation bill offered by the majority would cut investment in our Nation's highways and kill jobs. We want to create jobs and do something about the crumbling infrastructure in this country.

Mr. Chairman, the American people are waiting for us to do something. We were sent here by our constituents to solve problems, not to create them and not to find excuses to face the real reality. So let's get back to work and

produce a transportation bill that will repair our Nation's infrastructure and get thousands of Americans back to work—not to try to challenge this administration because you don't like the administration. We want to see something that's real and something that addresses the real problem, and not skirt around with a lot of ideas and a lot of propaganda that simply does not relate to this bill.

I yield back the balance of my time.

□ 1540

Mr. HASTINGS of Washington. I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I find this debate rather interesting because the gentlelady from Texas who spoke, of course, did not speak on this bill. She spoke on another piece of pending legislation that dealt with jobs. That's good.

That pending piece of legislation, I might add, had two components to it. It had the energy component, and it had the transportation component which, of course, is pending. We know that expires at the end of this month.

But we did pass the energy component of that bill which creates tens of thousands of jobs. And I just want to point out, Mr. Chairman, the gentlelady voted against that piece of legislation. Sometimes we hear mixed messages here, but I just wanted to set the record straight.

This bill is another extension of energy production and, of course, creating American energy jobs. And with that, I find the gentleman from Minnesota's amendment really very interesting, because what he is saying by his amendment is, unless the bureaucracy decides, by giving all this authority to the Secretary—and by the way, I'm not sure which Secretary it is because it's not delineated in the amendment. But leaving that aside, he is saying there will be no jobs unless—what? The bureaucracy decides there will be jobs. Now, how ludicrous is that?

But that is precisely where we seem to be today. And I think this is, as I mentioned earlier, this is one of the reasons why I think Americans are so fed up with what's happening here in D.C. with this sort of back and forth.

Let me repeat, this is infrastructure that is in place. There is water running through this infrastructure. All we're trying to do is capture that energy, at no cost to the Federal Government, and create jobs and lower the cost of energy. There's nothing more simplistic than that, Mr. Chairman.

So I urge my colleagues to vote "no" on this amendment, and I urge my colleagues to vote "yes" on the underlying bill.

I yield back the balance of my time.

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

The CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. TIPTON. Mr. Chairman, it's interesting, our colleagues do talk about

jobs. We want to be able to create jobs, to be able to facilitate that opportunity for Americans to be able to go back to work, to be able to create clean energy right here in the United States. As my colleague was pointing out, a commonsense piece of legislation.

We're going through existing conduits, what we call in our part of the world ditches, to be able to capture that energy, to be able to deliver it to allow local decisions to be able to be made.

But our colleagues seem to want to make sure that we're standing up, or they are standing up, for the status quo, and that just means say no—say no to clean energy. No, join with us and support clean energy and hydroelectric power.

You're saying no to jobs. Join with us to be able to create jobs right here in this country and be able to put our people back to work.

We have enough red tape. This amendment will simply grow more government. And as we saw from testimony in our committee and charts that have been shown during this debate, there's no need to put more expense on the backs of the American people, who simply cannot afford your stand to build more government.

This is an amendment that deserves to be rejected. I ask for that, and ask for a favorable vote on H.R. 2842.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The amendment was rejected.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCCLINTOCK) having assumed the chair, Mr. CHAFFETZ, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal reclamation law, and for other purposes, had come to no resolution thereon.

#### DEVASTATION ACROSS SOUTHERN INDIANA

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

Mr. PENCE. We are told to mourn with those who mourn and grieve with those who grieve.

Mr. Speaker, I rise to do so today. Across southern Indiana, in small towns like Henryville, Marysville, Pekin, and others, Hoosier families and communities are picking up the pieces after one of the most devastating tornados in my lifetime swept through our State.

I come to the House floor today to pay tribute to the lost, and to those

who lost their homes and their businesses, and pay tribute to the first responders and to the countless thousands of Hoosiers who have come alongside their neighbors in this grievous hour.

As millions of Americans have witnessed on television, these violent storms left utter destruction in their wake across a three-State area. Schools, businesses, and homes were reduced to piles of rubble. Cars were flipped and thrown about as if they were toys. Some communities, as one local official said it, were "completely gone."

In the Hoosier State we lost 13 lives, including an entire family from Pekin, Indiana. Yet in this dark hour, for so many families, as is always the case in the Hoosier State, we hear stories of communities coming together to rebuild. Despite the snow and cold that followed the storms, we see generosity, community spirit in full display.

Over the coming days, weeks and months the wounds will heal, debris will be cleared, homes and businesses and barns will be rebuilt. And as the Federal Government makes its assessment today about Federal support, we look forward to supporting all Federal assistance.

But I rise today to commend Governor Daniels, the Indiana National Guard, the Indiana State Police, all of our first responders and Homeland Security and community leaders for their decisive leadership in this moment.

But I also rise today to commend all of those who stepped forward to provide a helping hand, either with time or talent or treasure, volunteers donating food and clothing and labor. It is profoundly inspiring and humbling, and makes me proud to be a Hoosier.

May God comfort the families of the lost, and give strength and courage to those who will rebuild in the wake of these storms.

#### HONORING THE LIFE OF CONGRESSMAN DONALD PAYNE

The SPEAKER pro tempore (Mr. FINCHER). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Mr. Speaker, today, as you heard, the House, the Congress as a whole, the 10th District of New Jersey, our Nation, the countries of Africa and the Caribbean, of Ireland, where he was an honorary citizen and, indeed, the world, has suffered a great loss. DONALD PAYNE was a friend and advocate for the world and all of its people, but particularly for the sons of Africa here and worldwide.

Tonight I am honored to chair this Special Order in his honor, and to recognize my colleagues from both sides of the aisle who will be coming to pay tribute to DONALD PAYNE.

I'd like to begin by asking unanimous consent that all Members might

have 5 legislative days in which to revise and extend their remarks and include extraneous material on the topic of the Special Order.

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

There was no objection.

□ 1550

Mrs. CHRISTENSEN. I'd like to begin by yielding 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, DONALD PAYNE played a very special role in my service as a Member of Congress. I didn't know him nearly as long as many other Members, and I guess I probably didn't know him as well; but there is no doubt that as a Member coming into Congress trying to figure out how to be the best Member I could be, DONALD PAYNE was one of the people who I admired and looked to, and no more so than when he was fighting for the human rights of all people.

DONALD PAYNE gave me a new and unique perspective on suffering in Darfur, explaining the complexities as it related to making sure that Darfurians not only got relief, but also eventually one day would get justice.

But he didn't stop there. I have a large percentage of my constituents who hail from Somalia, and DONALD PAYNE gave me historic perspective on Somalia on a regular basis, which I didn't have, and also, again, helped me understand how difficult it was and how important it also was that we stand for stability for the people of Somalia. In fact, his level of commitment to the people of Somalia was so great, he got into an airplane and flew there and, on his way out, was actually shot at when al-Shabab tried to take his life for showing concern for the people.

Yet he traveled many places and really went all around the world; but he also went into my district, as he went to many districts, and I'll never forget the day when we organized a community forum on east Africa. We had Somalis in the room, people from the Ogaden region of Ethiopia, people from Eritrea, all over, immigrants who made America their home either by choice or because they were refugees. For 3 straight hours, DONALD PAYNE answered their questions, gave them comfort and assurance and information.

He is a towering figure in my world, and I don't think we'll ever forget DONALD PAYNE. I just say, may he rest in peace, and God bless him and his family.

Mrs. CHRISTENSEN. I'd like to yield 2 minutes to Mr. WOLF of Virginia.

Mr. WOLF. Mr. Speaker, I rise today to pay tribute to the life and legacy of Congressman DONALD PAYNE.

As a public servant, Congressman PAYNE has consistently stood with the forgotten people and causes. He has championed their plight and advocated on their behalf, perhaps none more so than the long-suffering people of the southern Sudan.

For years, Congressman PAYNE advocated for self-determination for the people of South Sudan, who had endured great hardship at the hands of the government in Khartoum. He was also the leading voice in urging States in the U.S. to divest from companies doing business in Sudan in light of the government's horrific human rights abuses.

Congressman PAYNE was the sponsor of the congressional resolution calling attention to the horrors unfolding in Darfur, a resolution which was rightly labeled as "tragedy," "genocide." The list goes on and on.

I had the honor of being with Congressman PAYNE in Nairobi, Kenya, in 2005 for the historic signing of the Comprehensive Peace Agreement which marked the end of a brutal civil war between the north and the south which spanned 21 years and claimed the lives of more than 2 million people. Congressman PAYNE labored for years to see that day arrive. No one did more than DONALD PAYNE to bring about the new country, which is now the country of southern Sudan.

He, fittingly, returned to South Sudan in July of 2011 to join the people of that land in celebrating their long-awaited independence, a fulfillment of the promise. Upon being chosen to be part of the official U.S. delegation, Congressman PAYNE issued the following statement. He said:

As a ranking member on the House Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights, I have been committed to helping Sudan achieve peace and justice.

Indeed, he was committed. Congressman PAYNE worked hard. He traveled to the region countless times. He experienced the people suffering, and then he acted. Congressman PAYNE heard the people suffering and never chose to look the other way.

My thoughts and prayers are with Congressman PAYNE's family as they grieve, and Congress will profoundly miss his voice, as will thousands of others around the world.

Mrs. CHRISTENSEN. I would next like to yield 2 minutes to the Congresswoman from Texas, Congresswoman EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you to my colleague from the Virgin Islands.

I rise to speak today about the loss of Congressman DONALD PAYNE. Congressman PAYNE lost his battle with cancer early this morning, and we in Congress lost an esteemed colleague.

My relationship and acquaintance with Congressman PAYNE came before I came to Congress and meeting him when he served on the national YMCA board and became the chair of the national YMCA board; and I know him as a devoted public servant who used his position in Congress to advocate for those less fortunate, first, as a teacher, and later, serving on the House Committee on Education and the Workforce. He was an advocate for children

and worked to make college more affordable.

As the highest ranking Democrat on the Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights, he worked to promote human rights around the world and helped secure billions of dollars in foreign aid for treating HIV/AIDS, tuberculosis, and malaria.

It is difficult to lose a member of the Congressional Black Caucus family. We're small but very connected. And Congressman PAYNE served the 10th District of New Jersey with dedication and served as the chair of the Congressional Black Caucus as well.

My thoughts and prayers are with his family today in this difficult time.

Mrs. CHRISTENSEN. I would like to yield 2 minutes to the Congresswoman from the District of Columbia, Congresswoman ELEANOR HOLMES NORTON.

Ms. NORTON. I thank the gentle lady for yielding and for leading this Special Order for our good friend and colleague, DONALD PAYNE, whose passing leaves me shocked and deeply saddened after his 12 terms of outstanding service in the House of Representatives.

DON was a friend. He was more than a colleague. He was the kind of friend you could always strike up a conversation with about matters technical or just matters at hand because DON was easy of manner but strong of conviction.

DON was a real path breaker and history maker. He came to Congress as the first African American to serve in Congress from the State of New Jersey. He followed the great Peter Rodino, who had served Newark for decades. Newark had become a majority African American city, but DON grew up in a neighborhood that was as Italian as it was black and felt comfortable with people of all ethnic groups.

When Congressman Rodino, who was then chair of the House Judiciary Committee, retired—this was, of course, before I came to Congress, but it was much commented upon—DON, who had run against him several times and was the logical person to win that seat, plunged into his work for a city that needed a man of his depth of understanding and conviction of their problems, their education, their health care, their housing needs.

For Newark, when the Congressman came here 12 terms ago, personified, symbolized the great urban communities of our country and the upheavals that they were undergoing. He plunged into that work, and yet he was able, at the same time, to become perhaps the House's most expert Member on Africa and the Caribbean.

□ 1600

DON was a leader on Africa, who did not work from the newspapers or the journals, but traveled the continent and came back with firsthand information. For the Congressional Black Caucus, DON was the go-to man. Nobody from the caucus moved on a matter affecting Africa without going to DON

first. Go to the expert first, find out if you're on the right foot, and then perhaps move forward.

DON was rigorous in his evaluation of the leadership of the various countries of Africa. He never withheld when an African leader needed the strong criticism of the United States and his own strong criticism. Thus, his leadership was trusted all across the Congress when he stepped forward with his views. He worked with every President because Republican and Democratic Presidents alike have been involved in the issues affecting Africa; and they, like us, turned to DON on those issues.

Where will we find such a Member today? Is there such a Member who has devoted so much of his life not only to urban America, but especially to Africa, who knew everything, knew everyone, and knew anything we needed to know?

DON will be greatly missed by this Chamber. He will always be remembered. I know I speak for us all when I say that his family has our deepest sympathy and our everlasting love.

Mrs. CHRISTENSEN. Thank you, Congresswoman.

I would like to now yield 2 minutes to one of DONALD's colleagues from New Jersey, Congressman HOLT.

Mr. HOLT. I thank the gentlelady.

Mr. Speaker, all of us are saddened by the country's loss of DON PAYNE, and it is going to be hard to get used to the absence of DON.

DON has been a good friend to me, someone I've looked up to here in Congress.

No one in Congress has been a stronger advocate for equality of opportunity in education. No one in Congress has been a greater advocate for children services and youth development. No one has been more knowledgeable about Africa. No one has voted more consistently for peaceful and non-military resolutions to problems. No one has been more consistent in the fight to respect workers' safety and workers' conditions.

Throughout all of this, DON PAYNE was very attentive to the interests of the entire State of New Jersey and especially to the interests of his constituents.

He was instrumental in bringing international attention and condemnation to the genocide in Darfur, as we've heard already.

As a former educator, he brought an invaluable perspective to our work together on the Education Committee. He was responsible for getting many millions of dollars to the PEPFAR program for dealing with HIV, resistant TB, malaria around the world, and especially in Africa. I might add he did that with President Bush.

He was a strong advocate for an adequate minimum wage. He was a key player in writing the College Cost Reduction and Access Act to cut interest rates for college loans, to increase Pell Grants, and to provide loan forgiveness to public service employees with stu-

dent debt. It was a great pleasure and really a marvel to watch him on the Education and Labor Committee.

DON was, I think you would say, an unabashed liberal, recognizing that there are some things that we can do better together than separately. He was not a you're-on-your-own kind of guy. That was true in person too. He was very inclusive. He had good humor and dignity in everything he did. DON PAYNE was a good friend, a good Member of this House, and a great public servant.

My thoughts and prayers are with his family and his many friends, and I know his constituents will be hard pressed to find somebody to represent them as well as DON PAYNE.

Mrs. CHRISTENSEN. Thank you, Congressman HOLT.

Now, I would like to yield 2 minutes to another colleague from New Jersey, Congressman FRELINGHUYSEN.

Mr. FRELINGHUYSEN. I thank the gentlewoman for yielding.

DON PAYNE and I have been friends for over 35 years. We served together in county government as freeholders in New Jersey from our respective counties, Morris and Essex Counties, before he preceded me to Congress.

During his service in this House, he worked long and hard on issues that literally cried out for attention.

At home we all admired his steadfast commitment to ensuring that our Nation's children had the best quality education possible.

Abroad he focused on global public health issues like childhood survival and human rights on the continent of Africa and elsewhere. DON PAYNE took up the cause for suffering people around the world and gave voice to their plight even at great personal risk.

Mr. Speaker, DON PAYNE loved Congress, he loved public service, he loved New Jersey, and he loved his hometown of Newark.

I was proud to work with him to revitalize the Passaic River in Newark, that waterfront that for many years had remained inaccessible to the public.

DON will be sorely missed, especially for his dedicated service to his constituents over many decades. I'll never forget his valuable service and his enduring friendship. We've lost a great principled man who lived a life from which we could all learn something.

May the tributes and prayers of so many of his colleagues here this afternoon today be a source of strength to his family.

Thank you.

Mrs. CHRISTENSEN. Thank you for joining us and for offering those words on behalf of Congressman PAYNE.

I would now like to yield 2 minutes to the Congresswoman from California, another dear friend of Congressman PAYNE, LYNN WOOLSEY.

Ms. WOOLSEY. Mr. Speaker, I rise to pay tribute to a man I loved, a man I respected, a friend for life, and a mentor.

When I came to Congress, I couldn't have picked a better mentor: a public school teacher from New Jersey, someone kind and smart, dedicated, actually burning in his belly about issues of value and conscience.

I served on Congressman PAYNE's Africa Subcommittee. He served on my Workforce Protection Subcommittee. On both panels, I benefited from his wisdom, advice, and his expertise. On the Africa Subcommittee, I was always amazed at how much and who he knew.

This is a man who knew what public service was all about. He was, as he described himself, a mild-mannered man; but he was also tenacious, dedicated, and stubborn.

No one has worked harder to bring peace, democracy, and human rights to Africa. He almost gave his life for the cause a few years ago when his plane was shot by rebels as he prepared to come home after a Somalia mission that actually the State Department had warned him against.

As change continues and as change continues to come—particularly to Africa in the coming years—we'll all remember the role that DONALD PAYNE played in laying the groundwork in helping make that change happen.

A true statesman and a humanitarian, DONALD's death this morning already leaves an indescribable void. DONALD PAYNE had a huge heart and a keen mind. And believe me, I will miss them both.

Mrs. CHRISTENSEN. Thank you, Congresswoman WOOLSEY.

I would now like to yield 2 minutes to another colleague from New Jersey, Congressman LANCE.

Mr. LANCE. Thank you very much, and thank you for yielding.

The Payne family occupies a fabled position in the history of Newark, New Jersey's largest and greatest city. The whole family has been involved in public service; and, of course, Congressman PAYNE's public service here is of almost a quarter-century duration.

□ 1610

Congressman PAYNE succeeded Congressman Rodino, the distinguished chairman of the House Judiciary Committee at the time of Watergate, well-known in American history. Congressman Rodino succeeded Congressman Hartley, who was the Congressman from that part of New Jersey for a generation, he, the author, with Senator Taft, of the Taft-Hartley Act.

Over the course of the 20th century, in the district that has been represented by Congressman PAYNE for a quarter century, the provenance of that district is Fred Hartley, a Republican, of the Taft-Hartley Act; Peter Rodino, the distinguished chairman of the Judiciary Committee during Watergate; and now for 24 years, DONALD PAYNE. The character of that district is the character of this Nation and certainly the character of the great city of Newark over the course of the 20th and into the 21st century.

The Payne family not only includes the distinguished Congressman, but his brother, Bill Payne, with whom I had the honor of serving in the New Jersey Legislature. His brother, Bill, and I worked together in the creation of the Amistad Commission in New Jersey. Of course, that commission dealing with the work of the great Amistad trial based upon the mutiny in 1839 of a slave ship, so brilliantly defended by John Quincy Adams, whose portrait hangs 10 feet from the entrance of the House of Representatives. And in working with Congressman PAYNE's brother, Bill Payne, in the New Jersey Legislature, I got to know the Payne family and certainly, through his brother, Bill, I got to know the Congressman, and what a great honor for me to have served here in Congress with DON PAYNE.

Mr. Speaker, finally, several days before Martin Luther King was assassinated in Memphis, he was in Newark, and he was in Newark at the request of leaders there, including DONALD PAYNE and William Payne. Among the most prized possessions of the Payne family are photographs of Martin Luther King taken days before his assassination as the Paynes were attempting to bring about justice in the city of Newark. Certainly no Member of the House of Representatives was more committed to justice, not only here in this country, and within this country, in the city of Newark and the State of New Jersey, but justice across the world, so that children in poverty could have a decent quality of health care and, as has been cited, the Congressman almost lost his life in that regard.

The country is poorer for the loss of DONALD PAYNE, but this country is greater for his public service, his public service on the governing body of the city of Newark, his public service as a county commissioner—we use the term freeholder in Essex County, New Jersey—his public service to the entire State, and I respectfully suggest, to the United States of America. We mourn his loss, but we celebrate his life.

Mrs. CHRISTENSEN. Thank you, Congressman LANCE.

I yield to the gentlewoman from California, Congresswoman MAXINE WATERS, who I believe succeeded DONALD PAYNE as the chairperson of the Congressional Black Caucus.

Ms. WATERS. I appreciate your organizing the time for us to come to the floor and speak about our friend, DONALD PAYNE. We are all so sad, and we are going to miss him, but we also know that the service that he gave to this country, even long before he came to the Congress of the United States, and the service that he has given to this country since being a Member of Congress, is unmatched by any Member of Congress.

DONALD PAYNE was a true servant who not only served his State of New Jersey, but DONALD PAYNE was someone who took care of his district. When

I take a look at all of the capacities that he served in in the State of New Jersey, I am just in awe, counting Democratic chairman, executive of the Prudential Insurance Company, vice president of Urban Data Systems, educating the New York and Passaic public school districts, a former national president of the YMCA, chairman of the World Refugee and Rehabilitation Committee—it goes on and on and on. And he brought with him to Congress the same attitude, the same commitment to service.

Since his service in Congress, of course, he left us as chair of the Congressional Black Caucus Foundation. He served as the chair of the Congressional Black Caucus immediately prior to my being elected to the chair of the Congressional Black Caucus, and I learned a lot from his service about how to chair the Congressional Black Caucus.

DON PAYNE was known for several things but certainly known and respected for his commitment to education, closing the achievement gap, making sure that we expand opportunities for the least of these with Pell Grants, making sure that he reduced the interest rates on some of the loans, the Stafford loans, for example. He was known because he understood that as a public policy maker he could influence education in this country, and he certainly did that.

I also would like to point to his record of achievement serving as the chair of the Africa Subcommittee of the Foreign Affairs Committee, where he was the expert, unmatched. As a matter of fact, DONALD PAYNE traveled to Africa, East Africa, West Africa, throughout his career, and he knew all of these countries on the continent, and he knew the leaders, past and present.

As a matter of fact, DON didn't wait for a codel of a lot of people to be organized to go to a troubled spot. DON would get on the airplane by himself, a one-person codel, and travel, set up his own meetings with the leaders of those countries, talk with them about what was taking place in those countries and get such an understanding of what needed to be done. He coupled all of this with the history of the countries of Africa.

DON was an educator, he was a teacher, he was a historian. So he knew a lot about the backgrounds of these countries because he had studied that. When he coupled that information with what was going on at the present time that he was visiting and working on issues in those countries, he made it all come together, and he helped us all to understand. He was our go-to person on Africa for sure.

When we wanted to know what was going on—and some people who were not that involved in foreign affairs and in Africa, they just followed his vote. When they looked upon that panel, they looked at how DON PAYNE was voting, and then they followed his leadership.

We are going to miss that leadership. We are going to miss this dedication. We are going to miss this mild-mannered man who loved his job, who loved his district. I'm always going to remember that he invited me to his district on several occasions. I went up with DON, I campaigned with him. I went about the community. He introduced me to the ministers, and he was well respected and loved in his district.

Of course, we all know why, because he was dedicated to the district, and he did so much for the district. The district is going to miss DON PAYNE. It will be hard to match the work that he did and his success and his achievements. We're going to remember each time we're involved in some of the same issues that DON was involved in. We're going to ask ourselves, what would DON have done, and we're going to follow the thinking of DON PAYNE on those issues.

Mrs. CHRISTENSEN. Thank you, Congresswoman WATERS.

I yield 2 minutes to the Congressman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I thank the gentlelady.

Mr. Speaker, it is said that a politician will always rise to the occasion, and the Honorable DON PAYNE did rise to the occasion on many occasions.

But it is also said that a statesman makes the occasion. DON PAYNE was more than a politician, he was a statesman. He made the occasion in Darfur, where he went to make sure those who were suffering, among the very least, among the very last and the lost, that they would have an opportunity to have a better quality of life, and he was to this day still working to help the people of Darfur. He made the occasion when it came to AIDS, \$50 million, \$50 million to help those who are beset with this disease.

He made the occasion when it came to working with his colleagues, pulling us together, helping us unite to do things collectively that we could never do apart. He developed a symbiotic relationship among his many relationships. When I think of DONALD PAYNE, I will always remember that he was a person of honor. He honored his word. To his friends his word meant something, but more importantly, he honored his word to foes, people who disagreed with him. Once they had his word, they had a word they could count on.

I will remember that he was a person who respected this institution. This institution meant something to the Honorable DON PAYNE.

□ 1620

What this institution stood for and how we could utilize this institution to make a difference in the lives of others was important to him. He was a person of valor. He would stand with you. He was determined. He was a fighter. He came under fire, I'm told, in Africa as he was trying to help others.

And finally, I will say this: I truly do believe that God is good all the time.

Even under circumstances such as these, I believe God is good because we didn't have to have him for 77 years. We didn't have to have him in this House for 12 terms. I didn't have to have him as a friend for 8 years. I believe that God is good all the time, and I am so proud that God allowed him to come this way and I had the benefit of calling him my friend.

DON, we love you, and I know that wherever you are, there is a statesman there who is making the occasion.

Mrs. CHRISTENSEN. I thank Congressman GREEN, and now I would like to yield to another colleague from New Jersey and friend of DONALD PAYNE, Congressman CHRIS SMITH.

Mr. SMITH of New Jersey. I thank you very much and appreciate the gentleness for yielding. Let me join my distinguished colleagues in expressing our deepest condolences to DON PAYNE's family. He was truly a remarkable man. I had the privilege of sitting next to him for about 15 years as I was the chairman or he was the chairman of the Human Rights Committee, the Africa Committee as well. I was his ranking, he was my chairman, and we always worked in a very cooperative way. We always had mutual respect, and he had such a deep compassion for the people who have suffered so much on the subcontinent of Africa.

DON PAYNE was quiet, but always determined. Extremely thoughtful, a humanitarian in the extreme, and he fought for so many important issues. You know, it was not a slam dunk or in any way a given that PEPFAR, the President's Emergency Plan for AIDS Relief, would become law. DON was there working in a bipartisan way to ensure that sufficient funding, sufficient authorities were given to the U.S. Agency for International Development to mount a massive effort to combat the pandemic of HIV/AIDS. He did the same thing with malaria and the Malaria Caucus, and he did the same thing with tuberculosis, which sadly is an opportunistic disease that afflicts so many people who have HIV/AIDS.

On the Sudan Peace Act, again when we were looking and working so hard to try to stop the slaughter in South Sudan, there was DON PAYNE working every day of the week to ensure that somehow peace would break out and the genocide would end there, as well as in Darfur.

Again, I know that he cared deeply because I was there having those conversations with him day in and day out. You know, very often in my Subcommittee on Human Rights when I chaired that and he was the ranking member, we would go on receiving testimony, debating for hours. There would be two Members left standing in the room, DON PAYNE and me, because he cared so deeply about human rights globally, as well as in Africa. He will be deeply missed. Again, a great man, a great friend, and his passing is mourned by everyone in this Chamber and everybody in the State of New Jersey.

God bless him, God bless his family; and thank you, DON PAYNE, for the great work you did in the U.S. House of Representatives.

Mrs. CHRISTENSEN. I thank Congressman SMITH, and now I'd like to yield to the gentleman from Michigan (Congressman CLARKE).

Mr. CLARKE of Michigan. Mr. Speaker, I want to thank the gentlewoman from the Virgin Islands for yielding to me.

I am one of the newest members of the Congressional Black Caucus. Being a freshman here in this body, you become immediately aware of the traditions of the House. For example, male Members of the House are referred to as the gentleman from the State that they represent. DONALD PAYNE was a gentleman not because he was elected to Congress but because he was a good, decent human being. He welcomed me with open arms as a new guy from Detroit that very few in the House even knew about.

Less than 2 weeks ago, DONALD PAYNE returned a call that I had placed to him. We had a short, but gracious, conversation. And I knew after I hung up the phone that I would see him soon right here in the Halls of Congress, but that never came to pass. The lesson is clear to all of us: our time, our life here on Earth is very fleeting. Let's do everything we can to cherish each moment, not necessarily to pursue a wild ambition or do a lot of things, but just to be like DONALD PAYNE, respecting others, caring for others. That's what he stood for.

Mrs. CHRISTENSEN. I now would like to yield to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the gentlewoman for yielding me this time. Just a few hours ago, we lost a dear friend, an esteemed and honored and respected colleague, Congressman DON PAYNE of New Jersey.

DON was a proud member of the New Jersey delegation. He was a faithful servant to his constituents. For more than two decades, he served them in this body. He was also a committed member of our Foreign Affairs Committee. He was chairman and the ranking Democrat on the Subcommittee on Africa, Global Health and Human Rights; and in that capacity he showed us his unwavering commitment to fighting diseases worldwide, but especially in Africa. He shone the light on human rights abuses throughout the world. DON's tireless efforts provided a voice for the afflicted and for the oppressed.

We are saddened as an institution, as a body, and as friends by the loss of such a courageous and loyal and conscientious public servant. DON will be greatly missed by our Foreign Affairs Committee because he was such a tireless advocate for the causes for which he felt such passion.

He will be missed here on the House floor because he was ever present whenever there was an important issue

to be debated. He will be missed in his home State of New Jersey where he was so revered and respected by his constituents whom he so faithfully served. He will be missed especially by the thousands and, indeed, countless people whom we will never know who he inspired and he impacted throughout his tenure and long career in public service.

So without a doubt, Congressman DON PAYNE's contributions will be remembered for many years to come, and our thoughts and prayers are with all of the Members of the Payne family and all of the people whom he touched in a very special way.

I thank the gentlewoman for the time; and in our Foreign Affairs Committee tomorrow, we will hold a special remembrance for Congressman DON PAYNE.

Mrs. CHRISTENSEN. Thank you, Congresswoman ROS-LEHTINEN. And now I would like to yield to the gentleman from American Samoa, Congressman FALEOMAVAEGA.

□ 1630

Mr. FALEOMAVAEGA. I do want to thank the gentlewoman from the Virgin Islands for managing the time for our colleagues in this Special Order that has been taken to honor our good friend who has just passed away, Congressman DON PAYNE.

Congressman DON PAYNE was my classmate. We sat next to each other for the past 23 years as members of the House Foreign Affairs Committee. We were talking about the situation where it looked very interesting as proud Americans, and yet we knew something was missing here in terms of the activities of how our foreign policies have come about, in doing things about our relationship with other countries, so DON PAYNE was committed to looking after the needs of what are our foreign policies towards Africa. My commitment was to find out what are our foreign policies towards the Asia and the Pacific region.

I want to share this little interesting thought with my colleagues. When DON PAYNE and I first became members of the House Foreign Affairs Committee, hardly any of the members wanted to be on the Asia and the Pacific or Africa subcommittees. The mentality here in Washington was entirely towards Europe and the Middle East. Being members of these two subcommittees was almost like the pits. They were not even on the radar screen, weren't even given any real sense of priority or interest.

I want to say to my colleagues that it has been truly an honor to be sitting next to my brother, DON PAYNE, and to commit to the idea that as a champion and advocate for the needs of the poor, the great champion of human rights throughout the world, not just towards Africa, but all other regions of the world, DON PAYNE and I worked on the plight, the needs of the people of West Papua, New Guinea.

I always have remembered DON PAYNE's admonition to me every time we discussed issues about fairness and equality. He said,

Eni, let me just remind you of what Martin Luther King, Jr., once said: "In the end, we will not remember the words of our enemies, but the silence of our friends."

I think it's so true in terms of what he instituted in my own heart and mind: you can't just sit back and just let things go by. We've got to be out there being proactive and expressing ideas that will solve the many issues and the problems that we are faced with, not only in our own country, but throughout the world.

I want to express my deepest sympathies and condolences to the family of my brother, Congressman DON PAYNE. And I'm reminded of the saying, "blessed are the peacemakers, for they shall be called the children of God." This truly was a peacemaker, whom I've had the honor and privilege of witnessing his life as an example not only to our colleagues, but certainly to the Members of the American people. Both in deed and by his conduct, DON PAYNE was truly a statesman, and his voice will be surely missed in the years to come.

Mr. Speaker, I am so happy to see that so many of our colleagues are here to pay special tribute to this great man, a gentle man, and yet by such great tremendous example showing us what we should be doing: going about and helping other people. I want to wish him well. We have a saying in my culture, "Ia manuia lau faiga malaga"—"May you have a good voyage."

Mrs. CHRISTENSEN. I thank the gentleman from American Samoa.

I would now like to yield 2 minutes to the gentlelady from Illinois, Congresswoman JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. Thank you for this opportunity to speak about a really good friend of mine, DON PAYNE. When I heard that his situation was grave, I gave a call to his brother, Bill, whom I had gotten to know on trips that he and DON took, and had the privilege then of speaking with DON. He was in hospice. This was just a couple of days ago. And I was able to tell him how much I loved him and able to tell him that I hoped that he found peace and comfort in the knowledge that he helped so many people in this world.

DON PAYNE was a real citizen of the world, a quiet and dignified gentleman, but he had a fierce commitment to justice and human rights everywhere. He was really the de facto ambassador to Africa. No one in this Congress knew or cared more for the people of Africa. He also personally knew the leaders, and they knew and respected him. His knowledge and his relationships will leave a big hole here. He was the go-to person. If you wanted to know anything about what was going on, the political situation, or who was who on the continent, DON PAYNE was the one to go to.

As I said, I was able to travel with DON and Bill to many places around

the world and always listened carefully, as everyone did, when DON spoke with the kind of knowledge that he had about all things dealing with foreign relations, about all things dealing with human rights. So my heart goes out to my good friend, Bill Payne, to the children and grandchildren and one great grandchild of DONALD PAYNE, my beloved friend, whom I'll miss so much.

Mrs. CHRISTENSEN. Thank you, Congresswoman SCHAKOWSKY.

I would now like to yield 2 minutes to another colleague of DON PAYNE from New Jersey, Congressman BILL PASCRELL.

Mr. PASCRELL. Ladies and gentlemen, the House has lost a real advocate, a person who respected this institution and who understood what it was.

So I know I speak for all of us when I say our condolences to the family and our condolences to his constituents. He served most distinctly.

Rather than tell you some things I was going to prepare myself about my relationship with DONALD, I got a letter this afternoon, and I think it's appropriate if I read this letter on the floor of the House because it tells us that DONALD PAYNE was not just interested in Africa. His interests as a humanitarian went beyond that.

Sinn Fein President Gerry Adams has spoken of the deep sadness at the death of United States Congressman DONALD PAYNE. On behalf of Sinn Fein, and all of those in Ireland who met Congressman PAYNE on his many visits here, the Sinn Fein leader extended his deepest sympathy to Congressman PAYNE's children and his family circle and many friends. And this is what Gerry's own words are:

Donald Payne was a champion for the disadvantaged and the downtrodden in the United States and around the world. He devoted his life to promoting civil rights, equality and democracy.

My friends, just think who is saying this. A man of valor, a very courageous person, Gerry Adams. This is how close we are in the tribe of humanity and how many times we fail to recognize it.

I met Donald many times both in Washington and in Ireland. He was always very interested in Ireland and had visited the north before the cessations in the mid-1990s. Donald was very supportive of the Irish peace process from the beginning and was a regular participant in briefings which I and other Sinn Fein visitors gave to political leaders on Capitol Hill.

Many of us were there, many of us in this room.

He was also a frequent member of congressional delegations that visited Ireland. Donald will also be fondly remembered by citizens on Garvaghy Road, in north Belfast, and the Short Strand, which he visited at a time when efforts were being made to force controversial Orange marches through those districts.

His experience as a civil rights campaigner resonated with his audience in west Belfast when he spoke there during the west Belfast Feile on the issue of equality and anti-discrimination legislation.

During a debate in Washington on the McBride principles he remarked that: "I and

other members of the Congressional Black Caucus can easily identify with the Catholic minorities. I recognize many similarities in how they are treated with how people here were treated."

Donald was a thoughtful, generous and well-informed politician who was personally dedicated to improving conditions for others and who worked diligently on behalf of his constituents and of his party.

He will be remembered with gratitude and real affection for his support at difficult and dangerous times in Ireland—in difficult and dangerous times all over the world. He will be sadly missed by his constituents, by people the world over. I want to extend regrets and deepest sympathy to his family and his friends.

Go ndeanfaidh dia trocaire ar a n'anam dilis—may he rest in peace, and may all of his friends gather in this institution that he loved so well.

□ 1640

Mrs. CHRISTENSEN. Thank you, Congressman PASCRELL. And thank you for bringing the sympathies of Sinn Fein to the floor.

I would now like to yield 2 minutes to a person who served with DON for quite awhile on the Foreign Affairs Committee, Chairman DAN BURTON of Indiana.

Mr. BURTON of Indiana. I thank the gentlelady for yielding.

You know, we judge, as Congressmen, our colleagues based upon their ability and how hard they work. But the thing I liked about DON PAYNE, as a colleague with whom I worked for 24 years on the Foreign Affairs Committee, was he was a nice guy. He was really a nice guy. Even when we had our differences—and there were many when we served on the Africa Subcommittee together—we would debate, and then we would walk together down the hall and talk as friends and still discuss our differences, but we did it in such a friendly way, and I really liked the guy.

One of the things I think is so important is we really don't get to know each other too much in this place. We have 435 of us. And people come who are wealthy and some who are very poor, some who came from bad beginnings and tough beginnings and some come from the top; and we don't get to know each other very well. But I knew DON PAYNE because he worked so hard for the people he represented in Newark, and he really fought for them.

He wanted a garage in Newark because of the business downtown. I remember I fought him on that garage and we were able to stop it. And I think one of the things I'll regret the day I leave this place is that I stopped that garage because I think DON PAYNE, as the kind of guy he was, really felt like it was needed for Newark. And DON, if you're listening, if I had a chance, I'd vote differently on that thing.

But anyhow, he was a nice guy. He was a credit to the Congress of the United States and to everybody who knew him. I'd like to say to his family that I extend my deepest sympathies, as the other speakers have said, but I'd also like to say that to his staff. I

know his staff is going through a difficult time right now as well as his family, so I want to extend my deepest sympathy to them as well.

Mrs. CHRISTENSEN. Thank you, Chairman BURTON.

At this time, I would like to yield 2 minutes to another colleague from New Jersey, Congressman ROB ANDREWS.

Mr. ANDREWS. I thank my friend for yielding.

Sometimes the quietest voices are the ones that have the greatest impact. DONALD PAYNE always spoke quietly, humbly; but as we reflect on his life, the impact is monumental.

Tonight, there are villages in Africa where people have self-determination, human dignity, education, and health care because of the impact of his voice and his life. There are people working in the city of Newark, the counties of Essex and Union and Hudson because of businesses he helped to bring and schools he helped to build and progress he helped to make.

As we heard my friend BILL PASCRELL talk about, there are people in Ireland from very different heritages and backgrounds that DONALD brought here who are celebrating his life because of the reach of his voice and of his life.

I think, most importantly, the impact of his voice is the hollowness and sorrow that we all feel here in this institution because the quietness of his voice brought us together at times of discord and stress. DONALD believed passionately in his progressive ideology, but he believed with equal passion in tolerance for those who disputed it. DONALD fought fiercely for the causes in which he and I believed and he and others believed, but he never fought the rights of others to express differing views. He cared very personally about his causes, but he never took personally those who disagreed with him. This is a lesson that we should learn and abide by in this institution in years to come because it makes us better people and it makes our institution stronger.

Later this week, it is a remarkable thing that this humble young man, a school teacher, a leader in the YMCA who at the beginning of his career lost many more elections than he won—lost two elections for the county executive position, lost multiple attempts to become elected to this House of Representatives, and then triumphed—someone from those humble beginnings that world leaders will come to a place of worship in the city of Newark to commemorate his life.

But I think what's more indicative of DONALD's contribution is that as those world leaders come through Newark Airport into the city that DONALD loved, there will be janitors and school teachers and truck drivers and day care providers and laborers and electricians and Americans of all walks of life, people of all walks of life who will know and acknowledge the great impact of this quiet voice.

His voice has sadly been stilled; but let us celebrate the fact that his impact will live in our world, in our country, in our institution, and in our hearts forever. May God bless his family and comfort them at this time of affliction.

Mrs. CHRISTENSEN. Thank you, Congressman ANDREWS.

At this time, I would like to yield 2 minutes to the gentleman from Troy, the gentleman from Georgia, Congressman JOHN LEWIS.

Mr. LEWIS of Georgia. I want to thank the gentledady for yielding.

I rise today to honor the memory of our beloved colleague, the distinguished gentleman from the State of New Jersey, DONALD PAYNE.

Today we have lost a wonderful and good friend, and the people of the 10th District of New Jersey have lost a fearless leader and advocate.

Any American can be elected to public office, but not everyone can serve with dignity and great respect. DONALD PAYNE, my friend, my brother, enjoyed the admiration of his colleagues because he led by example, and through quiet, determined diplomacy he accomplished a great deal.

A deep sensitivity to the human condition was at the center of all he did. His work was an extension of the belief that each of us has a responsibility to serve one another, and that we must use the power and resources of a great Nation to relieve the burdens of the poor, the oppressed, the hungry, and the sick. That is why this former public school teacher wanted to unlock the power of education to free those who are struggling in the urban centers in America. And that is why he was a tireless advocate for the people of Africa because a heartfelt compassion guided all that he did.

In a time when the needs of the poor are hardly spoken, when the cries of the locked out and left behind are rarely heard, the Chamber will deeply miss a gentle statesman with a heart that was big enough to serve all humankind.

The thoughts and prayers of the people of the Fifth District of Georgia and many Members of this Congress are with his family, staff, and friends now as they move through a difficult time. Just know that DONALD PAYNE was loved, and he will be deeply missed, not only by the people of the 10th District of New Jersey, but by people around this Nation and all around the world.

□ 1650

Mrs. CHRISTENSEN. We are coming close to the end of our hour. I think our colleague will probably yield us some time, but I would like to close out this particular hour, and I ask unanimous consent to extend the hour to allow the Members who are on the floor to speak.

The SPEAKER pro tempore. The Chair cannot entertain a request to extend a special-order speech.

Under the Speaker's announced policy of January 5, 2011, the gentleman

from Tennessee (Mr. ROE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROE of Tennessee. I yield to your next speaker.

Mrs. CHRISTENSEN. The next speaker would be Congressman EMANUEL CLEAVER, the chair of the Congressional Black Caucus.

Mr. CLEAVER. Mr. Speaker, this is not one of the highlights of stepping into the well of the House. This is a moment that does not yield great joy, at least not for what just happened in terms of the death of my friend and my colleague, DONALD PAYNE. There is, however, some joy, and the joy is related to the fact that I had the opportunity to know DONALD PAYNE, and I believe that my life was enriched because of it.

During his final days here in Washington, I had a number of conversations with him at Georgetown Hospital where I tried to, and was successful at least on a couple of occasions, in getting him to laugh, even as he experienced excruciating pain in his hospital bed.

DONALD PAYNE can be observed by all Members of the House, and from that observation, we can extract something that can make this place better. DONALD PAYNE was about as good and decent a human being as has ever walked the Halls of this stately House.

At a time when many elected officials believe that acidic language, acrimony, and red meat discussions are the order of the day, DONALD PAYNE was firm, soft-spoken, and respectful. No matter what happened, you could count on DONALD PAYNE being calm through it, except on one occasion, which I will not talk about on the floor. We'll talk about it later, but not here.

But DONALD PAYNE was a man who was as peaceful in private as he was in committee or even on the floor. He had a passion for the diaspora. And I joked with him that everywhere I've ever gone in the diaspora, people asked about him.

Just 1 week before he died, 1 week, I met with a representative from Brazil who was inviting members of the Congressional Black Caucus to come to Brazil to meet with their caucus and they would send members here. Before the meeting ended, as I knew would happen, he asked about DONALD PAYNE. And I don't believe there is an elected official or a king or prince or a potentate in the diaspora who does not know the name of DONALD PAYNE.

And what I hope will happen is one of the Members will pick up the mantle and delve into the issues and matters of foreign relations as has DONALD PAYNE. Someone needs to step up to the plate and do that.

My final comment is this: I hate cancer. I hate cancer. I can't think of a human being that I hate, but I hate cancer. And in my hatred of cancer, I have come to the realization that all of us are temporary, that we are not permanent creatures. No matter how

strong and healthy we feel we are, we are all temporary. And if we understand our temporariness, it might inspire us to be just a little better, a little kinder, a little nicer, a little more receptive to others, because we are temporary, at least in this place.

Now, I conclude by saying that life must end, but death is not a cul-de-sac. It leads somewhere. And if DONALD PAYNE is not there, that door must be locked and the rest of us can give up. He was about as good and decent and loving a human being who's walked these Halls, and I'm glad that God gave me the chance to know him.

Mr. ROE of Tennessee. I now would like to yield time to the minority leader from California (Ms. PELOSI).

Ms. PELOSI. Thank you, Mr. ROE, for yielding. I thank you and I thank our colleague, Congresswoman CHRISTENSEN, for taking this Special Order today so that we can sing the praises of a great man, our colleague, dear friend, precious person, DONALD PAYNE.

I waited. I said I wanted to go after Mr. CLEAVER because I didn't know how I was going to even have the strength to come to the floor because this is a personal as well as official loss to many of us here. And he is always a source of strength to us, putting in perspective the fragility of life and the value that we must place on the contribution of all of our colleagues, especially when we are blessed with the life, service, and leadership of someone like DONALD PAYNE. There are very few people that you can say "someone like Donald Payne," because he was exceptional and unique.

When the distinguished Mr. CLEAVER and Reverend CLEAVER says that we have to fill in where and take his mantle, that would be almost impossible to do because, over a lifetime, in public service, and a long time in the Congress of the United States, DONALD PAYNE gained standing on issues that takes years to do. But he did teach us along the way. He gave us guidance on what paths to follow, what clues to recognize, and doing the right thing, whether it was in the continent of Asia, Africa, or Latin America, wherever it was, and in our own country.

I had the privilege of traveling with DONALD PAYNE when we were going to Darfur. He didn't want to go to the Sudan. He'd been there many times, Darfur, but he was at that moment boycotting the regime in Khartoum because of how they treated their people there. And while we were in Khartoum and in Darfur, he was in Ethiopia and Somalia and the rest, always working, always working to have policy advice to all of us and caring about what the impact of that policy was on people.

What was interesting to us, though, it was on that same trip to Africa, which many of the members of the Congressional Black Caucus were on, including our distinguished assistant leader, Mr. CLYBURN, when we went to Liberia it was a boiling hot day. And we all went to the AME college there,

the AME university, and they were honoring DONALD PAYNE for his everything, for what he knew about Africa, for his values and how he was concerned about, again, policy as it related to people, the encyclopedic knowledge that he had, the great wisdom that sprang from that knowledge, the plans that he always had to make things better, and the way people just flocked to him because they would learn, they would be inspired, and they would love DONALD PAYNE.

It was boiling hot. And we go there and they decide that we're all going to dress alike that day, so it even got hotter as we donned our robes. And here we were, seeing—not only telling them the esteem with which he was held in Congress, that was the least of it, because what we were hearing was what people from around Africa, the esteem in which they held him, named a library for him at that university in Liberia.

He was a schoolteacher, and he never forgot how important it was for us to put our students first. He called them the bright lights of our Nation's future, for investing in their potential, for inspiring them to succeed, igniting the sparks that they had within them to do their very best.

He was very proud of Newark and serving there. I remember when he first came here, his work on behalf of his constituents, his neighbors, the middle class, working people, people who were striving to reach up into the middle class, he was always working for them.

□ 1700

He was New Jersey's, as has been mentioned, first African American Member of Congress. He remained a committed champion of equality and opportunity for all. His accomplishments, both on his committee, where he served with Congressman GEORGE MILLER, who holds him in the highest esteem, and now the Foreign Affairs Committee, where he serves with Congressman HOWARD BERMAN. Well, to hear the two of them talk today as if they have lost a brother, and we all have.

We all have an appreciation of his hard work ethic. The knowledge that he brought to his subject, the concern he had for the American people, and the love he had for our country.

Just think, last week we had a visit to our office from Bill Gates coming to our office to talk about the issue of global health, and he asked if DONALD PAYNE could be in the meeting. We had hoped that would be possible but then had to say that he was not feeling well that day. That was a week ago.

But up until the end, he was in demand, recognized for his, again, standing on issues that related to the alleviation of poverty, the eradication of disease, again, alleviation of hunger throughout the world. What more could be about the gospel of Matthew than ministering to the needs of God's creation, which the Bible tells us is an

act of worship. To ignore those needs is to dishonor the God who made us. DONALD PAYNE was all about worshipping God by ministering to the needs.

He was an expert on economic, political, and security situations throughout Africa, and I had the honor of nominating him, recognizing his extraordinary work around the world. I was proud to recommend that President George W. Bush name Congressman PAYNE, our representative of the House Democrats, at the United Nations. Usually it was just for one term. In the case of DONALD PAYNE, we went well beyond that in recognition of the extraordinary contribution that he makes.

So again, whether it was in his own district, whether it was Newark, New Jersey, or across the world, he was a powerful and passionate voice. I hope it's a comfort to his children—to Donald, Jr., to Wanda, and Nicole—and all who loved DONALD PAYNE, his dear brother, Bill, who traveled with him frequently and loved him so much, I hope it's a comfort to them that so many people who knew him well, loved him so much, mourn their loss and are praying for them at this sad time.

With that, Mr. Speaker, I again thank Mr. ROE and Congresswoman CHRISTENSEN for the opportunity to say just a few things about our dear friend who will be sadly missed and long remembered. His legacy lives on in the Congress of the United States.

Mr. ROE of Tennessee. I would now like to yield time to the distinguished gentleman from Maryland, Mr. STENY HOYER.

Mr. HOYER. I thank the gentleman for yielding.

This is a sad day for America. It's a sad day for the Congress. It's a sad day for our African American brothers and sisters who have lost a real leader and an extraordinary friend.

I first met DONALD PAYNE when I was in my mid-twenties. He was active in the Young Democrats in New Jersey, and I was active in the Young Democrats in Maryland, and that's how we first met. DON was about 6 years older than I am. When you're in your middle twenties, somebody in their thirties is really old. But we all saw him as a very serious individual, serious about his activities, serious about his objectives, serious about the people.

He had an extraordinarily productive career. As the leader has mentioned and as I know other speakers before me have mentioned, he was a teacher. He was a teacher in the tradition of Frederick Douglass. Frederick Douglass, a fellow Marylander, said that it is easier to build strong children than it is to repair broken men. DONALD PAYNE was focused on that concept as a teacher.

Then throughout his life, he was focused on making sure that America kept the faith with people around the world; that its values, that its hopes, its visions for ourselves were also our hopes and visions for others.

DONALD PAYNE, before he came to the Congress, I think had traveled to more countries than perhaps any other Member of Congress. He cared about people, and particularly people who lived in Africa. I think there was no Member who knew Africa better than DONALD PAYNE, no Member who risked more for the welfare of those who lived on that continent.

My first trip as majority leader, I went to Sudan and to Darfur. I made that my first trip because, at that point in time, it was one of the most troubled—and still remains—lands in our globe. DONALD PAYNE, unfortunately, could not go on that trip. He had another thing to do.

But we had a briefing before we went, and DONALD PAYNE was there. It was clear from those who briefed us that DONALD PAYNE was obviously the person they looked to for knowledge and insight into how we could get from where we were then to the plebiscite, to what is now the independent South Sudan, and hopefully it will remain so, notwithstanding the violence of Sudan itself.

DONALD PAYNE was an extraordinarily conscientious Member of this body, but more than that, he was a man who cared about his fellow man and fellow woman. DONALD PAYNE was a serious Member of this body.

That does not mean he was always serious. He had a sense of humor. He was a wonderful, engaging person, but he was serious about what he did, and it reflected how deeply he cared about those whom he served and about his country.

We could all speak for Special Order after Special Order after Special Order and still not reach the magnitude of praise and thanks that he deserves. Suffice it to say that this body was a better place for his service. As Reverend CLEAVER so eloquently intoned, we were better people for having been his friend and his colleague and his coworker.

I am pleased to join all of you who, like me, knew DONALD PAYNE as a Member of Congress, yes, but as a human being, as an individual, as someone who cared about us, and we cared about him.

I join Leader PELOSI and all of you and our friends on the other side of the aisle, because DON worked across the aisle. DON was not an observer of partisan differences, although he understood they existed. His objective was to work with all for the betterment of all.

So, I'm pleased to have this opportunity to join all of you in thanking God that He gave us DON PAYNE, that He gave him sufficient years to make an extraordinary mark here in this country and around the world.

□ 1710

Mr. ROE of Tennessee. Mr. Speaker, I would now like to yield time to the dean of the Michigan delegation, Mr. CONYERS.

Mr. CONYERS. I thank the gentleman for yielding to me. I also thank

DONNA CHRISTENSEN for her leadership in bringing us all together this evening.

This is a wonderful way, when this RECORD is read of this Special Order for DONALD PAYNE, for everyone to know the depth of the love and respect that we all had for this great and gentle human being.

He was a committed public servant and a true champion for social and economic justice at home and around the world. He had a global perspective that helped teach us that all of the 6.4 billion people on Earth are connected and related. So when I was asked to campaign for his first run for Congress that I knew about, which was in 1988, I was pleased to do so. I traveled to Newark and joined with him in that victory. I remember being struck by his deep desire to help people, and I had no idea that he would grow and develop into this leader whom we mourn and praise here today.

Through his work as a member of the House Education and the Workforce Committee and of the Foreign Affairs Committee, he led the fight to address inequities in every realm of existence. He was a great proponent for peace. I must say that I am convinced that he had the spirit and the philosophy of Dr. Martin Luther King, Jr., that he lived and demonstrated every single day of his life. He is the one Member of whom I can say I never saw angry, I never saw upset. When I was able to take him away from his African commitments, I took him to Haiti, where he immediately understood the depth of the suffering and the tragedy that required us to go back again and again and again.

So, DONALD PAYNE, what has been said of you today is only a small token of the contributions that you have made during your life. You will be missed by your colleagues. You will be mourned by your family. You will be treasured by many people in many places on this globe.

Mr. ROE of Tennessee. I will now take the opportunity to yield 2 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I want to thank my distinguished friend for your kindness and generosity in yielding the time and to the Speaker. I want to thank Dr. CHRISTENSEN for starting us on this journey, and I want to thank the Speaker for being educated by these powerful words of my colleagues.

I do want to say that, if you had to give a tribute biblically to DONALD PAYNE, you would certainly quote from Timothy in saying, "I fought the good fight." I am grateful to also say that DONALD PAYNE had a lot of fun in life. Some of us can trace our friendship to years past, to decades past; but I know that, as the world loves DONALD PAYNE, he loved Newark and New Jersey.

I had the good pleasure of joining him and his friends during the last Congressional Black Caucus. We had a variety of receptions to meet our constituents, and there was nothing but

love in that room. I had, I would call it, the humble privilege to visit him at Georgetown Hospital, where his brother and sister were in the room as well as the chief of staff, and to have him smile as some of our colleagues have said. In the course of being in the room, I heard that the former President of South Africa, President Mbeki, was trying to reach him.

There would be a long list of Presidents and former Presidents and others of great renown trying to reach him; but you cannot in any way doubt the fact that in his acceptance and acknowledgment by all of those iconic figures, President Mandela as well, that he as a progressive stood along with the family members he loved, whether it was his son, who was a council member, and his other children or Bill Payne, and epitomized the struggles of a generation of African Americans in Newark and New Jersey in the 1950s and the 1960s, and he was on the front lines of fighting for equal rights out of the North Ward.

Oh, leave it only to DONALD PAYNE to talk about New Jersey politics, and he loved it. He had an iconic presence, but he also had a leadership, boss-man presence—and I say that lovingly—because if you needed something in that area, as my good friends, Brothers PAL-LONE and PASCRELL out of that area, knew, no matter who you were in his district who needed something, you could get ahold of DON PAYNE. He loved the richness of his district and its diversity, but you can be sure that he was fighting for the poor and dispossessed.

Maybe that's what brought him to his affinity and kinship for Africa. One of my predecessors, Mickey Leland, whom DON PAYNE knew, we always said died on the side of an Ethiopian mountain while trying to feed those who could not feed themselves.

But DON PAYNE was everywhere, from Ethiopia, to Sudan, to South Africa, to Angola, to the Congo, to Ghana, to Liberia. He was in all of those, if you will, conflicts where he wanted to bring about peace. He counseled Presidents—Republicans and Democrats. I remember Bill Clinton's historic trip, and you can be assured that DONALD PAYNE was at the nexus of drawing him to making that historic trip. I believe, in 1998, he counseled George Bush and others, and he counseled President Obama.

I don't know if many of you know that DONALD PAYNE was a longshoreman who worked on many different places; but when reminded of his work as a longshoreman, he said, I loved the port. I heard a Member talk about that, I believe, but he loved the working person.

Let me just conclude, as I salute him for being the progressive who did not forget the poor as well as being one who could speak eloquently with the leaders of international positions around the world, albeit that he was coach and teacher and council member and ethic freeholder, that I remember

traveling to Africa on occasions, plural. In this instance, what I would say, beyond having known that in Somalia he was almost, in essence, taken down, is that many of you will remember the first Kabila, the father of the present President of the Congo, and you will know that that area has always been in conflict and that DONALD PAYNE never shunned going into conflict.

□ 1720

Two places we went: Angola, when it was still in conflict. DONALD PAYNE said, Well, I know we can meet the President in his castle and office and the place where he is, but I'm going up in the bush, and if you all are with me, we're getting on this little one-propeller plane—not two propellers—it only had one—and we're going to go up there and meet with the opponent of the President.

We sat with DONALD PAYNE, encouraging this opponent to put down his guns and come and meet with this President, who through DONALD PAYNE had promised peace. I know that man wished that he had answered the call that DONALD PAYNE made. He never left the bush, and he died in that place. I got to see him up close and personal, where no risk of life was too much for him to bring about peace.

As I conclude, let me simply say to the peacemaker, to the intended noble peacemaker, to the man who didn't shun or didn't shy away from a conflict that might have taken his life, to the lover of Newark, to the lover of his family and his children, to the lover of his staff, to the lover of this institution: DON, may you rest in peace. Warrior, leader, hero, God knows that you never stopped working, and you deserve that angel's place in Heaven.

Mr. Speaker, I rise today in tribute of the life and service of my dear friend and colleague, Congressman PAYNE. Noted for his quiet gravitas, progressive issues advocacy and pioneering life story, Congressman PAYNE along with his older brother Bill Payne defined the struggles of a generation of Newark Blacks who in the 1950s and '60s fought for equal rights out of the North Ward.

By the dawn of the 1970s, the Paynes relocated to the South of Newark, where they built a political base on Bergen Street that served as the launch pad for Mr. PAYNE's historic campaigns for Congress in the 1980s.

DONALD PAYNE was a champion of the poor and dispossessed not only in Newark but in Africa, notably the Sudan, where he took one of this country's most forceful stands against the genocide he witnessed there. Congressman PAYNE was once arrested in Washington, D.C., for protesting against the Sudanese government.

As the Chairman of the Subcommittee on Africa for the Congressional Foreign Affairs Committee, Congressman PAYNE became a leading advocate for international human rights. "I would be remiss if I did not thank those who are personally responsible for making sure that I know about Africa," said then-President Bill Clinton.

After a 2009 trip to Africa, the congressman prepared to depart from Mogadishu when his

plane sustained small arms gun fire from the ground, according to CNN. The congressman had earlier that same day discussed the crisis of piracy off the failed state's coast.

DONALD PAYNE grew up in a section of the North Ward known as Doodletown and worked on the docks in his young manhood. "I love this place," he told longshoremen at a 2008 campaign stop at Port Newark. "I worked down here from 1952 to 1956, on Doremus Avenue, where they used to have about one ship a week, believe me. But we're so glad to see this port come to where it is today."

At the beginning of their careers, he and his older brother worked in tandem as they sought greater African-American representation within the Newark Democratic Party, with Bill Payne very early gaining a reputation as the aggressive activist and DONALD PAYNE showing skills as a diplomat. Never an obvious self-promoter, DONALD PAYNE as a public person embodied old school qualities of humility and toughness. He seldom sought out a microphone but commanded attention naturally by being a presence in the room.

In the aftermath of the Newark riots, the Payne brothers became the strongest South Ward political brand in the city, using the Bergen Street business district as their most visible base of operations. The congressman scorned conventional polling, preferring instead to gauge his own popularity by the number of beeps on the horn he heard as he walked along his beloved Bergen Street.

He was a former leader of the Congressional Black Caucus. DONALD PAYNE served as a Newark City councilman and as an Essex Freeholder. Congressman PAYNE was someone who knew presidents and kings but was more comfortable with the man in the street, that's just who he was.

America has lost a noble statesman, New Jersey has lost a brilliant and caring Representative and I have lost a remarkable friend and distinguished colleague. A skilled and compassionate politician, DONALD PAYNE represented his constituents well. An ardent supporter of educational opportunity, he worked to ensure college was within reach for everyone.

DONALD worked tirelessly for small business and had a focused passion for Africa. Because of his knowledge and dedication to the issues of human rights and peace—he saved lives all over Africa. He enjoyed the respect of his colleagues; his calm demeanor will be missed. DONALD dedicated his life to helping the less fortunate and expanding and protecting human rights everywhere in a strong and determined way. He will be sorely missed by all who knew him. My thoughts and prayers go out to family, friends and constituents at this sorrowful time. The world has suffered a great loss.

Mr. ROE of Tennessee. Mr. Speaker, I now yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, first let me say that I join my colleagues in recognizing not only the life and work of DON PAYNE, but I also wanted to add my personal words of support for what DON meant to me personally as a co-chairman of the Caribbean Caucus a number of years ago.

Speaker Hastert asked both DON and myself to become engaged in issues that would be considered in our hemisphere as a result of the war on terror.

The Speaker recognized that the Caribbean was a gateway not only for terrorism, but also a number of other issues. DON and I accepted that role, had a number of trips down to the Caribbean, but also met with Caribbean leaders here in Washington, D.C.

DON was always upbeat, DON was always looking for answers and responses to the needs of our friends in the Caribbean, and really found a way to cut some good friendships with people to where they became better friends of the United States Congress and the United States because of his personal involvement in issues and matters.

I enjoyed working with DON. He accepted not only his role and mine, us working together—I as a younger Member, he as a senior Member. He welcomed my advances or ideas and thoughts.

It was difficult for me also as I was walking into the Capitol a few minutes ago to see the beautiful flag that flies outside the United States Capitol at half mast in honor of our colleague DON PAYNE.

So I do want to thank this body for allowing me a chance to express not only my thoughts about DON, but also to recognize him as an outstanding Member of this body.

Mr. ROE of Tennessee. May I inquire, Mr. Speaker, how much time we have remaining?

The SPEAKER pro tempore. The gentleman has 26 minutes remaining.

Mr. ROE of Tennessee. We have 11 speakers, so I would ask if you would limit your remarks. I want to have an opportunity for everyone who wants to speak to speak.

Now I would yield time to my colleague and one of DON's very dear colleagues from New Jersey (Mr. PALLONE).

Mr. PALLONE. I thank the gentleman for yielding.

I have a lot of DON PAYNE stories. I wanted to tell one which I think says a lot about the man.

I listened to what SHEILA JACKSON LEE said before about how he was always humorous and telling jokes, but also about New Jersey politics and how he was so well respected and had the ability to basically tell other Members or indicate to other Members what they should do.

I also listened to HANSEN CLARKE when he mentioned DON being a gentleman. DON was a gentleman, and people respected him as such in the city of Newark and throughout his district.

There was an occasion after the redistricting when I gained an area—I won't mention the name necessarily—in my new district that was mostly African American, and DON PAYNE was very well-known there, and I wasn't known at all.

I actually lived at the Jersey shore. Some of you may know that the people that are down at the Jersey shore, the people from north Jersey and Newark often refer to us with names like "clam digger" and other things to indicate

that we're not as sophisticated as the people from Essex County.

I was at a meeting with African American ministers in this new area of my district. And of course the purpose of DON being there was to tell them it was okay; in other words, it was okay that this guy from the shore, the clam digger, so to speak, was now going to represent you because he was okay.

As you know, DON couldn't take an occasion like that without making it into a joke and still getting the point across, but in a very humorous way. So he said to the African American ministers as we assembled:

Well, you know, this guy Frank Pallone is now coming up here and he is going to represent you. But he is down at the shore, and most of the time he spends his time talking about crabs and fish and the things at the shore. You know, I don't know if he can relate to this urban area now that he is going to represent where you all know me, but I'm going to tell you a story. You'll often see Congressman Pallone in pictures at the shore picking up the crabs, and he picks up the crabs and he talks about how the crab had been injured, and it was important to help the crab, and the crab needed some help and needed to be fixed, needed some health care so it can become a whole crab again and lead a good life.

Of course everybody was laughing at this point, figuring out what this is all about. But it was his way of getting across in a humorous way that it was okay to have FRANK PALLONE represent you, that he was going to relate to you. He could relate to a crab, so he could obviously relate to you.

I don't know if I'm saying this properly, but this is how DON was. He was just able to use humor to get a point across, a very serious point in a very effective way.

I will miss him so much because he made me laugh so many times when situations were serious, and there didn't seem to be much humor, but he always did it in a way that made me understand how important it was to be here as a Member of Congress. He really understood how important our jobs were and how they could make a difference in people's lives.

Thank you.

Mr. ROE of Tennessee. Now I would like to yield to a gentleman also from New Jersey, one of Mr. PAYNE's very close colleagues, Mr. ROTHMAN.

Mr. ROTHMAN of New Jersey. I thank the gentleman for the time.

Madam Speaker, today Newark, the State of New Jersey, and the United States of America lost a hero, and the world lost, especially those that needed help, those who were being persecuted, they lost a champion.

□ 1730

DON PAYNE's family, they've lost their patriarch, the strong, gentle, warm, beautiful, handsome hero who held them together all these many years.

And like so many others, but in a very special way, I lost, we lost a dear, dear friend. I loved DONALD PAYNE. I know he loved me. We spent many

times together as dear friends, buddies, laughing and joking, but also many great times speaking about the very, very serious issues confronting our State, his district, my district, the country, and the world.

DONALD PAYNE led an extraordinary life. A young, African American man from very humble beginnings did not have it easy growing up in America and didn't have it easy acquiring political power that enabled him to help everyone, whether it was in Newark or Essex County or New Jersey, the United States or in the world.

History will record that this young man from Newark, DONALD PAYNE, literally saved tens of thousands of lives—he did—all over the world. In America, in Africa, and in Northern Ireland. And he was known throughout the world as a champion of the downtrodden, those in need, and a champion of human rights.

He was a longshoreman; he was a teacher; he was a waiter. He was an elected official from New Jersey who made us all so proud, but he was a citizen of the world. He was a leader in this world.

And he leaves behind a legacy, not only as a beloved husband, father, grandfather, great-grandfather, brother, family man, but also as a dear, loving friend. Beneath that strong, serious statesman's demeanor was a warm, charming, funny, irreverent, smart, and great friend. I will miss him very, very much.

God bless you, DON PAYNE, my friend. God bless you, Congressman DONALD PAYNE, you iconic figure for America and the world. We will miss you dearly, but we will never forget you.

Mr. ROE of Tennessee. Madam Speaker, I now yield to the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the gentleman for yielding.

Madam Speaker, in the book of Ecclesiastes 3:1-2, these words are recorded:

To everything there is a season, and a time to every purpose, and to everything under the sun, a time to be mourned and a time to die, a time to plant and a time to pluck up that which is planted.

Madam Speaker, today a giant oak tree has fallen. There's a gaping hole in the forest. DON PAYNE has moved from an earthly life into an eternal heavenly life. A time, a purpose, a season.

DON PAYNE did not take his time, his season, nor his purpose for granted. Every moment, every season, the purpose for which he was created meant something to him and he gave his life. He spent his life working on his time, his season, and his purpose.

Last Thursday, DON, through his chief of staff, asked me to come to the hospital; and we talked for awhile and he whispered some words to me, some directions for me, some orders from his hospital bed. But what stands out to me on that occasion last Thursday was his last words spoken to me. We were

in the middle of votes, and he said: Make those votes. Don't miss those votes.

Here, a man who knew he was spending his last hours on this Earth, he knew that his life was coming to an end. He had told me some weeks before that he had pancreatic cancer and he didn't know what was going to happen, but his last words to me were not "Woe is me," but he was thinking about public service. He was thinking about this House. He was thinking about me and the vote that I was to cast. He was thinking about a time and a purpose and a season.

In the book of Micah, life really becomes quite simple. God asked the Prophet Micah:

What do I require of thee, O man, but to love mercy and do justice and walk humbly before your God.

Madam Speaker, I know that DON passed God's requirement. He lived his life with purpose. He was a son of Africa, but he was also a servant of Africa and a servant of the world.

We're all going to miss DON. We all looked to DON being a beacon in terms of public service. I will miss him, and my condolences go out to his entire family and his entire staff.

I might add that just this morning my staff and I went to his office, as others have. We sang a song together, "Jesus, Keep Me Near the Cross."

DON not only had the cross in mind, but now he sits in his heavenly home in a better place.

God bless you, DON. God bless you.

Mr. ROE of Tennessee. I now would like to yield to the distinguished gentlelady from California (Ms. LEE).

Ms. LEE of California. I thank the gentleman for yielding.

Madam Speaker, it is with a very heavy heart that I rise tonight to honor and commemorate the life of a world leader, but more importantly, a grandfather, a great-grandfather, a father, a brother, an uncle, a boss, a dedicated family member to so many. I offer my condolences and prayers to DON's family, to his staff. They need our comfort during these very difficult days.

□ 1740

DON was more than a colleague to many of us, myself included. He was a very good friend. We lived near each other in Washington, D.C., here, and I had the privilege to drive him home quite often. These were special moments for me which I will always cherish; for it was during these rides that he counseled me. He cracked so many jokes to cheer me up because he always knew what we were going through, and we talked about family, friends and what was really real in our lives.

DON loved children, and he relished his membership on the committee on Education and the Workforce. Of course, before coming to Congress, he was the national president of the YMCA and an elementary school teacher. But, yes, DON was also a global

leader. And I have traveled abroad with DON, and he was greeted as a head of state and a comrade. But DON didn't especially like traveling with large congressional delegations. He liked going by himself and with his brother to the middle of conflicts, sometimes in the bush and in the jungles, to meet with guerrilla leaders and freedom fighters. He helped negotiate truces; and all sides, everywhere in the world, loved and respected him.

Now, for many years, DON was the lone voice in the wilderness calling for a declaration of genocide in Darfur, Sudan. Finally, we all got it. And as a result of DON's persistence working with both sides of the aisle to address the atrocities of genocide, his bill passed, this declaration of genocide, with bipartisan support.

I was honored to serve on Congressman PAYNE's subcommittee for many, many years, the Subcommittee on Africa. He was a brilliant and a fair chairman, and he helped me shepherd and negotiate many bills and many of my legislative efforts.

Yes, I was blessed to have visited DON on Thursday afternoon. He smiled, we talked, he whispered a few words, and he gave me a thumbs up.

I met DON PAYNE through the mail in 1998 when my predecessor, who I know sends his condolences today, Congressman Ron Dellums, told him I was running for Congress. He sent me a wonderful note then—I didn't even know him—and a contribution. And when I was elected, he came up to me; he hugged me and he became my mentor on so many issues.

In closing, let me just say that I know—and we talked a lot about this, and I've been to church with him—that DON PAYNE was a humble man of tremendous faith. In thinking of DON this evening, I'm reminded of a Scripture taken from 2 Timothy, chapter 4, verses 6-8. It says:

As for me, the hour has come for me to be sacrificed; the time is here for me to leave this life. I have done my best in the race, I have run the full distance, and I have kept the faith. And now there is waiting for me the victory prize of being put right with God, which the Lord, the righteous Judge, will give me on that Day—and not only to me, but to all those who wait with love for Him to appear.

May DON's soul rest in peace.

Mr. ROE of Tennessee. I would now like to yield to the distinguished gentleman from Missouri (Mr. CLAY).

Mr. CLAY. I thank the gentleman for yielding.

Madam Speaker, the untimely passing of my good friend and colleague, Congressman DONALD PAYNE, early this morning is a terrible loss for DONALD's family and friends, the House of Representatives, the people of the Tenth Congressional District of New Jersey, and our Nation.

DONALD PAYNE was a tireless advocate for his constituents at the local and municipal level before winning election to the House more than two decades ago. As New Jersey's first

and—until his death—only African American Member of Congress, he was the voice of working families from all backgrounds who called the Tenth District their home.

I am privileged to have known and worked with DONALD PAYNE. I will always be grateful to him for the warm way he welcomed me into this House and into the Congressional Black Caucus. I know that my father, who worked with DONALD for more than 10 years, joins me in extending our family's sympathies to DONALD's family, friends, colleagues, and constituents. As the people of Newark and across the State of New Jersey mourn the loss of their friend, DONALD PAYNE, the people of St. Louis, all of Missouri, and all across our country mourn with them.

His leadership, friendship, and passion for his work will be missed.

Mr. ROE of Tennessee. I now would like to yield to the distinguished gentleman from New Orleans, Louisiana (Mr. RICHMOND).

Mr. RICHMOND. Thank you for yielding, and thank you, Madam Speaker, for the time.

It was once said that a politician worries about the next election, but a statesman worries about the next generation. DON PAYNE was a statesman.

To the Payne family, I offer my sincere condolences and prayers. Thank you for sharing your brother and your father with us. While I do not have as many personal memories as my colleagues of serving with Congressman PAYNE, I stand here as a beneficiary of his work over his 77 years. I can honestly say but not for DONALD PAYNE, I probably wouldn't be here.

I, along with others of my generation and the generations after me, not only in America but all across the world, stand on the shoulders of Congressman PAYNE. So I have the honor and the pleasure of serving with him, but I also have the obligation on behalf of those generations to say thank you to Congressman PAYNE for making this world a better place for us.

If we can remember anything with his passing, we can rest assured that DONALD PAYNE did what he was purposed to accomplish in his lifetime. So I can say right now without a doubt that DONALD PAYNE earned the right to say exactly what Paul said to Timothy, and that is, "I have fought the good fight, I have finished the race, and I have kept the faith."

So, Madam Speaker, this body, this country, and the entire world lost a true gentleman in DONALD PAYNE, and we lost a quintessential statesman.

Mr. ROE of Tennessee. Madam Speaker, I would yield now to my colleague and friend from Memphis, a fellow Tennessean, Mr. COHEN.

Mr. COHEN. Thank you, Mr. ROE. I appreciate the time.

Everything has been said just about Congressman PAYNE, and by such wonderful gentlemen and gentleladies who pay tribute to the man. I had the opportunity to meet him early in my

entry into the Congress, and he made me feel at home from day one. He was, indeed, a gentleman, quiet but with a marvelous record for peace and for justice for the downtrodden people who needed a helping hand.

I had the opportunity through the auspices of CARE and the Gates Foundation to travel with Congressman PAYNE, his brother and others to Rwanda, to Goma and to Congo this past August; and I saw how he was beloved among people in Africa where he would travel on many occasions before. We shared the experience of going to the memorial to the victims of the genocide there, and Congressman PAYNE told me some stories about when he'd been there with President Clinton, and President Clinton had gone back and expressed his regrets of not having done more earlier to prevent the genocide, but was strong in supporting the nation of Rwanda and the people getting their country back together.

DONALD PAYNE had a progressive record. He was respected and loved by all. I was fortunate that my life intersected with his for he made me feel at home. And as so many other Members of the Congressional Black Caucus have done, he made it to where it wasn't necessary to be a member of the Congressional Black Caucus to be with the Congressional Black Caucus. I value my time with him.

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

□ 1750

The SPEAKER pro tempore (Ms. BUERKLE). Under the Speaker's announced policy of January 5, 2011, the Chair now recognizes the gentlewoman from California (Ms. LEE) for 30 minutes.

Ms. LEE of California. Madam Speaker, I'd like to yield now to the gentleman from South Carolina, our assistant leader, Congressman JIM CLYBURN.

Mr. CLYBURN. I thank the gentle lady for yielding me the time.

Madam Speaker, I often quote the poet Robert Frost, who once admonished us that two roads diverged in the wood, and I picked the one less traveled by, and that has made all the difference. I would not quarrel with Mr. Frost, but I would believe that it's the people that you meet as you travel the roads of life that really makes the difference with all of us.

Several years before I came to this body I met DONALD PAYNE. I was a bit in awe of him because he struck out to attain a seat here, and in that race, right after I met him, things did not go as he had hoped—as many of us had hoped. But DON did not lose faith. He gathered himself, and he tried again. And of course, upon his success, all of us know what a successful Congressman he made.

I traveled with DON often. We went to Africa together. Traveling with him on the continent of Africa, going in and

out of country after country, sitting with him as he called heads of state by their names, and to see the respect that all of them had for him was just a joy to behold.

I learned a lot from DONALD PAYNE. And I always, whenever I could, wanted to be around him. Just this past December, in my congressional district, DONALD came to Charleston to help me participate in a congressional panel, talking about sustaining good, healthy communities. DON, that particular day, was sort of the star, as he usually was. I had no idea at that time that we would be in this place today.

I think I can say without any threat of contradiction that if anybody has left his or her mark of service in this body, it was DONALD PAYNE. His record will never, in my estimation, be equaled. To know two continents as well as he did is something few people in this body will ever get to attain.

I want to join with my colleagues in wishing his family—his brother, Bill, who I got to know so well; his son, Donald, Jr.; and other family members—as much sympathy as I can muster. I hope that they will achieve real solace in the fact that their brother, their dad, their uncle gave so much and demanded so little in return.

Ms. LEE of California. I would now like to yield to the gentleman from Illinois, Representative DANNY DAVIS.

Mr. DAVIS of Illinois. I thank the lady for yielding.

We've heard a great deal about Representative PAYNE this evening. Some of the fondest memories that I have of DONALD was talking. He was a philosopher and a poet. All of the things that people have said that he did, he has done those. The last conversation we had was sort of a philosophical conversation. I believe that Tennyson framed DONALD PAYNE long before he was born, and he wrote this poem that said:

Sunset and evening star  
And one clear call for me!  
And may there be no moaning of the bar,  
When I put out to sea,  
But such a tide as moving seems asleep,  
Too full for sound and foam,  
When that which drew from out the boundless deep  
Turns again home.  
Twilight and evening bell,  
And after that the dark!  
And may there be no sadness of farewell,  
When I embark;  
For though from out our bourne of Time and Place  
The flood may bear me far,  
I hope to see my Pilot face to face  
When I have crossed the bar.

DONALD crossed, but he left a great deal behind.

Ms. LEE of California. I would now like to yield to the gentlewoman from New York, Congresswoman YVETTE CLARKE.

Ms. CLARKE of New York. I thank my colleague, BARBARA LEE.

Madam Speaker, today I'm here to pay tribute to a quintessential public servant, a person who tirelessly fought on behalf of his constituents of the 10th

Congressional District of New Jersey, and for all Americans of all backgrounds across this Nation. Today I pay tribute and celebrate the life of our beloved colleague, Congressman DONALD PAYNE.

DONALD made history as the first African American in New Jersey to be elected to Congress. He served as the former chairman of the Congressional Black Caucus and was recent chairman of the Congressional Black Caucus Foundation, where I really saw him go to work on behalf of the people across this Nation.

Along with many others, I consider Representative PAYNE not just an accomplished colleague, but a role model and a dear friend. He was a relentless and iconic advocate for the continent of Africa, the African diaspora, as well as the Caribbean region. He spoke out boldly against genocide in Darfur and Rwanda, and fought alongside the Congressional Black Caucus to help Haiti recover from the devastating earthquake that struck the nation in 2010.

Congressman PAYNE was a representative of Newark, but his leadership was global. We are grateful for his world view. We will never forget his passion, zeal, and commitment to improve the United States diplomatic relations around the world.

I count myself fortunate to have established a real bond with Congressman PAYNE. He shared with me his quick wit, and we shared a lot of laughs together. We often joked about who was tougher, Newark or Brooklyn. And he was also very skilled on the dance floor. I had an opportunity to trip the world fantastic with Mr. PAYNE.

And so, I extend my condolences to his son, Councilman Donald Payne, Jr.; to his very devoted brother; his daughters Nicole and Wanda; his grandchildren; great grandchildren; his close friends; his devoted staff; and the people of the 10th Congressional District of New Jersey.

□ 1800

Know that he has left us a great legacy, building blocks, if you will, for future generations of leaders. We will continue to celebrate the contributions of this great statesman. The stars in the heavens will twinkle just a bit brighter as Congressman DONALD PAYNE makes his transition to be with our Creator in heaven.

Thank you, Congressman, for all your commitment and sacrifice for the betterment of our global community.

Ms. LEE of California. I would now like to yield to the gentleman from North Carolina, Congressman PRICE.

Mr. PRICE of North Carolina. Madam Speaker, it was with great sadness that I learned of the passing of my good friend and colleague, DONALD PAYNE. Few Members who've served in this institution have left a greater impression on their constituents, their colleagues, and their country's domestic and foreign policy than DON PAYNE.

From the moment DON set foot in Congress, he was a powerful advocate for the needs and interests of his central New Jersey community and of working Americans across our country. Bringing to bear his impressive and diverse record as a public schoolteacher, President of the National Council of YMCAs, and an elected official in Newark, DON quickly became one of the most forceful and effective advocates for public education in the Congress, playing a key role as a member of the Education and Labor Committee on virtually every major educational reform enacted over the last two decades. As the first African American elected to Congress from New Jersey, DON was an equally forceful advocate for the continued struggle for civil rights, eventually becoming chair the Congressional Black Caucus.

Now, these accomplishments in education and civil rights would qualify as a successful career for any Member, but DON didn't stop there. Driven by his early fascination with Africa and his adventuresome travels there, DON recognized that the struggle for civil rights and human dignity knew no borders, rising to become one of the most effective chairmen of the Foreign Affairs Africa and Global Health Subcommittee that we have ever had in this institution.

Our Nation's expanded focus on AIDS, malaria, and other pandemic diseases over the past decade would simply not have occurred without DON's visionary leadership and moral courage. It was fitting that USAID announced the launch of a DONALD PAYNE Fellowship Program last week, designed to help young people enter careers in international service.

I was fortunate to benefit from DON's knowledge and advocacy personally as he became a founding member of the bipartisan House Democracy Partnership, which I cochair with my California colleague, Representative DAVID DREIER.

DON's counsel and guidance and encouragement were invaluable as the House Democracy Partnership initiated partnerships with legislatures in Africa and conducted outreach in countries affected by the Arab Spring. Our frequent travels together in the region forged a deep and lasting friendship. He probably knew more about the ins and outs of Africa politics than all the other Members of this institution combined. He had strong and well-informed views about what our country's policies should be, and he was ready to articulate those views persuasively, no matter who the President was or which party was in charge.

He also insisted on investigating situations on the ground for himself, which led to quite a few one-man codels and some anxious moments for those who wanted to prepackage congressional visits or maintain airtight security. It was fascinating to talk to him about his diplomatic forays, which

offered a combination of high adventure and a remarkable, inspiring dedication to the freedom and dignity of the people of Africa.

Congress has lost a true statesman, a dedicated humanitarian, and a loyal public servant. We mourn his passing, and we will miss DON PAYNE's counsel and friendship.

Ms. LEE of California. Madam Speaker, I would like to yield now to the gentlelady from Florida, Congresswoman BROWN.

Ms. BROWN of Florida. Often I say, God is good, and the audience says, All the time. But God has been good for giving us the life of DONALD PAYNE.

You know, when you're born, you get a birth certificate, and when you die, you get a death certificate, and that dash in between is what you have done to make this place a better place, and DON PAYNE has done his work.

When I think of what Paul said, You have fought a good fight, and he has. And you've finished the course, but there is still work for us to do.

We talk about DON, DONALD PAYNE, and all of his work in Africa, and I don't know anyone that knew the continent or the people more than DONALD PAYNE.

But I want to mention that my first trip as a Member of Congress was with Congressman PAYNE, and we went to Ireland and we went to other countries. He was an international leader.

I want to thank his family, the constituents that sent him here. You know that you sent someone here that loved. He loved the Lord, but more than that, he was what we want our public servants to be: someone that actually believes in serving the public.

So DONALD's work speaks for itself, and we are so grateful that we've had the opportunity to serve with him.

My thoughts and prayers go out to his family and staff. And in fact, I participate in a weekly prayer call, and I have asked all of the parishioners and participants to pray for him and his family, and all of the constituents who cared about him in the State of New Jersey.

Beyond a doubt, our Nation will mourn the loss of such a dedicated Member of Congress, who lived his life as a true symbol of an ideal public servant.

I feel privileged to have been able to work with Congressman PAYNE on a number of issues throughout the years. For me personally, within the Congressional Black Caucus, and for the Congress, he was a leader on all issues relating to the continent of Africa. He knew all of the leaders, and knew extraordinarily well the various countries' histories and domestic politics, and worked tirelessly throughout his tenure to resolve numerous deep seated conflicts on the continent, while leading many congressional delegations to war torn areas. Indeed, Congressman PAYNE always spoke out on behalf of people who struggled in many of the most difficult nations around the world: from Rwanda to Sudan and Haiti, to the peace process in Northern Ireland.

Congressman PAYNE will be deeply missed here in Washington. I will always remember his soft spoken manner, will power, drive, in-

telligence and energy. And as the first African-American to serve in the House of Representatives from the state of New Jersey, I am certain that he will serve as an inspiration for others to follow in his footsteps.

Ms. LEE of California. I would now like to yield to the gentlelady from the Virgin Islands, Congresswoman DONNA CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you, Congresswoman LEE. And thank you, everyone who's come out to pay tribute to DONALD PAYNE this evening; and thank you, Father Conroy, for being here with us.

I recently had the opportunity to introduce DONALD at an annual gala of the Mountainside Marketing Group, where he was being honored with the 2011 Congressional Minority Business Award, and it was really an honor to do that.

I talked then about his commitment to Africa and how I always told DONALD I would never travel with him. You see, he was as comfortable, as you've heard, meeting rebels in the jungle as he was meeting Presidents and chiefs. State Department warnings meant nothing to him. You heard about his plane being shot at in Mogadishu, and he also did some jail time here at home for protests on behalf of the justice here and abroad.

Because of the high respect in which he was held by everyone on all sides, he was able to bring peace to warring factions, to broker truces, and to ease the pathway to democracy for many. And his legacy as a peacemaker was not limited to Africa. He's considered an honorary son of Ireland for his contributions there.

I talked that evening about his commitment to children. As a teacher, he used his senior position on Education and Labor to ensure that educational opportunities are available for all children, but especially poor and minority children. He worked hard to close the achievement gap, and was also a key player in legislation to reduce interest rates on college loans and to increase Pell Grants.

I was able to tell those gathered how working families had no stronger supporter of labor and worker protections than DONALD PAYNE.

Last year the Health Braintrust and all of our partners honored DONALD with the Congressional Leadership Award.

I had the honor also of traveling to Newark every other year to the Donald Payne health summits and health fairs. He was just as determined that the people in his district have access to quality health care as he was committed to their education and economic opportunity. It was always an event that was looked forward to and attended by thousands who were then connected to the health care system, some for the very first time.

But his commitment to health extended beyond his district to our entire country, to Africa and the Caribbean. He made sure that global health was

added to the responsibility of the Subcommittee on Africa, which he chaired.

He led the effort to increase PEPFAR funding more than threefold. When President Bush signaled his willingness to go from 15 to 30 billion over 5 years, DONALD took that as an opening to push for even more and, with BARBARA LEE and others, parlayed that to \$48 billion. He also led in ensuring that, for the first time, all the countries in the Caribbean would be included.

So it's no surprise that condolences are pouring in from all over the world, and I want to submit one from Dr. Claire Nelson on behalf of the Institute of Caribbean Studies.

There were only a few of us that knew that DONALD was diagnosed with cancer and undergoing treatment. He was truly amazing. I thought he was even more feisty after his diagnosis than before. He would add his humorous commentary even more often at our meetings. He teased many of us mercilessly.

He led the Congressional Black Caucus Foundation with boundless energy which, of course, all of us on the board and the staff had to try to keep up with.

□ 1810

His most recent boat ride, of which he takes pictures with everyone who comes, was lots of fun as always; and he thoroughly enjoyed every minute of it, as all of us did.

His work in this body, of course, never faltered, and I think he would have been a more formidable adversary or advocate, as the case might have been.

But above all, DONALD was a dear friend.

In the end, he succumbed to the cancer, but up until the very last, he lived his life to the fullest. The people of the U.S. Virgin Islands, and he visited us several times, my family and staff join me in extending our heartfelt sympathy to his family: his children Donald, Jr., Wanda, and Nicole; his four grandchildren and his great grandchild; his brother, Bill, and sister Kathryn; Laverne, and all of his staff, past and present here and in the district; and the people of the 10th District of New Jersey.

DONALD was not only a respected member of the Congressional Black Caucus, which he chaired. He was loved by all of us. We will miss him terribly, but we will remember him with such great affection and consider ourselves blessed to have known him, to have served with him, and to have him call us his friend.

So long, DONALD. Rest in peace. Until we meet again.

MARCH 6, 2012.

DEAR FRIENDS: "Every once in a while a GIANT walks the earth."

Over the past several years, I was privileged, to have worked with Congressman Payne who was tireless in his support for the Caribbean, as well as Africa. I remember well the first time I moderated a Task Force at the CBC Annual Legislative Caucus, that he

was Co-Chair of. He was so gracious, with my anxiety about following the appropriate protocol. As Chair of the Bi-partisan Caribbean Caucus, he led the way for us to have our voice heard and helped us to understand how we as Caribbean Americans may better impact the Congress he loved and served so well.

On behalf of the Caribbean American community, ICS will offer condolences to his family and friends as the arrangements become known to us . . . by way of our Advisors who were his personal friends.

In the meantime, I offer my prayers of thanksgiving for his life and legacy and my prayers of comfort to those he loved best. May he rest in peace.

DR. CLAIRE NELSON,  
*President of the Institute  
of Caribbean Studies.*

Ms. LEE of California. I would like to yield now to the gentleman from Indiana, Congressman ANDRÉ CARSON.

Mr. CARSON of Indiana. Madam Speaker, from my first days in Congress, I always considered DONALD PAYNE to be a mentor and a friend. He took me and others under his wing and showed us what it truly means to be a Member of Congress, not just a politician. He showed me, like he showed so many of us in this Chamber, how much more we accomplish through humility and cooperation than through bravado and partisanship.

He was brilliant, and he put thought into every word he said; and because of that, Madam Speaker, his words carried weight on both sides of the aisle and in both Chambers.

Most recently, I was privileged to serve under his leadership on the board of the Congressional Black Caucus, and I was able to see up close how he brought together the diverse personalities and opinions of the caucus in order to achieve a greater purpose.

Congressman PAYNE made our caucus strong and united; and while we attempt to fill the gap he leaves behind, I know we will never have another leader like DONALD PAYNE.

Madam Speaker, learning to serve in the House is truly an honor, but it also comes with many challenges. As a young Member, I am continuing to grow and find my place amongst my distinguished colleagues; but I feel just a little more confident, and I felt a little more confident because I had a role model in DONALD PAYNE.

As long as I am given the privilege to serve in this great House, I look forward to carrying that legacy, the one that he started—to fight for the underprivileged, to bring attention to the critical issues that don't make the front page, Madam Speaker.

I want to extend my deepest sympathies to his family and staff, and they know like I do how great a Member and how great a man he was.

I'm reminded of a passage of a conversation that Jesus had with his disciples in the Book of Matthew, and they were dealing with this notion of leadership; and Jesus said very succinctly and very clearly and very wisely, and prophetically to them, when he said: "He who wishes to be chief among you

shall first be your servant." Let us remember and honor DONALD PAYNE, a true public servant.

Ms. LEE of California. I would like to yield to the gentleman Oregon, Congressman BLUMENAUER.

Mr. BLUMENAUER. Today we mourn the loss of a colleague and friend. Newark lost its champion. Africa lost its informal ambassador, as DONALD PAYNE exercised tremendous leadership and influence as a senior member and chair of the African Subcommittee.

But with the passing of DONALD PAYNE, I think it's important to note one other loss, because for millions of people around the world who never knew DON PAYNE, they lost a hero. DON knew that almost a billion of the world's poorest people lacked access to clean drinking water, that almost three times that number lacked access to sanitation resulting in the death every 15 seconds of a child needlessly to waterborne disease.

One of the great privileges of my career in the House was working with DON PAYNE on the Paul Simon Water for the Poor Act. DON PAYNE was a quiet Member of Congress, but he knew what was important. He was clear in expressing those needs, expressing what needed to be done; and his leadership, his work behind the scenes, as well as on the front lines, made it possible for the first time in our history for the United States to have a cohesive policy towards meeting the unmet needs of water and sanitation for these poor people, to set a very clear objective that within the next 4 years we would cut in half the number of people who lack access to this fundamental.

Because of the leadership of Congressman DONALD PAYNE, literally millions of lives have been touched, improved, indeed, saved.

We thank you, Congressman PAYNE, for your leadership and influence that extended far beyond your district in New Jersey, and we thank his family and constituents for sharing him with us and sending him back repeatedly so that he could do his important work.

Ms. LEE of California. I would now like to yield to the gentleman from Georgia, Congressman SCOTT.

Mr. DAVID SCOTT of Georgia. Thank you very much, Ms. LEE.

This is indeed a very sad and, at the same time, a very precious time because we're here to talk about a life.

A life is so precious. DONALD PAYNE was indeed a very special human being. I served with DONALD PAYNE on the Foreign Affairs Committee; and through his work on the Foreign Affairs Committee, I got to know him.

Let me just say to the people of New Jersey, to his family, you've lost a friend, you've lost a husband, a father, a public servant for the Newark area of New Jersey.

But I want you to know that DONALD PAYNE's life and his legacy go far beyond there.

There was a friend of mine who said, I don't want to hang around the shores

with the little boats. I want to go way out where the big ships go. DONALD PAYNE went way out where the big ships go. Nowhere was his impact more meaningful than in the continent of Africa. It was Africa that just pulled his heart, pulled his whole being. DONALD PAYNE became the champion and the foremost advocate for the people of Africa in the Congress of the United States.

What courage.

I remember the time I was over in Africa going to the Congo, going to the real heart of the matter, going into Kenya, and going into Somalia into Yemen. But there was DONALD PAYNE with the courage at a very difficult time, at a challenging time when al-Shabab was in control of the situation in Somalia. You hear on the news that there is a Congressman who's in harm's way trying to get on an airplane to get out of Somalia at a very hot moment. But he was there in the toughest, meanest, most difficult part of Africa bringing some reason.

□ 1820

So all over this world, we can all say that we thank God for sending DONALD PAYNE our way.

Ms. LEE of California. Madam Speaker, how much time do I have remaining?

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

Ms. LEE of California. Madam Speaker, may we request an additional 10 minutes?

The SPEAKER pro tempore. The Chair cannot entertain that request.

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

Mr. MEEKS. Madam Speaker, I am here this evening to thank God for the life of DONALD PAYNE—to thank God for a man who was focused, for a man who was a trailblazer, for a man who when he came to Congress knew what he wanted to do. People sometimes do not know what their purposes are in life. Sometimes folks get here, and they wander all of their lives to find that purpose. DONALD PAYNE knew what his purpose was. He fought and was determined to get to this House of Representatives so that he could make a difference in so many lives.

Once he came here, he never changed his focus, and he never changed his purpose. He knew that he wanted to deal on the international scale. He knew he wanted to take care of the people of Newark, and he knew he was focused on education. So when he had the opportunity to go on the powerful Appropriations Committee, he was so focused on what his mission was that he said "no" to Appropriations and stayed on Foreign Affairs and stayed on Education because that is what he wanted to do.

He paved the way for someone like me so that, when I came to Congress, I looked to him. It wasn't popular to be on Foreign Affairs when DONALD came.

DONALD did what he knew his purpose was.

So I want to just say, thank you, DONALD PAYNE. Thank you for your work and for your mission and for paving the way for someone like me so that I now don't have to have a machete to cut away the grass. You've done it for us.

Thank you, staff. Thank you, family. Thank You, God, for sending us DONALD PAYNE. I can see You now just saying to him, Well done. Job well done, my good and faithful son.

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

Ms. MCCOLLUM. Someone was saying today that you remember your first and your last time.

The first time I met DONALD PAYNE was in my first term on the Education and the Workforce Committee. We were talking about the inequities in college funding for minorities, and they were talking about the Hispanic higher education institutions and about historical black colleges.

I spoke up, and I said, What about the tribal colleges?

Mr. PAYNE said, And we will never forget the tribal colleges again when we list off all of our colleges that serve our minority youth.

And he never did, so I thank him for that.

The last time—and it's fitting that Congresswoman WOOLSEY is on the floor with me—was at the State of the Union address. Usually, DONALD sat on this side. LYNN and I had the privilege of keeping him warm that night. So, with that, here are my remarks.

Today, the U.S. House of Representatives and the American people lost a statesman and a dedicated leader committed to human rights, quality education and social justice at home and around the world. It was my honor to serve with DONALD PAYNE on the Africa Subcommittee, as well as on the Education and the Workforce Committee. I will always remember DONALD as a friend and as a gentleman, a kind soul who spoke with authority and who legislated on behalf of those who were often too voiceless.

My deepest condolences to DONALD's family, to his staff, to his New Jersey constituents, and to people all over the world.

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

Mr. BISHOP of Georgia. Madam Speaker, all the world is a stage, and all the men and women merely players. Each has his entrance and his exit. One man in this time may play many parts. So it is with DONALD PAYNE.

He was a son, a brother, a husband, a father, a grandfather, a great grandfather, a teacher, a coach, a mentor, a leader. He led the CBC. He led the Congressional Black Caucus Foundation, and he was a friend. He was an extraordinary legislator. He represented the people of Newark, New Jersey, very well.

But one thing that I learned about DONALD from personal conversations was that he was truly a family man, that he loved his family. He spoke with love about the sacrifices that he made upon the untimely death of his wife, about how he had young children. He determined that he was going to take care of those children himself, not farm them out to other family members. So he sacrificed—he did the PTAs; he did the hair; he did all of the things so that his children would have a good life. It seems that DONALD's early life was difficult, and he was determined that his children would not have the difficulties that he had.

DONALD was a great man. We have lost him. The family has lost a great man. We feel your pain; but the joy we share because we knew him will sustain us because we were blessed to know, love, be a part, and to share the life, as you did, with this great, great man. He was a friend. We will miss him as you will.

Our thoughts and prayers are with you.

Mr. DREIER. Madam Speaker, I am deeply saddened by the loss of my dear friend and esteemed colleague, DON PAYNE. I was privileged to serve with DON for more than two decades. I always had enormous respect for his passion, dedication and encyclopedic knowledge of a range of foreign policy issues, particularly the 54 nations of Africa. He was one of the founding Members of the House Democracy Partnership, a commission that benefited tremendously from his expertise and commitment.

In November DON and I had the opportunity to travel together throughout Eastern and Central Europe to commemorate the post-Soviet transition to democracy of several nations. He endured with good spirits a number of speeches honoring Ronald Reagan, never failing to remind me that John F. Kennedy was the world's leading champion of democracy long before Reagan's presidency. We continued on to Egypt, where DON and I served as international witnesses in the first round of parliamentary elections. His enthusiasm and energy never flagged as he spent two long days traveling from poll to poll in Egypt's first true election in 7,000 years.

As DON always exemplified, our endeavor to protect human rights, promote the rule of law, create economic prosperity and eradicate violent extremism through the building of democratic institutions is a thoroughly bipartisan one. He will be greatly missed by all who were privileged to know him.

Mr. HINOJOSA. Madam Speaker, I rise with great sadness to pay tribute to and honor the life of Representative DONALD PAYNE, an esteemed colleague and devoted public servant.

Committed to social and economic justice, Representative DONALD PAYNE spent his life helping the most vulnerable in America and abroad.

During my tenure in Congress, I had the pleasure of serving with Congressman DONALD PAYNE on the Education and Workforce Committee. As a former public school teacher, Congressman PAYNE understood the needs of students, parents, teachers, and educators and the value of a good education.

As a senior member of the Education and Workforce Committee, Representative PAYNE

worked tirelessly to expand educational opportunity for disadvantaged children and youth, and to ensure that all children had access to a quality education.

Congressman DONALD PAYNE was a true champion for American workers and the middle class, always fighting to ensure that workers had safe working conditions and family-sustaining wages. In the area of Foreign Affairs, Congressman PAYNE was known around the globe for his outstanding leadership in promoting peace and democracy in Africa.

Representative DONALD PAYNE will be greatly missed in this chamber. My thoughts and prayers go out to his family, his staff, and the people of New Jersey.

Mr. LOBIONDO. Madam Speaker, I extend my deepest sympathy to the family of Congressman DONALD PAYNE, who served New Jersey with distinction and honor for more than two decades. His leadership was welcomed and respected at home and in the Congress. His passion for civil rights and stewardship of the Congressional Black Caucus will always be remembered. My thoughts and prayers go out to the Payne family and the residents of the 10th district who lost a champion of their interests.

Ms. FUDGE. Madam Speaker, on March 6, 2012, Congressman DONALD PAYNE of New Jersey passed away due to complications from colon cancer. Today, along with my colleagues in the U.S. House of Representatives, I pay tribute to the memory of Congressman PAYNE. While today marks the end of his work on earth, the results of his labor will live on for many years to come.

In 1988, DONALD PAYNE became New Jersey's first African American to be elected to the U.S. Congress. As a public school teacher, the first African American President of the National YMCA and most recently as a Member of Congress for over two decades, DONALD was a tireless advocate for children, working families and senior citizens. He was a leader and a role model, who dedicated his life to, among other things, closing the achievement gap, providing equitable funding for public schools and making healthcare more affordable. In the 112th Congress, he was a senior member of the House Committee on Education and the Workforce. He was a key player in the passage of the College Cost Reduction and Access Act, which cuts interest rates on Stafford loans in half, increases Pell Grants and provides loan forgiveness to public service employees with student loan debt. DONALD was also a senior member of the House Committee on Foreign Affairs, most recently serving as the highest ranked Democrat on the Subcommittee on Africa, Global Health, and Human Rights.

DONALD will always be remembered as a champion for human rights and a strong advocate for humanitarian aid for developing countries, especially African countries. Beyond his work in Africa, he traveled throughout the world serving as a voice on issues impacting the social conditions of the global community. He was a former Chairman of the Congressional Black Caucus and, most recently, served as Chairman of the Congressional Black Caucus Foundation, Inc. The absence of his passion, leadership and compassion will not go unnoticed. He will be greatly missed.

I was blessed to count DONALD as a colleague, and as a dear friend and mentor. I will always treasure his support and guidance during the past few years. My heartfelt prayers

are with his family, staff, and constituents. May the thoughts and prayers of many give solace to his family and friends during this trying time.

Mr. RANGEL. Madam Speaker, I cannot fully express my sadness over the death of my dearest friend and Congressional Black Caucus Colleague Congressman DONALD PAYNE. Today his constituents in New Jersey's 10th Congressional District, our Colleague in Congress, people across America and around the globe mourn the loss of a great man, leader and humanitarian. DONALD was a champion of the lesser among us who saw wrong and fought tirelessly to make it right.

DONALD sought to give every child a quality education and a fair chance at success no matter where they came from. For over 23 years in Congress, as former Chairman of the Congressional Black Caucus, and Member of the House Committee on Education, he advocated for low-income students across our nation. Moreover, as a Member of the Committee on Foreign Affairs, DONALD worked passionately to restore democracy and human rights in Africa and throughout the world. DONALD and I shared a vision in giving Americans from all walks of life the opportunity to serve and represent our nation abroad. His most recent accomplishment before he passed was the creation of USAID's Donald Payne Development Fellowship Program. Thanks to DONALD's efforts young Americans will have the opportunity to continue DONALD's legacy of promoting peace and compassion to the rest of world.

I will deeply miss my brother DONALD PAYNE whose kindness and commitment to humanity will forever be remembered. My deepest condolences go out to his family and loved ones.

Mr. BISHOP of Georgia. Madam Speaker, I come to the House Floor today to pay tribute to our beloved colleague, dear friend and one of our nation's preeminent humanitarian icons—the late Congressman DONALD PAYNE.

I first met Congressman PAYNE nearly two decades ago and I will always remember him as a kind, welcoming and intellectually gifted individual.

In serving in this distinguished body with Congressman PAYNE over the past few decades, I had the pleasure of seeing him excel in multiple rolls and often under challenging circumstances.

As a former Chairman of the Congressional Black Caucus and more recently Chairman of the Congressional Black Caucus Foundation, I observed firsthand his relentless and passionate advocacy on improving the standards of living for disadvantaged and disenfranchised communities of color all around the world.

And anyone who knew DONALD PAYNE well, knows that one of his biggest priorities was doing all he could to improve the educational standing of our nation's students and young scholars. As a former teacher, he understood better than most in this body, the insurmountable tasks that our educators have in simultaneously instructing and mentoring our future leaders.

He used his senior position on the U.S. House of Representatives Education and the Workforce Committee to aggressively advocate on behalf of America's children. He remained engaged in exploring ways that we could close our nation's educational achievement gap; provide equitable funding for public schools; and make college more affordable.

As the Ranking Member of the House of Representatives Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights, he worked extensively to protect human rights and provide vital humanitarian assistance to developing countries throughout the African continent.

Madam Speaker, today the world has lost an uplifting and inspiring public figure and a remarkable human being. Those of us who were fortunate and blessed to have known and worked with DONALD PAYNE have lost a nurturing mentor and widely-admired colleague.

Congressman PAYNE once said, "There is a lot of dignity in being able to achieve things without having to create rapture." This quote speaks not only to the symbolism of DONALD's civil nature but to the substance of his lifelong mission of accomplishing good deeds through consensus rather than conflict.

Madam Speaker, I would ask that all my colleagues take time out of their schedules today to pay tribute to DONALD PAYNE for all that he did and all the good things that his legacy will continue to inspire us to do.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3606, JUMPSTART OUR BUSINESS STARTUPS ACT

Mr. SESSIONS (during the Special Order of Mr. ROE of Tennessee), from the Committee on Rules, submitted a privileged report (Rept. No. 112-409) on the resolution (H. Res. 572) providing for consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, which was referred to the House Calendar and ordered to be printed.

#### CLEARING THE NAMES OF JOHN BROW AND BROOKS GRUBER

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

Mr. JONES. Madam Speaker, thank you very much.

I was elected in 1995. Shortly after being sworn in, I was appointed to the Armed Services Committee. In my district of eastern North Carolina, we have Camp Lejeune Marine Base, Cherry Point Marine Corps Air Station, New River Marine Corps Air Station, and Seymour Johnson Air Force Base.

At the time, I was familiar with the Marine Corps' desire and need to have the MV-22 Osprey. The Osprey is the plane that can go from a helicopter mode to a plane mode. I realized it was at that time very controversial. In fact, Secretary of Defense Dick Cheney was opposed to the plane's ever becoming a reality, and as a Member of Congress I was very supportive. I was a new Member, obviously, and I was very much supportive.

Madam Speaker, I am just going to hold up for a moment what the Osprey looks like, which is the plane I was just

describing. It is an unusual-looking bird, but the Marine Corps believes it's what it definitely needs to complete its mission of serving this great Nation.

On April 8 of the year 2000, a tragedy happened in Marana, Arizona. Colonel John Brow, who is to my left on this poster, was the pilot; and the copilot was Major Brooks Gruber. That night, 19 marines on a mission at Marana, Arizona, on Night Hawk 72, which was being piloted by Brow and copilot Gruber, flipped and crashed and burned, and 19 marines were killed. It was a very tragic, tragic happening, a very tragic night.

The wife of Major Brooks Gruber contacted me and asked me if I would please look into the fact that the Marine Corps had issued a press release, and I'm going to just touch on this very briefly.

The Marine Corps officials say that a combination of factors caused the Osprey accident. A report released by Marine Corps officials today confirmed that a combination of human factors—and that's a problem, Madam Speaker, those words "human factors"—caused the April 8 accident. General Jones replied: "Unfortunately, the pilots' drive to accomplish that mission appears to have been the fatal factor."

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Madam Speaker, again, from Marine headquarters, they sent out this press release nationally and internationally. Therefore, people started believing that the pilots were somewhat responsible for the accident.

About a year later is when Connie Gruber contacted me, and I would like to read part of her email to me, December 10, 2002:

I contacted you in hopes that leaders of integrity, free of bias, would have both the intelligence and the courage it takes to decide the facts for him or herself. If you do that, you will agree the "human factor/pilot error" findings should not stand as it is in military history. Again, I respectfully ask for your support. Please do not simply pass this matter along to General Jones without offering the support my husband and his comrades deserve. Please remember, these 19 marines can no longer speak for themselves.

Madam Speaker, that email from Connie Gruber started a 10-year journey. From that journey I continued to reach out to experts, which I am no expert, Madam Speaker, at all. But I had to believe the wife of Brooks Gruber that she and Trish Brow, the wife of the pilot, Major John Brow, that they told me that their husbands have the right to rest in peace.

So, Madam Speaker, from that I would like to read some comments. Rex Rivolo wrote me this in the effort of trying to clear the names of John Brow and Brooks Gruber:

I write in an attempt to help correct a great injustice perpetrated on Lieutenant Colonel John Brow, United States Marine Corps, and Major Brooks Gruber, United States Marine Corps, in attributing the cause of the MV-22 mishap in Marana, Arizona, on April 8, 2000, to aircrew error. At the time of the mishap, I was the principal

analyst for the V-22 as a research staff member at the Institute For Defense Analyses, a nonprofit organization supporting the Department of Defense Office of Director of Operational Test and Evaluation.

Madam Speaker, another individual who's an expert that joined us in this effort to clear the names of John Brow and Brooks Gruber is Phil Coyle, and I want to quote what he put in an email to me on November 8, 2000:

Major Gruber should not be blamed for flying his aircraft on a flight path that he was not trained to fly and expected to fly. The Marine Corps knows today that flight path was lethal, but they did not know it then, and neither did Major Gruber. Considering it was ignorance on the part of the Marine Corps that caused the April 8, 2000 accident, the Marine Corps should make it clear to Major Gruber's family—with no ifs, ands, or buts—that Major Gruber was not responsible for the accident.

Madam Speaker, I continue to go on, because this has been a 10-year effort for the families of John Brow and Brooks Gruber.

Madam Speaker, the Marine Corps, shortly after the accident, assigned three marines the day after the accident on April 8 to fly to Arizona and to do their own investigation for the United States Marine Corps. At the time, Colonel Mike Morgan was the lead investigator, assisted by Colonel Ron Radich and also Major Phil Stackhouse.

In the JAGMAN report that was the official report for the Marine Corps of the accident, on page 77 they stated:

During this investigation we found nothing that we would characterize as negligence, deliberate pilot error, or maintenance/material failure.

Madam Speaker, in this 10-year journey to clear the names of these two Marine pilots, I reached out to the attorneys. John Brow and Brooks Gruber, their families employed Jim Furman, an attorney in Texas, who himself, was a helicopter pilot in Vietnam. He is an outstanding attorney, and he defended the two pilots when they went and filed suit against Bell Boeing.

In a letter on April 28, 2010, from Jim Furman to me in this effort to clear the names of John Brow and Brooks Gruber, he wrote:

It was not the mission of the operation evaluation crew to discover the new boundaries and limitations associated with the V-22. Engineering test pilots, under appropriate test conditions, should have done this. It is simply wrong and improper to place this burden upon Gruber and Brow. They did the best job they could have done under the circumstances.

Prior to the March 2000 crash, the Navy already had reports of strange asymmetric response in the aircraft. These events should have been completely investigated before any more operational testing continued.

Madam Speaker, I have over seven or eight emails that are two or three pages from Jim Furman in his effort to help us clear the names of Colonel John Brow and Major Brooks Gruber.

From the attorney for the 17 marines' families who were in the V-22 that crashed—and these young men

were killed in that crash—Brian Alexander defended the 17 families, and he said:

Please thank Congressman Jones for contacting me and assure him that I stand by ready to assist him in any way that I can. As a former Army aviator and lawyer who had the privilege of representing the marines who gave their lives in the Marana crash, I applaud the Congressman's efforts to clear the names of pilots Gruber and Brow from any and all blame for this senseless tragedy. Due to these undisputed reasons, the pilots are not to blame and should be fully exonerated.

Again, the two attorneys, Jim Furman in Texas and Brian Alexander in New York, they defended the families in the lawsuit that was settled out of court by Bell Boeing. Madam Speaker, I also would like to share for the Record—you might say, well, if the lawsuits are over, then why won't the Marine Corps give the families what they are looking for as a clear exoneration of John Brow and Brooks Gruber?

Madam Speaker, I can't answer that but recently, about 4 months ago, I had the pleasure of meeting with General Rutter, who was representing the Commandant, and he was asking what would help the wives bring this to an end, so to speak. There is no way you can replace the husbands and the 17 marines who were burned to death. So the wives gave me a paragraph that they would like for the Marine Corps to issue to them on Marine Corps stationery and also a press release, Madam Speaker, and it states:

The United States Marine Corps concurs that pilots Lieutenant Colonel John Brow and Major Brooks Gruber were not at fault for the April 8, 2000, Osprey accident. The original accident report will officially include this statement of fact. A copy of the official statement will be formally presented to the Gruber and Brow families as written evidence to this fact. A press release and formal statement will also be publicly issued by military officials.

Madam Speaker, I don't know why the Marine Corps has not been willing to give the families this closure that they have asked for.

I just touched on a few of the letters of many people who were so familiar with the program and the V-22 in the early stages that have joined in this effort, so it is hard to understand why the Marine Corps will not give the families this one paragraph. Madam Speaker, I will continue to work and to speak out because that's the least that the Marine Corps can do for these families.

Let me also share that I reached out to the investigators, Major Morgan, Major Radich, and Major Stackhouse. Madam Speaker, they in July and August of this year sent me 2-page letters from each one of them stating clearly that if there is anything in the JAGMAN report that has been misunderstood, that they found it was pilot error, to please have it recanted because that's not what they wrote in the JAGMAN.

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Madam Speaker, I have a copy of the JAGMAN. I have read from one page what they said about the pilots on page 77 that nothing was done by the pilots in a deliberate way to cause the accident.

Madam Speaker, I'd like to read now just a couple of sentences from Lieutenant Colonel Mike Morgan's letter back to me. He again was the lead investigator that wrote the JAGMAN report. He said:

John Brow and Brooks Gruber performed as model wingmen on this mission. They were doing exactly what was expected of a wingman on a tactical flight.

Lieutenant Colonel Morgan further stated:

John Brow and Brooks Gruber did their job, and did it well. I look forward to the day when DOD officials accurately recognize the sacrifice made by them and all the marines of Nighthawk 72.

From Lieutenant Colonel Ron Radich, he was the assistant JAGMAN investigator:

It would be morally wrong to place the blame on the pilots of Nighthawk 72. Prior to the mishap, control measures to mitigate the risk of vortex ring state were deficient. With no knowledge, training, or warning concerning the possible consequences of vortex ring state, the pilots of Nighthawk 72 were essentially on their own in uncharted territory.

Madam Speaker, what Colonel Radich is saying is that they were put into the cockpit flying this plane with 19 marines, counting the two pilots on this plane, and they had no idea of how to react to the condition known as vortex ring state, VRS. They had not been trained. The plane was not even prepared to warn them of such a happening.

And the third investigator, Madam Speaker, was Captain Phil Stackhouse and he said:

I do not feel that our investigation reflects that the mishap was a result of pilot error and if this investigation was interpreted that way, it was misinterpreted. For any record that reflects the mishap was a result of pilot error, it should be corrected. For any publication that reflects the mishap was a result of pilot error, it should be corrected and recanted.

Madam Speaker, there cannot be stronger support for this change to make sure that the Marine Corps would issue a statement to the families and also issue to the families a paragraph that would clearly state that their husbands were not at fault.

Madam Speaker, some people might just say, Congressman, why have you spent 10 years trying to clear the names of two pilots that you never knew?

Well, Connie Gruber, the wife of Major Brooks Gruber, she does live in Jacksonville, North Carolina, and she and her a little girl, Brook, deserve to have this paragraph for the future of their family, to clearly state that the pilots were not at fault.

Trish Brow lives over in California, Maryland. John Brow was her husband,

and I have been with one of her sons, Michael, who was in my office a year ago in March when we talked about our strategy to clear the names of these two Marine pilots. I never will forget that Michael leaned up after we talked, about five adults, including his mom in there, and he leaned up and he said, May I say something? And we all said, Certainly, whatever you'd like to say. And he said, Will you please let me clear my father's name.

Madam Speaker, the ball is in the Marine Corps' court. All of the evidence and all of the experts have joined in this effort to clear the names of the two pilots. On these charts, you can see the faces of the two Marine pilots. Right immediately close to me is Colonel John Brow, the pilot; and beside him is Major Brooks Gruber, who was the copilot. I think about what I have said to the wives and to their sons and daughters: It's time that the Marine Corps salute Colonel John Brow and Major Brooks Gruber and say, Colonel and Major, you may rest in peace. Don't ever worry about your name again. We have done everything we can as the United States Marine Corps to make sure that the public knows that you two, pilot and copilot, were not at fault for that tragedy on April 8 of 2000.

Madam Speaker, just a couple more minutes and I will bring my comments to a close.

I had someone send to me a quote by Voltaire that says, "To the living, we owe respect; to the dead, we owe the truth." And that's why I wanted to be on the floor tonight to share just a few comments by the experts, not by me. I am no expert. I'm just one man who believes what the wife said, Connie Gruber:

My husband and John Brow cannot speak for themselves. Someone has to speak for these two men to clear their names.

The lawsuits are over. They were settled out of court. It was a closed settlement. Nobody knows the figures except the families. I've never heard a figure, so I have no idea. But I know one thing. When a firm as large as Bell-Boeing, which manufactured the V-22, when they settle out of court, they must feel some responsibility for the accident.

I hope and pray that soon the Marine Corps will close the chapter on the tragedy in the life of Trish Brow and Connie Gruber. The reason they want the letter, Madam Speaker, is so their children, 10, 15, 20 years from now, whenever there's another article written about the V-22 crash in Arizona in the year 2000 and they misstate that this was pilot error, that the families will have an official letter from the Commandant of the Marine Corps that will clearly state that John Brow and Brooks Gruber were not at fault.

Madam Speaker, I'm going to close in about 2 minutes.

I want to call on the United States Marine Corps to come forward and give the families what they are asking. The three investigators, as I said earlier,

have joined in this. Jim Shaffer, Madam Speaker, who was in the air at the same time as this crash, he was flying a V-22 when the other two were flying and before Nighthawk 72 crashed. He was a friend of John Brow and Brooks Gruber. He has joined in this effort. He believes that the right thing to do, based on the circumstances of the time, that the right thing to do is to say that the two pilots were not at fault.

Madam Speaker, I want to thank you for staying a little bit later tonight to give me this time. I'm not going to take the full 30 minutes. There is a lot more I could say, but I think that I've done the first step of what is going to be many steps in coming to the floor and talking about these two pilots and their families until we get the letter from the Commandant that is just one paragraph that clearly states that Lieutenant Colonel John Brow, Major Brooks Gruber, pilot and copilot, were not at fault for the crash that happened on April 8, 2000, in Arizona.

So with that, Madam Speaker, I will ask God to please bless the families of these two pilots and the families of the 17 Marines who were in the back of the V-22 that crashed and 19 died, to bless those families as well. I will ask God to please touch the heart of the United States Marine Corps so that these two Marines can rest in peace.

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

#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1710. An act to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 48 minutes p.m.), under its previous order and pursuant to House Resolution 571, the House adjourned until tomorrow, Wednesday, March 7, 2012, at 10 a.m., for morning-hour debate, as a further mark of respect to the memory of the late Honorable DONALD M. PAYNE.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

5181. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of Captain Hugh D. Wetherald, United States Navy, to wear the authorized insignia of the grade of rear admiral (lower half); to the Committee on Armed Services.

5182. A letter from the Acting Under Secretary, Department of Defense, transmitting authorization of Colonel Cedric T. Wins,

United States Army, to wear the insignia of the grade of brigadier general; to the Committee on Armed Services.

5183. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Exceptions or Alternatives to Labeling Requirements for Products Held by the Strategic National Stockpile [Docket No.: FDA-2006-N-0364] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5184. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act [CMS-9992-F] (RIN: 0938-AQ74) received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5185. A letter from the Chief Operating Officer/President, Financing Corporation, transmitting a copy of the Financing Corporation's Statement on the System of Internal Controls and the 2011 Audited Financial Statements; to the Committee on Oversight and Government Reform.

5186. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Airplanes [Docket No.: FAA-2011-0908; Directorate Identifier 2010-NM-251-AD; Amendment 39-16870; AD 2011-24-06] (RIN: 2120-AA64) received February 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5187. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of actions with respect to the GAO report entitled: "NASA: Key Controls NASA Employs to Guide Use and Management of Funded Space Act Agreements are Generally Sufficient but Some Could Be Strengthened and Clarified"; to the Committee on Science, Space, and Technology.

5188. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, Engagement in Additional Work Activities and Expenditures for Other Benefits and Services, April-June 2011: A Temporary Assistance for Needy Families (TANF) Report to Congress; to the Committee on Ways and Means.

5189. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Section 267 to Section 304 Transactions [Notice 2012-15] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5190. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Physical Inspection Pilot Program [Notice 2012-18] received February 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5191. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Department's final rule — Section 51 — Work Opportunity Tax Credit; Section 52 — Special Rules; Section 3111(e) — Credit for Employment of Qualified Veterans [Notice 2012-13] received February 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5192. A letter from the Inspector General, Department of Health and Human Services, transmitting Community Living Assistance Services and Supports Program: 2011 Report to Congress; jointly to the Committees on Energy and Commerce and Ways and Means.

5193. A letter from the Special Inspector General For Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) January 2012 Quarterly Report and Semiannual Report; jointly to the Committees on Foreign Affairs and Appropriations.

5194. A letter from the Assistant Attorney General, Department of Justice, transmitting fourth quarterly report of FY 2011 on the Uniformed Services Employment and Re-employment Rights Act; jointly to the Committees on the Judiciary and Veterans' Affairs.

5195. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Report to Congress: Under the Temporary Payroll Tax Cut Continuation Act of 2011 Section 501(b)(2) Concerning the Presidential Permit Application of the Proposed Keystone XL Pipeline; jointly to the Committees on Transportation and Infrastructure, Foreign Affairs, Energy and Commerce, and Natural Resources.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BACHUS: Committee on Financial Services. Supplemental report on H.R. 3606. A bill to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies (Rept. 112-406, Pt. 2). Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 572. Resolution providing for consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies (Rept. 112-409). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BACA:

H.R. 4144. A bill to amend the State Small Business Credit Initiative Act of 2010 to allow participating States to provide program funds to community development housing organizations for development of affordable housing; to the Committee on Financial Services.

By Mr. CHABOT:

H.R. 4145. A bill to reform the program for rental assistance under section 8 of the United States Housing Act of 1937, and for other purposes; to the Committee on Financial Services.

By Mr. ELLISON (for himself, Mr. PAULSEN, and Mr. WALZ of Minnesota):

H.R. 4146. A bill to authorize the Secretary of the Army to take actions to manage the threat of Asian carp traveling up the Mississippi River in the State of Minnesota, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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. MORAN:

H.R. 4147. A bill to amend title XIX of the Social Security Act to provide States an op-

tion to cover a children's program of all-inclusive coordinated care (ChiPACC) under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. PETRI:

H.R. 4148. A bill to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mr. SOUTHERLAND:

H.R. 4149. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H. Res. 571. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Donald M. Payne, a Representative from the State of New Jersey; considered and agreed to.

By Ms. WOOLSEY (for herself, Ms. WASSERMAN SCHULTZ, Ms. MOORE, Mr. OLVER, Ms. BORDALLO, Ms. NORTON, Ms. MCCOLLUM, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. RANGEL, Ms. RICHARDSON, Mr. VAN HOLLEN, Mr. CAPUANO, Mr. GRIJALVA, Mr. LANGEVIN, Mr. FARR, Ms. LORETTA SANCHEZ of California, Mr. HINGHEY, Ms. CLARKE of New York, Ms. SPEIER, Mr. REYES, Mr. KIND, Mrs. DAVIS of California, Ms. LEE of California, Mr. CARNAHAN, Ms. MATSUI, Mr. CONYERS, Mr. SIREN, and Ms. SCHAKOWSKY):

H. Res. 573. A resolution supporting the goals and ideals of National Women's History Month; to the Committee on Oversight and Government Reform.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BACA:

H.R. 4144.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. CHABOT:

H.R. 4145.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution, Article I, Section 8, Clause 1 and The U.S. Constitution, Article I, Section 8, Clause 18: The Congress shall have power to provide for the general Welfare of the United States [and] To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. ELLISON:

H.R. 4146.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

Article I, Section 8, Clause 14 of the United States Constitution.

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. MORAN:

H.R. 4147.

Congress has the power to enact this legislation pursuant to the following:

This legislation, which amends the Social Security Act, title XIX relating to the Med-

icaid program is authorized by Article 1, Section 8, Clause 1, which grants Congress authority regarding Defence [sic] and general Welfare of the United States; and Clause 3 regarding the regulation of commerce among the states.

By Mr. PETRI:

H.R. 4148.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. SOUTHERLAND:

H.R. 4149.

Congress has the power to enact this legislation pursuant to the following:

The Social Security Act has been upheld under the power to tax and spending under Article I Section 8, Clause 1 of the U.S. Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. MCCOTTER.

H.R. 32: Mr. HINOJOSA, Mr. KISSELL, and Ms. BONAMICI.

H.R. 157: Mr. LUETKEMEYER and Mr. AMODEL.

H.R. 192: Ms. SLAUGHTER.

H.R. 303: Ms. BONAMICI, Mr. BERG, and Mr. AMODEL.

H.R. 333: Ms. HOCHUL and Ms. CHU.

H.R. 431: Mrs. LUMMIS.

H.R. 450: Mr. JONES, Mr. BENISHEK, and Mr. WALSH of Illinois.

H.R. 452: Mr. ADERHOLT and Mr. HASTINGS of Washington.

H.R. 469: Ms. NORTON and Mr. SMITH of Washington.

H.R. 578: Mr. BUCHANAN.

H.R. 854: Mr. RYAN of Ohio.

H.R. 870: Mr. ROTHMAN of New Jersey and Mr. BISHOP of Georgia.

H.R. 925: Mr. HINOJOSA.

H.R. 972: Mr. MANZULLO.

H.R. 1176: Mr. ISRAEL.

H.R. 1179: Ms. GRANGER.

H.R. 1190: Mr. PIERLUISI.

H.R. 1206: Mr. RIGELL, Mrs. BLACK, and Mr. YOUNG of Alaska.

H.R. 1236: Mr. COURTNEY.

H.R. 1265: Mr. BRALEY of Iowa, Mr. WEBSTER, Mr. GARY G. MILLER of California, and Mr. LUETKEMEYER.

H.R. 1267: Mr. SCHRADER.

H.R. 1288: Ms. HAHN, Mr. BACA, Mr. HONDA, Mr. DOYLE, Mr. BOSWELL, and Mr. LATTA.

H.R. 1443: Mr. MANZULLO.

H.R. 1488: Ms. BONAMICI.

H.R. 1505: Mr. GUTHRIE.

H.R. 1509: Ms. WASSERMAN SCHULTZ.

H.R. 1614: Mr. ALEXANDER.

H.R. 1639: Mr. BARTLETT.

H.R. 1681: Mr. CLARKE of Michigan and Ms. BONAMICI.

H.R. 1697: Mr. TIBERI, Mr. GIBBS, Ms. GRANGER, Mr. FARENTHOLD, and Mr. WOLF.

H.R. 1704: Ms. HAHN and Mr. PERLMUTTER.

H.R. 1718: Mrs. CAPPS.

H.R. 1738: Mr. CLARKE of Michigan and Mr. LEWIS of Georgia.

H.R. 1742: Mr. TOWNS, Mr. TIERNEY, Mr. JOHNSON of Georgia, Mr. LATHAM, and Mr. PLATTS.

H.R. 1746: Ms. ZOE LOFGREN of California.

H.R. 1760: Mrs. CAPPS.

H.R. 1802: Mr. FITZPATRICK.

H.R. 1903: Ms. CLARKE of New York and Mr. SIREN.

H.R. 1922: Mr. ROSS of Florida.

H.R. 1956: Mrs. MYRICK.

H.R. 1964: Mr. DUFFY.

H.R. 1971: Mr. KISSELL.

H.R. 2003: Mr. FILNER.  
 H.R. 2016: Mr. DOYLE, Ms. RICHARDSON, and Mr. CARNAHAN.  
 H. R. 2106: Ms. JACKSON LEE of Texas, Mr. DAVID SCOTT of Georgia, Mr. AL GREEN of Texas, Ms. WILSON of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 2108: Mr. FORTENBERRY and Mr. SCHRADER.  
 H.R. 2139: Mr. GALLEGLY, Mr. GEORGE MILLER of California, and Mr. HARPER.  
 H.R. 2152: Mr. CAPUANO.  
 H.R. 2159: Ms. SPEIER and Mr. CHANDLER.  
 H.R. 2179: Mr. BILIRAKIS and Mr. JOHNSON of Ohio.  
 H.R. 2194: Ms. RICHARDSON.  
 H.R. 2245: Mr. BROOKS and Mr. ACKERMAN.  
 H.R. 2288: Mr. MCCOTTER.  
 H.R. 2324: Mr. REYES, Ms. BONAMICI, Ms. HIRONO, and Mrs. LOWEY.  
 H.R. 2412: Mr. DOYLE.  
 H.R. 2485: Mr. RIBBLE.  
 H.R. 2492: Mr. LATHAM.  
 H.R. 2502: Mr. PIERLUISI.  
 H.R. 2557: Mr. THOMPSON of California and Mr. ACKERMAN.  
 H.R. 2655: Mr. HEINRICH and Mr. TURNER of Ohio.  
 H.R. 2695: Mr. DOGGETT and Mr. MORAN.  
 H.R. 2696: Mr. DOGGETT, Mr. MCGOVERN, and Mr. MORAN.  
 H.R. 2738: Mr. KEATING.  
 H.R. 2805: Mr. CLARKE of Michigan.  
 H.R. 2834: Mr. HUNTER.  
 H.R. 2900: Mr. MANZULLO.  
 H.R. 2960: Mr. BENISHEK.  
 H.R. 3001: Mr. MURPHY of Connecticut, Mr. WEST, Mr. LIPINSKI, Mr. HARRIS, and Mr. WOLF.  
 H.R. 3059: Mr. CUMMINGS and Ms. HAHN.  
 H.R. 3151: Mrs. LOWEY, Ms. CLARKE of New York, Ms. WILSON of Florida, Mrs. CAPPS, Ms. RICHARDSON, and Mr. CONYERS.  
 H.R. 3164: Mr. SCHIFF and Ms. LINDA T. SANCHEZ of California.  
 H.R. 3238: Mr. TIERNEY.  
 H.R. 3269: Mr. CHAFFETZ, Mr. SOUTHERLAND, Mr. ACKERMAN, Mr. SCHWEIKERT, and Mr. FRELINGHUYSEN.  
 H.R. 3283: Mr. CLAY.  
 H.R. 3288: Mr. AMODEI.  
 H.R. 3313: Mr. ELLISON.  
 H.R. 3337: Mr. FORBES.  
 H.R. 3359: Mr. GRIJALVA.  
 H.R. 3364: Mr. ALTMIRE.  
 H.R. 3368: Mr. TONKO.  
 H.R. 3423: Mrs. SCHMIDT, Mr. LARSEN of Washington, Mr. NEAL, Mr. STIVERS, Mr. DOGGETT, Mr. MARKEY, Mr. MCGOVERN, Ms. SPEIER, Mr. ROGERS of Alabama, Mr. NUNNELEE, and Mrs. CAPPS.  
 H.R. 3462: Mr. ELLISON.  
 H.R. 3485: Mr. RYAN of Ohio, Ms. RICHARDSON, Mr. FATTAH, Mr. DOYLE, Mr. SHERMAN, Mr. COURTNEY, and Mr. SCHIFF.  
 H.R. 3490: Ms. HIRONO.

H.R. 3510: Mr. COHEN, Mr. FARR, Mr. ROTHMAN of New Jersey, Mr. REED, and Mr. KLINE.  
 H.R. 3553: Mr. BLUMENAUER and Mr. BERMAN.  
 H.R. 3568: Mr. HINOJOSA.  
 H.R. 3594: Mr. JOHNSON of Ohio, Mr. HARRIS, and Mr. YOUNG of Alaska.  
 H.R. 3596: Mr. ALTMIRE, Mr. PERLMUTTER, Mr. ISRAEL, Mr. CUMMINGS, Ms. RICHARDSON, and Ms. HIRONO.  
 H.R. 3612: Mr. THORNBERRY.  
 H.R. 3635: Mr. DOGGETT, Ms. ROYBAL-ALLARD, and Mr. HONDA.  
 H.R. 3643: Mr. HEINRICH.  
 H.R. 3662: Mr. AMODEI, Mr. CANSECO, Mr. FARENTHOLD, and Mr. NUNNELEE.  
 H.R. 3667: Mr. BONNER.  
 H.R. 3697: Mr. BUCSHON.  
 H.R. 3737: Mr. RIBBLE.  
 H.R. 3767: Mr. JOHNSON of Ohio and Mr. PETERS.  
 H.R. 3783: Mr. CICILLINE, Mr. KELLY, Mr. MANZULLO, Mrs. BACHMANN, Mr. FALEOMAVAEGA, Mr. AUSTIN SCOTT of Georgia, Mr. RIVERA, and Mr. SHERMAN.  
 H.R. 3789: Ms. BONAMICI.  
 H.R. 3798: Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. BARTLETT, Mr. BILBRAY, and Mr. GUTIERREZ.  
 H.R. 3811: Mr. BARLETTA.  
 H.R. 3814: Mr. JOHNSON of Ohio.  
 H.R. 3826: Ms. BERKLEY and Ms. SCHA-KOWSKY.  
 H.R. 3849: Mr. LANKFORD.  
 H.R. 3850: Mr. TIPTON and Ms. HERRERA BEUTLER.  
 H.R. 3851: Mr. SCHILLING, Mrs. ELLMERS, and Ms. HERRERA BEUTLER.  
 H.R. 3859: Mr. LATHAM.  
 H.R. 3863: Ms. BALDWIN.  
 H.R. 3877: Mr. KLINE.  
 H.R. 3893: Mr. SCHILLING, Mr. TIPTON, and Mrs. ELLMERS.  
 H.R. 3895: Mr. WALSH of Illinois.  
 H.R. 3974: Ms. BALDWIN.  
 H.R. 3980: Mr. SCHILLING.  
 H.R. 3984: Mr. GRIJALVA, Ms. BROWN of Florida, and Mr. WAXMAN.  
 H.R. 3987: Mr. GRAVES of Missouri, Mr. SCHILLING, Mr. HANNA, Mr. WEST, and Mr. CHABOT.  
 H.R. 4010: Mr. BUTTERFIELD, Mr. BRALEY of Iowa, and Mr. CROWLEY.  
 H.R. 4018: Mr. MARINO.  
 H.R. 4032: Mr. MORAN, Mr. CLAY, Mr. GRIJALVA, Mr. BISHOP of Georgia, and Mr. KISSELL.  
 H.R. 4036: Mr. LANKFORD.  
 H.R. 4040: Mr. TERRY.  
 H.R. 4070: Mr. ROSS of Florida and Mr. WEST.  
 H.R. 4081: Mr. SCHILLING.  
 H.R. 4105: Mrs. NOEM and Mr. WELCH.  
 H.R. 4121: Ms. CLARKE of New York.  
 H.R. 4123: Mr. SMITH of Washington, Mr. BECERRA, Mr. PASCRELL, Ms. LINDA T. SANCHEZ of California, and Mr. FARR.

H.R. 4132: Mr. BILBRAY.  
 H.R. 4141: Mr. CLEAVER, Mr. RUSH, Ms. LEE of California, Mr. CONYERS, Ms. CLARKE of New York, Mr. FALEOMAVAEGA, Mr. MEEKS, Mr. CONNOLLY of Virginia, Mr. SIRES, and Ms. WILSON of Florida.  
 H.J. Res. 47: Mr. SARBANES.  
 H.J. Res. 88: Mr. MURPHY of Connecticut.  
 H.J. Res. 103: Mr. SCOTT of South Carolina.  
 H.J. Res. 104: Mr. LUETKEMEYER, Mr. FLORES, and Mr. PENCE.  
 H. Con. Res. 87: Mr. JACKSON of Illinois.  
 H. Con. Res. 101: Mr. TIPTON.  
 H. Res. 16: Ms. ROS-LEHTINEN and Mr. MCGOVERN.  
 H. Res. 20: Mr. QUIGLEY.  
 H. Res. 474: Mr. KUCINICH and Mr. MCINTYRE.  
 H. Res. 478: Ms. SLAUGHTER.  
 H. Res. 568: Ms. SCHWARTZ, Mrs. LOWEY, Mr. WAXMAN, Mr. ENGEL, Mr. TOWNS, Mr. SCHIFF, Mr. ROTHMAN of New Jersey, Mr. LANCE, Mr. MARKEY, Mr. HOLT, Mr. PASCRELL, Mr. BISHOP of Georgia, Ms. BERKLEY, Mr. FINCHER, Mr. BURGESS, Mr. LANKFORD, Mr. WALBERG, Mrs. ROBY, Mr. COFFMAN of Colorado, Ms. DEGETTE, Mr. SHULER, Mr. GENE GREEN of Texas, Mr. WEST, Mr. OWENS, Mr. CRAVAACK, Mr. GALLEGLY, Mr. PRICE of Georgia, Mrs. ADAMS, Mr. CRITZ, Mr. ALTMIRE, Ms. HANABUSA, Mr. LOBIONDO, Mr. RIVERA, Mr. LARSON of Connecticut, Mr. COBLE, Mr. CAMP, Mr. SIRES, Mr. BURTON of Indiana, Mr. SCHOCK, Mr. HOLDEN, Mr. SCHWEIKERT, Mr. MICA, Mr. KINZINGER of Illinois, Mr. NUGENT, and Mr. MILLER of Florida.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FINCHER, or a designee, to H.R. 3606, the Jumpstart Our Business Startups Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3610: Mr. CLAY.  
 H.R. 3611: Mr. CLAY.



United States  
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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

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No. 36

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who put into our hearts such deep desires that we can't be at peace until we rest in You, satisfy the longings of our souls with Your merciful presence.

Lord, open the minds of our lawmakers to the counsels of Your eternal wisdom, breathing into their hearts Your peace which passes understanding. Increase their hunger for justice in our Nation and world, as they find grace to seek first Your kingdom. May their moments and days ever flow in ceaseless praise.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 6, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for 1 hour. The majority will control the first half, Republicans the second half. Following morning business, the Senate will resume consideration of S. 1813, which is the surface transportation bill. The filing deadline for second-degree amendments is today at 11:30. At noon there will be a cloture vote on the substitute amendment. The Senate will recess from 12:30 to 2:15 p.m. to allow for the weekly caucus meetings. At 2:15 there will be two votes on the confirmation of the Phillips and Rice nominations to be judges.

Will the Chair announce the business today.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Washington.

### RICE NOMINATION

Mrs. MURRAY. Mr. President, I come to the floor today to urge my colleagues to vote in support of Thomas Rice. He has been nominated to serve as the next Federal judge for the Eastern District of my home State of Washington.

Mr. Rice is a distinguished attorney who has dedicated his professional career to serving the public in the U.S. Attorney's Office. In that time he has earned the respect of Federal judges, opposing defense attorneys, his fellow prosecutors, and local law enforcement officials.

Mr. Rice has a deep connection to eastern Washington and its legal community. He graduated from Gonzaga University with a degree in accounting, and then he returned on a full scholarship to earn his law degree. After earning that degree, Mr. Rice moved directly into public service as a trial attorney with the Department of Justice in Washington, DC. He then returned to the Eastern District to work in the U.S. Attorney's Office, climbing the ranks to become the first U.S. attorney responsible for the management of the Spokane office, and he is currently the highest ranking career DOJ official in the Eastern District.

Over his 20 years of practice, Mr. Rice has tried over 1,000 criminal cases dealing with nearly every area of Federal law. He has gone above and beyond his duties, volunteering additional hours at the office, taking on extra cases, and establishing the local Antiterrorism Advisory Council, which brings together representatives from every law enforcement agency in the Eastern District.

As the assistant U.S. attorney, he has earned the reputation of being tough on crime but also levelheaded and fair in the conduct of his prosecutions. Mr. Rice clearly meets the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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standards of fairness, evenhandedness, and adherence to the law we expect of our Federal judges.

I know I speak on behalf of so many in the Washington State legal community in supporting his nomination today. Mr. Rice's nomination was the product of a bipartisan selection commission we use in the State of Washington, and he received strong endorsements from both sides of the aisle.

We continue to use our bipartisan selection process in Washington State, despite the fact that it does take more time and a lot of effort, because it works to select judges of the highest quality and because it is intended to remove partisanship in the selection of our judges. You would think someone such as Thomas Rice would be able to move through this process very quickly and get to work on the court. Unfortunately, some of our colleagues on the other side of the aisle have slowed down and delayed this vote. Mr. Rice's nomination was actually reported unanimously out of the Judiciary Committee in October of last year, with strong bipartisan support—almost 4 months ago. But his nomination has sat on the Executive Calendar because some Senate Republicans refuse to consent to debate and vote on nominations just like his. I have not heard any objections from Republicans about Mr. Rice's qualifications, nor have I heard any Republican claim they have been unfairly blocked from any process. This delay is the result of an unprecedented effort by Senate Republicans to delay and block all of President Obama's judicial nominees.

There are now 20 judicial nominations reported favorably by the Judiciary Committee that are still sitting in wait on a final Senate vote. Fourteen of those nominations have been pending since last year and should have been confirmed before the end of last year. Eighteen of those nominations received strong bipartisan support from the Judiciary Committee. They deserve to move through this process in a fair way and get a vote here on the floor of the Senate—especially when both sides have agreed they are going to pass—because even though Republicans are making this about politics here in DC, this does have a real impact on our families and the court system throughout America. Nearly 10 percent of the Federal judgeships remain vacant right now, and 130 million Americans live in districts or circuits that have a vacancy that could be filled today if the Republican obstruction would end on nominations that have been vetted, considered, and favorably reported by the Judiciary Committee, including families in the Eastern District of my home State. This kind of obstruction is not good for our country. It hurts families' ability to access the courts in a timely fashion, and it puts politics ahead of our judicial system.

I urge all of our colleagues today to vote in support of Thomas Rice. He is

a great lawyer, and he is a community leader who I believe will make an exceptional Federal judge.

I really come today to also call on Republicans to end their obstruction and allow us to move forward quickly on debates and votes on these judicial nominations that have been backlogged for far too long.

I yield the floor and 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. DURBIN. 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.

#### PUBLIC TRUST

Mr. DURBIN. Mr. President, we live in a time when public trust in all of our government institutions is at an alltime low and unfortunately continues to deteriorate. Recent polls indicate public confidence in Congress is at 11 percent, which is a record-low approval rating.

Americans have been skeptical of politicians in general and Congress in particular from the beginning of this Republic. It is a healthy skepticism which reflects the freedoms that are part of our democracy and the right of people to disagree with leadership with impunity under our Constitution, with some limitations. So I take it in historical context but still cannot escape the reality that the numbers today are lower than ever.

The legislative branch is not the only branch of government the public holds in low regard. Polls also indicate that the U.S. Supreme Court has recently received its second lowest approval rating in history.

One way those of us who serve in government can increase public trust and confidence is to be more transparent about how we operate and the standards to which we are held. The recent passage of the STOCK Act in the Senate is an indication of a continuing effort to alert the public to what we do as Members of Congress which bears scrutiny.

I make a disclosure each year, which goes beyond the requirements of the law, and many others do as well. The STOCK Act will bring many Members of Congress to an even higher level of disclosure—as they should be. One way we can increase our confidence in the institutions of government is to address those aspects which add to transparency and add to trust.

I think it is time for the Supreme Court to provide more transparency and accountability in two specific areas: First, the Supreme Court should allow live television cameras to broadcast open Court sessions so the general public can see firsthand how the Court operates and arrives at critical deci-

sions that literally change our lives. Second, the Supreme Court should formally adopt the Judicial Code of Conduct, which currently applies to all other Federal judges but for some inexplicable reason does not apply to Justices of the Supreme Court. The Court should also make public the other ethics rules it follows.

The Supreme Court decisions impact the lives of every American, but access to open sessions of the Court is incredibly limited. As a result, the Court's proceedings and the way it arrives at decisions are a mystery. Most Americans will never see the Supreme Court at work unless they are willing and able to travel to Washington, DC, and wait in line for hours or sometimes sleep outside overnight on the pavement in an effort to secure one of 250 seats in the Supreme Court courtroom.

In a democratic society that values transparency and openness, there is no valid justification for such a powerful element of our government to operate largely outside the view of American people.

I am pleased to have partnered with Senator CHUCK GRASSLEY, my Republican colleague from Iowa, on the Cameras in the Courtroom Act, S. 1945. He and I continue the work of our former colleague, Senator Specter, on this important issue. Our bill would require televising of all open sessions of the Court unless a majority of the Justices determine that doing so would violate due process rights of one or more of the parties before the Court. We give to the Court the last word on any given argument or case as to whether it will be public and televised.

In the coming weeks, the Supreme Court is going to consider the constitutionality of one of the most important pieces of legislation to be considered by Congress and signed by the President in decades—the affordable care act. During the yearlong congressional debate on health care reform, every hearing, floor debate, and vote was accessible to every American with a television set or a Webcast and a computer, at all times. The American people should have the same opportunity to watch the open session of the Supreme Court as it considers the constitutionality of health care reform legislation. On this point, there is bipartisan agreement. Despite our strong disagreements about the substance of the affordable care act, Democrats and Republicans from both Chambers have written to the Supreme Court, urging them to permit live video and audio broadcasts of the health care reform argument. The Court should allow live broadcasts of the health care reform hearing and all other open sessions of Court since each of the Court's decisions has the potential to have a transformative impact on the lives of so many Americans.

There are some who say we should not allow cameras in the Supreme Court because only bits and pieces of Court proceedings would be televised,

and they might be taken out of context. That reminds me of an editorial from a few years ago, and here is what it said:

Keeping cameras out to prevent people from getting the wrong idea is a little like removing the paintings from an art museum out of fear that visitors might not have the art history background to appreciate them.

Similar arguments were made when consideration was given to televising these proceedings. Nevertheless, for two decades the legislative sessions and committee meetings in the Senate and the House have been broadcast live, and the legislative branch is better for it. The majority of States permit live video coverage in some or all of their courts. It is time the Supreme Court did the same.

Mr. President, I am sure you have found when you have gone back home there are people who watch C-SPAN nonstop. I have literally had people in my hometown of Springfield come up to me in the grocery store and say: Is Senator BERNIE SANDERS feeling well? I saw him sitting at his desk, and he looked a little bit pale.

They follow it with such close regard for the Members and the speeches that it is a surprise to many of us who live in this institution and work in it every day.

In my view, the Cameras in the Courtroom Act is a reasonable approach that balances the public's need for information and transparency with the constitutional rights of those who appear before the court. As in past years, the Cameras in the Courtroom Act enjoys bipartisan support.

I thank Senators KLOBUCHAR, CORNYN, SCHUMER, HARKIN, GILLIBRAND, BEGICH, and the Presiding Officer, Senator BLUMENTHAL, for cosponsoring the bill. These Senators, as well as Senator GRASSLEY and myself, believe public scrutiny of Supreme Court proceedings will produce greater accountability, transparency, and understanding.

I thank Senator LEAHY, chairman of the Senate Judiciary Committee, for scheduling my bill, the Cameras in the Courtroom Act, for a vote in the Judiciary Committee. It was reported out with a strong bipartisan vote, and it is now pending on the Senate calendar. The bill has been cleared by every Democratic Senator for a vote by the full Senate. I am still hoping we can bring it to the floor as quickly as possible.

Mr. President, now I would like to touch on a related issue. Just as Supreme Court hearings should be televised to the American people, so too should the Court's ethical standards be available for review by the public. The ethics rules for all branches of government should be clear and public. When ethics decisions arise in the Senate—for example, the Senate Ethics Committee is responsible for enforcing the rules for Senators and our employees. Everyone knows the standards and expectations for Congress because they are a matter of public record. That

cannot be said for the Supreme Court of the United States.

Our Supreme Court has publicly adopted some limited ethics rules but not others. The Court does not have an ethics office, nor is it subject to the judicial conference which regulates all other Federal judges outside the Supreme Court. Instead, as the highest Court in the land, the Supreme Court polices itself, and it asks the American people to just trust them. Of course, I have the highest respect for the Justices' abilities and their judgment. It has been my honor to come to know some of these Justices personally over the years. But if the public is asked to trust the Justices to police themselves, we are at least entitled to know the rules by which they play.

To its credit, some of the Supreme Court's ethics rules are already pretty clear. Through an internal resolution, the Supreme Court has adopted the same financial restrictions that apply to all other Federal employees. I recently sent a letter—along with Senators LEAHY, WHITEHOUSE, FRANKEN, and BLUMENTHAL—to John Roberts, the Chief Justice of the Supreme Court, asking him to publicly release one of the Court's resolutions which says that the Justices will follow the same regulations on outside employment, honoraria, and income that apply to other justices. The Chief Justice agreed to our requests and publicly released this resolution for the first time since it was adopted in 1991. I applaud Chief Justice Roberts' action. I encourage him and the other Justices to continue on this path by releasing all of their ethics rules.

Nevertheless, there is more work for the Supreme Court to do to increase transparency and accountability. The Court should either adopt a court resolution agreeing to follow the judicial code of conduct—the same ethics code that applies to all other Federal judges—or adopt and publicly disclose their own ethics code. Many have called for the Supreme Court to adopt the Judicial Code of Conduct.

In response, Chief Justice Roberts has explained that the Justices use the code as one source of guidance but not the only source to decide ethics questions. Given that they already apply the code in practice, it seems a logical next step for the Court to adopt its own resolution formally affirming this practice or they can adopt a resolution making it clear which ethics rules do or do not apply.

All of the Justices deserve respect for the difficult and weighty decisions they face. But as some of the most powerful members of our government, it is not too much to ask of them to make their ethical standards open and clear. By making their ethics rules more transparent, the Justices will foster greater public trust and confidence in the Court and its decisions.

In conclusion, let me emphasize that I have a high regard for the Supreme Court and all of its Justices. I do not

intend to question or impugn any Justice with my suggestions. But let's be clear; we live in an era where there is a great deal of mistrust in government institutions, starting with Congress but through all branches of government. At the same time modern technology enables us to provide the American people with more access to the workings of government which could help to reduce some of this mistrust.

I, and many of my colleagues in the Senate, have worked for many years to increase openness and transparency in Congress and the executive branch. I encourage the Supreme Court to take the same approach. Televising Supreme Court proceedings and making public the Court's ethics rules would be a good start. The American people deserve to be able to watch the Supreme Court arguments and cases that can affect their lives, and they deserve to know the ethical standards that govern the Court when it decides cases.

#### GASOLINE PRICES

Mr. DURBIN. Mr. President, I mentioned yesterday on the Senate floor I spent a great deal of time in deep southern Illinois where some devastating and fatal tornadoes hit last week. As I said then and will repeat briefly now, the amazing outpouring of voluntarism and support from people far and wide was inspiring to me. It is great to know that, just as I had hoped, the people in my State rallied to help the victims.

There were formal organizations such as the American Red Cross and informal organizations such as Operation Blessing which brought together churches from all over the area. There was a Methodist church from Carrier Mills with about 20 of their parishioners. Some were children with rakes doing everything they could to help clean up the mess. It was inspiring to see that. I was happy for that.

I will tell you that in addition to the tornado issue we faced, the one thing that hit people between the eyes in Illinois this last week was gasoline prices. I was in the suburbs of Chicago on Friday evening and saw a gas station with regular gasoline for \$4.09. I saw some lower prices over the weekend, but that was the high watermark or high gasoline mark in my State that I observed. People are very sensitive to this. Gasoline prices literally affect the lives of people individually and families as well. They also have a direct impact on business.

I asked a vice president of Walmart about monitoring retail sales and how to increase retail sales, and he told me that with all of the hundreds and thousands of Walmart stores and employees, they literally monitor sales by the second in real time.

He said: I can observe the sales pattern in a store somewhere in America and tell you within a few pennies or dimes what the price of gasoline is in

that community. When gasoline goes up, people put the money into the tank instead of on the counter, and they stay home instead of going out to shop. That is how the price of gasoline directly impacts economic recovery.

I have listened to so many of the comments that have been made on the Senate floor by individuals on the other side, their approach on how to deal with the issue of gasoline prices and what to do with it. I see the Senator from California. I sometimes wonder if we are reading the same basic information.

The Keystone Pipeline could serve a valuable purpose, but to believe that this is somehow going to have an immediate impact or any major impact on gasoline prices is not realistic. Currently, the pipelines from Canada that exports these oil sands to the United States are operating at less than 50 percent of capacity. So there is plenty of room for more oil sands to come to the United States for refinement. In fact, one of the pipelines goes directly to my State to the Conoco refinery in Wood River, and this refinery has the capacity that could be used to process these Canadian oil sands right now. So to argue this Keystone Pipeline is somehow holding back the export of Canadian oil sands that might have an impact on gasoline prices just does not work.

I have noted there has been a significant increase in the amount of oil exploration and drilling that has taken place under this administration. I believe that is an indication of what we can and should do as a nation to deal with the problem of providing the oil resources in an environmentally responsible way. It is 2 years after the BP spill, and I think it is time for us to reflect on the fact that we never ever want that to happen again.

The devastation that has been caused to so many lives, to so many businesses, and to so much in terms of wildlife will not be calculated. Perhaps it never will be. But we know we cannot allow that to occur again. We should not exalt speed over safety. We have to make certain that as we move forward to develop our energy resources, both oil and gas, we do it in a sensible way. I hope we can gather together and agree that is the way to approach it, along with the administration's proposals for more fuel efficiency in the vehicles we drive and for the development of alternative fuels which will be environmentally friendly and spark new innovation, new businesses, and new jobs in this country in the 21st century.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. Mr. President, I thank my friend for putting the gas price situation into a larger picture and also note that one other factor playing a role is manipulation due to some of the instability in the world that our President is certainly dealing with, and

many of us here, and the instability in Iran; the fact that we have sanctions, the fact that there is also a greater demand coming for this product from China and other very high-growth areas.

I say to my friend, is he aware—I know he is, but because of the rules I have to ask it in a question—that we are producing far more of this resource, oil, in this country than we have done? Since 2008 we have many more rigs out there, and is my colleague also aware that the oil companies are sitting on well over 50 million acres of leases on which they are not drilling when they could? And, my last point, is my friend aware that we are exporting more than we ever have from America? That is also a very important point.

To those who say, “drill, baby, drill,” that is not an answer if it is “export, baby, export.” The fact is we are drilling more, and more is leaving America.

So I say to my friend, is he aware of all of these factors, and is he as concerned as I am about the other side playing more politics with this because “drill, baby, drill” is not the answer? We are drilling more than ever. We only have 2 percent of the world's proven supply of oil.

I wonder if my friend could comment on those points.

Mr. DURBIN. I thank the Senator from California. In response, I would ask consent of the Chair to have printed in the RECORD the New York Times editorial of Monday, March 5, 2012, entitled “Drill Baby Drill, Redux.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times]

DRILL BABY DRILL, REDUX

REPUBLICANS' TIRED REMEDY FOR RISING GAS PRICES WON'T FIX ANYTHING

It's campaign season and the pandering about gas prices is in full swing. Hardly a day goes by that a Republican politician does not throw facts to the wind and claim that rising costs at the pump are the result of President Obama's decisions to block the Keystone XL pipeline and impose sensible environmental regulations and modest restrictions on offshore drilling.

Next, of course, comes the familiar incantation of “drill, baby, drill.” Mr. Obama has rightly derided this as a “bumper sticker,” not a strategy. Last week, he agreed that high gas prices were a real burden, but said the only sensible response was a balanced mix of production, conservation and innovation in alternative fuels.

There are lots of reasons for the rise in gas prices, but the lack of American production is not one of them. Domestic crude oil production is actually up from 5.4 million barrels a day in 2004 to 5.59 million now; imports have dropped by more than 10 percent in the same period. Despite a temporary slowdown in exploration in the Gulf of Mexico after the BP oil disaster, the number of rigs in American oil fields has quadrupled over three years. There have been new discoveries and the administration has promised to open up more offshore reserves. To say that Mr. Obama has denied industry access is nonsense.

Equally nonsensical is the Republican claim that Mr. Obama's proposed repeal of \$4

billion in annual tax breaks for the oil and gas industry—whose five biggest players posted \$137 billion in profits last year—would drive prices upward. As is Newt Gingrich's claim that a proposal now taking shape in the Environmental Protection Agency, and fiercely opposed by refiners, to lower the sulfur content in gasoline would add 25 cents to the cost of a gallon. Agency experts say it would add about a penny.

The truth is that oil prices are set on world markets by forces largely beyond America's control. Chief among these is soaring demand in countries like China. Unrest in oil-producing countries is another factor. The Times noted fears in some quarters that gas could jump to \$5 a gallon if the standoff with Iran disrupted world supplies.

Therein lies the biggest weakness in the Republican litany. A country that consumes more than 20 percent of the world's oil supply but owns 2 percent of its reserves cannot drill its way out of high prices or dependence on exports from unstable countries. The only plausible strategy is to keep production up while cutting consumption and embarking on a serious program of alternative fuels.

American innovation is a big part of the answer. Two byproducts of the automobile bailout were the carmakers' acceptance of sharply improved fuel economy and a new commitment to building cars that can meet those standards. The new rules are expected to cut consumption by 2.2 million barrels a day—more than America now produces in the gulf. These and other measures are not nearly as catchy as Drill, Baby, Drill. But they have a far better shot, long term, of lessening this country's dependence on oil imports and keeping gas prices under control.

Mr. DURBIN. It answers specifically what the Senator just raised, and I would like to read a portion of it.

Domestic crude oil production is actually up from 5.4 million barrels a day in 2004 to 5.59 million now; imports have dropped by more than 10 percent in the same period. Despite a temporary slowdown in exploration in the Gulf of Mexico after the BP oil disaster, the number of rigs in American oil fields has quadrupled over 3 years. There have been new discoveries, and the administration has promised to open more offshore reserves. To say that Mr. Obama has denied industry access is nonsense.

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The editorial continues:

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As the Senator from California noted—

more than 20 percent of the world's oil supply but owns 2 percent of its reserves cannot drill its way out of high prices or dependence on exports from unstable countries. The only

plausible strategy is to keep production up while cutting consumption and embarking on a serious program of alternative fuels.

Let me add to this conversation a topic which I think we have been loathe to address on the floor because of its political controversy which was driven home to me over the weekend. I believe our energy conversation has to parallel an environmental conversation. We have to talk about the consumption of energy and the impact it has on the world we live in.

I would say to the Senator from California that in the Midwest, we live in tornado country. I was raised with them. I know how to run to the basement when we hear the air raid sirens, to protect our children, which rooms to go in, which corner of the house. It is just built into our lifestyle in the Midwest. So far this year, we have had over 272 reported tornadoes, early in the tornado season. Last year, we had 50; so 272 to 50.

I would just say to anyone who would like to come challenge me: Is this worth asking a question or two? What is going on with the extreme weather patterns we are seeing more and more? In a given year, one might say these things happen. But as these patterns emerge—last year, Chicago experienced the biggest blizzard in its history in February and then in June the largest rainfall in 1 hour in its history. We think to ourselves: This is not the world in which we grew up. Things are different out there. Are these within our control or beyond our control? I think we have to rely on experts and scientists to lead us in that conversation. But let's at least embark on that conversation by understanding the connection between energy and the environment.

As we find more efficient ways to move our cars and move our economy, as we burn less energy in doing it, there is less damage to the environment. That is a positive. It also rewards innovation, creation and new business and industry so the United States can lead in this area as we have led in other areas before.

I thank the Senator from California. She is on the floor now with a bill which she has spoken of time and time again, the new Federal Transportation bill. There is no single piece of legislation that will create more jobs—specific jobs that can be identified—than this bill. We have spent 2 weeks—2 weeks, if I am not mistaken, or 3—the Senator from California would know better—3 weeks on the floor of the Senate arguing about contraception on the Federal highway bill, arguing about whether we are going to embark on a foreign policy amendment to the Federal highway bill, so 3 wasted weeks trying to come to a conclusion about a handful of amendments. Unfortunately, this is what gives our Senate a bad name. We should have resolved this long ago and moved to this bill so we can say, if we want a real jobs bill—a real jobs bill—the Senate is leading the

way. To do it, we need bipartisan support.

At noon there will be a vote and those who are following the proceedings can take a look to see how many on both sides of the aisle will support moving forward on this bill. I think our earlier vote was 85. If I am not mistaken, 85 Senators said let's move forward on this bill. I hope we can do that again.

I yield the floor, and 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. ISAKSON. 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. ISAKSON. I ask unanimous consent to speak for up to 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### GAS PRICES

Mr. ISAKSON. Mr. President, I am glad to be able to come to the floor. I wish to talk about a subject that was talked about to me a lot during the Presidents Day break back in Georgia. I spent most of that week traveling in my State, going to townhall meetings, listening to Georgians from Savannah, GA, to Murray County, GA, and everywhere in between. It was absolutely easy to tell what the No. 1 issue for the average American or the average Georgia family is; that is, what the price of gasoline is doing to their budget.

Gasoline prices continue to escalate. In fact, I have a Chevrolet Silverado pickup truck that I use from time to time and I had to fill it last weekend. It cost \$78 to fill it, and it wasn't totally empty. That is a big pricetag to fill a pickup truck. When I think of every carpenter or farmer or landscaper or student taking their goods back to school to their dormitory room and how much they have to pay for gasoline to deliver those goods and services or that furniture, I realize how harmful current gas prices are and I fear how high they are going to go.

We need a comprehensive energy policy in the United States of America. I was listening to the distinguished majority whip speak before me. He made an interesting comment about the Keystone Pipeline. He said, even if we approve the Keystone Pipeline, it would not do anything for gas prices today. He is right because we have to build the pipeline. But if we had approved it 2 years ago and it was operating, we would have 700,000 barrels of petroleum more a day coming into the United States. So to say that just because it would not be ready today doesn't help gas prices is not keeping our eye on the ball.

What we have to recognize is, in the absence of a comprehensive policy, in the absence of foresight, in the absence of putting all the general items on the table that generate energy, we are putting off the day in which the United States of America is energy independent. Because we are not energy independent, then what goes on in Iran, in the Strait of Hormuz, and in Venezuela affects the speculation on gasoline and petroleum which affects the prices of gasoline in the United States.

I am not one of these "burn gas right and left, drill as much as you can, fossil fuels are fine." I know we have problems with carbon. I drive a hybrid vehicle, not because I am trying to drive a point but because it makes sense. Anytime you can reduce carbon, that makes sense. But you cannot eliminate it. You cannot eliminate it. What we have to do is we have to put all sources of energy on the table. And one of those is to continue to explore for gasoline and petroleum in the domestic United States of America—off the Gulf of Mexico, off of our coastline, in our national lands that we own where we know we have shale oil and where we also know we have natural gas.

That exploration ought to be replete throughout the country, so we are expanding our supply and reducing our dependence on foreign imports. The best way to lower the price of gasoline in the future for Georgians and for Americans is for the Congress of the United States and the President of the United States to have a comprehensive energy policy that embraces all forms of energy.

To the credit of the President, he approved not too long ago the loan guarantees on reactors 3 and 4 at Plant Vogtle. They will be the first nuclear reactors built in the United States of America since Three Mile Island. Nuclear energy is a safe, reliable, carbon-free—carbon-free—generation of energy. Every time we can expand our nuclear capability we are lessening the pressure on domestic and foreign oil to be burned.

We know in the Haynesville shale and the Marcellus shale, which has been discovered in Pennsylvania and Louisiana and Texas, that we have gone from having a finite supply of natural gas to an infinite supply. Yet, because there is some contest over whether hydraulic fracturing is good or not good, we are not exploring that gasoline as we should or that natural gas as we should. We should be exploring it as much as possible, because it is a cleaner burning fuel than liquid petroleum and gasoline. We ought to be doing renewable energy wherever it makes sense. But we have seen renewable energy has its limits. We spent \$6 billion a year subsidizing ethanol in hopes that it would have reduced foreign imports, but it has not. It has had its own problems with two-cycle engines. But ethanol has a place. It is scalable on the farm in some cases. That is a good source of energy.

Solar is a good source of energy where it works. But it only works as a supplement. It is not a primary supply or source. And wind, great. But it is only great in the Midwest and down toward the Southwest. But we ought to be using and encouraging it.

What we ought to be doing is encouraging all forms of exploration, all forms of generation, and all of them domestically in the United States of America. That will bring down gas prices.

The distinguished majority whip was right: It will not bring it down today, because we have put off having an energy policy. But once we finally develop an energy policy, and we stick to it, and we explore all forms of renewable energy and all forms of fossil fuel and all forms of coal, and we enhance nuclear, then we will have a plethora of energy and we will have a lower price and less competition with foreign oil and foreign petroleum, which is where the United States of America needs to be.

Right now, we all realize what is going on in the Middle East is the root cause of most of the increase in the cost of oil, because of speculation. Every time we can improve our position and be free of those influences is better for the United States of America and, most importantly, it is better for the average citizens we all represent.

My message from the people I represent in Georgia, the ones I talked to all during the Presidents Day recess and that week is: Do everything you can to expand your supply of energy wherever you can find it. Take us out of a dependence on foreign imports and get us independent of foreign oil; that will bring down the price of oil. As a byproduct, that will be in the best national security interests of the people of the United States of America.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. BOOZMAN. Mr. President, as February came to a close, it left behind an unfortunate new record, \$3.73 per gallon, the national average, for unleaded gasoline, the highest ever recorded during this month. Prior to this morning's drop of three-tenths of a cent, gas prices had been on the rise for 27 straight days. In just 3 years, gas prices have doubled, and they are not stopping there. Back home in Arkansas, the average price of a gallon of regular gasoline is up over 25 cents from a month ago. Many analysts are predicting we will hit \$4 a gallon by summer.

Think about what that does to the economy. For our small business own-

ers and farmers, it means much higher overhead. Those costs ultimately get passed on to the consumers. In very dire cases, which many of our small businesses are facing today due to reduced profit margins, threats of higher taxes and increased regulations, high gas prices could be the final straw.

It puts extra pressure on budgets of already cash-strapped local governments. Just the other day I was reading a story from the Booneville Democrat that documented the negative effects the price of gas has on Logan County, AR. The county judge, Gus Young, noted if gas prices reach \$4, it is "going to take away from the other things that need to be done."

In Blytheville, AR, which is a 300-mile trek from Booneville, those same concerns are being voiced. In the Blytheville Courier News, former mayor Barrett Harrison described how in recent years, despite efforts to use more fuel-efficient vehicles and to cut down on idle time, the city would still end up having to amend the budget at the end of the year due to the high fuel costs.

For hard-working Arkansans, it is changing the way they live, and not for the better. It is especially painful for our seniors and single parents who live on fixed incomes. The high price of gas is one of the top issues I am hearing about in letters, calls, and during my visits across the State. I also recently posed the question about how the rising price of gasoline in Arkansas is affecting them on my Facebook page. I want to share a few of the responses I received.

Tim in Rogers, AR said, "The more we have to pay for gas, the less money we have for the other necessities and pleasures of life and living."

Melody in central Arkansas said it costs her family "nearly sixty-five dollars to fill up their truck" and said they have limited their driving to only their doctor in Hot Springs and the grocery store.

And it goes on from there. Many respondents said that it limits their spending at places like the grocery store and will affect their vacation plans. The overwhelming common thread in those responses is that Washington needs to do something about the high cost of gas.

There is no denying that rising fuel prices are hurting Americans and further complicating our efforts to revitalize the economy. There is also no denying that we are not moving fast enough to address these concerns. Americans want to know why, while their gas bills mount, Washington still does not have an energy policy. It is past time that we move forward on one and that begins with increasing our energy production here at home.

We have the largest recoverable resources of oil, gas and coal of any nation on the planet. America's recoverable resources are larger than the combined supply of Saudi Arabia, China and Canada. Despite that, we depend on

hostile regimes—and nations that have agendas that are often at odds with our own—for much of our oil.

The current tension between Israel and Iran only serves to make matters worse. If Israel strikes Iran, there is a good chance that the Iranians could attack Saudi Arabia's oil fields to retaliate against the West.

It doesn't have to be this way. The Keystone XL Pipeline, Arctic National Wildlife Refuge, ANWR, and drilling in the eastern Gulf of Mexico alone would produce 3 million barrels of oil per day. The lack of will in Washington to increase production here at home is unnecessary. It is a literal road block. It prevents our economy from picking up, increases the costs Americans pay for fuel, and it creates an enormous liability for our national and economic security.

President Obama has said that increased domestic oil production is unnecessary as he contends it is at the highest it has been in 8 years. However, you only get those numbers by relying heavily on production on private lands in North Dakota, Texas and Alaska. We simply are not utilizing the resources we have been blessed with on public lands.

We can make a major dent in the problem simply by opening the Outer Continental Shelf and ANWR to drilling in an environmentally responsible way. The Outer Continental Shelf alone is estimated to contain enough oil and natural gas to meet America's energy needs for about 60 years. Energy exploration and production in ANWR would take place on just a small portion of the 1.5 million-acre northern coastal plain, yet will allow us to safely produce 900,000 barrels of oil per day for the next 30 years. I have been there. I have seen firsthand that this can be done in an environmentally safe way.

Similarly, the Keystone Pipeline would transport 700,000 barrels of oil per day from Canada to U.S. refineries in the gulf coast. And it too can be constructed and run in an environmentally safe manner. Tapping into Canada's oil sands—one of the world's largest oil reserves—would help ease our dependence on hostile regimes for oil. As global demand for oil surges and the Canadians increase production, the addition of the Keystone pipeline would allow us to get reliable and secure oil from our largest trading partner and trusted ally.

Unfortunately, President Obama has punted on every opportunity we have given him to move the Keystone Pipeline forward. That is why I am supporting legislation to approve the project under Congress' authority enumerated in the commerce clause. This same Congressional authority was used to move the Alaska Pipeline forward 40 years ago, which has dramatically increased the amount of oil produced here at home.

I have long supported legislation that puts a heavy investment into researching wind, solar, hydrogen and other

technologies. These will ultimately ease our dependence on foreign oil and gas. But we need relief now and American oil is necessary and available.

For the foreseeable future, our economy will rely heavily on fossil fuels. While we certainly need to encourage the market for alternative energy sources, it has yet to be fully developed. But there is no denying that by stalling domestic production, we create an unnecessary burden on an already weak economy and are hurting our efforts to meet our energy needs. We need to lift the moratorium on offshore oil development, open ANWR for exploration and move the Keystone Pipeline forward instead of further postponing the decision.

As I mentioned earlier, the people of Arkansas are demanding action from Washington. They are frustrated by the higher totals that appear on the receipts every time they go to fill up their gas tank. They are tired of seeing more and more of their disposable income being eaten up at the pump. Let's start providing them relief by increasing production here at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. What is the order at this time?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Reid amendment No. 1761, of a perfecting nature.

Reid amendment No. 1762 (to amendment No. 1761), to change the enactment date.

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid amendment No. 1763, to change the enactment date.

Reid amendment No. 1764 (to (the instructions) amendment No. 1763), of a perfecting nature.

Reid amendment No. 1765 (to amendment No. 1764), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided and controlled between the two sides, with the final 10 minutes equally divided and controlled by the two leaders or their designees, with the majority leader controlling the final 5 minutes.

The Senator from California.

Mrs. BOXER. Mr. President, we are back in our fourth week trying to get a

transportation bill through this body. To me, it is a very sad statement about the dysfunction of this body that we spent approximately 3 weeks dithering over a contraception amendment that has nothing to do with the highway bill and other threats to offer foreign policy amendments, and so on.

We have a chance today to vote to end this dithering, and the Chamber of Commerce is asking us to do that. The AFL-CIO is asking us to do that. One thousand organizations are asking us to do that because they know thousands of businesses and well over 1 million jobs are at stake.

I wish to say I heard the tail end of Senator BOOZMAN's talk about the Keystone Pipeline. I wanted to make sure it was on the record—this is from a conversation I had with Senator DURBIN—that under this President we are drilling now more than we have ever drilled. Anyone who says “drill, baby, drill” doesn't understand that the number of rigs that are now moving are four times as many as in 2008. They don't understand we are now exporting oil. They don't understand the fact that we are importing less. Does that mean we are done? No. The oil companies have more than 50 million acres of approved leases. They ought to drill there and hands off my coast because my coast is an economic gold mine the way it is because we have tourism and recreation and fishing. Those jobs far outweigh any jobs that would come from oil drilling, which would tend to undermine the very economy of my great State. If we have to vote on Keystone, we will. If we have to vote on offshore drilling, we will. But I will be here to point out that if we care about jobs and about making sure the price of gasoline goes down, when we have Keystone, let's make sure the oil stays here, that oil is made in America and stays in America. These issues are not one-dimensional; they are many sided, as my friend knows. He and I have agreed on much and we have disagreed on some.

What we need is the kind of balance President Obama brings to the table when it comes to energy. He says we will do “all of the above,” but we will do it wisely. Interestingly, on the Keystone Pipeline—we now have the tea party talking about property rights and the fact that they have to be respected as well when we build a new pipeline such as this. So we will have votes.

May I make a plea to my colleagues. At noon, just about 50 minutes from now, we can have a clean vote; 60 of us can vote to move to this Transportation bill, to get rid of, as my friend OLYMPIA SNOWE has said, polarizing amendments. Why not move to something that was voted unanimously out of our committee, 18 to zero—Republicans and Democrats, all together; Senator INHOFE and myself, together; Senator SHELBY and Senator JOHNSON, together on the bill; Senator BAUCUS, working in a bipartisan way with his

committee; and Senator ROCKEFELLER, once they got rid of some bumps, working with Senator HUTCHISON. We now have pending an agreed-upon bill, plus we have added to the package 37 bipartisan amendments.

What more do my friends want? We have a bipartisan bill. We have added more bipartisan amendments to it. All these jobs are at stake, and today we can end all this dithering and wasting time. The people of America look at us and wonder what we are about. Vote yes for cloture.

I wish to talk about what is at stake if we don't invoke cloture and don't wind up with a bill. That is not just hyperbole; these are facts. All our transportation programs expire on March 31.

My friend in the chair served as a great Governor of his State of West Virginia. He knows how important the highway bill is. We work together with the States and with the planning organizations, and we get those funds out there. On March 31, we are done. This bill reauthorizes that program, and 1.8 million jobs are at stake. As soon as we fail, there is no more program. There is no more authority to collect the Federal gas tax that supports the highway program. There is no more authority to spend any money on transportation.

Again, 1.8 million jobs are at stake. Let's go to the next chart. I did a breakdown of the various States. In this time, I am going to highlight a few of the States. These charts will be available for everybody.

In Alabama, we are talking about only 27,000 jobs; in Alaska, 18,000 jobs—I am skipping; in California, 164,000 jobs; in Florida, 76,000 jobs; right here in DC, 18,000 jobs; in Georgia, almost 50,000 jobs; in Illinois, 65,000; in Indiana, 34,000; in Iowa, 17,000; in Louisiana, 25,000; in Maine, almost 7,000.

We will go on and give the rest of the States to give a sense of how many jobs will be lost if we do not act to reauthorize this bill.

In Maryland, 26,000 jobs; in Massachusetts, 31,000; in Michigan, 39,000; in Montana, almost 14,000; in Nebraska, 10,000; in Nevada, almost 14,000 jobs; in New Jersey, 50,000; in New York, 118,000; in North Dakota, 8,000; in Ohio, 50,000; in Oklahoma, 22,000; in Pennsylvania, 68,000; in Rhode Island, 8,000.

I will continue with another chart to show other examples. I will be sure to say what West Virginia is when I get to the Ws. In South Carolina, 22,000; in South Dakota, 9,000; in Tennessee, 30,000; in Texas, 128,000 jobs.

I call on Senators to vote yes to stop debate and get to the bill.

In Vermont, almost 7,000; in Virginia, 41,000; in Washington State, 34,000; in West Virginia, 15,133 jobs; in Wisconsin, 27,000; in Wyoming, 8,400 jobs.

When we talk about this as a jobs bill, this isn't some exercise in our verbiage; this is a fact of life. These jobs add up to 1.8 million. In our bipartisan bill, we have increased a particular program—this is a reform bill, and we have taken 90 programs down to 30. It

is a real reform bill. We have done away with every earmark. One particular program we increased is the TIFIA Program, transportation infrastructure financing. We took it up to \$1 billion because it leverages Federal dollars 30 times. So let's say one of our counties voted to tax themselves one-half cent to build a transit system. We would come in—and the Federal Government, you make an application from your State and we would front that money. So you could build it all in 1 or 2 years instead of waiting for the funding over 10. This was an idea that came from Mayor Antonio Villaraigosa and the Chamber of Commerce and the labor unions in Los Angeles.

So the bottom line here is not only are we saving 1.8 million jobs, but we have the potential of creating another 1 million jobs. If we fail today to cut off debate and we don't have a path forward—which I hope the leaders will figure out—if we abandon this, 2.8 million jobs are at stake.

Let's look at some other charts of unemployment. Mr. President, you know as well as anyone in your State, and I know in my State, that construction workers have been hit very hard. The national unemployment rate is 8.3 percent. We are hopeful it is on the downtick, but the construction industry unemployment rate as a whole is 17.7 percent. It could be even worse in some areas, but this is an average. So if we add to the unemployment in the construction industry, we are looking at a total crisis, a total disaster. Right now, we have 1.48 million construction workers out of work. If we fail to do this bill, we are adding another 1.8 million. So you could say this would be a depression for construction workers.

It doesn't stop there. The industry is feeling it, the businesses are feeling it, and we have a chart that talks about the thousands of businesses that would be affected. I don't know if you are aware of this, but there are over 11,000 transportation construction companies that would be adversely impacted by a shutdown on March 31. So in addition to the 1.8 million workers who would be laid off, 11,000 transportation construction companies—many of them—would have to shut their doors. And that is a very modest number.

Let me show a picture that I often show when speaking of the construction workers. I am sure you are a Super Bowl fan—we all are, Mr. President—and this is a picture of a stadium during the Super Bowl. Every seat there, about 100,000 seats, is filled. Imagine every one of these seats filled with an unemployed construction worker, and then close your eyes and envision 14 more of these stadiums filled with unemployed construction workers. That is where we are today. Then you would have to envision another 25 or 30 of those. We cannot afford to go down this road. So today, let's vote "aye" for cloture.

The last thing I want to show is the strong support for this cloture vote. We

received this yesterday from the U.S. Chamber of Commerce. The Chamber of Commerce:

... strongly supports this important legislation. Passing surface transportation reauthorization legislation is a specific action Congress and the administration can take right now to support job growth and economic productivity without adding to the deficit.

Because, as you know, this bill is 100 percent paid for. We also have a history-making group of organizations supporting this, and I will give you a sense of that as well. We have a coalition of 1,075 organizations from all 50 States. They sent us a letter on January 25, 2012, and they said:

In 2011, political leaders—Republican and Democrat, House, Senate and the administration—stated a multi-year surface transportation bill is important for job creation and economic recovery. We urge you to follow words with action.

I want to repeat that: We urge you to follow words with action.

Continuing the quote:

Make transportation job #1 and move immediately in the House and Senate to invest in the roads, bridges [and] transit systems that are the backbone of the U.S. Economy, its businesses, large and small, and communities of all sizes.

They didn't ask us to take up the Keystone Pipeline, they didn't ask us to take up repealing clean air laws, they didn't ask us to take up drilling off the coast, and they didn't ask us to take up contraception. They didn't. They asked us to take up this transportation bill. And I am saying to colleagues, please, you have had 3 weeks to discuss contraception. We disposed of it. We voted. It is okay. It is tabled. Let's move on. There are other days we can talk about that but not when we are dealing with building the highways and bridges.

You know, the state of our highways and transportation system is not what it should be, with 70,000 bridges deficient. Bridges are falling down. Senator INHOFE is eloquent on the point about a woman taking a walk and having a piece of bridge fall on her and she died. We have seen what happened in Minnesota when bridges start to fall into disrepair.

When I was growing up, my parents always taught me be responsible—be responsible. I am not always living up to their expectations, but I try. And if somebody tells me there is a problem over here, I try to fix it. So when I hear that 70,000 bridges are in trouble and they are deficient, and 50 percent of our roads are not up to standard—I now know this information. If I were ignorant and I didn't know it, that would be one thing. But I now know it—how can I turn my back on this bill? I know how many unemployed construction workers there are. How can I turn my back on them? I know businesses—whether it is gravel companies or cement companies or general contractors—are begging us to do this. These are Republican-leaning groups along

with labor and Democratic-leaning groups. Bridges are not partisan. Roads are not partisan.

This is our moment. We can vote yes on cloture. What does that mean? It means we are not going to debate these very difficult, inflammatory amendments, but we are going to stick to the highway bill, stick to the transportation bill. This vote is a very important vote for folks because I think if you don't vote to move to the bill and you vote to prolong this debate, you have to answer to your folks back home and tell them why you are playing Russian roulette with the highway bill, because on March 31 it all stops.

It is true in the past we have had extensions. This is different than usual because the trust fund is short of funds, so you can't just extend. If you extend, there is a price to be paid. Because the trust fund doesn't have the funds it needs—which is repaired in this bill—you would have an immediate cut of a third—a third—right there, which means 500,000 jobs, if you did an extension. We don't want that. We want a bill that is a reform bill, that takes this from 90 programs to 30, that uses leveraging in a smart way, and that is totally bipartisan.

Let me sum up. In a few minutes we will be voting, and let me say to my friends again, you have all the facts at hand. If you don't know what your State job loss would be if we fail to act, we have that. We will give it to you. But there is no way you can run away from what you know.

We had 85 votes to proceed to this bill. That was a long time ago. It seems like ages ago. Yet we can't get off dead center because people are offering unrelated amendments. So my hope is we will get to 60. My hope is we can, in short order, get this bill done and send a message of hope to the people.

I heard just now that Speaker BOEHNER has said he is very interested in the Senate bill; that he is going to take a look at the Senate bill because, at this point, they haven't been able to get a bill that they feel has a chance. This bill, I would reiterate for America, is bipartisan, the most bipartisan bill I have ever seen around here, and it unites people who fight and argue on everything else. When INHOFE and BOXER agree on something, you know that is a real good compromise. And we do agree. When VITTER and BAUCUS come in and agree on the same thing that INHOFE and BOXER have agreed to, it is a good day around here. And that is what we have before us.

So I call on colleagues to vote aye on the cloture vote and let's get on with this. Let's spare the people the untold suffering that will come if we have to lay off 1.8 million workers and hurt more than 11,000 businesses.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that the time during these quorum calls be charged to both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. REID. We appreciate everyone's patience. The Republican leader and I wanted to come and say a few words. The measure before the Senate today is moderate bipartisan legislation. Its four component parts were reported out of four different committees with bipartisan support. Eighty-five Senators voted to begin debate on this legislation. As everyone will remember, we had to file cloture on a motion to proceed to this bill, and the Senate agreed we should move forward on this legislation.

This bill will create or save 3 million middle-class jobs, and it enjoys broad support among rank-and-file members. Over 1,000 different organizations support this legislation—from the Chamber of Commerce, to the AFL-CIO, and AAA. It has the endorsement of one of the Senate's most conservative Members and one of its most liberal Members, the two main managers of this legislation. Democrats and Republicans have agreed additionally to 30 other germane and relevant amendments, so there should be nothing standing in the way of progress on this crucial legislation. Yet for weeks Republicans have refused to work with Democrats to finalize a path forward. So in a few moments the Senate will vote on whether to end debate on this measure and to end another filibuster.

The bill before this body is a bill that has been generated by the Environment and Public Works Committee. We have a provision in it from the Commerce Committee, the Finance Committee, and the Banking Committee that is before this body. But in addition to that, we have 37 amendments that are part of this measure that is before the body.

If we did nothing else but invoked cloture on this legislation and passed it and sent it to the House where we would have a conference, we would be way ahead because this bipartisan piece of legislation would help the American people save millions of jobs.

It is hard to comprehend that I had to file cloture on such a bipartisan bill, a measure Republican President Eisen-

hower and Democratic President Clinton could have agreed on and would have agreed on. Forty years after President Eisenhower won passage of the first highway bill, President Clinton said the law had succeeded in bringing Americans closer to each other. President Clinton said:

We were connected city-to-city, town-to-town, family-to-family, as we had never been before. That law did more to bring Americans together than any other law in this century.

That was said by Bill Clinton, but it was almost a copy of what President Eisenhower said in his memoir about the most important thing he did as President of the United States was this piece of legislation, and that says a lot coming from President Eisenhower.

I had great optimism that the transportation legislation before the Senate today would bring our two parties closer together as the interstate highways brought the American people closer together in the 1950s, 1960s, and 1970s. So it is disappointing that the Republican leadership would jeopardize this legislation and 3 million American jobs to pursue this ideological agenda.

I am hopeful the Senate will vote to move this much needed jobs legislation forward. Only seven Republicans are needed to allow us to do this. Only 7 of the 47 have to join us and move forward, but it seems more likely that my Republican colleagues will continue to take orders from the tea party and filibuster this jobs measure. Republicans are quite plainly holding up the surface transportation bill when they vote against cloture. That is what "cloture" means; it means the Senate agrees we need to focus on the germane amendments and bring endless debate to a close.

Senate Republican leaders are taking a page out of the book of the carnival magician. They have been saying since February 9: Look over here; look over here. They have been insisting on votes on contraception, on loosening clean water standards, and on drilling for oil pretty much anywhere there is water. But as the carnival magician says: Look over here, there is no need to look over there because it is just an effort to divert attention from what is really happening. No one should be fooled by what is going on here.

A vote against cloture is a vote against moving forward on this very important bipartisan legislation, and that is true no matter what diversions anyone might use to try to distract attention from this very important piece of legislation that is now ours to move forward on.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, as the majority leader indicated, we have had a number of very constructive conversations about reaching an agreement on voting on both germane and nongermane amendments to this bill. I think we are very close to getting there. My concern is that if cloture is

invoked right now, we would not get an agreement, and amendments that we are very close to agreeing to have considered on both sides—the amendments that are sought to be offered are not just on the Republican side but on the Democratic side as well—will end up being shut out.

If we were not so close, I might have a different view, but we are very close to getting an agreement. If we invoke cloture right now, that agreement will not come together.

So I would encourage a "no" vote—not to stop the bill. This is a bill that is not going to be stopped. It has broad bipartisan support. Senator BOXER and Senator INHOFE have worked very hard on this legislation, and we anticipate being able to wrap it up.

But just to underscore where we are, I have indicated I would like to offer a unanimous consent agreement that kind of summarizes where I think we are.

I would ask unanimous consent that the pending Reid amendment be withdrawn, that it be in order to offer a new perfecting amendment cleared by both leaders which contains the three titles; further, that the following non-relevant amendments be in order to S. 1813, and they be subject to the 60-vote affirmative threshold; Senator COLLINS No. 1660, Boiler MACT; Senator VITTER No. 1535, OCS; Wyden side-by-side relevant to Hoeven No. 1537; Hoeven No. 1537 related to the Keystone Pipeline; Levin amendment on offshore tax havens; McConnell or designee relevant to Levin amendment; a Cantwell amendment on energy tax extenders; a McConnell or designee amendment relevant to the Cantwell amendment; Menendez amendment on natural gas; and a Coburn amendment, No. 1738, on duplication.

I further ask unanimous consent that the following highway-related amendments also be in order: DeMint No. 1756; Coats No. 1517; Blunt No. 1540; Paul No. 1556; Portman No. 1736; Portman No. 1742; Corker No. 1785; Corker, on highway trust fund, No. 1786; Hutchison No. 1568; McCain No. 1669; and 10 highway-related amendments to be offered by the majority leader or his designee.

I further ask unanimous consent that following the disposition of the above-listed amendments and the managers' package of amendments to be cleared by both managers of the bill, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended.

Finally, I ask unanimous consent that following passage of S. 1813, the bill be held at the desk and that when the Senate receives the companion measure from the House, the Senate proceed to its immediate consideration, all after the enacting clause be stricken, the text of S. 1813 as passed be inserted in lieu thereof; that the bill then be read three times and passed, the Senate insist on its amendment, request a conference with the House, and

the Chair be authorized to appoint conferees on the part of the Senate with a ratio agreed to with the concurrence of both leaders.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I don't know why everything we do has to be a fight—not a disagreement, a fight. This bill was brought up on February 7, and we have been spending the better part of a month dealing with contraception—by the way, an amendment I had to offer because they wouldn't bring it up so we could vote on it.

My math says this agreement that has been suggested by the Republican leader calls for 34 amendments. I understand and I appreciate that some of them are related to what is in this bill—some of them are. As I indicated earlier, we have been dealing with contraception. There are amendments dealing with clean water standards and clean air standards. Nothing in this bill should deal with America having to breathe more mercury, more lead, and then, just for good measure, how about some arsenic? That has nothing to do with the highway bill.

As I said before, the amendment I looked at from my friend from Louisiana calls for drilling for oil anyplace there is water. Next they will be going to Lake Mead outside Las Vegas. We are producing more domestic oil now than in decades. The President has opened areas in Alaska that have never been opened before.

Why can't we just invoke cloture on this bill and move forward on it? It is not easy to get to conference—we know that—but we could go to conference. The House is doing its best to come up with a bill. They are struggling hard.

On the first day of April, it will be April Fools' Day for a lot of people in America because we will lose almost 800,000 jobs on April 1. It will be a real April Fools' Day. So if we can't move forward on this—why can't we get seven Republicans to break from the pack over here and say that not everything we do has to be an arm-wrestling contest?

I appreciate that we at least have something in writing. I appreciate that. I will take a look at it, but I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader.

Mr. MCCONNELL. Mr. President, not to continue to debate much further, but I would point out that there are demands for amendments on both sides here. We are very close to getting an agreement. I think a “no” vote on cloture is not the end of this bill but the beginning. It gives us an opportunity to go on and wrap up discussions that have been going on entirely too long, it seems to me, and I know the majority leader has been frustrated by it, and so

have I. But we are very close to getting agreement on a list of amendments, and we should be able to finish this bill by the end of the week.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am, for lack of a better word, disappointed. These amendments are going to do nothing to advance the work product of almost 3 million Americans—none of them.

We should invoke cloture. I ask my Republican colleagues: Break this impasse. Do something that is good for the American people. Invoke cloture and stop the filibuster—another one.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid amendment No. 1761 to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Harry Reid, Barbara Boxer, Christopher A. Coons, Robert P. Casey, Jr., Tom Harkin, Mark Udall, Richard Blumenthal, Debbie Stabenow, Patrick J. Leahy, Herb Kohl, Frank R. Lautenberg, Max Baucus, Tom Udall, Kent Conrad, Robert Menendez, Kirsten E. Gillibrand, Jeff Bingaman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1761, offered by the Senator from Nevada, Mr. REID, to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote “yea.”

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. HELLER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 25 Leg.]

#### YEAS—52

Akaka	Brown (MA)	Collins
Baucus	Brown (OH)	Conrad
Bennet	Cantwell	Coons
Bingaman	Cardin	Durbin
Blumenthal	Carper	Feinstein
Boxer	Casey	Franken

Gillibrand	Manchin	Schumer
Hagan	McCaskill	Shaheen
Harkin	Menendez	Stabenow
Inouye	Merkley	Tester
Johnson (SD)	Mikulski	Udall (CO)
Kerry	Murray	Udall (NM)
Klobuchar	Nelson (NE)	Warner
Kohl	Nelson (FL)	Webb
Landrieu	Pryor	Whitehouse
Lautenberg	Reed	Wyden
Levin	Rockefeller	
Lieberman	Sanders	

#### NAYS—44

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Blunt	Hoeben	Reid
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Snowe
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCain	Vitter
DeMint	McConnell	Wicker
Enzi	Moran	

#### NOT VOTING—4

Begich	Kirk
Heller	Leahy

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Reid amendment.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote with respect to the underlying bill be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. WEBB).

#### EXECUTIVE SESSION

NOMINATION OF MARY ELIZABETH PHILLIPS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI

NOMINATION OF THOMAS OWEN RICE TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Mary Elizabeth Phillips, of Missouri, to be United States District Judge for the Western District of Missouri, and Thomas Owen Rice, of Washington, to be United States District

Judge for the Eastern District of Washington.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes for debate equally divided in the usual form.

Mr. LEAHY. Mr. President, today the Senate will vote on the confirmation of two highly qualified, consensus nominees to the Federal bench: Mary Elizabeth Phillips to the U.S. District Court for the Western District of Missouri and Thomas Owen Rice to the U.S. District Court for the Eastern District of Washington. I thank the majority leader for pressing for these votes. These are nominees who were reported unanimously by the Senate Judiciary Committee last October, almost 5 months ago. They are both supported by their home State Senators, Democrats and Republicans, as are all of the judicial nominations of this President been who have been voted on by the Senate Judiciary Committee.

Last month the majority leader had to file cloture petitions to end a 4-month and 2-day filibuster of the confirmation of Judge Adalberto Jordan of Florida and to end the 5 month filibuster of the nomination of Jesse Furman, a former counselor to Attorney General Mukasey. The majority leader should not have had to file cloture petitions for the Senate to vote on these outstanding judicial nominees. Senate Republicans have filibustered nine of President Obama's judicial nominations despite the fact that he has reached out to both Republican and Democratic home State Senators and nominated qualified, ideologically moderate men and women to fill vacancies on our Federal courts.

From the start of President Obama's term, Republican Senators have applied a double standard to this President's nominees. Last week, at a meeting of the Judiciary Committee, the Senator from Utah conceded that a "new standard" is being applied to President Obama's nominations. Senate Republicans have chosen to depart dramatically from the long tradition of deference on district court nominees to the home State Senators. Instead, an unprecedented number of President Obama's highly qualified district court nominees have been targeted for opposition and obstruction.

The nominations the Senate considers today did not receive a single negative vote in the Judiciary Committee. Still, they have been stalled from confirmation for almost 5 months. It is good that Senate Republicans are finally allowing them to be considered. But we need to do much more. These are only 2 of the 14 remaining judicial nominations voted on by the Judiciary Committee last year that have been stalled by Senate Republicans for months. They all should have been considered and confirmed last December. President Obama's nominees are being treated differently than those of any President, Democratic or Republican, before him.

Of those 14 judicial nominations still on the calendar from last year, none are the kind of divisive ideological nominees that should lead to the kinds of delay we have seen, let alone filibusters. President Obama should be praised by Republicans and Democrats for making consensus picks like his two nominations to fill vacancies on Federal Circuit courts, Stephanie Dawn Thacker of West Virginia, nominated to the Fourth Circuit, and Judge Jacqueline Nguyen of California, nominated to fill one of the many judicial emergency vacancies on the Ninth Circuit. Ms. Thacker, an experienced litigator and prosecutor, has the strong support of her home State Senators, Senators ROCKEFELLER and MANCHIN. Judge Nguyen, whose family fled to the United States in 1975 after the fall of South Vietnam, was confirmed unanimously to the district court in 2009 and would become the first Asian Pacific American woman to serve on a U.S. court of appeals. Both were reported unanimously by the Judiciary Committee last year, and both should be considered and confirmed by the Senate without additional damaging delays.

With 1 out of nearly every 10 Federal judgeships vacant, the Senate should be acting on all of the judicial nominations approved by the Senate Judiciary Committee but that Republican objections are stalling from final action. Regrettably, delay and obstruction have stalled action on President Obama's judicial nominees since the beginning of his administration. After the first year of President Obama's first term, only 12 Federal circuit and district court judges were confirmed, the lowest total in 50 years. Senate Republicans allowed the Senate to confirm only 48 circuit and district court nominations the next year. That set a modern record for fewest judicial nominations confirmed during a President's first 2 years in office, the lowest in 35 years. As a result, judicial vacancies rose again over 110 and stayed around 90 for the longest period of historically high vacancies in 35 years. This is in stark contrast to the 100 confirmations that I oversaw during the last 17 months of President Bush's first 2 years in office. That action led to a significant reduction in judicial vacancies.

The truth is that the actions of Senate Republicans in stalling judicial nominations during President Obama's administration has led to what the Congressional Research Service documented as the longest period of historically high judicial vacancy rates in modern times. At the end of President Obama's second year and again at the end of last year, Senate Republicans opted to obstruct final confirmation votes on consensus judicial nominees for no good reason. Last year it took us until June to make up the ground we lost when Senate Republicans refused to complete action on judicial nominees at the end of 2010. This year the Senate started with 19 judicial nomi-

nees pending on the Senate's calendar, all but 1 of them reported with significant bipartisan support, and 16 of them unanimously. To date, the Senate has only been allowed to work its way through five. This means that it could again be summer before the Senate is allowed to work its way through the judicial nominees who could, and should, have been confirmed the year before.

The result of the Senate Republicans' obstruction is that the ability of our Federal courts to provide justice to Americans around the country is compromised. Millions of Americans, who are in overburdened districts and circuits, experience unnecessary delays in having their cases resolved. One hundred and thirty million Americans live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans would just agree to vote on the nominations now pending on the Senate calendar. It is wrong to delay votes on these qualified, consensus judicial nominees.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

In his "2010 Year-End Report on the Federal Judiciary," Chief Justice Roberts rightly called attention to the problem of overburdened courts across the country. Unfortunately, the unprecedented obstruction of consensus judicial nominations by Senate Republicans who dramatically departed from the Senate's longstanding tradition of regularly considering consensus, non-controversial nominations, marked a new chapter in what Chief Justice Roberts calls the "persistent problem" of filling judicial vacancies.

If Republican Senators were concerned about ensuring that our courts have the judges they need to administer justice for the American people, they would not have refused consent for the Senate to consider these consensus judicial nominees. The obstruction reminds me of the Republican pocket filibusters that blocked more than 60 of President Clinton's judicial nominations from Senate consideration.

When I became chairman in 2001 and made the committee blue slip process public for the first time and worked to confirm 100 judicial nominees of a conservative Republican President in 17 months, I hoped we were past these partisan tactics. I am disappointed that, after working for more than a decade to restore transparency and fairness to the process of considering

judicial nominations, we see the Senate Republicans again using obstruction to block progress at filling judicial vacancies.

I wish that the Republican Senators who came to the Senate and the Senate Judiciary Committee in 2003 and decried what they characterized as a broken judicial confirmation process would acknowledge the 100 confirmations in 17 months that we accomplished in 2001 and 2002 when President Bush was not consulting closely with home State Senators and, instead, insisted on sending the Senate ideological nominees. I have done my part to fix and to improve the process.

By contrast, those Republicans who deemed filibusters unconstitutional and demanded up-or-down votes for every judicial nominee just a few years ago have now filibustered nine of President Obama's judicial nominees. What happened to their principle that a partisan minority should not be allowed to frustrate the will of the majority? They used to say that judicial nominees "should not be required to serve an indefinite period of time in the stocks as targets for these special interest groups that attack them on a regular basis." Now these same Republican Senators obstruct votes on qualified, consensus nominees and allow reputations to be savaged without good cause.

In 2005, the so-called Gang of 14 adopted a standard for filibusters that require "exceptional circumstances." That standard was abandoned by Republicans who filibustered the nomination of Caitlin Halligan last year. The Washington Times' banner headline on December 7, 2011, noted what had long been apparent to me: "GOP Ends Truce on Judicial Hopefuls."

It is wrong to dismiss the delays resulting from the Senate Republicans' obstruction as merely political tit for tat. These are new and damaging tactics that Senate Republicans have devised. The standard had been that non-controversial judicial nominees reported by the Judiciary Committee were confirmed by the Senate before the end of the year. That is the standard we should have followed in 2010 and 2011, but Senate Republicans did not. Senate Republicans set a new and destructive standard to hold up qualified, consensus judicial nominees for no good reason. A New York Times editorial from January 4, 2011, refers to Senate Republicans' "refusal to give prompt consideration to noncontroversial nominees" a "terrible precedent." In a column last week, the president of the American Bar Association reiterated the call for a "sustained, concerted and bipartisan effort" to "make meaningful progress toward filling vacancies on the federal bench.

While consensus judicial nominations are stalled without a final vote by the Senate, millions of Americans across the country are being harmed by delays. The American people and our Federal courts cannot afford these un-

necessary and damaging delays. As the ABA president noted last week:

Backlogs mean justice delayed in cases involving protection of individual rights, advancement of business interests, compensation of injured victims and enforcement of federal laws.

Longstanding vacancies on courts with staggering caseloads impede access to the courts. They create strains that, if not eased, threaten to reduce the quality of our justice system. They erode confidence in the courts' ability to uphold constitutional rights and render fair and timely decisions.

Delay at the federal courts puts people's lives on hold while they wait for their cases to be resolved. Businesses face uncertainty and costly holdups, preventing them from investing and creating jobs. In sum, judicial vacancies kill jobs.

Justice delayed, as the famous maxim goes, is justice denied. It's bad for business, it's unfair to individuals, and it slows government enforcement actions, which ultimately costs taxpayers money.

The Senate remains far behind where we should be in considering President Obama's judicial nominations. The Senate had confirmed a lower percentage of President Obama's judicial nominees than those of any President in the last 35 years. The Senate has confirmed just over 70 percent of President Obama's circuit and district nominees, with more than one in four not confirmed. In stark contrast, the Senate confirmed nearly 87 percent of President George W. Bush's nominees, nearly 9 out of every 10 nominees he sent to the Senate over two terms.

The Senate remains well behind the pace set during President Bush's first term. By the end of President Bush's first term, the Senate had confirmed 205 district and circuit nominees. To date now in the fourth year of President Obama's first term, the Senate has confirmed only 129 district and circuit nominees. By this date in 2004, the Senate had confirmed 170 district and circuit nominees. Today the total is more than 40 confirmations shy of the mark.

Another way to think about this is that during President Bush's first term, the Senate confirmed the 130th nominee to our circuit and district courts in early June of his third year in office. Here we are, approaching the spring of President Obama's fourth year, nearly 9 months later, and we are just reaching that milestone—9 months later. It has taken us far too long to reach this point. That is why the judicial vacancy rate remains nearly double what it was at this point in the Bush administration.

Today we can finally confirm these two highly qualified, consensus nominees. Mary Elizabeth Phillips has been nominated to the U.S. District Court for the Western District of Missouri. Ms. Phillips is the first woman to serve as the U.S. attorney for the Western District of Missouri. Her nomination has the bipartisan support of both of her home State Senators, Democratic Senator CLAIRE MCCASKILL and Republican Senator ROY BLUNT. Ms. Phillips previously worked in private practice

and as a local prosecutor Jackson County, MO. The ABA's Standing Committee on the Federal Judiciary unanimously rated her "well qualified" to serve on the U.S. District Court, its highest possible rating.

Thomas Owen Rice has been nominated to the U.S. District Court for the Eastern District of Washington. Currently the first assistant U.S. attorney in the Eastern District of Washington, Mr. Rice has spent his entire career in public service as a Federal prosecutor, including as chief of the Criminal Division in the Eastern District of Washington. Both of Washington's Senators Senators MURRAY and CANTWELL—support Mr. Rice's nomination. Both of these nominations were reported by the Judiciary Committee by voice vote with no dissent nearly 5 months ago in October 2011.

I thank the majority leader for his efforts to break through the Republicans' obstructionist tactics. Last Tuesday, several other Democratic Senators also came before the Senate to talk about the need for more action to fill the judicial vacancies that have remained historically high for far too long. I thank Senators DURBIN, SCHUMER, FEINSTEIN, COONS, CARDIN, and KLOBUCHAR for their involvement and their thoughtful statements.

Last Thursday, we had a discussion before the Judiciary Committee, as well. I commended Senator COBURN for the statement he made at that time in which he called upon Senators to step back and return to the practice of moving forward on consensus nominees and that we need to build bridges instead of burn them.

It is important that we confirm these two nominees so they can serve the people of Missouri and Washington, but we need to do much more. The Senate needs to proceed without delay to consider all 20 of the judicial nominees currently before it and to promptly consider those being sent to the Senate by the Judiciary Committee. That is how we can fulfill our responsibilities to the American people. That is how we can begin to restore the American's people's confidence in this institution.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I yield back any pending time on the first nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that there be 2 minutes of debate between the two votes equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Mary Elizabeth Phillips, of Missouri, to be United States District Court Judge for the Western District of Missouri.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. HELLER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 26 Ex.]

YEAS—95

Akaka	Gillibrand	Murkowski
Alexander	Graham	Murray
Ayotte	Grassley	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Paul
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Rockefeller
Brown (OH)	Johnson (SD)	Rubio
Burr	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Lautenberg	Stabenow
Coburn	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Toomey
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	McCain	Vitter
Cornyn	McCaskill	Warner
Crapo	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	Wyden
Franken	Moran	

NAYS—2

DeMint Lee

NOT VOTING—3

Begich Heller Kirk

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on the Rice nomination.

The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to support the nomination of Thomas Rice to the U.S. District Court for the Eastern District of Washington. He is one of our State's rising legal stars and has left his mark defending the community in which he was born. For nearly 25 years he served in the U.S. Attorney's Office in eastern Washington, and in that time he success-

fully prosecuted a variety of criminal cases to protect our eastern Washington communities. He has wide support from his peers and numerous accolades.

I hope my colleagues will support his nomination, making Gonzaga University, his alma mater, Spokane, and the State of Washington proud of his nomination.

The PRESIDING OFFICER. Is there further debate? If not, the question is, Will the Senate advise and consent to the nomination of Thomas Owen Rice, of Washington, to be United States District Judge for the Eastern District of Washington?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. HELLER).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 27 Ex.]

YEAS—93

Akaka	Gillibrand	Murkowski
Alexander	Graham	Murray
Ayotte	Grassley	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Paul
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Burr	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Sessions
Carper	Kyl	Shaheen
Casey	Landrieu	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lugar	Toomey
Coons	Manchin	Udall (CO)
Corker	McCain	Udall (NM)
Cornyn	McCaskill	Vitter
Crapo	McConnell	Warner
Durbin	Menendez	Webb
Enzi	Merkley	Whitehouse
Feinstein	Mikulski	Wicker
Franken	Moran	Wyden

NAYS—4

Chambliss Isakson  
DeMint Lee

NOT VOTING—3

Begich Heller Kirk

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will immediately be notified of the Senate's action, and the Senate will resume legislative session.

The Senator from New Jersey.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

REMEMBERING CONGRESSMAN DONALD PAYNE

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to a long-time friend from New Jersey. It is a sad day for all of us from New Jersey who knew Congressman DONALD PAYNE from north New Jersey, and I pay tribute to my colleague who died this morning after a battle with colon cancer.

Congressman PAYNE was the first African American from New Jersey to be elected to Congress. He was a trailblazer and a fine leader, one of the finest our State has ever known. For more than two decades, Congressman PAYNE served New Jersey with distinction, but the whole world benefited from his leadership. He was a proud son of Newark and became an expert on foreign relations and led efforts to restore democracy and human rights around the world, including places as far away from one another as northern Ireland and Sudan. President Clinton chose Congressman PAYNE to accompany him on his historic tour of Africa in 1998.

The Congressman also worked hard. He secured more than \$100 million to treat victims of malaria, tuberculosis, HIV and AIDS, and stopped the spread of these diseases in Africa's poorest nations.

Three years ago, against the State Department's advice, Congressman PAYNE went to Somalia to see the turmoil there for himself, narrowly escaping with his life when insurgents launched a mortar attack near his airplane when he was leaving.

The Congressman also helped with passage of a resolution declaring the killings in Darfur as genocide and raising global awareness of these travesties.

At home Congressman PAYNE was a tireless advocate for his constituents. He brought significant economic development to counties in New Jersey, including Essex, Hudson, and Union. He was a former schoolteacher and was a leader on education. He worked hard to close the achievement gap, with making college more affordable and bringing more equity to school funding. Congressman DONALD PAYNE was a man of conscience and conviction.

I knew him for many years, and I was always struck by his soft-spoken demeanor, and that kind of made him a rarity in politics. But Congressman PAYNE knew he didn't need to raise his voice; his ideas were powerful enough. The Congressman put it best when he said: "There is a lot of dignity in being able to achieve things without having to create rapture."

As I mentioned, DONALD PAYNE was a teacher in the Newark public schools, and Newark was a poverty-stricken city. His mission was to inspire young people to use education in their lives to

achieve opportunity. The people of New Jersey sent him to Washington for the first time in 1988, and they continued sending him back by overwhelming margins for the next 22 years. He became an inspiration to many, including members of his family who followed him into careers in public service.

But most of all, DONALD PAYNE was an inspiration to the people he served. He gave them hope. He gave them some ideas of what they could make of their lives. His voice sounded important and deliberate enough to convince people to try harder, and he did succeed many times.

In 1988, during his first campaign for the House, Congressman PAYNE told a reporter: "I want to be a role model for the kids I talk to on the street corners." He used to see a lot of them. He worked hard within his congressional district. He said: "I want to see there are no barriers to achievement."

DONALD PAYNE achieved this goal. An entire generation of New Jerseyans has come of age knowing and respecting Congressman DONALD PAYNE. He has undoubtedly inspired many young New Jerseyans to enter public service, and I expect we will one day see some of them walking the Halls of Congress and following in DONALD PAYNE's footsteps, but today these Halls feel empty without his presence.

I am going to miss DON PAYNE. We will mourn his absence from our lives, but we will also take comfort in the knowledge that his legacy will endure for a long time to come, way beyond his life. We thank him at this time for all of the good he did and that he brought to our people and our State.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

#### INDIANA TORNADO DAMAGE

Mr. COATS. Mr. President, I wish to speak as in morning business on a matter that affects a lot of Hoosiers. I do so with a great sense of heartfelt condolence to all who have suffered from the tragic storm and tornadoes that swept across the southern part of our State this past Friday, gratitude for all of those who responded in such a wonderful way to address this situation, and deep pride for the people of Indiana for how they have come together to help one another. Mother Nature's unforgiving force Friday afternoon, changed the lives of many Hoosiers. Imagine, if you would, a stretch of land extending for nearly 50 miles, between a quarter of a mile and a half mile wide, with everything in its path destroyed by tornadoes that touched down and moved with such unimaginable force.

Most of us from the Midwest are used to tornadoes that usually jump around and take out a shed here, a barn there, maybe a home, in perhaps a short stretch of space, but I have never seen—and most have never seen—a tornado that touches down and stays down for miles and miles with 175 mile-per-

hour winds crushing everything in its path. On Sunday, I flew over the path of the tornadoes and walked on the ground and saw a site of total destruction. Every home and every business in that path destroyed. Every open field was strewn with debris. Some debris carried for miles before it was deposited. Every tree was stripped bare and flattened, every car or truck within that path damaged with either softball-sized hail or turned upside down by 175 mile-per-hour winds. A house miraculously still intact was picked up off its foundation and moved 100 yards east.

Several rural towns—small rural towns in southern Indiana—were totally destroyed by the force of nature. A high school of more than 1,100 students now lies in complete shambles. Buses stationed at the schools and cars were hurled into the buildings across the street. An entire family—mom, dad, and children—were killed just because the storm hit seconds before they were able to reach the steps leading down to the basement.

Yet, through all of these devastating images, I saw and heard firsthand stories of heroism, generosity and resolve that I will always remember:

Two schoolbus drivers who made a split-second decision to turn around and get the kids off the bus and into a shelter—both of those buses were totally destroyed just moments later. The first responders, local police, fire, and rescue teams who searched for victims, helped the injured and did everything they could to offer support in light of this tragedy; neighbors who rushed in to help the injured, citizens from nearby towns and counties who poured into the area offering food and drink and shelter; people saying: Do you have a place to stay? Do you have something to eat? What can we do to help? Former strangers became immediate friends.

On Sunday morning, as I walked through what was the town of Henryville, I witnessed a remarkable scene: displaced homeowners picking through the rubble of their homes trying to recover lost memories and precious keepsakes; one man planting an American flag on the rubble of his former home. I was deeply moved by the indomitability of the American spirit, a spirit still so alive and well in a time of tragedy.

Soon the first responders will be returning home, if they haven't already, from a job well done, to wait for the next call to action while the State and Federal assessment teams begin the process of restoration. Piece by piece, day by day, the people of Indiana will rebuild their homes, their churches, their schools, and their communities destroyed by these tornadoes. One woman captured the feeling of Hoosiers' best when she turned to me while standing on the remains of what used to be her home and said: We will go on. We will recover. We will make it right again.

I am asking all Americans to keep Hoosiers, Kentuckians, and all of the

victims of these tragic storms which raced through the Midwest in their thoughts and prayers. I ask all Americans to remember how quickly life can change, but also to remember the American spirit which compels us to reach out and help a neighbor in trouble.

I am going to continue to work with Indiana Governor Daniels, his homeland security team, the administration, and FEMA to make sure Hoosiers and the communities impacted are receiving the help they need.

We will never be able to replace the lives of those lost from Mother Nature's destruction, but Hoosiers will come together to rebuild one day at a time. It is the Hoosier way, and thank goodness it is still the American way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the order now?

The PRESIDING OFFICER. The Senate is considering the Transportation bill.

Mr. KERRY. Thank you, Mr. President.

#### TALK HAS CONSEQUENCES

Mr. President, several of us in the Senate have run for the office of President of the United States. Two of us have been our party's nominees, and dozens of others have played major roles in tough campaigns. So none of us in the Senate are strangers to the rough and tumble of American politics. I think we all understand on a personal level what the humorist said at the turn of the century when he wrote: "Politics ain't beanbag." One has to have a thick skin and a strong backbone to survive in this business. One has to be able to take a punch and deliver one, and we all understand that.

So it is not as an innocent that I come to the floor today to say that I was troubled—deeply troubled—to read an op-ed in this morning's Washington Post by the likely Republican nominee for President Mitt Romney. It was an attack on the administration's Iran policy, and it was as inaccurate as it was aggressive.

Every candidate for the Oval Office has the right to criticize the President. But, particularly this week, while Prime Minister Netanyahu is in Washington meeting with the administration to determine the road forward that might mean the difference between war or a diplomatic solution—particularly at that moment when so much is on the line, we all ought to remember that the nuclear issue with Iran is deadly serious business, and it ought to invite sobriety and serious-minded solutions, not sloganeering and fiction and sound bites.

I don't think we should allow Iran to become another party's applause line on the Presidential stump. Talk has consequences, particularly when it is talk about war, and talk of war only helps Iran and others at this moment, by increasing the price of Iranian crude

oil that pays for its nuclear program. To create false differences with the President just to score political points does nothing to move Iran off a dangerous nuclear course. Worst of all, Governor Romney's op-ed does not even do readers the courtesy of describing how a President Romney would, in fact, do anything different from what President Obama and this administration has already done. So if we are going to disagree, let's at least disagree responsibly—and honestly.

So examine the op-ed I am talking about. From the very opening paragraphs, Mr. Romney garbles history. Going back to the Iranian revolution, he calls President Carter "feckless," saying he did nothing for over a year while Iranian revolutionaries held Americans captive. In fact, it was the months of President Carter's negotiations, leading up to an all-night session of negotiation—the very night before the inauguration of President Reagan on January 20—that actually freed the hostages.

I bring up the hostage crisis for another reason, because when those helicopters went down in the desert during the failed rescue attempt in 1980, the United States not only lost the opportunity to get our people back sooner but President Carter fundamentally lost any chance he had at reelection. Notwithstanding that reality, notwithstanding the lesson of Desert One and those helicopters that crashed and the failed mission—notwithstanding that—President Obama, whom Governor Romney calls "the most feckless President since Carter," threw that lesson out the window, knowing if he attempted to go into Pakistan and failed he would probably lose his chance at reelection—notwithstanding that, he authorized the gutsy and dangerous raid in Pakistan that finally killed Osama bin Laden.

Despite everything that could have gone wrong with that raid, the mission was ordered with confidence, executed with courage, and the man who plotted the September 11 attacks was finally held accountable for the murder of thousands of Americans. George W. Bush may have said, "Wanted: Dead or Alive," but it was President Obama who delivered.

I don't know if Governor Romney has checked the definition of the word "feckless" lately, but that raid ain't it.

The rest of Romney's argument doesn't get any better. In fact, he goes on to propose action after action that President Obama has already taken. Just look at the analysis. Let me read the first sentences from an article in today's New York Times:

To rein in Tehran's nuclear ambitions, Mitt Romney says he would conduct naval exercises in the Persian Gulf. . . . He would try to ratchet up Security Council sanctions on Iran, targeting its Revolutionary Guards, and the country's central bank and other financial institutions. And if Russia and China do not go along, he says, the United States should team up with other willing governments to put such punitive measures in place. As it turns out—

And this is part of the quote—

As it turns out, that amounts to what President Obama is doing.

Ambassador Nick Burns, President Bush's lead negotiator on Iran, said:

The attacks on Obama basically say, "He's weak and we're strong." But when you look at the specifics, you don't see any difference.

That is a quote.

So let's go point by point through the Romney plan. He writes he would proceed with missile defenses to protect Iran. He ignores the fact that one of the very first things the Obama administration did was to issue its plans for the phased adaptive approach—so that we would be able to sooner protect our friends and allies against the Iranian missile threat and to provide increasing levels of capability as the technology advances. During the debate over the New START treaty, the Senate heard in great detail—including from the Commander of the Strategic Command and the Director of the Missile Defense Agency—how that particular system was going to work and how the administration planned to proceed with it. In fact, the President sent the Senate a letter affirming his commitment to missile defense, and over the past year he has stuck by that promise.

So then Romney goes on to say that President Obama doesn't understand the seriousness of the threat from nuclear terrorism. Again, just look at the record: For the first time, the President set as a national goal securing all vulnerable nuclear material around the world within 4 years. He won international endorsement of that effort at the 2010 Nuclear Security Summit.

Last year alone, the Department of Energy removed or eliminated over 250 kilograms of highly enriched uranium from places such as Ukraine, Belarus, Serbia, and Kazakhstan. In the budget request before Congress, the administration plans to eliminate highly enriched uranium from nine countries, including Vietnam, Ukraine, and Mexico.

That is clearly an administration and leader who understands the danger of nuclear material, far more than any effort previously.

Then Romney lays out the single greatest willful avoidance of facts in his article. He calls for ever-tightening sanctions on Iran.

I don't know what he thinks has been going on around here for the last few years, but when President Obama took office Iran was in the ascendancy. As the Vice President used to say when he chaired the Senate Foreign Relations Committee: Freedom wasn't on the march; Iran was on the march. Its reach through proxies such as Hezbollah threatened the United States, its allies, and the region, and particularly, obviously, Israel.

The international community was divided; diplomacy—both multilateral and bilateral—was stalled. But in June 2010, with a decisive push from President Obama, the United Nations put in

place the most comprehensive and biting international sanctions the Iranian Government has ever faced—imposing restrictions on Iran's nuclear activities, ballistic missile program, conventional military exports to Iran, Iranian banks and financial transactions, and the Islamic Revolutionary Guard Corps.

What is more, in coordination with allies such as the European Union, Japan, South Korea, Australia, Canada, and others, the Obama administration put in place additional measures, ratcheting up pressure on the country's petrochemical industry, oil and gas industry, and financial sector. Recently, Europe announced the ban of oil imports from Iran, which will further pressure Iran's economy, and that has come with significant leadership effort and diplomacy by Secretary Clinton and by the administration and Secretary Geithner.

That is just on the multilateral front. President Obama also worked closely with Congress to pass the Comprehensive Iran Sanctions, Accountability, and Investment Act, which strengthened existing U.S. sanctions. He made it harder for the Iranian Government to buy refined petroleum and to modernize its oil and gas sector. Recently, we imposed tough new sanctions on the Central Bank of Iran. So one doesn't have to take my word for it.

Let me quote Iran's President Ahmadinejad, who is the one feeling the pressure. Here is what he said last fall: "Our banks cannot make international transactions anymore."

Today, all of these sanctions are beginning to bite. Iran is now virtually cut off from large parts of the international financial system.

Almost \$60 billion in energy-related projects in Iran have been put on hold or discontinued. Iran is starting to lose oil sales to key customers in Europe and Asia. All you have to do is look at the front page of today's newspapers and read the stories of Iran hastily running around and looking for additional people to buy their oil. In fact, they have lost customers in Asia. Those losses could reach up to 40 percent of its daily sales, according to the International Energy Agency.

Banking sanctions have prevented several of Iran's customers from paying for its petroleum products, leaving the Central Bank short of hard currency and driving down the unofficial foreign exchange rate by 40 percent in a single month.

Mr. Romney needs to understand what is going on if he wants to run for President. Just yesterday the deputy chief of the Iranian Revolutionary Guard Corps was quoted as saying, "The regime is at the height of isolation." This is the Revolutionary Guard speaking:

The regime is at the height of isolation and in the midst of a technological, scientific and economic siege. We are not in a situation of imaginary threats and sanctions. Threats and sanctions against us are effectively being pursued.

Iran is also divided internally and isolated diplomatically like never before. Iran's most important ally, Syria, is facing regime collapse, which a former director of Israel's Mossad recently said could be a bigger strategic setback for Iran than a military strike against them. That came from the former director of Israel's Mossad.

To talk about Israel for a second, we all ought to remember that President Obama has provided record amounts of security funding to help Israel maintain its qualitative military edge. Prime Minister Netanyahu has spoken of President Obama's ironclad commitment to Israel's security. He said, "Our security cooperation is unprecedented, and President Obama has backed those words with deeds."

So when you add it all up, Mitt Romney evidently is trying to ignore, twist, and distort the administration's policy. For what purpose? For his own gain—simply to try to drive a wedge in American politics. It seems to be that the strategy of his campaign is to just say anything. It does not matter what it is based on—just say it. Put it out there whether or not it is true.

I might say that I think that is exactly what the American people are tired of and fed up with, what has turned them off of all of our politics, and what threatens the quality of our democracy in this great country of ours.

We should be crystal clear. Yes, we have to prevent Iran from acquiring a nuclear weapon. That is not a question of containment and never has been; it is a question of prevention, outright denial of this ability. That is why President Obama again made that clear in his public comments yesterday, even as he builds pressure for a diplomatic solution.

I think it is appropriate to have a President who first seeks a diplomatic solution. I am one of those here in the Senate who, together with a few others of our generation, served in Vietnam—very few—and with one or two, I think, who served in World War II: Senator INOUE, Senator LAUTENBERG, maybe Senator COCHRAN. I don't recall if there are still more here. But the fact is that I think anybody who has served in a war first wants leaders who try to find if there is a way to make that war inevitable, if it has to happen, and at least turns over every stone possible to find out if diplomacy can find a solution to a problem.

President Obama has reiterated that all of the options are on the table. In its long history, Iran has had many amazing moments and has provided great accomplishments, culturally and in other ways, to its history and to all of us. This regime, many people believe, is something different and some hope might even become something different at some point in time, although it has a long way to go to evidence that. But President Obama has emphasized—in his approach, he has said, "I don't bluff." I am convinced, as I think

all of us are, that the President means exactly what he says, that Iran cannot have this weapon. I think you can ask Osama bin Laden what President Obama means when he says that he means what he says.

I know we are going to have tough debates going forward. That is appropriate. And we are going to have a bruising election season. That is OK if it is on the up-and-up, if it is really about real differences and real issues. And we ought to have those tough fights. That has proven to be how we decide the big issues in the United States. We always have. But let's have an honest debate, not a contrived one, not a phony set of propositions that have nothing to do with the reality of the situation. The American people deserve more than that.

Governor Romney can debate the man in the White House instead of inventing straw men on the op-ed pages of our newspapers. He ought to be armed with facts instead of empty rhetoric.

If we are going to succeed, as the American people want us to do in order to avoid a war in Iran, then at some point all of us have to act like statesmen, not candidates. We need to be clear-eyed about what we have accomplished and what we have yet to do. That is precisely what Americans expect from their Commander in Chief, and that is exactly what Americans deserve—no less.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

REMEMBERING CONGRESSMAN DON PAYNE

Mr. MENENDEZ. Madam President, I rise to mourn the passing of a great man, a great leader, a proud New Jerseyan, and my friend, Congressman DONALD PAYNE. I am saddened beyond words by his death. Personally, I have lost a close friend and the people of New Jersey have lost a tireless voice, a true advocate who spent a lifetime fighting for fairness, for justice, and for the little guy.

Wherever there was injustice, intolerance or suffering, wherever someone was downtrodden by the more powerful and didn't have a fair chance, DONALD PAYNE was there intervening. From his earliest days in Congress, he focused on New Jersey, but his influence was profoundly felt around the world. As a senior member of the House Committee on Foreign Affairs and the ranking member of the Subcommittee on Africa, Global Health, and Human Rights, DONALD PAYNE followed his passion to restore democracy and human rights in places where the suffering was greatest.

If we asked him what his greatest accomplishment was—and there were

many—he would tell us it was working on global health issues, cofounding the Malaria Caucus that he launched with First Lady Laura Bush, securing \$50 million to fight drug-resistant tuberculosis, and \$50 billion for HIV/AIDS, TB, and malaria that literally—and I have heard these stories—literally saved whole villages in Sub-Saharan Africa, because that is the kind of man he was.

He built a reputation as chairman of the Africa and Global Health Subcommittee for his integrated approach to Africa, combining health, development, economic growth, and improvements for a better quality of life. He once said:

Malaria, TB and HIV/AIDS are diseases that are caused, as well, by poverty, and until we really start dealing with poverty elimination, we are going to continue to have these diseases that follow poverty. We cannot be serious about development [assistance or engagement] without effectively dealing with these three major diseases.

He did everything he could to live up to those words.

He could not ignore the fact, as he pointed out, that:

... more than 29 million people in Sub-Saharan Africa live with HIV/AIDS . . . that malaria and HIV together kill more than 4 million people each year . . . that 90 percent of them are in Africa . . . that, for millions around the world—particularly in Sub-Saharan Africa, where the global malaria burden is heaviest—the disease is a daily reality, an enduring epidemic that kills millions and impedes the progress of entire nations . . .

He believed in putting an end to the scourge of these diseases and helped broaden our focus in dealing with poverty, disease, and development as a single issue and always said: "These are global problems that warrant a global collaborative approach . . ."

On World Malaria Day in 2010 he said: "This is not an endeavor for which we lack the knowledge, skills or resources to win . . ."

DONALD PAYNE was determined to win.

When he put his mind to it, he could do anything. He believed he could change the world one village at a time, and he did because that is the kind of man he was.

I served with DONALD PAYNE in the House. I got to know him. I grew to respect his deep and passionate commitment to the institution and the people he served, his belief in the process as it was intended by our Founders, to bring all of us together, no matter what our politics or persuasion, to make a difference for his district, for New Jersey, for the Nation, and for people around the world.

DONALD considered himself hugely lucky to serve. He saw it as a honor and he made a difference because that too is the kind of man he was. DONALD PAYNE was a Congressman's Congressman. To me he was what public service is all about. He embodied the concept of Congress, the assembly of a few good people committed to the betterment of all of us.

In his passion for these issues, he worked in common cause to bring together people who were often from totally different ends of the political spectrum. Many of us would refer to him as “the great convener” because he had the unique ability to bring together people of disparate beliefs on behalf of these issues he believed in and felt so passionately about.

DON’S career and accomplishments were exemplary. Before he was elected to Congress, he was an educator in the Newark and Passaic Public School Districts. He was the former national president of the YMCA. He became New Jersey’s first African-American Congressman, winning election overwhelmingly in 1988, and was serving, at the time of his death, his 12th consecutive term—this year. He was a senior member of the House Committee on Education and the Workforce, and he was a steadfast vocal advocate for early childhood education. He was instrumental in making K–12 education more affordable. He worked to cut in half the cost of the Stafford loans and increased the Pell grants. He was a tireless champion of working families, always an advocate of increasing the minimum wage, always enforcing workforce protections, because that is the kind of man DONALD PAYNE was. Through his life and service, he was a man of the people, and the people of New Jersey will never forget what he did for Essex, Hudson, and Union Counties or for the State as a whole.

In the end Congressman PAYNE will be remembered for the dignity and honor he brought to this institution and the Congress and the district he represented, always putting the interests of the community, New Jersey, and humanity first, because that is the kind of man he was. DONALD made New Jersey proud, and he will forever be missed by all of us who were touched by his warmth and compassion. I join my colleagues in mourning the passing of a great man.

I visited Congressman PAYNE on Saturday at the hospital and talked to his brother, who said leaders throughout the world had been calling to inquire as to how he was. Leaders throughout the world mourn his passing. They knew how he touched the lives of their citizens.

Our thoughts and prayers go out to DONALD’S beloved children and his entire family and all of those who were touched by him throughout his life. He will be missed and we certainly hope God will bless this great man who gave back much more than he ever received in life.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING JAMES LAWRENCE ROSE

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an individual who worked tirelessly to strengthen Kentucky’s economy through his contributions to the coal and the banking industries. James Lawrence “Jim” Rose of Lexington, KY, passed away on December 19, 2011. He was 73 years old. Although Mr. Lawrence may not be with us today, the legacy he has forged throughout his lifetime will carry on for many years to come.

Jim Lawrence was born in Clay County, KY, but received his education in the small town of Berea, where he graduated from the Berea Foundation High School and Berea College before completing his education at the University of Kentucky in Lexington. Jim was passionate about education and made it a priority for himself, and he set out to make it one for the youth of the Commonwealth as well. He was in large part responsible for the project to construct Lexington Christian Academy’s 75-acre “Rose Campus” in Lexington, KY.

Although Mr. Rose was involved in all sorts of different business aspects, his most noted business accomplishments were those in the banking and coal industries. Mr. Rose returned to Clay County and started a small coal company in 1959. Over the next three decades, his business would receive numerous national awards for conducting the best mining rescues and operating the safest mines in the United States, and the company would eventually grow to be one of the top three producers of coal in the State of Kentucky upon his retirement in 1993.

Mr. Rose made tremendous strides in the world of banking as well. He formed a bank holding company in his hometown of Manchester, KY; the town served as the site where Jim would also open his first bank in 1978. He went on to open seven more banks throughout central and southern Kentucky. Mr. Rose was an exceptional consultant and manager, and under him the many banks he had acquired flourished.

We are all undoubtedly aware that Mr. Rose made a permanent mark on the economy of Kentucky, but let us not forget today that Jim was first and foremost a devout man of God and a beloved family man. Mr. Rose was a husband and a father who is survived by

his wife of 49 years, Judy Sizemore Rose, and by his son James F. Rose and by his daughter Sonya Rose Hiler. Jim also leaves behind eight grandchildren and three step-grandchildren. He was preceded in death by his son, Dwayne Scott Rose.

The legacy left by Mr. Rose is one that will not be easily forgotten. He was able to give so much to the business world, working tirelessly for the people of Kentucky, and he was also able to pour his heart into building relationships with his employees and his family members. Mr. Rose led a life that one could be nothing but proud of.

I would like to ask my colleagues in the United States Senate to join me in commemorating the life and works of Mr. James Lawrence Rose, an innovative, committed and truly genuine entrepreneur.

There was an article recently printed in the Laurel County-area publication the Sentinel Echo on the accomplished life of Mr. James Lawrence “Jim” Rose. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo, Dec. 23, 2011]

BANK, COAL COMPANY FOUNDER DIES AT 73

(By Carol Mills)

James “Jim” Rose, 73, died Monday of complications from a heart attack in Lexington.

Rose, who moved to Lexington in 1988, was a former Laurel Countian. He began his career by starting a small coal company in 1959 in Clay County where he was born. He moved his family to Laurel County in 1975.

Over three decades he grew his coal business dramatically, founding Interstate Coal Company, which had several operations in eastern Kentucky, including one in Laurel County on Ky. 192 where College Park is now. The coal stacks are still on the property, which is owned by the city and the county. Rose retired from the coal business in 1993.

While Rose was still in the coal business, he entered the banking business by buying a bank in his hometown of Manchester in 1978. He formed a bank holding company, United Bancorp of Kentucky, and acquired seven additional banks in London (London Bank & Trust, now PNC), Danville, Nicholasville, Richmond, Versailles, Corbin, and Harlan. United Bancorp merged with National City in 1995.

Lawrence Kuhl went to work for Rose at the London Bank & Trust in 1983 as vice-president and two years later as president.

“He was an outstanding person,” Kuhl said. “He was so compassionate for humanity. He loved to help people in need. He hired a number of people throughout southeastern Kentucky to work in his coal mines as well as in his banks, and he was a very, very caring person. He helped a lot of individuals. His whole family is like that. He has given Cardinal Hill millions of dollars to help recuperate people. He was a super fellow, very intelligent, a good businessman.”

Charles Elza worked for Rose as president of London Bank & Trust for seven years from 1978 to 1985 before Kuhl took the helm.

“He was a great guy, a hard worker,” Elza said. “He was a great family man. He loved his kids. He and his wife really had a heart for people who had a hard time. He worked hard. Before he made a lot of money, I heard

he would go to work in the coal business Monday morning and wouldn't come home until Friday. He would sleep on the job. He provided a lot of jobs for people.

"I was in the coal business, too, before working at the bank," Elza recalled. "My brother and I sold coal to Interstate Coal Company, which he (Rose) owned."

Dr. Paul Smith and his wife, Ann, have been friends with Rose ever since he moved his family to London from Manchester.

"We got acquainted through our children," Ann Smith said. "They were all in the band, some played sports. We went to what our children did and they went to what their children did and we just got together. We had the same values in rearing our family."

"Mr. Rose was a wonderful man," she added. "He was absolutely a good man. He was a hard worker, he was always helping someone out, and he walked the talk. He was nice, and so is Judy (wife). They're both very talented musicians. Jim was a classical pianist, just as well as playing boogie, woogie. They're just a wonderful family. Jim was a good person to work for. He was very well liked by his workers. He was very fair and just."

Rose was a graduate of Berea Foundation High School and attended Berea College and the University of Kentucky. He served in leadership positions in numerous coal and banking organizations. He was also active in civic and charitable organizations such as the Scott Rose Foundation, which was formed in memory of his son, Dwayne Scott, who was killed in an automobile crash in Richmond. The foundation helps mentally and physically handicapped people. Rose also started the Scott Rose Games in honor of his late son. The games, which helped raise money for charity, ran its course after several years and was discontinued.

Rose had served on the boards of UK., Centre College, Lees College, and the U.K. Medical Center, and was a founding member of Kentucky Educational Television (KET).

He leaves his wife Judy Sizemore Rose, a son James "Jamie" Rose, a daughter Sonya Rose Hiler, eight grandchildren, and three step-grandchildren.

Services were Thursday at the Lexington Christian Academy chapel and a private burial will follow at a later date at A.R. Dyche Memorial Park in London.

#### REMEMBERING WILLIAM SCHUBERT

Mr. PORTMAN. Mr. President, I rise today to remember Dr. William Schubert of Cincinnati, OH, for his many years of outstanding leadership and service to Cincinnati Children's Hospital Medical Center and our Greater Cincinnati community. Dr. Schubert, a Cincinnati native, died on February 25, 2012.

Bill Schubert graduated from Walnut Hills High School and then went on to attend the University of Cincinnati. Shortly after his arrival on campus, he was drafted into the U.S. Navy. After his service in the Navy, Dr. Schubert graduated from the University of Cincinnati and the University of Cincinnati College of Medicine.

Bill Schubert's 33 year career at Cincinnati Children's Hospital Medical Center included 13 years of service as the center's president and chief executive officer. Under his leadership, Cincinnati Children's Hospital Medical Center was ranked within the top 5

best pediatric medical centers in our country and was also designated as a Level 1 pediatric trauma center. Some of his other notable career achievements include establishing new clinical and research divisions for the center and overseeing the opening of the hospital's first two satellite outpatient centers.

In addition to his service to the Cincinnati Children's Hospital Medical Center, Bill Schubert remained active in the Cincinnati community through his involvement in various local and national organizations. In 1993, he was named a Great Living Cincinnati by the Greater Cincinnati Chamber of Commerce. He left a legacy of leadership and kindness, and his devotion to his community serves as an example for others to follow.

I would like to remember Dr. William Schubert for his dedication to Cincinnati Children's Hospital and for the extraordinary impact he made on our community.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING YOUNG AUDIENCES ARTS FOR LEARNING

● Mr. BROWN of Ohio. Mr. President, I wish to acknowledge the 60th anniversary of Young Audiences Arts for Learning and commend it for its contributions to our Nation's school children. Young Audiences is the Nation's leading source of arts-in-education services. Comprised of 30 affiliates and 5,000 teaching artists, Young Audiences, in 2011 alone, reached 5 million children in over 6,000 schools.

Specifically, I would like to recognize the Young Audiences affiliate in my home state of Ohio, Young Audiences of Northeast Ohio, YANEO. Serving 18 counties, YANEO has enabled over 2,000 students in urban, rural, and suburban Ohio school districts to benefit from arts education through more than 7,000 programs during the 2009-2010 school year.

Young Audiences' mission and goal is to help make the arts an essential part of education. For this reason, Young Audiences offers programs for students throughout the P-16 pipeline. From integrating music into a middle school math class to providing poetry writing classes for high school students, Young Audiences takes a comprehensive and innovative approach toward strengthening students' academic experiences.

According to the Arts Education Partnership, art plays a central role in a child's social, emotional, and cognitive development. Over time, this can help make students more engaged in school and thus better learners.

Arts education can alter a student's entire school experience. Involvement in the arts fosters creativity and problem solving—both of which help students during the school day and in their personal lives. From helping a student find a new social group, to pro-

viding a student with a new avenue of achievement, arts-in-education can keep students engaged and enrolled in school. Young Audiences has helped numerous students get back on track in the classroom and on a path towards higher education or the workforce.

Young Audiences not only plays a valuable role in our classrooms, but can benefit entire neighborhoods. Members of the Fullerton School community in Cleveland participated in the 'Parents as Arts Partners' program. With the guidance of a Young Audience artist, community members were able to design and install a mural that now brightens the Cleveland neighborhood. The experience was so positive for the parents, students, and the Fullerton community, they are now looking for funding to create another community mural.

To all the students who participate in Young Audiences, thank you for taking a stake in your education and in your community.

To the teachers and parents like those in the Fullerton community, thank you for your commitment to integrating arts throughout your students' lives. Even during challenging economic times, you go above and beyond your duties to provide your students with a well-rounded academic experience.

And to the dedicated artists of Young Audiences of Northeast Ohio, thank you for your service to the students throughout the region. Your passion and dedication for the arts will help lead to a new generation of artists and musicians—and engaged citizens.

I am proud to celebrate the work of Young Audiences nationwide. Thank you, for your 60 years of service.●

##### TRIBUTE TO BISHOP JOHN R. BRYANT

● Mr. CARDIN. Mr. President, I wish to recognize the 50th anniversary of the ministry of Bishop John R. Bryant, senior bishop and presiding prelate of the Fourth Episcopal District of the African Methodist Episcopal, AME, Church. Bishop Bryant is a native of Baltimore and a graduate of Baltimore City College and Morgan State University. From a young age, he learned the importance of spiritual and civic leadership from his father, Rev. Harrison Bryant, who was a Baltimore pastor and civil rights activist.

After John Bryant graduated from Morgan State, he served in Liberia with the Peace Corps, beginning his lifelong involvement in Africa. He returned to the United States and earned graduate degrees in theology and ministry and served as a pastor in Boston before returning to Baltimore in 1975, where he took on the mantle of leadership at Bethel AME Church, where his father had been pastor. At age 31, he was the youngest pastor in the church's history. He brought incredible energy to the pulpit and the congregation grew by the thousands. He was

committed to both spiritual leadership and community development and transformed the church's Labor Day celebration into a job fair for the unemployed. He created an outreach center for the poor, 40 specialized ministries, and a Christian day school for children from kindergarten to fourth grade.

In 1988, Rev. Dr. Bryant was named Bishop of the AME Church's 14th Episcopal District, which included 101 churches in West Africa and shortly added the 10th District, including Texas and the Southwest. In 2000, he was named bishop of the Fifth District, which included 200,000 church members in 14 Western States. In 2008, he was appointed senior bishop and president prelate of the Fourth Episcopal District, which includes much of the Midwest and Canada.

Bishop Bryant's wife, the Reverend Dr. Cecilia Bryant, has been an integral partner in his ministry. She founded the AME Church in the Republic of Ivory Coast, cofounded the AME Church in India, and is currently serving alongside her husband as supervisor of the church's Fourth Episcopal District. Their children, the Reverend Dr. Jamal Harrison Bryant, pastor of Baltimore's Empowerment Temple, and Dr. Thelma Bryant-Davis, a psychologist, poet, dancer, and minister, continue the family tradition of spiritual leadership.

I ask my colleagues to join me in congratulating Bishop John R. Bryant on 50 years of ministry in the African Methodist Episcopal Church. He has built a legacy of outstanding leadership, and he has delivered a message of social reform and economic justice in Baltimore, in Maryland, throughout our Nation, and around the world.●

#### RECOGNIZING THE 11TH STREET FAMILY HEALTH SERVICES CENTER

● Mr. CASEY. Mr. President, on January 17, 2012, I visited to the 11th Street Family Health Services Center of Drexel University. The Center is located in north Philadelphia, PA, and provides outpatient health care services to one of the most underserved communities in the city. As we work to ensure that all Americans have access to quality, affordable health care, the 11th Street Family Health Services Center serves as a model that is both innovative and effective, and I wish to highlight its efforts today.

The Center was born out of a partnership between the College of Nursing at MCP/Hahnemann University, now Drexel University's College of Nursing and Health Professions, and the Philadelphia Housing Authority to address the community's health concerns. It began as a Center focused on health promotion and disease prevention, but thanks to the tireless work of community leaders and Dr. Patty Gerrity, it quickly evolved into a comprehensive, nurse-managed, federally qualified health center.

In 1998, the center received a Health Resources and Services Administration grant for over \$3 million, which it used to build a state-of-the-art health center that was opened in 2002. That facility and the nurses that manage it now provide primary care, behavioral health, dental health and health and wellness programs to more than 2,500 adult patients annually. In fact, in 2011, the Center provided 30,000 patient visits to a section of Philadelphia that has the highest percentage of unemployed adults, the highest percentage of families living in poverty and the highest rate of diabetes in Philadelphia.

Not only does the Center serve as a creative model to address chronic health issues in underserved communities, it also serves as a great educational tool. As operated by the Drexel University College of Nursing and Health Professions, the Center encourages employment in the health care field and provides nursing students with the opportunity to learn, first-hand, the skills needed to work in today's health care industry.

As we move forward with the ongoing fight to ensure that quality and affordable care is accessible to all Americans, I strongly recommend that we learn from and seek to emulate innovative models like the 11th Street Family Health Services Center. It effectively serves our most vulnerable citizens, improves their general health and in doing so reduces the burden on our larger hospitals while decreasing medical costs in the long-term.●

#### TRIBUTE TO DR. MARY PAT SEURKAMP

● Mr. CARDIN. Mr. President, I wish to recognize the outstanding leadership and accomplishments of Mary Pat Seurkamp, Ph.D., president of Notre Dame of Maryland University.

The College of Notre Dame of Maryland was founded in Baltimore by the School Sisters of Notre Dame to educate women and the poor. The institution was chartered in 1895 and was known as the College of Notre Dame of Maryland until September of 2011, when it was officially renamed Notre Dame of Maryland University. The undergraduate Women's College of the School of Arts and Sciences remains at the heart of the university and is the only women's college in Maryland. Under Dr. Seurkamp's leadership, Notre Dame of Maryland has flourished as one of the Nation's strongest women's institutions, fully embracing its role in preparing young women to understand and meet society's challenges.

Under Dr. Seurkamp's leadership, the college has also found new ways to meet society's needs. The Accelerated College was founded to help working women and men earn their undergraduate degrees. Now known as the College of Adult Undergraduate Studies, this division has continued to adapt to the needs of working adults

and community institutions, offering courses on the Baltimore campus and at regional higher education centers and partnering hospitals.

Dr. Seurkamp, responding to expanding job opportunities in the area of health care, worked to found the Notre Dame of Maryland University School of Pharmacy, the second pharmacy school in Maryland and the first at a women's college in the United States. The School of Pharmacy, like the new School of Nursing and the School of Education, offers professional education rooted in the Catholic tradition of the liberal arts and service to others.

As part of the implementation of the campus's 20-year master plan, Dr. Seurkamp worked not only to enhance the beauty of the university grounds but also to ensure that university buildings are environmentally sustainable.

Dr. Seurkamp has been honored with numerous leadership awards, as well as the papal honor of Dame of the Order of St. Gregory. Her work reminds us of the critical role that higher education plays in defining our country's workforce and shaping our country's future.

I ask my colleagues to join me in congratulating Dr. Seurkamp on her 15 years of outstanding accomplishments as president of Notre Dame University of Maryland and in wishing her well in her retirement.●

#### RECOGNIZING HOSMER, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Hosmer, SD. The town of Hosmer will commemorate the 125th anniversary of its founding this year.

Hosmer was platted on May 9, 1887. The name Hosmer comes from Stella A. Hosmer, who was the wife of a railroad agent from Illinois. A great majority of Hosmer's residents claim German-Russian as their ancestry. Because of this heritage, the early settlers were able to thrive in the harsh South Dakota conditions which proved to be similar to those of their home countries.

From the beginning, Hosmer has been known to provide excellent services to its citizens. In the 1920s, the town prided itself on its fine educational system, as well as a road system that was well ahead of its time. Hosmer maintained a strong business reputation in the mid-1900s, when Dun and Bradstreet gave its businesses some of the best credit ratings of any Midwestern city. Hosmer's citizens are strong and determined like their ancestors. They have endured the hardships that are common in rural communities and have not only survived but have excelled.

Hosmer has been a successful community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of

Hosmer on this landmark occasion and wish them continued prosperity in the years to come.●

#### TRIBUTE TO MIKE SHAW

● Mr. UDALL of Colorado. Mr. President, today I want to recognize Mike Shaw, an outstanding Coloradan and this year's recipient of the prestigious TIME Dealer of the Year award. This award is given to outstanding new-car dealers who have also performed community service and exhibited a commitment to improving the world. Mike is an exceptional business owner in Colorado, an active philanthropist, and a role model in his community. I applaud Mike's achievement and would like to take a few moments to share his work with you.

Mike has long been devoted to serving his community, a value that was instilled early in his life. He is a veteran of the U.S. Army, having served in Vietnam, and as a member of the Senate Armed Services Committee, I want to extend my gratitude for his service to our country.

After returning home and entering the new-car business, Mike opened the Mike Shaw Chevrolet Saab dealership in the heart of Denver. Today he is the owner of seven dealerships throughout Colorado, Louisiana, and Texas. Mike's entrepreneurial spirit serves as a perfect example of how small businesses take root and help drive our economy, creating jobs and taking care of their customers and communities.

The auto industry has served as the backbone of American manufacturing. When it was hit hard by the 2008 recession and neared bankruptcy in 2009, thousands of dealerships across the country were at risk of closing. I had the privilege of working with Mike to help give these important Colorado businesses and the jobs they support a second chance. He stood up to inform Congress of the actual impacts of closing auto dealerships and helped promote solutions to keep them in business. He has been a steadfast leader in Colorado, and we can all learn from his principled approach. As Mike says, "My mantra in business is that quality comes first, customers are always the focus, and integrity is never compromised."

I also want to commend him for his commitment to expanding education and opportunity for the youth in our State. His reach has extended to countless organizations and boards on which he has served or contributed to in other ways. The Denver Zoological Foundation, the Urban League of Denver, Kempe Children's Foundation, the National Western Stock Show Association, and St. Joseph Hospital Foundation are just a few that have felt his impact.

His exceptional leadership in the auto industry and involvement with these important community partners has earned Mike the Dealer of the Year award. His achievements are far-reach-

ing, and each one of them is in the spirit of service to his community.

Mike is a determined and selfless community leader whose drive has helped provide our children a brighter future and made Colorado a better place to live. I extend to him my congratulations for being honored as the 2012 TIME Dealer of the Year, and I look forward to his continued leadership throughout Colorado.●

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 10:04 a.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. 1134. An act to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

At 11:07 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3413. An act to designate the facility of the United States Postal Service at 1449 West Avenue in Bronx, New York, as the "Private Isaac T. Cortes Post Office".

H.R. 3637. An act to designate the facility of the United States Postal Service located at 401 Old Dixie Highway in Jupiter, Florida, as the "Roy Schallern Rood Post Office Building".

The message further announced that the House has passed the following bill, without amendment:

S. 1710. An act to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 35. Concurrent resolution to establish the Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and Vice President-elect of the United States on January 21, 2013.

S. Con. Res. 36. Concurrent resolution to authorize the use of the rotunda and Emancipation Hall of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

At 4:17 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 571. Resolution relative to the death of the Honorable DONALD M. PAYNE, a Representative from the State of New Jersey.

##### ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 1710. An act to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3413. An act to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the "Private Isaac T. Cortes Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3637. An act to designate the facility of the United States Postal Service located at 401 Old Dixie Highway in Jupiter, Florida, as the "Roy Schallern Rood Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 6, 2012, she had presented to the President of the United States the following enrolled bill:

S. 1134. An act to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values.

#### 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-5191. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Wooden Handicrafts from China" ((RIN0579-AC90) (Docket No. APHS-2007-0117)) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5192. A communication from the Manager of the BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Designation of Biobased Items for Federal Procurement" (RIN0503-AA39) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5193. A communication from the Director of Operational Test and Evaluation, Office of the Secretary of Defense, transmitting, pursuant to law, the Director of Operational Test and Evaluation's fiscal year 2011 annual report; to the Committee on Armed Services.

EC-5194. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of seven (7) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5195. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the

grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5196. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Kingdom of Morocco; to the Committee on Banking, Housing, and Urban Affairs.

EC-5197. 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 "Extension of Time to File Estate Tax Return to Elect Portability of a Spousal Unused Exclusion Amount" (Notice 2012-21) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Finance.

EC-5198. 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 "Applicable Federal Rates—March 2012" (Rev. Rul. 2012-9) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Finance.

EC-5199. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to part 126 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-5200. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Reasonable Contract or Arrangement Under Section 408(b)(2)—Fee Disclosure" (RIN1210-AB08) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5201. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended for the six months ending June 30, 2011"; to the Committee on the Judiciary.

EC-5202. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "U.S. Department of Transportation's 2011 Annual Report to Congress and the National Transportation Safety Board Responding to Issues on the National Transportation Safety Board's Most Wanted List"; to the Committee on Commerce, Science, and Transportation.

EC-5203. A communication from the Acting Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the foreign aviation authorities to which the Administration provided services during fiscal year 2011; to the Committee on Commerce, Science, and Transportation.

EC-5204. A communication from the Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the National 911 Program; to the Committee on Commerce, Science, and Transportation.

EC-5205. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a biennial report entitled "Deep Sea Coral Research and Technology Program 2012 Report to Congress"; to

the Committee on Commerce, Science, and Transportation.

EC-5206. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Lincoln, Nebraska" (MB Docket No. 11-192; DA 12-91) received in the Office of the President of the Senate on February 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5207. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Threatened and Endangered Status for Distinct Population Segments of Atlantic Sturgeon in the Northwest Region" (RIN0648-XJ00) received in the Office of the President of the Senate on February 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5208. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Listing Determinations for Two Distinct Population Segments of Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) in the Southeast" (RIN0648-XN50) received in the Office of the President of the Senate on February 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5209. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; U.S. Navy's Research, Development, Test and Evaluation Activities Within the Naval Sea Systems Command Naval Undersea Warfare Center Keyport Range Complex" (RIN0648-AX11) received in the Office of the President of the Senate on March 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5210. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; 2012 Atlantic Shark Commercial Fishing Season" (RIN0648-BB36) received in the Office of the President of the Senate on February 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5211. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Gulf of Alaska; Amendment 83; Correction" (RIN0648-AY53) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5212. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction" (RIN0648-XA952) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5213. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XA954) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5214. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; General Category Fishery" (RIN0648-XA948) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5215. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA955) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5216. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Increase" (RIN0648-XA974) received in the Office of the President of the Senate on February 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5217. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting and Non-Whiting Allocations; Pacific Whiting Seasons" (RIN0648-XA927) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5218. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XA946) received in the Office of the President of the Senate on February 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5219. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal To 60 Feet (18.3 Meters) Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA947) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5220. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic" (RIN0648-XA944) received in

the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5221. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 2 Quota Harvested" (RIN0648-XA926) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5222. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Operating as Catcher/Processors Using Pot Gear in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XA956) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-65. A petition transmitted by a private citizen relative to pro-se prisoner litigants; to the Committee on the Judiciary.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BEGICH:

S. 2156. A bill to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida (for himself and Mr. RUBIO):

S. 2157. A bill to ensure that all of Brevard County, Florida, is treated as a HUBZone, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KOHL:

S. 2158. A bill to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 2159. A bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017; to the Committee on the Judiciary.

By Mr. MORAN (for himself and Mr. MANCHIN):

S. 2160. A bill to improve the examination of depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 2161. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for certain plug-in vehicles; to the Committee on Finance.

By Mr. REED (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. LEAHY, Mr. BROWN

of Ohio, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. BEGICH, Mr. FRANKEN, Mr. BLUMENTHAL, and Mr. AKAKA):

S. 2162. A bill to provide for the redevelopment of abandoned and foreclosed-upon properties and for the stabilization of affected neighborhoods, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CONRAD:

S. 2163. A bill to amend title XVIII of the Social Security Act to improve Medicare benefits for individuals with kidney disease, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 2164. A bill to authorize the Secretary of the Army to carry out activities to manage the threat of Asian carp traveling up the Mississippi River in the State of Minnesota, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself, Mr. ISAKSON, and Ms. COLLINS):

S. 2165. A bill to enhance strategic cooperation between the United States and Israel, and for other purposes; to the Committee on Foreign Relations.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself, Mrs. MURRAY, Mr. REID, Mr. DURBIN, Mrs. FEINSTEIN, Mr. TESTER, Mr. ISAKSON, and Mrs. BOXER):

S. Res. 389. A resolution designating the first week of April 2012 as "National Asbestos Awareness Week"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 227

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 381

At the request of Mr. TESTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 381, a bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 394

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S.

394, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 687

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 1190

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1190, a bill to reduce disparities and improve access to effective and cost efficient diagnosis and treatment of prostate cancer through advances in testing, research, and education, including through telehealth, comparative effectiveness research, and identification of best practices in patient education and outreach particularly with respect to underserved racial, ethnic and rural populations and men with a family history of prostate cancer, to establish a directive on what constitutes clinically appropriate prostate cancer imaging, and to create a prostate cancer scientific advisory board for the Office of the Chief Scientist at the Food and Drug Administration to accelerate real-time sharing of the latest research and accelerate movement of new medicines to patients.

S. 1374

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1374, a bill to direct the Federal Trade Commission to prescribe rules prohibiting deceptive advertising of abortion services.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor 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. 1872

At the request of Mr. CASEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1942

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1942, a bill to amend title 49, United States Code, to improve transportation for seniors, and for other purposes.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United

States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1965

At the request of Mr. MORAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1965, a bill to jump-start economic recovery through the formation and growth of new businesses, and for other purposes.

S. 2066

At the request of Ms. MURKOWSKI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 2066, a bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public land and ensure continued opportunities for those activities.

S. 2104

At the request of Mr. CARDIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2104, a bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from Florida (Mr. RUBIO), the Senator from Michigan (Ms. STABENOW), the Senator from Indiana (Mr. LUGAR), the Senator from Virginia (Mr. WARNER), the Senator from Delaware (Mr. CARPER) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

AMENDMENT NO. 1540

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1540 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1652

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 1652 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1774

At the request of Mr. PORTMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1774 intended to be pro-

posed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1784

At the request of Mr. HARKIN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 1784 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 2158. A bill to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KOHL. Mr. President, I wanted to speak today regarding a bill I am introducing to establish the Fox-Wisconsin Heritage Parkway National Heritage Area. The Fox-Wisconsin Heritage Parkway would cut diagonally across Wisconsin through parts of 15 counties following the Fox River from Green Bay to Portage and the Wisconsin River from Portage to the Mississippi River. This parkway marks the route taken in 1673 by explorers Father Jacques Marquette and Louis Joliet through Wisconsin.

The Fox-Wisconsin Heritage Parkway concept was created in 1991 by the National Trust for Historic Preservation and the Wisconsin Department of Commerce with the purpose of highlighting and enhancing the unique heritage of the State of Wisconsin. The Fox and Wisconsin rivers that serve as the pathway of Wisconsin's first explorers will increase heritage and recreational tourism to sites within the 280 mile Parkway and create awareness of this region's contributions to United States history.

A National Heritage Area designation would revitalize the Parkway as an economic, environmental and recreational resource and ensure it for future generations. This project has the strong support of local towns, cities, businesses and non-profits that are located within this proposed parkway. I look forward to working with my colleagues in Congress on this National Heritage Area designation.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 2159. A bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to join with Senator GRASSLEY to introduce the Drug Free Communities Reauthorization Act of 2012, a bill to reauthorize the successful Drug Free Communities Program. It is crucial that communities around the

country have the support and resources needed to respond to serious drug problems in a comprehensive and coordinated manner. Drug Free Community, DFC, coalitions have been proven to significantly lower substance abuse rates in our communities nationwide.

The DFC program encourages local citizens to become directly involved in solving their community's drug issues through grassroots organizing and data-driven approaches. Since the program's inception, DFC grants, which must be matched dollar for dollar, have helped to fund nearly 2,000 coalitions and have mobilized nearly 9,000 community volunteers. Today's legislation will reauthorize the DFC Program for an additional 5 years, at a reduced rate to reflect current fiscal realities. The community coalition model has proven extremely effective and has achieved impressive outcomes. It is critical that today's bill become law.

The DFC Program strategically invests Federal anti-drug resources at the community level with those who have the most power to reduce the demand for drugs—parents, teachers, business leaders, local media, religious leaders, law enforcement, youth, and others in the community. Grantees execute collaborative strategies to address their communities' unique substance use and abuse issues. This is the optimal way to ensure that the entire community benefits from prevention. I have consistently supported funding for these coalitions, and was pleased that last year, eight Vermont coalitions were awarded Drug Free Community grants totaling \$946,852.

In Vermont, we have felt the presence of drug abuse and drug-related crime in our communities, and prescription drug abuse is on the rise. The myth persists that drug abuse and drug-related crime are only big-city problems, but rural America is also coping with these issues. I have brought the Judiciary Committee to Vermont several times to examine these problems and gain perspectives to help shape solutions. One thing is clear. Law enforcement, while crucial, cannot solve the problem on its own. Reducing substance abuse requires a comprehensive approach with equal attention to law enforcement, prevention and education, and treatment, all with active community buy-in.

We see significant results in the fight against youth drug abuse when we have people working together at the local, State, and Federal levels, and in the law enforcement, prevention, and treatment fields. We have seen success driven by DFC coalitions in Vermont and throughout the country, but there is more work to be done. Drug abuse and drug-related crime is a persistent problem in major metropolitan areas and rural communities alike. I hope all Senators will support this bipartisan bill so that communities nationwide can sustain effective community coalitions to reduce youth drug use.

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. 2159

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF THE DRUG-FREE COMMUNITIES SUPPORT PROGRAM THROUGH FISCAL YEAR 2017.**

Section 1024(a) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1524(a)) is amended by striking paragraph (9) and all that follows and inserting the following:

- “(9) \$90,000,000 for fiscal year 2006;
- “(10) \$99,000,000 for fiscal year 2007;
- “(11) \$109,000,000 for fiscal year 2008;
- “(12) \$114,000,000 for fiscal year 2009;
- “(13) \$119,000,000 for fiscal year 2010;
- “(14) \$124,000,000 for fiscal year 2011;
- “(15) \$129,000,000 for fiscal year 2012;
- “(16) \$100,000,000 for fiscal year 2013;
- “(17) \$100,000,000 for fiscal year 2014;
- “(18) \$100,000,000 for fiscal year 2015;
- “(19) \$100,000,000 for fiscal year 2016; and
- “(20) \$100,000,000 for fiscal year 2017.”.

Mr. GRASSLEY. Mr. President, throughout my years in Congress, I have worked to keep drugs out of our communities. We have all seen the destructive impact drugs have on our communities, and our families. For years, we have heard tragic stories of the lives impacted by drug abuse. These problems plague our society and we must remain united in this struggle to end abuse and addiction.

In 1997 I, along with then-Senator BIDEN, sponsored legislation to create the Drug Free Communities, DFC, program. I believed then—as I still do today—that one of the most effective ways to prevent drug abuse is by supporting community antidrug coalitions to identify, prevent and eradicate the sources of abuse at the grass roots. Since the enactment of the Drug Free Communities Act, thousands of community antidrug coalitions have received Federal support to further their efforts to halt drug abuse in their communities.

Coalitions, across the country and in my home State of Iowa, are confronted with unique challenges, but they are leading their communities in finding ways to overcome them. For example, the Van Buren Safe Coalition in Keosauqua, IA implemented comprehensive community wide strategies to address the growing marijuana problem in their community. They conducted town hall meetings to raise awareness about the dangers of drug use; facilitated various community and youth education opportunities; and partnered with local schools to ensure drug policies and codes of conduct were in place. As a result, the Van Buren County SAFE Coalition reduced marijuana use among 11th graders by one-third in a 5-year time span according to the Iowa Youth Survey.

The Kossuth Connections coalition, which is headquartered in Algona, IA, is also taking action to fight underage drinking and smoking within its com-

munities. According to the Iowa Youth Survey, current underage drinking and smoking, although still below the statewide average, has increased slightly between 2008 and 2010 in this county. As a result, the Kossuth Connections coalition has partnered with local businesses that sell alcohol and tobacco to ensure compliance with laws requiring age restrictions on selling alcohol and tobacco products. Youth from the county have surveyed area stores, inspected advertisements and product placements, and helped to determine whether or not the store displays a “We ID” sticker at the counter. These youth are committed to ensuring local stores are in compliance with the law and are actively working to reduce underage drinking and smoking.

These coalitions are a small sampling, but they represent the incredible efforts that many are putting into controlling and reducing drug abuse in our communities. Now is not the time to abandon community drug prevention efforts.

Unfortunately, recent trends indicate youth drug use nationally is on the rise and new synthetic drugs like K2/Spice and bath salts are gaining in popularity. In fact, the latest Monitoring the Future Survey indicates that one in nine high school seniors used synthetic drugs like K2/Spice in the past year. This is the first year this survey tested students on synthetic drug use. The high number of users in such a short time span illustrates how rapidly drug use can spread among certain populations and communities. It is discouraging to see these surveys and to read about more tragedies on a daily basis. These negative trends will continue if they are not aggressively addressed.

It is vital that communities are made aware of abuse trends and the new drugs coming on the horizon. The actions community antidrug coalitions can take to stem the growing tide of rising drug abuse, like synthetic drug abuse, can and have made a real difference. By holding town hall meetings, launching school programs, and confronting local businesses that market or sell inappropriate products community coalitions are making a real positive difference.

Whether it is a synthetic drug outbreak, a meth epidemic in a Midwestern town, or an increase in underage drinking, community antidrug coalitions will lead the way to unite their community against drug abuse. It is vital in these tough times that these coalitions continue to receive support from their communities and from the Federal Government. That is why I am pleased to join my colleague, Senator LEAHY, in introducing a bill to reauthorize The Drug Free Communities Support Program for an additional 5 years.

This reauthorizing legislation recognizes the good work local antidrug coalitions have done over the years, but it also recognizes the fact that resources

at the Federal level are tight and that authorizations need to more closely resemble appropriations. Further, this program is part of an ongoing review conducted by the Government Accountability Office (GAO) that I, along with Senator FEINSTEIN, requested to study the effectiveness of the program. This study will take some time to develop and should not hinder our efforts to reauthorize the program, but should also be taken into consideration once the results are available.

We must remain vigilant and not relent in our efforts to eradicate drug abuse. Drug abuse flourishes when the problem is ignored. If we are going to make a better future for our children and communities, we must face this menace together.

By Mr. REED (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. LEAHY, Mr. BROWN of Ohio, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. BEGICH, Mr. FRANKEN, Mr. BLUMENTHAL, and Mr. AKAKA):

S. 2162. A bill to provide for the redevelopment of abandoned and foreclosed-upon properties and for the stabilization of affected neighborhoods, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I introduce the Project Rebuild Act today, and I thank Senators DURBIN, SCHUMER, LEAHY, AKAKA, SHERROD BROWN, WHITEHOUSE, MERKLEY, BEGICH, FRANKEN, and BLUMENTHAL for joining me as original cosponsors of this bill.

Rhode Island, like America, is facing a foreclosure crisis. The bill we are introducing offers an opportunity to address this crisis—tackling foreclosures and affordable rental housing at the same time.

Building upon the successful, proven, and bipartisan Neighborhood Stabilization Plan, NSP, which has helped put Americans back to work stabilizing neighborhoods, the Project Rebuild Act could provide \$43 million for Rhode Island to help create jobs and overhaul distressed neighborhoods and commercial properties.

Nationwide, about \$10 billion would be directed to States and local governments through a formula modeled after NSP, and \$5 billion would be distributed through new competitive grants.

We are facing a challenging budget environment, but this is the right time to make smart investments in strengthening our communities, putting more construction workers back to work, and bolstering the economy. This initiative will provide a flexible source of funding to help local communities leverage federal dollars to effectively address vacant and blighted properties.

In communities across Rhode Island and the country, we have seen how the foreclosure crisis has affected not just those who have lost their homes, but also how it has impacted entire neighborhoods.

I helped ensure that Rhode Island would receive additional NSP funding to assist communities hit hardest by the foreclosure crisis. Based on my visits to many NSP sites in Rhode Island, the State's NSP allotment of \$26 million is making a difference in neighborhoods all over the State. This crucial investment in Rhode Island has not only begun to help reverse the fallout from foreclosures, but has also provided families with affordable rental housing.

But more needs to be done. According to the Department of Housing and Urban Development, despite three rounds of NSP funding, "there is unaddressed high need in more than 76 percent of high need census tracts across the country." According to the Federal Reserve's recent housing white paper, the number of new homes that will have completed the foreclosure process could be as high as 1 million properties per year in 2012 and 2013.

We need to act to gain traction in our housing market so that we can firmly anchor a sustainable economic recovery that actually reaches and touches all Americans.

The Project Rebuild Act takes us in the right direction towards gaining this needed traction by making important enhancements to NSP, such as broadening eligible uses to include commercial vacancies.

It would offer new grants for fixing up vacant commercial properties, complementing the abilities of private developers.

It would also increase support for "land banking." Land banks work with communities to buy, hold, and redevelop distressed properties as part of a long-term redevelopment strategy. Our bill would help more communities utilize successful land bank models and provide additional resources for Rhode Island Housing's Land Bank.

The U.S. Department of Housing and Urban Development, HUD, estimates Project Rebuild could create over 190,000 jobs and renovate 150,000 properties nationwide.

Just as NSP was supported on a bipartisan basis, I hope we can build bipartisan support for this effort to help revitalize neighborhoods, create jobs, and accelerate economic growth.

I urge my colleagues to join us in supporting this bill and other efforts to address foreclosures and bolster our nation's recovery.

By Mr. CONRAD:

S. 2163. A bill to amend title XVIII of the Social Security Act to improve Medicare benefits for individuals with kidney disease, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I am introducing the Kidney Disease Equitable Access, Prevention, and Research Act. This legislation recognizes the importance of patient choice, access to care, and educational efforts to assist the more than 400,000 Americans with kidney failure to manage their disease and understand the treatment options.

First, the legislation seeks to maintain patient choice to retain their private insurance options, even after they qualify for Medicare by virtue of their disease state. Under current law, an individual diagnosed with kidney failure, or End Stage Renal Disease, ESRD, has the choice to maintain his/her current group health plan or transition immediately to Medicare. The legislation introduced today would direct the Secretary to clarify that this long-standing requirement also applies to group health plans established through Health Benefit Exchanges, as well as more traditional plans.

Second, the legislation seeks to improve access to preventive and educational services by expanding access to coverage for kidney disease education services.

Finally, the legislation seeks to address barriers to receiving this life-sustaining treatment, including transportation issues and factors that lead to disparities among minority populations. It also calls on the Secretary to report on gaps in quality and care management metrics to support ongoing efforts to continue quality improvement in the Medicare ESRD program.

I call on my colleagues to reaffirm the Congressional commitment to Americans with ESRD by ensuring equitable access to care for individuals with kidney disease, supporting research to improve access to high quality kidney care, and improving access to preventive care for individuals with ESRD. The Kidney Disease Equitable Access, Prevention, and Research Act is a comprehensive bill that improves upon the Medicare ESRD program. I urge my colleagues to join with me in supporting this important legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 389—DESIGNATING THE FIRST WEEK OF APRIL 2012 AS "NATIONAL ASBESTOS AWARENESS WEEK"

Mr. BAUCUS (for himself, Mrs. MURRAY, Mr. REID of Nevada, Mr. DURBIN, Mrs. FEINSTEIN, Mr. TESTER, Mr. ISAKSON, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 389

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause cancer such as mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas, generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients in-

creased treatment options and might improve their prognoses;

Whereas the United States has substantially reduced its consumption of asbestos, yet continues to consume almost 1,100 metric tons of the fibrous mineral for use in certain products throughout the United States;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana suffer from asbestos-related diseases, including mesothelioma, at a significantly higher rate than people in the United States as a whole; and

Whereas the establishment of a "National Asbestos Awareness Week" will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the first week of April 2012 as "National Asbestos Awareness Week";

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1800. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1801. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1802. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1803. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1804. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1805. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 1741 submitted by Mr. LEVIN (for himself and Mr. CONRAD) and intended to be proposed to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1806. Mr. BARRASSO submitted an amendment intended to be proposed to

amendment SA 1776 submitted by Ms. CANTWELL and intended to be proposed to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1807. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1808. Mr. DURBIN (for Mr. LEAHY (for himself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1886, to prevent trafficking in counterfeit drugs.

#### TEXT OF AMENDMENTS

**SA 1800.** Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1454, between lines 8 and 9, insert the following:

(C) AGENCY APPROVALS FOR POSITIVE TRAIN CONTROL.—

(1) COORDINATION.—The Secretary and the Chairman shall coordinate to expedite approvals of associated technology essential to implementing a positive train control system pursuant to section 20157(a) of title 49, United States Code.

(2) APPROVAL PROCESS.—

(A) IN GENERAL.—The Chairman shall give priority to all actions essential to implementing the system described in paragraph (1).

(B) SPECTRUM APPLICATIONS.—The Chairman—

(i) shall approve or deny applications for spectrum necessary to implement positive train control not later than 180 days after the submission of a complete application, unless additional time is sought by the applicant; and

(ii) in determining whether to grant an application described in subparagraph (A), shall consider the interests of public safety.

(C) EXTENSION OF TIME FOR APPROVING OR DENYING APPLICATIONS.—The Chairman may extend the time for approving or denying an application under subparagraph (B)(i) for 1 additional period of 180 days for good cause if the Chairman provides to the applicant—

(i) a statement of the grounds for the extension; and

(ii) a target date for approving or denying the application.

(3) SEMI-ANNUAL REPORT.—Not later than 90 days after the date of enactment of this Act, and every 6 months thereafter, the Secretary and the Chairman shall jointly submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) the status of the applications described in paragraph (2)(B);

(B) any additional agency approvals or actions that may be necessary; and

(C) the additional agency resources that will be required to facilitate expeditious approvals and actions.

**SA 1801.** Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1323, between lines 13 and 14, insert the following:

(d) RELATIONSHIP TO OTHER LAWS.—Section 5107(g)(2) is amended by inserting “, or section 34007 of the Hazardous Materials Transportation Safety Improvement Act of 2012,” after “section 5106”.

**SA 1802.** Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_\_—PUBLIC SAFETY OFFICERS AND VOLUNTEERS**

**Subtitle A—Public Safety Officers Benefits**

**SEC. \_\_\_\_\_ 21. SHORT TITLE.**

This subtitle may be cited as the “Dale Long Public Safety Officers’ Benefits Improvements Act of 2012”.

**SEC. \_\_\_\_\_ 22. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS AND CERTAIN TRAINEES; MISCELLANEOUS AMENDMENTS.**

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 901(a) (42 U.S.C. 3791(a))—

(A) in paragraph (26), by striking “and” at the end;

(B) in paragraph (27), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following: “(28) the term ‘hearing examiner’ includes any medical or claims examiner.”;

(2) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a), by striking “follows:” and all that follows and inserting the following: “follows (if the payee indicated is living on the date on which the determination is made)—

“(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

“(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

“(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

“(4) if there is no surviving spouse of the public safety officer and no surviving child—

“(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

“(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

“(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

“(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal

shares) who would qualify under the definition of the term ‘child’ under section 1204 but for age.”;

(B) in subsection (b)—

(i) by striking “direct result of a catastrophic” and inserting “direct and proximate result of a personal”;

(ii) by striking “pay,” and all that follows through “the same” and inserting “pay the same”;

(iii) by striking “in any year” and inserting “to the public safety officer (if living on the date on which the determination is made)”;

(iv) by striking “in such year, adjusted” and inserting “with respect to the date on which the catastrophic injury occurred, as adjusted”;

(v) by striking “, to such officer”;

(vi) by striking “the total” and all that follows through “For” and inserting “for”; and

(vii) by striking “That these” and all that follows through the period, and inserting “That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.”;

(C) in subsection (f)—

(i) in paragraph (1), by striking “, as amended (D.C. Code, sec. 4-622); or” and inserting a semicolon;

(ii) in paragraph (2)—

(I) by striking “, Such beneficiaries shall only receive benefits under such section 8191 that” and inserting “, such that beneficiaries shall receive only such benefits under such section 8191 as”; and

(II) by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42).”;

(D) by amending subsection (k) to read as follows:

“(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

“(1) the public safety officer, while on duty—

“(A) engages in a situation involving non-routine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

“(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

“(2) the heart attack, stroke, or vascular rupture commences—

“(A) while the officer is engaged or participating as described in paragraph (1);

“(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

“(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

“(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer, unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.”; and

(E) by adding at the end the following:

“(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or

executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.”;

(3) in section 1202 (42 U.S.C. 3796a)—

(A) by striking “death”, each place it appears except the second place it appears, and inserting “fatal”;

(B) in paragraph (1), by striking “or catastrophic injury” the second place it appears and inserting “, disability, or injury”;

(4) in section 1203 (42 U.S.C. 3796a-1)—

(A) in the section heading, by striking “**WHO HAVE DIED IN THE LINE OF DUTY**” and inserting “**WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY**”;

(B) by striking “who have died in the line of duty” and inserting “who have sustained fatal or catastrophic injury in the line of duty”;

(5) in section 1204 (42 U.S.C. 3796b)—

(A) in paragraph (1), by striking “consequences of an injury that” and inserting “an injury, the direct and proximate consequences of which”;

(B) in paragraph (3)—

(i) in the matter preceding clause (i)—  
(I) by inserting “or permanently and totally disabled” after “deceased”; and  
(II) by striking “death” and inserting “fatal or catastrophic injury”;

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (5)—

(i) by striking “post-mortem” each place it appears and inserting “post-injury”;

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and  
(iii) in subparagraph (B), as so redesignated, by striking “death” and inserting “fatal or catastrophic injury”;

(D) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) is officially designated as a prehospital emergency medical response agency;”;

(E) in paragraph (9)—

(i) in subparagraph (A), by striking “as a chaplain, or as a member of a rescue squad or ambulance crew;” and inserting “or as a chaplain;”;

(ii) in subparagraph (B)(ii), by striking “or” after the semicolon;

(iii) in subparagraph (C)(ii), by striking the period and inserting “; and”;

(iv) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.”;

(6) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

“(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.”;

(7) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d-1), sections 1213 and 1214 (42 U.S.C. 3796d-2 and 3796d-3), and sub-

sections (b) and (c) of section 1216 (42 U.S.C. 3796d-5), by striking “dependent” each place it appears and inserting “person”;

(8) in section 1212 (42 U.S.C. 3796d-1)—

(A) in subsection (a)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “Subject” and all that follows through “, the” and inserting “The”; and

(ii) in paragraph (3), by striking “reduced by” and all that follows through “(B) the amount” and inserting “reduced by the amount”;

(B) in subsection (c)—

(i) in the subsection heading, by striking “DEPENDENT”; and

(ii) by striking “dependent”;

(9) in section 1213(b)(2) (42 U.S.C. 3796d-2(b)(2)), by striking “dependent’s” each place it appears and inserting “person’s”;

(10) in section 1216 (42 U.S.C. 3796d-5)—

(A) in subsection (a), by striking “each dependent” each place it appears and inserting “a spouse or child”; and

(B) by striking “dependents” each place it appears and inserting “a person”;

(11) in section 1217(3)(A) (42 U.S.C. 3796d-6(3)(A)), by striking “described in” and all that follows and inserting “an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking “section 1204(9)(A)” and inserting “section 1204(10)(A)”;

(2) by striking “42 U.S.C. 3796b(9)(A)” and inserting “42 U.S.C. 3796b(10)(A)”.

**SEC. 23. AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.**

The matter under the heading “PUBLIC SAFETY OFFICERS BENEFITS” under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1912; 42 U.S.C. 3796c-2) is amended—

(1) by striking “decisions” and inserting “determinations”;

(2) by striking “(including those, and any related matters, pending)”;

(3) by striking the period at the end and inserting the following: “: *Provided further*, That, on and after the date of enactment of the Dale Long Public Safety Officers’ Benefits Improvements Act of 2012, as to each such statute—

“(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

“(2) payment shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

“(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

“(4) a certification submitted under any such statute may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

*Provided further*, That, on and after the date of enactment of the Dale Long Public Safety Officers’ Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Dale Long Public Safety Officers’ Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after,

the effective date specified in the regulations, except as the Bureau may indicate otherwise.”.

**SEC. 24. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(b) EXCEPTIONS.—

(1) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(8) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this subtitle), the amendments made by this subtitle shall apply to injuries sustained on or after June 1, 2009.

(2) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this subtitle, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

**Subtitle B—Liability Protection for Volunteer Pilots That Fly for Public Benefit**

**SEC. 41. SHORT TITLE.**

This subtitle may be cited as the “Volunteer Pilot Protection Act of 2012”.

**SEC. 42. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) Many volunteer pilots fly for public benefit and provide valuable services to communities and individuals.

(2) In 2006, volunteer pilots provided long-distance, no-cost transportation for more than 58,000 people during times of special need.

(b) PURPOSE.—The purpose of this subtitle is to promote the activities of volunteer pilots who fly for public benefit and to sustain the availability of the services that such volunteers provide, including the following:

(1) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(2) Flights for humanitarian and charitable purposes.

(3) Other flights of compassion.

**SEC. 43. LIABILITY PROTECTION FOR VOLUNTEER PILOTS THAT FLY FOR PUBLIC BENEFIT.**

Section 4(a)(4) of the Volunteer Protection Act of 1997 (42 U.S.C. 14503(a)(4)) is amended by striking “craft, or vessel” and all that follows and inserting the following: “craft, or vessel to possess an operator’s license or maintain insurance, except that this paragraph does not apply to a volunteer who—

“(A) was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

“(B) was properly licensed and insured for the operation of the aircraft.”.

**SA 1803.** Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_\_—PUBLIC SAFETY OFFICERS**

**SEC. 01. SHORT TITLE.**

This title may be cited as the “Dale Long Public Safety Officers’ Benefits Improvements Act of 2012”.

SEC. 02. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS AND CERTAIN TRAINEES; MISCELLANEOUS AMENDMENTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 901(a) (42 U.S.C. 3791(a))—

(A) in paragraph (26), by striking “and” at the end;

(B) in paragraph (27), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(28) the term ‘hearing examiner’ includes any medical or claims examiner.”;

(2) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a), by striking “follows:” and all that follows and inserting the following: “follows (if the payee indicated is living on the date on which the determination is made)—

“(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

“(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

“(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

“(4) if there is no surviving spouse of the public safety officer and no surviving child—

“(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

“(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

“(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

“(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term ‘child’ under section 1204 but for age.”;

(B) in subsection (b)—

(i) by striking “direct result of a catastrophic” and inserting “direct and proximate result of a personal”;

(ii) by striking “pay,” and all that follows through “the same” and inserting “pay the same”;

(iii) by striking “in any year” and inserting “to the public safety officer (if living on the date on which the determination is made)”;

(iv) by striking “in such year, adjusted” and inserting “with respect to the date on which the catastrophic injury occurred, as adjusted”;

(v) by striking “, to such officer”;

(vi) by striking “the total” and all that follows through “For” and inserting “for”; and

(vii) by striking “That these” and all that follows through the period, and inserting “That the amount payable under this subsection shall be the amount payable as of the

date of catastrophic injury of such public safety officer.”;

(C) in subsection (f)—

(i) in paragraph (1), by striking “, as amended (D.C. Code, sec. 4-622); or” and inserting a semicolon;

(ii) in paragraph (2)—

(I) by striking “. Such beneficiaries shall only receive benefits under such section 8191 that” and inserting “, such that beneficiaries shall receive only such benefits under such section 8191 as”; and

(II) by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42).”;

(D) by amending subsection (k) to read as follows:

“(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

“(1) the public safety officer, while on duty—

“(A) engages in a situation involving non-routine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

“(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

“(2) the heart attack, stroke, or vascular rupture commences—

“(A) while the officer is engaged or participating as described in paragraph (1);

“(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

“(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

“(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer, unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.”; and

(E) by adding at the end the following:

“(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.”;

(3) in section 1202 (42 U.S.C. 3796a)—

(A) by striking “death”, each place it appears except the second place it appears, and inserting “fatal”; and

(B) in paragraph (1), by striking “or catastrophic injury” the second place it appears and inserting “, disability, or injury”;

(4) in section 1203 (42 U.S.C. 3796a-1)—

(A) in the section heading, by striking “**WHO HAVE DIED IN THE LINE OF DUTY**” and inserting “**WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY**”; and

(B) by striking “who have died in the line of duty” and inserting “who have sustained fatal or catastrophic injury in the line of duty”;

(5) in section 1204 (42 U.S.C. 3796b)—

(A) in paragraph (1), by striking “consequences of an injury that” and inserting

“an injury, the direct and proximate consequences of which”;

(B) in paragraph (3)—

(i) in the matter preceding clause (i)—

(I) by inserting “or permanently and totally disabled” after “deceased”; and

(II) by striking “death” and inserting “fatal or catastrophic injury”; and

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (5)—

(i) by striking “post-mortem” each place it appears and inserting “post-injury”;

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(iii) in subparagraph (B), as so redesignated, by striking “death” and inserting “fatal or catastrophic injury”;

(D) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) is officially designated as a prehospital emergency medical response agency.”; and

(E) in paragraph (9)—

(i) in subparagraph (A), by striking “as a chaplain, or as a member of a rescue squad or ambulance crew;” and inserting “or as a chaplain;”;

(ii) in subparagraph (B)(ii), by striking “or” after the semicolon;

(iii) in subparagraph (C)(ii), by striking the period and inserting “; and”; and

(iv) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.”;

(6) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

“(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.”;

(7) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d-1), sections 1213 and 1214 (42 U.S.C. 3796d-2 and 3796d-3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d-5), by striking “dependent” each place it appears and inserting “person”;

(8) in section 1212 (42 U.S.C. 3796d-1)—

(A) in subsection (a)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “Subject” and all that follows through “, the” and inserting “The”; and

(ii) in paragraph (3), by striking “reduced by” and all that follows through “(B) the amount” and inserting “reduced by the amount”;

(B) in subsection (c)—

(i) in the subsection heading, by striking “DEPENDENT”; and

(ii) by striking “dependent”;

(9) in section 1213(b)(2) (42 U.S.C. 3796d-2(b)(2)), by striking “dependents” each place it appears and inserting “person’s”;

(10) in section 1216 (42 U.S.C. 3796d-5)—

(A) in subsection (a), by striking “each dependent” each place it appears and inserting “a spouse or child”; and

(B) by striking “dependents” each place it appears and inserting “a person”; and

(11) in section 1217(3)(A) (42 U.S.C. 3796d-6(3)(A)), by striking “described in” and all that follows and inserting “an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 4021(4)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking “section 1204(9)(A)” and inserting “section 1204(10)(A)”;

(2) by striking “42 U.S.C. 3796b(9)(A)” and inserting “42 U.S.C. 3796b(10)(A)”.

**SEC. 03. AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.**

The matter under the heading “PUBLIC SAFETY OFFICERS BENEFITS” under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1912; 42 U.S.C. 3796c-2) is amended—

(1) by striking “decisions” and inserting “determinations”;

(2) by striking “(including those, and any related matters, pending)”;

(3) by striking the period at the end and inserting the following: “: *Provided further*, That, on and after the date of enactment of the Dale Long Public Safety Officers’ Benefits Improvements Act of 2012, as to each such statute—

“(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

“(2) payment shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

“(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

“(4) a certification submitted under any such statute may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

*Provided further*, That, on and after the date of enactment of the Dale Long Public Safety Officers’ Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Dale Long Public Safety Officers’ Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations, except as the Bureau may indicate otherwise.”.

**SEC. 04. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(b) EXCEPTIONS.—

(1) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(8) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this title), the amendments made by this title shall apply to injuries sustained on or after June 1, 2009.

(2) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act

of 1968, as amended by this title, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

**SA 1804.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division D, insert the following:

**SEC. 00. TERMINATION OF PROVISIONS.**

Sections 4022(g) and 4044(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(g) and 1344(e)), as added by section 404 of the Pension Protection Act of 2006, are repealed as of October 1, 2011, and shall not apply with respect to proceedings initiated under title 11, United States Code, or under any similar Federal law or law of a State or political subdivision, on or after such date.

**SA 1805.** Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 1741 proposed by Mr. LEVIN (for himself and Mr. CONRAD) and intended to be proposed to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 103 and insert the following:

**SEC. 00. TREATMENT OF FOREIGN CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES AS DOMESTIC CORPORATIONS.**

(a) IN GENERAL.—Section 7701 (relating to definitions) is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

“(o) CERTAIN CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES TREATED AS DOMESTIC FOR INCOME TAX.—

“(1) IN GENERAL.—Notwithstanding subsection (a)(4), in the case of a corporation described in paragraph (2) if—

“(A) the corporation would not otherwise be treated as a domestic corporation for purposes of this title, but

“(B) the management and control of the corporation occurs, directly or indirectly, primarily within the United States,

then, solely for purposes of chapter 1 (and any other provision of this title relating to chapter 1), the corporation shall be treated as a domestic corporation.

“(2) CORPORATION DESCRIBED.—

“(A) IN GENERAL.—A corporation is described in this paragraph if—

“(i) section 7874(b) would apply to such corporation but for the application of the date in section 7874(a)(2)(B)(i) or the last sentence of section 7874(a)(2)(B), and

“(ii)(I) the stock of such corporation is regularly traded on an established securities market, or

“(II) the aggregate gross assets of such corporation (or any predecessor thereof), including assets under management for investors, whether held directly or indirectly, at any time during the taxable year or any preceding taxable year is \$50,000,000 or more.

“(B) WAIVER FOR CERTAIN CORPORATIONS.—A corporation shall not be treated as described in this paragraph if—

“(i) such corporation was treated as a corporation described in this paragraph in a preceding taxable year,

“(ii) such corporation—

“(I) is not regularly traded on an established securities market, and

“(II) has, and is reasonably expected to continue to have, aggregate gross assets (including assets under management for investors, whether held directly or indirectly) of less than \$50,000,000, and

“(iii) the Secretary grants a waiver to such corporation under this subparagraph.

“(C) EXCEPTION FROM GROSS ASSETS TEST.—Subparagraph (A)(ii)(II) shall not apply to a corporation which is a controlled foreign corporation (as defined in section 957) and which is a member of an affiliated group (as defined section 1504, but determined without regard to section 1504(b)(3)) the common parent of which—

“(i) is a domestic corporation (determined without regard to this subsection), and

“(ii) has substantial assets (other than cash and cash equivalents and other than stock of foreign subsidiaries) held for use in the active conduct of a trade or business in the United States.

“(3) MANAGEMENT AND CONTROL.—

“(A) IN GENERAL.—The Secretary shall prescribe regulations for purposes of determining cases in which the management and control of a corporation is to be treated as occurring primarily within the United States.

“(B) EXECUTIVE OFFICERS AND SENIOR MANAGEMENT.—Such regulations shall provide that—

“(i) the management and control of a corporation shall be treated as occurring primarily within the United States if substantially all of the executive officers and senior management of the corporation who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the corporation are located primarily within the United States, and

“(ii) individuals who are not executive officers and senior management of the corporation (including individuals who are officers or employees of other corporations in the same chain of corporations as the corporation) shall be treated as executive officers and senior management if such individuals exercise the day-to-day responsibilities of the corporation described in clause (i).

“(C) CORPORATIONS PRIMARILY HOLDING INVESTMENT ASSETS.—Such regulations shall also provide that the management and control of a corporation shall be treated as occurring primarily within the United States if—

“(i) the assets of such corporation (directly or indirectly) consist primarily of assets being managed on behalf of investors, and

“(ii) decisions about how to invest the assets are made in the United States.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after the date which is 2 years after the date of the enactment of this Act.

**SA 1806.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 1776 proposed by Ms. CANTWELL and intended to be proposed to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SEC. 323. EXEMPTION FROM ELECTRONIC ONBOARD RECORDING DEVICE REQUIREMENT.**

Section 31137(a)(1), as amended by section 32301(a)(3) of this Act, is further amended by striking “a commercial motor vehicle” and inserting “any commercial motor vehicle

(except for vehicles owned and operated by an independent truck operator)".

**SA 1807.** Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 888, line 18, strike "Section" and insert the following:

(a) IN GENERAL.—Section

Beginning on page 896, strike line 22 and all that follows through page 897, line 22, and insert the following:

"(3) BUY AMERICA WAIVER REQUIREMENTS.—

"(A) NOTICE AND COMMENT OPPORTUNITIES.—

"(i) IN GENERAL.—If the Secretary receives a request for a waiver under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, the Secretary shall provide notice of, and an opportunity for public comment on, the request not later than 15 days before making a finding based on such request.

"(ii) NOTICE REQUIREMENTS.—Each notice provided under clause (i)—

"(I) shall include the information available to the Secretary concerning the request, including the requestor's justification for such request; and

"(II) shall be provided electronically, including on the official public Internet website of the Department.

"(B) PUBLICATION OF DETAILED JUSTIFICATION.—If the Secretary issues a waiver pursuant to the authority granted under a provision referenced in subparagraph (A)(i), the Secretary shall publish, in the Federal Register, a detailed justification for the waiver that—

"(i) addresses the public comments received under subparagraph (A)(i); and

"(ii) is published before the waiver takes effect.

"(C) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This paragraph shall be applied in a manner that is consistent with United States obligations under relevant international agreements.

"(D) REVIEW OF NATIONWIDE WAIVERS.—Not later than 1 year after the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, and at least once every 5 years thereafter, the Secretary shall review each standing nationwide waiver issued pursuant to the authority granted under any of the provisions referenced in subparagraph (A)(i) to determine whether continuing such waiver is necessary.

On page 900, between lines 9 and 10, insert the following:

"(10) APPLICATION TO TRANSIT PROGRAMS.—The requirements under this subsection shall apply to all contracts eligible for Federal funding for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter.

On page 904, between lines 6 and 7, insert the following:

(b) BUY AMERICA PROVISIONS.—

(1) SURFACE TRANSPORTATION.—Section 313 of title 23, United States Code, is amended by adding at the end the following:

"(g) APPLICATION TO HIGHWAY PROGRAMS.—The requirements under this section shall apply to all contracts eligible for Federal

funding for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this title."

(2) AMTRAK.—Section 24305(f) of title 49, United States Code, is amended by adding at the end the following:

"(5) The requirements under this subsection shall apply to all contracts eligible for Federal funding for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter.

"(6) If a project receives funding under this chapter and under the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432), the Buy America requirements set forth in the Passenger Rail Investment and Improvement Act of 2008 shall apply to all contracts in the project within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)."

(3) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—The amendments made by this subsection shall be applied in a manner that is consistent with United States obligations under relevant international agreements.

(c) BUY AMERICA REPORTING.—Section 308 of title 49, United States Code, is amended by inserting after subsection (c) the following:

"(d) Not later than February 1, 2013, and annually thereafter, the Secretary shall submit a report to Congress that—

"(1) specifies each highway, public transportation, or railroad project for which the Secretary issued a waiver from a Buy America requirement pursuant to the authority granted under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, during the preceding calendar year;

"(2) identifies the country of origin and product specifications for the steel, iron, or manufactured goods acquired pursuant to each of the waivers specified under paragraph (1); and

"(3) summarizes the monetary value of contracts awarded pursuant to each such waiver."

**SA 1808.** Mr. DURBIN (for Mr. LEAHY (for himself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1886, to prevent trafficking in counterfeit drugs; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Counterfeit Drug Penalty Enhancement Act of 2011".

**SEC. 2. COUNTERFEIT DRUG PREVENTION.**

Section 2320(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) COUNTERFEIT DRUGS.—

"(A) IN GENERAL.—Whoever commits an offense under subsection (a) with respect to a drug (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) shall—

"(i) if an individual, be fined not more than \$4,000,000, imprisoned not more than 20 years, or both; and

"(ii) if a person other than an individual, be fined not more than \$10,000,000.

"(B) MULTIPLE OFFENSES.—In the case of an offense by a person under this paragraph that occurs after that person is convicted of another offense under this paragraph, the person convicted—

"(i) if an individual, shall be fined not more than \$8,000,000, imprisoned not more than 20 years, or both; and

"(ii) if other than an individual, shall be fined not more than \$20,000,000."

**SEC. 3. SENTENCING COMMISSION DIRECTIVE.**

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(b)(2) of title 18, United States Code, as amended by section 2, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for the potential and actual harm to the public resulting from the offense;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 6, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 6, 2012, at 10 a.m., to conduct a committee hearing entitled "Spurring Job Growth Through Capital Formation While Protecting Investors, Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate on March 6, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 6, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Tax Reform Options: Incentives for Capital Investment and Manufacturing."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 6, 2012, at 2:30 p.m., to hold a hearing entitled, "International Development Priorities in the FY 2013 Budget."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 6, 2012, at 10:30 a.m.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 6, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 6, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 6, 2012, at 2:45 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Keeping America Competitive through Investments in R&D."

The PRESIDING OFFICER. Without objection, it is so ordered.

COUNTERFEIT DRUG PENALTY ENHANCEMENT ACT OF 2011

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 253, S. 1886.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1886) to prevent trafficking in counterfeit drugs.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate will act today to combat the increasing problem of counterfeit pharmaceuticals. I thank Senators GRASSLEY and BENNET, and the other cosponsors, along with the bipartisan sponsors of the House companion bill. This is important legislation to deter the influx of counterfeit medication. The bill will not only support the American economy and job creation by protecting American intellectual property, but it will protect the health and safety of American consumers.

The illegal counterfeit pharmaceutical trade is a multi-billion dollar criminal industry. The Alliance for Safe Online Pharmacies wrote in support of this legislation that "criminals are drawn to counterfeit drugs because of the significantly higher profits in comparison to the very low risks and penalties."

We cannot allow the counterfeiting of life-saving medicine to be just one more low-risk venture from which international organized criminals can profit. The Counterfeit Drug Penalty Enhancement Act raises the maximum sentences for trafficking in counterfeit pharmaceutical products and requires the United States Sentencing Commission to consider amending its guidelines to account for the harm to the public and need for an effective deterrent.

We should not expect that enactment of this or any legislation will completely deter the serious problem of counterfeit medication entering the American supply chain, but it is an important step in the fight.

Passage of this legislation today by the Senate is also evidence that Congress can work together in a bipartisan manner to protect American consumers and promote American industries. I urge the House of Representatives to act quickly on this legislation and send it to the President's desk.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Leahy-Grassley substitute amendment at the desk be agreed to; the bill, as amended, be read a third time, and the Senate proceed to vote on the passage of the bill, as amended.

The amendment (No. 1808) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Counterfeit Drug Penalty Enhancement Act of 2011".

**SEC. 2. COUNTERFEIT DRUG PREVENTION.**

Section 2320(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) COUNTERFEIT DRUGS.—

“(A) IN GENERAL.—Whoever commits an offense under subsection (a) with respect to a drug (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) shall—

“(i) if an individual, be fined not more than \$4,000,000, imprisoned not more than 20 years, or both; and

“(ii) if a person other than an individual, be fined not more than \$10,000,000.

“(B) MULTIPLE OFFENSES.—In the case of an offense by a person under this paragraph that occurs after that person is convicted of another offense under this paragraph, the person convicted—

“(i) if an individual, shall be fined not more than \$8,000,000, imprisoned not more than 20 years, or both; and

“(ii) if other than an individual, shall be fined not more than \$20,000,000.”

**SEC. 3. SENTENCING COMMISSION DIRECTIVE.**

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(b)(2) of title 18, United States Code, as amended by section 2, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for the potential and actual harm to the public resulting from the offense;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

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

The PRESIDING OFFICER. The question is on passage of the bill.

The bill (S. 1886), as amended, was passed.

Mr. DURBIN. I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ASBESTOS AWARENESS WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate

proceed to S. Res. 389 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 389) designating the first week of April 2012 as "National Asbestos Awareness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 389) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 389

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause cancer such as mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas, generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has substantially reduced its consumption of asbestos, yet continues to consume almost 1,100 metric tons of the fibrous mineral for use in certain products throughout the United States;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana suffer from asbestos-related diseases, including mesothelioma, at a significantly higher rate than people in the United States as a whole; and

Whereas the establishment of a "National Asbestos Awareness Week" will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the first week of April 2012 as "National Asbestos Awareness Week";

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

ORDERS FOR WEDNESDAY, MARCH 7, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Wednesday, March 7, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be

deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 1813, the surface transportation bill; and that the Senate recess from 5 p.m. to 6 p.m. to allow for a Senators-only briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, we continue to work toward a path to finishing the surface transportation bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Wednesday, March 7, 2012, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 6, 2012:

THE JUDICIARY

MARY ELIZABETH PHILLIPS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI.

THOMAS OWEN RICE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.

## EXTENSIONS OF REMARKS

### PERSONAL EXPLANATION

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. VISCLOSKY. Mr. Speaker, on March 5, 2012, I was absent from the House and missed rollcall vote 95. Had I been present for rollcall 95, on the motion to suspend the rules and pass H.R. 3637, a measure to designate the facility of the United States Postal Service located at 401 Old Dixie Highway in Jupiter, Florida, as the "Roy Schallern Rood Post Office Building," I would have voted "aye."

### RECOGNIZING THE OUTSTANDING SERVICE OF COLONEL MICHAEL G. NAYLOR ON THE OCCASION OF HIS RETIREMENT

#### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. ISSA. Mr. Speaker, I rise today to recognize the military service of Colonel Michael G. Naylor on the occasion of his retirement from the United States Marine Corps. I commend Colonel Naylor's career and offer my sincerest thanks for his 30 years of dedicated service in protecting our nation.

Beginning his military career in 1982, Colonel Naylor entered Officer Candidate School where he was commissioned a Second Lieutenant and designated a Naval Aviator in September 1983. This was just the start to a long and commendable career in the United States Marine Corps.

Colonel Naylor retires from his post as the Deputy Commander of Marine Corps Installations West (MCIWEST), located at Marine Corps Base, Camp Pendleton. As Deputy Commander, Colonel Naylor helped oversee seven bases with stations occupying over 160,000 acres throughout California, Nevada, and Arizona. Colonel Naylor's hard work and dedication aided Corps in providing continuous, uninterrupted service support, in a time of war, to Marines and Sailors of the First Marine Expeditionary Force (I MEF).

As a Naval Aviator he has accumulated over 4900 total flight hours in various rotary wing, tilt-rotor, and fixed wing aircraft to include the first two operational tests of the V-22. He was also tasked with flying the President, Vice President, and dignitaries while assigned to Marine One (HMX-1). Colonel Naylor commanded the Marine Medium Helicopter Training Squadron 164 (HMMT-164) where his leadership and commitment provided well trained, organized, and combat ready expeditionary aviation forces capable of short notice world wide deployment to Marine Air Ground Task Force (MAGTF), fleet and unified commanders.

His personal decorations include the Defense Superior Service Medal, Legion of Merit

with Gold Star, Meritorious Service Medal with Gold Star, Navy and Marine Corps Commendation Medal, Navy and Marine Corps Achievement Medal, the Presidential Service badge as well as numerous campaign medals and unit awards.

These recognitions are a testament of Colonel Naylor's strong leadership and unwavering commitment to our country.

I offer Colonel Naylor my congratulations and hope that he enjoys rewarding retirement knowing that his years of service will not be forgotten by those he led.

### HONORING EDITH PITTENGER ON HER 100TH BIRTHDAY

#### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. PENCE. Mr. Speaker, I rise to honor Edith Pittenger on the occasion of her 100th birthday.

Edith was born in Pendleton, Indiana, on February 24, 1912. She went on to attend Ball State University in 1929, and later earned her masters degree in 1961. Edith enjoyed a long and satisfying career in teaching, having held positions in both Pendleton and Muncie.

Edith is blessed with excellent health and is still able to drive. She is also a long-time member of St. Paul's United Methodist Church. She was married for 45 years and her loving family includes three children and a stepson, 10 grandchildren, 22 great-grandchildren, four great-great-grandchildren and another on the way.

As the Good Book says, "The elders [ . . . ] are worthy of double honor, especially those whose work is preaching and teaching." And so today I honor Edith Pittenger for her lifetime of service and wish her the best in the years to come.

### REPRESENTATIVE FARENTHOLD PRESENTS TECHNICAL SERGEANT ARTHUR NOWAKOWSKI WITH SILVER STAR COMMENDATION

#### HON. BLAKE FARENTHOLD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. FARENTHOLD. Mr. Speaker, I had the tremendous honor of awarding Sergeant Arthur Nowakowski his Silver Star Commendation in his hometown of San Benito, Texas. This moment was over 60 years in the making, as Sergeant Nowakowski was originally awarded the Silver Star for his gallantry in action on July 5th, 1944 in France.

A WWII veteran, Sergeant Nowakowski voluntarily enlisted in the United States Army when he was eighteen years old, joining the 90th Infantry Division.

One month after landing on France's Utah Beach on D-Day, a platoon carrying urgently needed supplies and ammunition to front line troops was pinned down by heavy fire. Sergeant Nowakowski quickly assumed command and, at risk of his own life, subjected himself to intense fire, reorganized the platoon, led it forward and delivered the supplies and ammunition to the troops. He then sent his men to the battalion command post, returned to the wounded Soldiers and, despite the unrelenting fire, administered first aid to them and remained with them until they were evacuated.

His heroics saved the lives of three men. He risked his life to save his fellow soldiers and fight for the freedoms we all hold dear today. Presenting him with his commendation is only a small thank you to a man who has sacrificed so much for our Nation.

### CONGRATULATING THE BELLINGHAM KIWANIS CLUB ON ITS 90TH ANNIVERSARY

#### HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. LARSEN of Washington. Mr. Speaker, I rise today to recognize and congratulate the Kiwanis Club of Bellingham on its 90th anniversary.

The members of the Kiwanis Club of Bellingham are continuing in the club's long service to Whatcom County by supporting the community's children.

Kiwanis have long served children around the world by raising money, collecting food and clothes, and by working with children one-on-one. In Bellingham, Kiwanis support local children in dozens of ways that have a true and meaningful impact in our community.

You can find Kiwanis working with students in classrooms across the county, raising money to help kids get computers and sports equipment, and working to beautify the community.

The Kiwanis' work to support kids diagnosed with cancer is especially inspiring. As a father of two sons, I know how important community support is to developing happy and healthy kids.

The Kiwanis' work helps families today and will pay dividends to our community for many generations to come. Their service projects strengthen the community one kid at a time by giving children healthy food and opportunities to succeed in school and sports. Bellingham and Whatcom County are better today for the 90 years of great service the Kiwanis have given.

Mr. Speaker, I ask my colleagues to join with me in congratulating the Kiwanis Club of Bellingham on its 90th anniversary and in recognizing their significant service to children and families in Whatcom County.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING THE GADSDEN ELEMENTARY SCHOOL DISTRICT MARCHING BAND, THE PRIDE OF SAN LUIS

**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. GRIJALVA. Mr. Speaker, I rise today to honor the Gadsden Elementary School District #32 Marching Band for their accomplishments as a student band and as representatives of the city of San Luis.

Gadsden Elementary School is in the San Luis, a city located in the Southwest corner of the State of Arizona on the border of San Luis Rio Colorado, Mexico. The school's marching band, the Pride of San Luis, is composed of 180 talented students and 15 dancers in grades 4–8. Director J Martin Peralta, Jr. and Music Coordinator Martin Peralta, Sr. have led this group of young men and women to countless victories, including first place awards in the Lake Havasu, Parada Del Sol Parade in Scottsdale, Arizona, the APS Phoenix Light Parade, as well as in the local Somerton Founder's Day Parade and the Yuma Lights Parade and most recently have been invited to the London Days Bridge Parade. Luis Marquez, Board President, said that "Listening to the marching band is like listening to an amazing group of professionals: they have the enthusiasm, character, and talent they need to keep making a great job everywhere they go."

The Pride of San Luis is comprised of more than just talented musicians; they are exemplary scholars. Raymond V. Aguilera, Superintendent of Schools, said that "[m]any of the band members go on to receive college credit during High School, take the ACT test and qualify for the Johns Hopkins Center for Talented Youth Program. The band's alumni have attended or will attend university programs throughout the country". This group of hard working young people brings hope and pride to local residents. As William and Ellen Kiley stated: "For those who worry about the future of our country, you have only to look at these young people to feel reassured that all will be well".

The parents, teachers, and citizens of San Luis cannot be more proud of their hometown marching band. Juan Carlos Escamilla, Mayor of the City of San Luis, declared: "It is truly an honor. I'm so very proud of every single one of our kids. I'm so proud as a parent. I know they have a very strong goal. If any organization could do it—it's this group. They will make it happen." Music Coordinator Martin Peralta Sr. articulated it best: "Esta generación de estudiantes van a hacer historia y la experiencia que van a hacer historia ya que moverá al mundo con su música donde cada uno de los ciudadanos del país se van a sentir orgullosos de ellos".

Mr. Speaker, please join me in honoring these bright young student musicians and the adults that empower them to succeed.

HONORING MATTHEW R. COOK

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Matthew R. Cook. Matthew 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 180, and earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew 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, Matthew has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Matthew R. Cook for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO EMORY CAMPBELL

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a remarkable man who has distinguished himself as a great South Carolinian and an outstanding scholar and advocate of the Gullah/Geechee culture. He has dedicated his life to preserving the culture and the community he loves, and has just ended his tenure as the first Chairman of the Gullah-Geechee Cultural Heritage Corridor Commission. I commend him for his outstanding work and thank him for his long-time friendship. We could not have had a better person to get this Commission off on the right foot.

Emory Shaw Campbell was born on October 11, 1941, on Hilton Head Island, South Carolina, which was at the time was an isolated Sea Island inhabited by the descendants of former slaves, not the high-end resort it has become today. He was the sixth of 12 children born to Sarah and Reginald Campbell.

While he attended elementary school on Hilton Head Island, he had to travel by boat to attend high school at Michael C. Riley High School in the mainland town of Bluffton. He graduated as valedictorian of his class in 1960. He went on to earn his bachelor's degree in biology from Savannah State College, and a master's in environmental engineering from Tufts University in Boston, Massachusetts.

Following his academic training, Dr. Campbell returned home to his beloved Sea Islands. He served for ten years as the Director of Community Service Education at the Beaufort-Jasper Comprehensive Health Services in Ridgeland, South Carolina. This community health center provided quality, affordable health care to the underserved populations of the Sea Islands in the southernmost corner of the State. He also worked to protect Gullah communities that were threatened by the encroachment of resort development in the area.

In 1980, he became the Director of the Penn Community Center on St. Helena Island. This historic facility began as a school in the 1800s to educate freed slaves. It became a meeting place during the civil rights movement of the 1960s. As a student organizer at South Carolina State College, I attended meetings at Penn Center and subsequently served as a member of its Board of Trustees. Dr. Martin Luther King retreated there to plan protest strategies. Today, the center serves to protect and preserve the heritage of the island and its Gullah culture. Dr. Campbell was synonymous with these efforts, and he became a sought after expert on all things Gullah.

Most notably during his 22 years at the helm of Penn Center, Dr. Campbell led an effort to reconnect the Gullah community to its family roots in Sierra Leone, West Africa. This initiative resulted in Sierra Leone's President Joseph Momoh visiting Penn Center in 1988, and the following year Dr. Campbell was given the title of Honorary Paramount Chief when he took a group from the Gullah community to Sierra Leone for a reunion with their ancestral families. In 1990, South Carolina Educational Television produced a documentary Family Across the Sea, which chronicles these events.

Dr. Campbell has sought to preserve the heritage of his native culture through his book Gullah Cultural Legacies that includes Gullah traditions, beliefs, art and language. He also helped in the effort to translate the New Testament of the Bible into Gullah, which I used when I was sworn in as House Majority Whip in 2007. When Dr. Campbell retired from Penn Center in 2002, he began Gullah Heritage Consulting Services to continue his lifelong work and he manages the Gullah Heritage Trail Tours on Hilton Head Island.

In 2005, Dr. Campbell received the Carter F. Woodson Memorial Award from the National Education Association for his efforts to preserve the Gullah heritage and communities and to improve the quality of life for the Gullah people.

In 2008, I succeeded in getting the Gullah-Geechee Cultural Heritage Corridor enacted into law. The legislation included the establishment of a Commission to manage the corridor, and Dr. Campbell was fittingly chosen to Chair the inaugural Commission.

Dr. Campbell lives on Hilton Head Island with his wife, Emma. They have two adult children.

Mr. Speaker, I ask you and our colleagues to join me in thanking Dr. Emory Campbell for his dedication to preserving, protecting and promoting the Gullah culture that is unique to the Sea Islands of the American South. He has made remarkable contributions throughout his career to bring recognition and support to Gullah communities, and he is one of their most distinguished members. His work has helped to save an entire culture that was rapidly disappearing due to encroachment and assimilation, and that is a tremendous legacy for any one individual.

HONORING KYLE A. DETERS

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Kyle A. Deters.

Kyle 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 180, and earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many scout activities. Over the many years Kyle 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, Kyle has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Kyle A. Deters for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE 100TH ANNIVERSARY OF THE OREO COOKIE

**HON. ROBERT J. DOLD**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. DOLD. Mr. Speaker, I would like to take a moment to celebrate the 100th anniversary of the Oreo. In 1912—the same year the South Pole was discovered, and the Titanic sank—the Oreo was first introduced. Growing up, there were many days where I would enjoy dunking an Oreo in my milk and that tradition continues today with children and adults all over the globe. There is no doubt Oreos bring joy to many people throughout the world.

Kraft Foods, headquartered in my district, is the proud custodian of Oreo, and Oreo is one of the company's 12 "billion-dollar" brands. Enjoyed in more than 100 countries, today the Oreo brand is the world's top selling cookie. Here is to another 100 years of Oreo being the world's number one cookie.

HONORING CONNOR S. THOMAS

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Connor S. Thomas. Connor 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 180, and earning the most prestigious award of Eagle Scout.

Connor has been very active with his troop, participating in many scout activities. Over the many years Connor 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, Connor has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Connor S. Thomas for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE MODESTO CHAMBER OF COMMERCE ON 100 YEARS OF BUSINESS LEADERSHIP

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the rich heritage of the Modesto Chamber of Commerce as they celebrate 100 years of business leadership in the Central Valley.

Anniversaries such as this provide an opportunity for us to reflect upon the significant impact our local businesses, both large and small, have on job creation and economic growth. It is critical that we continue to increase opportunities for business owners and entrepreneurs to take risks and succeed, so that they are able to grow, innovate, and create jobs. Throughout the years, the Chamber has stayed true to its mission statement, which is "to promote the region's economic strengths and vitality; identify and promote services that are valuable to our members; advocate for public policy that is advantageous to the business community; and fully participate and partner in activities to improve quality of life."

Also celebrating 100 years is the iconic Modesto Arch. The Arch was erected by the founders of the Modesto Chamber of Commerce as a symbol to promote the city, and remains as a welcome when you enter downtown Modesto with the ever present slogan "Water, Wealth, Contentment, Health."

I would also like to recognize the following six businesses for their continuous membership in the Modesto Chamber of Commerce for the past 100 years: Foster Farms, Bank of America, Pacific Bell/ATT, Chicago Title Company, Pacific Gas & Electric, and J.S. West. They should all be commended for the community support and dedication to the city of Modesto.

Mr. Speaker, please join me in celebrating with the Modesto Chamber of Commerce on a day where we recognize not only where we have been, but the tremendous opportunities we have ahead in our efforts to fulfill our vision for the future. Congratulations on the past 100 years, and I wish you the best success in the years to come.

HONORING EVAN JONATHAN LINARD

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Evan Jonathan Linard. Evan 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.

Evan has been very active with his troop, participating in many scout activities. Over the

many years Evan 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, Evan has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Evan Jonathan Linard for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE FOX-WISCONSIN HERITAGE PARKWAY NATIONAL HERITAGE AREA ACT OF 2012

**HON. THOMAS E. PETRI**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. PETRI. Mr. Speaker, today I am pleased to join my colleagues . . . in introducing the Fox-Wisconsin Heritage Parkway National Heritage Area Act of 2012, legislation which would designate the Fox-Wisconsin Heritage Parkway as a National Heritage Area. I am also pleased that Senator KOHL is introducing companion legislation in the Senate.

The National Park Service defines National Heritage Areas as:

. . . places where natural, cultural, historic and scenic resources combine to form a cohesive, nationally important landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representatives of the American experience through the physical features that remain and the traditions that have evolved in them. These regions are acknowledged by Congress for their capacity to tell important stories about our nation. Continued use of National Heritage Areas by people whose traditions helped to shape the landscape enhances their significance.

The Fox Wisconsin Heritage Parkway, which runs through parts of 15 counties throughout Wisconsin, marks the route taken in 1673 by explorers Father Jacques Marquette and Louis Joliet as they traveled from the Great Lakes to the Mississippi River. This journey is an integral part of Wisconsin's and our nation's development. We should do all that we can to preserve it so that future generations have an appreciation for our country's unique history, culture and heritage.

Establishing the Fox Wisconsin Heritage Parkway as a National Heritage Area will accomplish that preservation goal in a cost-effective manner. By utilizing public-private partnerships, the National Heritage Area designation can serve as a structure to coordinate the activities of businesses, non-profits and residents so they can highlight their region's unique contributions to America's national story.

Again, I am very pleased to support this region's designation as a National Heritage Area, and I ask for my colleagues' support in this effort.

HONORING STEPHEN DEAN  
NOLTING

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Stephen Dean Nolting. Stephen 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.

Stephen has been very active with his troop, participating in many scout activities. Over the many years Stephen 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, Stephen has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Stephen Dean Nolting 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. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Ms. WOOLSEY. Mr. Speaker, on March 5, 2012, I was unavoidably detained and was unable to record my vote for rollcall No. 95. Had I been present I would have voted:

Rollcall No. 95: "Yes"—Roy Schallern Rood Post Office Building.

HONORING JEFFREY JOSEPH  
DUER, JUNIOR

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jeffrey Joseph Duer, Junior. Jeffrey 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 180, and earning the most prestigious award of Eagle Scout.

Jeffrey has been very active with his troop, participating in many scout activities. Over the many years Jeffrey 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, Jeffrey has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Jeffrey Joseph Duer, Junior for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE 76TH ANNUAL  
WESTERN NEW YORK SAFETY  
CONFERENCE

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. HIGGINS. Mr. Speaker, I rise today to celebrate the 76th annual Western New York Safety Conference, which will be held in my Western New York community March 12th-March 15th, 2012.

What began as a small group of safety-minded individuals in 1935, has evolved into a conference attended by over 500 delegates each year, and the largest gathering of safety-oriented and interested people on the East Coast.

The Western New York Safety Conference is recognized by both employers and employees alike as an outstanding organization. This annual exchange of safety, health and environmental information has contributed greatly to the advancement of safety for the worker, and the general public. I applaud their dedication to the conservation of human life and the safety and health of the individual through the prevention of accidents and occupational diseases.

Mr. Speaker, I want to congratulate those who have led the effort to host this important conference, and am sure that they will continue to service the Western New York community to reduce injuries and illness.

SUPPORT OF THE CONFERENCE  
REPORT TO H.R. 3630

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. KUCINICH. Mr. Speaker, I rise in support of the Conference Report to H.R. 3630, Middle Class Tax Relief and Job Creation Act of 2012. The bill extends unemployment for those currently out of work through 2013. It continues the payroll tax break for the middle class through 2013. It prevents the scheduled cuts in Medicare reimbursement to doctors. It extends the Temporary Assistance for Needy Families (TANF) program. It protects current federal public servants by protecting their pensions and by dropping language that would have perpetuated an unjust and unnecessary payroll freeze. As a Member of the Committee on Oversight and Government Reform, I offered an amendment in Committee last week to protect the pensions of future federal public servants as well.

However, while providing needed relief, this bill is very flawed. It reduces benefits for new federal public servants, cuts assistance to hospitals and cuts long term unemployment benefits. It is wrong to limit any crucial safety net.

Still, extending the payroll tax means that middle class families in Ohio will have about \$1000 more in their pockets at a time when speculation has pushed gas and basic food prices up. The needs of my district are urgent and immediate. This legislation will deliver relief. I stand with the workers and those trying to find work and I pledge to continue to fight

for the middle class. When Congress returns we must ensure that our communities are protected and that hospitals and workers are taken care of. I will work with my colleagues to remedy the shortcomings of this bill.

RECOGNIZING THE 2012 NOMINEES  
FOR THE PRINCE WILLIAM  
COUNTY TEACHER OF THE YEAR/  
AGNES MEYER OUTSTANDING  
TEACHER AWARD

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the nominees for the Prince William County Teacher of the Year/Agnes Meyer Outstanding Teacher Award.

The Agnes Meyer Outstanding Teacher Award program was established by "The Washington Post" to "recognize excellence in teaching, to encourage creative and quality instruction, and to contribute in a substantive way to the improvement of education in the Washington metropolitan area."

The annual recipients are comprised of one representative from each of the 19 metropolitan public school systems and a single representative from the area private schools. The winner selected from the Prince William Public School Division is also named the Prince William County Teacher of the Year. Teachers who meet the criteria for the award are those who instill in students a desire to learn and achieve, understand the individual needs of students, and demonstrate a thorough knowledge of subject matter and have the ability to share it effectively with students.

I extend my personal congratulations to the 2012 Prince William County nominees for the Agnes Meyer Outstanding Teacher Award:

Mrs. Anita Al-Haj—Osborn Park High School; Ms. LaTicia Anderson—Coles Elementary School; Mrs. Jenny Bates—Henderson Elementary School; Ms. Spring Byard—New Directions Alternative Education Center; Lt. Col. Ronald Cartee—Battlefield High School; Ms. Sharon Christner—Hylton High School; Mrs. Jessica English—Hylton High School; Mr. Aaron Finney—Victory Elementary School; Mrs. Kelly Haynes—Ashland Elementary School; Mr. Philip Keirstead—Marsteller Middle School

Ms. Hess Moore—Beville Middle School; Ms. Rebecca Patonetz—McAuliffe Elementary School; Mrs. Ingrid Perry—Gar-Field High School; Mrs. Ramona Richardson—Coles Elementary School; Mr. Richard Scavongelli—Brentsville District High School; Ms. Lydia Stewart—Osborn Park High School; Mrs. Patricia Swanson—Ashland Elementary School; Ms. Kendra Yount—Battlefield High School; Mrs. Ruthann Zalewski—Loch Lomond Elementary School.

Mr. Speaker, I ask that my colleagues join me in commending the nominees for the Prince William County Teacher of the Year/Agnes Meyer Outstanding Teacher Award and in thanking them for their dedication to our children. Their continued service will ensure that Prince William County students are provided with a world class education in a more vibrant learning community.

INTRODUCTION OF THE CHIPACC BILL CHILDREN'S PROGRAM OF ALL-INCLUSIVE, COORDINATED CARE

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. MORAN. Mr. Speaker, I rise today to talk about an issue of concern to all families, and everyone who has ever known a sick child.

The Children's Program of All-inclusive, Coordinated Care, ChiPACC, program serves the needs of Medicaid-eligible children who suffer from potentially terminal illnesses or conditions. The legislation I am introducing will make ChiPACC a state option under Medicaid.

Medicaid-eligible children—like all children who suffer from potentially terminal illnesses or conditions—need comprehensive, coordinated care. Currently, nearly 30 percent of the children in the United States who have life-threatening conditions qualify for Medicaid. These children are forced into a system that will only treat them on an emergency basis, sending them home to wait until their next health emergency.

Based on the highly effective, collaborative model of care developed by Children's Hospice International, CHI, the Children's Program of All-inclusive, Coordinated Care provides each enrolled child an individualized treatment plan that includes and manages services from providers across the health care spectrum. ChiPACC's services will improve upon the often inconsistent care that is currently available to seriously ill children under Medicaid, doing so at a savings to taxpayers.

With appropriate comprehensive and coordinated services under ChiPACC, many emergency episodes can be avoided or anticipated and managed, such that children receive appropriate care in their homes instead of in hospitals, and so that even when they require critical care they can enter the hospital through the front door instead of the emergency room, significantly reducing health care costs.

Under the former Medicaid model, individuals could receive only "hospice" services and only after their doctors give them a prognosis of six months to live. Children, however, are much more likely than adults to go in and out of terminal phases multiple times. No family should be forced to give up curative care for their child in order to receive services that are predicated on accepting that their child has no more than 6 months to live. I am very pleased that the Affordable Care Act amended this policy to allow curative care for Medicaid eligible children in hospice. But ChiPACC goes beyond curative care and combines medical and support services currently available in Medicaid with counseling, respite, and other care that have previously only been available as hospice services.

Please join me in sponsoring this very important legislation.

TO RECOGNIZE THE FAIRFAX COUNTY YOUTH FOOTBALL LEAGUE AND THE 2012 FAIRFAX COUNTY FOOTBALL HALL OF FAME HONOREES

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Fairfax County Youth Football League and to congratulate the 2012 Fairfax County Football Hall of Fame honorees.

The importance of youth sports cannot be overstated. Participation in organized sports instills in our youth many values that will serve them well throughout life. These values include sportsmanship, teamwork, honesty, a sense of belonging, and maybe most important, the work ethic developed by striving for success and working to achieve a common goal. Organized youth sports also contribute to our society. Studies have shown a correlation between participation in sporting activities and increased academic performance. Some studies indicate that a reduction in gang activity can be partially attributed to refocusing at-risk children into organized, supervised activities such as youth sports.

I commend the Fairfax County Youth Football League for providing opportunities for our children to succeed and be a part of a team. I also congratulate the following students, coaches and community leaders who are being recognized at the 22nd Annual Fairfax County Football Hall of Fame:

Fairfax County Football Hall of Fame 2012 Inductees—Owen Schmitt (NFL Philadelphia Eagles, West Virginia University, Fairfax High School), Tom Verbanic (Fairfax High School and Westfield High School), and Angela Hay and Adam Wiles (Founder, Prince William County Clubs in FCYFL).

Football Official of the Year—Youth Sports—Kanyon MacRae (Fairfax County Football Officials Association).

Karl Davey Community Achievement Award—Jasmine Faubert (Volunteer, Herndon Optimist Club, FCYFL).

Tom Davis Meritorious Service Award—Taylor Dixon (Community Outreach Specialist, Neighborhood and Community Use).

Gene Nelson Commissioner of the Year Award—Derrick Spearman (Fort Hunt Youth Football and Cheerleading).

FCFHF \$1,500 Scholarship Recipients: Dymond Cooper (Edison HS), Matthew Pisarcik (Westfield HS), Evan Jacquez (Madison HS), Michael Tobias (West Springfield HS).

High School Players of the Year: Stephen Trivieri (Stone Bridge HS), Hayden Knudson (Hayfield HS), Devin Vandyke (South County HS), Ken Ekanem (Centreville HS), Erich "Hunter" Windmuller (Flint Hill School), John Byrd (Manassas Park HS).

High School Coaches of the Year: Gerry Pannoni (South County HS), Chris Haddock (Centreville HS).

Youth Sports Players of the Year: Aaron Lahah (Gainesville/Haymarket Football), Clark Thomas (VYI), Kenny Dodson (MYFL), Wiley Counts (VYI), Brandon Burdick (CYA), Hagan Biddison (SCAA), Brandon Hilton (Fort Belvoir Youth Sports), Hunter Baldwin (FHYAA), Wil-

liam Cusic (FHYAA), Zach Burdick (CYA), Nathanael Lomboy (APYFL), Benjamin Garcia (LFFL), Kyle Richbourg (SYA), Bryce Simpson (Alexandria Rec), Andrew Fall (BRYC), Tyler Scanlon (SYA).

Youth Sports Coaches of the Year: Thomas Digges (MYF), John Hetzer (MYF), Jim McGrath (VYI), Steve Ross (LFFL).

Youth Sports Cheerleaders of the Year: Lakyn Fearson (APYFL), Agnis Alessandrino (Herndon Optimists), Samantha Culin (SYI), Graciela Perez (SYA), Keenan Patricia Parker (VYI).

Mr. Speaker, I ask that my colleagues join me in congratulating the Fairfax County Youth Football League as well as those students, coaches and community leaders who are being honored at this 2012 Hall of Fame celebration.

**MORE DEMOCRATIC SETBACKS IN UKRAINE**

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. SMITH of New Jersey. Mr. Speaker, last week, former Ukrainian Interior Minister Yuriy Lutsenko was sentenced to four years imprisonment in yet another politically motivated trial. This comes after the imprisonment—also the result of an unfair trial on specious charges—of his ally, former Prime Minister Yuliya Tymoshenko, who continues to languish in prison in ill health.

The sentencing of Mr. Lutsenko is a further confirmation that the regime of President Viktor Yanukovich is not taking its OSCE human rights and democracy obligations seriously. The imprisonment of opposition leaders Tymoshenko and Lutsenko prohibits their participation in October's parliamentary elections, raising serious questions about whether Ukraine will meet OSCE election standards. This could be especially troubling given Ukraine's assumption of the OSCE Chairmanship in January, 2013, two months after these elections. As Chairman of the Helsinki Commission, it is also of concern to me and my colleagues, who have long advocated an independent, democratic, and free Ukraine.

Mr. Lutsenko's conviction is disconcerting in that it starkly illustrates the deterioration of human rights, democracy and the rule of law under the presidency of Viktor Yanukovich, who has pressed the pause button on Ukraine's once-promising advance towards democracy—and increasingly it seems he is switching to the reverse button. Instead, what we now see is something increasingly reminiscent of the kind of authoritarianism that exists in Russia, Belarus and elsewhere in the post-Soviet space.

Ukraine's democratic backsliding is harming relations with the EU and the United States, and both have repeatedly made clear that for relations to improve, respect for human rights and the democratic process must improve. Most importantly, this now two-year deterioration negatively affects the Ukrainian people, who, following the Orange Revolution, had tasted the fruits of freedom, and are now increasingly experiencing the burden of its undoing.

It is time for President Yanukovich to show respect for the dignity of his own people by

putting an end to political prosecutions and other reprisals against those who oppose him and allow their full participation in political life. In order to find credibility with both the Ukrainian people and the international community, he must end restrictions on freedom of speech and association and reverse the debilitating corruption and judicial subservience to the executive which has so eroded the rule of law.

Mr. Speaker, the time has come for the Ukrainian authorities to stop their slide to authoritarianism and resulting isolation which will only harm Ukrainians who for so long—and at such great cost—have struggled for freedom, dignity and justice.

RECOGNIZING FAIRFAX COUNTY  
PUBLIC SCHOOLS TEACHERS FOR  
PARTICIPATING IN THE SALLY  
RIDE SCIENCE ACADEMY

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize a select group of math and science teachers from Fairfax County Public Schools. They recently participated in the Sally Ride 2011 Science Academy in San Diego.

The Academy is an intense one-week professional development program in which elementary and middle school teachers learn new skills for introducing students to STEM (Science, Technology, Engineering, and Math) and educating their students about the diverse education and career opportunities in those fields. The Academy uses a train-the-trainer model, in which participants return to their school districts to train other teachers during the school year. Sally Ride Science, founded by the first American woman in space, operates the Academy in partnership with ExxonMobil, which has one of its corporate headquarters in Fairfax County.

With only 29% of American 4th graders and 33% of 8th graders performing at proficient levels in science, we need to redouble our efforts in the STEM fields, particularly to recruit more girls and minorities. In today's economy, 8 of the 10 fastest growing jobs require proficiency in math and science, yet American universities rank 27th among developed nations with respect to the number of students graduating with science or engineering degrees.

Thanks to the work of the Sally Ride Science Academy, these and other teachers now have additional training and skills to assist them in encouraging more of our young people to become excited about science and math. I am pleased to recognize the following Fairfax County Public Schools teachers for participating in the Academy: Heather McCarthy, Lynnette Harris, Luann Hoyseth, Lauren Bello, Jodi Hepner, Danielle Heffron, Alane Peragallo, Shannon Waite, and Holly Eelman. To date, the Sally Ride Science Academy has successfully trained more than 650 educators spanning 16 States, and they have returned to their perspective districts to train an additional 4,400 teachers.

Mr. Speaker, I ask my colleagues to join me in recognizing these remarkable teachers for their efforts to change the way math and

science are taught in our classrooms and for improving the quality of education for youngsters in our community.

CONGRATULATING MEME OMOGBAI  
FOR BEING NAMED CHAIR OF  
THE AMERICAN ASSOCIATION OF  
MUSEUMS

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. LANCE. Mr. Speaker, I rise today to congratulate Meme Omogbai, Chief Operating Officer of The Newark Museum, on being named Chair of the American Association of Museums. This is an unprecedented honor for The Newark Museum in Newark, New Jersey. Prior to her election, Omogbai served the AAM in many capacities including as co-author of its ground-breaking strategic plan.

Ms. Omogbai was born in Nigeria and moved to the United States as a child. She obtained both a Bachelor of Science degree in accountancy and an M.B.A. in finance and management consultancy from Rutgers University. She has a keen interest in public service and pursued opportunities in New Jersey state government. During her 10-year tenure with the state she became the youngest deputy assistant chancellor of the NJ Department of Higher Education.

Ms. Omogbai was part of the team that developed the widely acclaimed NJ College Loan to Assist State Students Program while overseeing \$6.5 billion in assets and crafting legislation as a policy adviser in the state treasurer's office. She also worked with the Casino Control Commission.

Ms. Omogbai is a community leader with important, active roles on the boards of such organizations as the New Jersey Historic Trust, the American Association of Museums, the Advisory Board of Montclair State University, St. Vincent Academy and the Newark Regional Business Partnership.

I congratulate Meme Omogbai on being named Chair of the American Association of Museums.

RECOGNIZING THE 51ST ANNIVERSARY  
OF THE PEACE CORPS AND  
11TH DISTRICT VOLUNTEERS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, it is my great honor to rise today and recognize the Peace Corps on the 51st Anniversary of its inception. Since President John F. Kennedy's inspirational call to service in the 1960s, the Peace Corps has played an integral role in the journey toward world peace and understanding.

The Peace Corps is vital to our strategies for diplomacy and development assistance. This year alone, approximately 9,000 Peace Corps Volunteers have made significant contributions in more than 75 countries. Volunteers learn more than 175 languages and dialects with placements in Asia, Africa, Europe,

Central and South America, the Pacific Islands, the Caribbean, and the Middle East.

The effects of service ripple across a wide variety of communities. The Peace Corps not only provides invaluable assistance to the developing world, but also returns effective cross-cultural leaders to the American workforce. Through their service, volunteers develop steadfast creativity and determination that permeates through everything they do.

It is with great pleasure that I recognize the 28 residents of the 11th District of Virginia who have met this extraordinary call to service: Daniel Beale, Michael Burke, Megan Bush, Michelle Carr, Jennifer Cook, Kevin Dansereau, Emily Forsyth Queen, Carolyn Glidden, Kendall Gordon, Salwan Hager, Molly Jacobson, Brittany Kennell, Shantonu Kundu, Catherine Leitch, Laura Lloyd-Braff, Douglas Mann, Patricia Marks, Ryan MCGibony, Laura Olsen, Kristin Powers, Eric Reeder, Kristopher Reinertson, Ashley Studholme, Anh-Minh Tran, Anastasia Tucker, Emily Vallowe, Peter Weems, and Priscilla Yu.

Mr. Speaker, I ask my colleagues to join me in congratulating the Peace Corps for 51 years of invaluable service to our Nation and our world. Through its diplomatic and development service, the Peace Corps has established valuable cross-cultural understanding. Virginia's 11th District is especially proud to recognize the service of our 28 residents abroad.

PERSONAL EXPLANATION

**HON. MICHAEL R. TURNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. TURNER of Ohio. Mr. Speaker, on March 5, 2012, I was unable to vote on rollcall vote 95. Had I been present I would have voted "yea" on rollcall vote 95, on passage of H.R. 3637.

PERSONAL EXPLANATION

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. JORDAN. Mr. Speaker, I was absent from the House Floor during yesterday's roll call vote.

Had I been present, I would have voted in favor of H.R. 3637.

RECOGNIZING THE RECIPIENTS OF  
THE 2012 DALE CITY CIVIC ASSO-  
CIATION COMMUNITY AWARDS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the recipients of the 2012 Dale City Civic Association Community Awards.

The Dale City Civic Association was founded in 1967. Citizens formed the organization to give a voice to community initiatives and

collective action in Dale City. Today, the organization's purpose is to represent the interests of the residents of Dale City in a manner that benefits the entire community. Members do this with robust beautification efforts, land use advocacy and volunteer responses to community needs.

The Association hosts an annual awards banquet to honor individuals and organizations that show an exceptional devotion to their community and public service. It is my honor to enter into the CONGRESSIONAL RECORD the names of the recipients of the 2012 Dale City Civic Association Community Awards:

High School Teacher of the Year: Ingrid Hoffman Pery;

Middle School Teacher of the Year: Mary Lynn Thurman;

Elementary School Teacher of the Year: Margie Norman;

John D. Jenkins Youth Citizen of the Year: Donald E. Jones, Jr.;

Dale City Youth Environmental and Conservation Award: Ann Nguyen;

Kathie Feeney Nurse of the Year: Rosey Espiritu;

Prince William County Police Department, Police Officer of the Year: Officer David C. McKeown;

Dale City Volunteer Fire Department, Officer of the Year: Lieutenant Christopher Gardner, Jr.;

Dale City Volunteer Fire Department, Emergency Medical Service Provider of the Year: Technician Danielle Miller;

Dale City Volunteer Fire Department, Firefighter of the Year: Technician Tinashe Banda;

Dale City Volunteer Fire Department, "Second to None" Volunteer Community Servant Award: Irene Dell;

Prince William County Department of Fire and Rescue, Firefighter of the Year: Captain Steve Barr;

Prince William County Department of Fire and Rescue, Emergency Medical Service Provider of the Year: Lieutenant Leif Ericson;

Deputy Sheriff of the Year: Deputy Jack Richards;

Catherine Spellane Citizen of the Year: Ellen Carleton;

Kathleen K. Seefeldt Community Service Award: Jo-Ellen Benson;

Ernestine S. Jenkins Lifetime Volunteer Award: Janice Carr; and

Business of the Year: Amici's Restaurante.

Mr. Speaker, I ask that my colleagues join me in commending the winners of the 2012 Dale City Civic Association Community Awards for their dedication to building and maintaining a healthy community. Each recipient has made a tangible imprint on Dale City, and, with these awards, we hope to show them that their contributions have not gone unnoticed.

OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,491,983,252,196.46. We've added \$4,865,106,203,283.33 to our debt in 3 years. This is debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNIZING THE 2012 OFFICERS OF THE OCCOQUAN WOODBRIDGE LORTON VOLUNTEER FIRE DEPARTMENT

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the 2012 Officers of the Occoquan Woodbridge Lorton Volunteer Fire Department.

The 2012 officers and members of the board of directors are taking leadership roles in one of Northern Virginia's longest standing volunteer fire departments. The O.W.L. Volunteer Fire Department was created to address the need for organized fire response capabilities in the growing suburbs of Northern Virginia. In 1938, the Department officially formed to become the only fire department between Fredericksburg and Alexandria. In the subsequent decades O.W.L. has expanded to staff three stations and provide emergency medical services.

The members of O.W.L. are dedicated community volunteers, and the 2012 officers and directors will be diligent stewards of this tradition of service. The 250 active O.W.L. members answer 14,000 calls and serve 60,000 people each year. Their job is demanding and the hours are long, but these brave men and women are driven by their dedication to public safety and the communities that they serve. We would all do well to follow their example.

I congratulate and commend the following 2012 incoming officers:

Department Chief: James F. McAllister;

Fire Assistant Chiefs: Karl F. Fippinger,

Wayne A. Haight, David S. Halman, John M.

McGovern III, and Richard C. Slusher;

EMS Assistant Chief: Edward A. Craig;

Fire Captains: Kurt E. Bolland, Steven R.

Godin, Michael Nazionale, and Brian J. Smith,

David P. Williams, and Justin W. Witt;

EMS Captain: Richard T. Ruggieri;

Fire Lieutenants: Jonathan W. Baldwin,

Robert L. Brown, Mark A. Chandler, Jon R.

Colpitts, Joshua Culp, Ernie M. Firkin Jr., Har-

old F. Griffith, Jamieson H. Jewett, Alexander

R. Moody, Richard P. Moore, Derick N. Ondra,

and John M. Roberts;

EMS Lieutenants: Tara S. Gallant, Tammy

L. Hill, James M. McCue, Scott A. Schneider,

Kelly Shaw, and Cynthia M. Young;

Executive Vice President: Ronald D. Miller;

Admin Vice Presidents: William L. Carter,

Michael W. Clark, Henry J. Neyhouse, and

George W. Smith;

Membership Secretary: Melissa L. Payne;

Treasurer: George J. Nazionale, Jr.;

Election Officer: Valoree A. Brown;

Sergeant at Arms: Timothy S. VanDeusen;

Board of Directors: Jonathan D. Karnbach,

Thomas S. Sullivan, and Lenny G. Peters Jr.;

New Life Members: James F. McAllister, Joseph

J. Zarkauskas Jr., Derek D. Dove, and Phillip

L. Hughes Jr.

Mr. Speaker, I ask that my colleagues join me in congratulating these remarkable volun-

teers on their new positions and in thanking all members of the Occoquan Woodbridge Lorton Volunteer Fire Department for the vital service they provide to the Prince William community. Stay safe.

HONORING PATRICIA SMITH OF LEBANON ON HER RETIREMENT FROM THE FARM SERVICE AGENCY

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. COURTNEY. Mr. Speaker, I rise today to offer my heartiest congratulations and thanks to Patricia Smith of Lebanon for her more than three decades of service to farmers in eastern Connecticut. This past December, Pat retired after 31 years of working for the U.S. Department of Agriculture Farm Service Agency's Connecticut office.

After graduating from Norwich Free Academy, Pat began working at the Groton Sub Base. She later worked in Boston at the Naval Shipyards, a rural letter carrier in Lebanon, Connecticut and also at the Social Security office in Willimantic, Connecticut. Always a dedicated public servant, Pat worked hard to serve the people of eastern Connecticut in her various capacities. In 1980, Pat was hired by current Connecticut Farm Service Agency Executive Director Marsha Jette to serve as a Program Technician assisting farmers in eastern Connecticut.

Pat's experience as a herdsman on her brother Nathan R. Cushman's farm gave her the hands-on experience she needed to provide dedicated and timely service to her fellow farmers. At the time she began working for USDA in 1980, Pat also milked 16–20 Brown Swiss cows that she kept at her residence that belonged to her and her daughter Julie who was actively involved in the 4-H program.

Pat's dedication to her work never wavered despite the challenging times dairy farmers and others in Connecticut faced during her three decades at USDA. While Pat's retirement has left a void that will not easily be filled at the Farm Service Agency office, she continues her service through volunteer efforts at the New London County Farm Service Agency office. Always the dedicated public servant, Pat Smith's experience and care for her fellow farmers will be sorely missed as she moves from full time work to volunteering for farmers in Connecticut. I ask that my colleagues join me in congratulating Pat on her retirement and wish her well in her continued efforts.

RECOGNIZING PRINCE WILLIAM COUNTY PUBLIC SCHOOLS TEACHERS WHO HAVE ACHIEVED NATIONAL BOARD CERTIFICATION

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the 21 Prince William County

Public Schools teachers who recently received certification from the National Board for Professional Teaching Standards. The National Board is an independent nonprofit organization governed by classroom teachers, school administrators, school board leaders, governors and state legislators, higher education officials, teacher union leaders, and business and community leaders.

These teachers have met the standards established by the National Board and have undergone a rigorous application process that required they demonstrate the knowledge, skills and accomplishments that comprise teaching excellence. A Board Certified teacher supports a vision of teaching based on the following five core principles:

1. Teachers are committed to students and their learning;
2. Teachers know the subjects they teach and how to teach those subjects to students;
3. Teachers are responsible for managing and monitoring student learning;
4. Teachers think systematically about their practice and learn from experience; and
5. Teachers are members of learning communities.

I extend my personal congratulations to the recent class of National Board Certified Teachers:

Ms. Laura Deering—Battlefield High School;  
 Ms. Susan Dommer—Stonewall Middle School;  
 Ms. Michelle Esmacher—Lake Ridge Middle School;  
 Ms. Amanda Esteban—Battlefield High School;  
 Ms. Crystal Figueroa—Triangle Elementary School;  
 Mr. Jason Fox—Hylton High School;  
 Mr. Mark Groom—Swans Creek Elementary School;  
 Ms. Erica Ippoliti—Rosa Parks Elementary School;  
 Ms. Michelle Marrero—Freedom High School;  
 Ms. Megan Martin—Henderson Elementary School;  
 Ms. Kristin McKittrick-Rojas—Benton Middle School;  
 Ms. Catherine Naujoks—Coles Elementary School;  
 Ms. Diana Pool—Battlefield High School;  
 Ms. Kelly Pratte—Rosa Parks Elementary School;  
 Ms. Ann Reighard—Rosa Parks Elementary School;  
 Mr. Mark Rendell—T. Clay Wood Elementary School;  
 Ms. Ramona Richardson—Coles Elementary School;  
 Ms. Karen Roth—Antietam Elementary School;  
 Ms. Amanda Shaw—Signal Hill Elementary School;  
 Ms. Amanda Taylor—Gainesville Middle School; and  
 Ms. Jacquelynn Zanghi—Ellis Elementary School.

Mr. Speaker, I ask that my colleagues join me in commending these teachers for their commitment to education and professional development. Prince William County Public Schools delivers a world class education due to the tireless efforts of teachers who make excellence the standard.

TRIBUTE TO ELIZABETH McCANTS  
 RAVENELL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an everyday hero, whose abiding faith led her to a remarkable life of Christian service. Deaconess Elizabeth McCants Ravenell passed from this life on February 12, 2012, but her legacy lives on in everyone she touched.

Elizabeth McCants Ravenell was born on November 25, 1922 in Moncks Corner, South Carolina. She attended the public schools of Charleston County, but her calling was a Christian education. She earned certificates from the House of God Academy and Bible College and a degree from the Moody Bible Institute.

Mrs. Ravenell was a devout Christian, and devoted her life to her family and her faith. She first joined the Mt. Olive Baptist Church in North Charleston in 1943. Two years later, she and her husband joined the House of God—Keith Dominion, when their oldest child, Mary Elizabeth was just one year old.

As a member of the House of God, Mrs. Ravenell served in many capacities. She was a part of the National Complex committee, Deacons Union, Chief Overseer's Anniversary Committee, and the International Missionary Outreach Society.

She sailed the Mediterranean Sea, ministering in Madrid, Spain as a guest of a community church her daughter, Margaret Catherine, organized. She represented the Piedmont Diocese of South Carolina in Mississippi. Mrs. Ravenell also took many visitors to the church's General Assembly in Nashville, Tennessee, and provided food, clothes and shelter for many of them.

She met her husband, James L. Ravenell in Charleston, South Carolina. The couple had six children, and numerous grandchildren, great grandchildren and great-great grandchildren. Mrs. Ravenell was also "mother" to all of the children of the church. Children gave her the greatest joy in life, and she doted on all of them. I met Ms. Ravenell soon after marrying into the McCants family over 50 years ago. We became fast friends and remained so until her death.

Mr. Speaker, I ask that you and our colleagues join me in celebrating an abundant life well lived. Elizabeth Ravenell was a dear

friend of the family and light to all who knew her. She radiated her Christian faith and spent her life doing good works. While her presence will be missed, she has left the world a better place because of her devotion and service to others.

RECOGNIZING THE 22ND ANNUAL  
 DR. MARTIN LUTHER KING JR.  
 YOUTH ORATORICAL COMPETITION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 6, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the 22nd Annual Dr. Martin Luther King Jr. Youth Oratorical Competition hosted by the Prince William Alumnae Chapter of Delta Sigma Theta Sorority, Inc. and its Education Foundation.

The Reverend Dr. Martin Luther King Jr. left an indelible mark on our nation in his pursuit of civil rights through civil dialogue. Despite the violence perpetrated against Dr. King and other leaders of the Civil Rights Movement, Dr. King responded with reverent oratory and nonviolent resistance to condemn the injustice of social inequality. His legacy is one of tolerance and steadfast commitment to principled and peaceful communication.

Contestants in the MLK Youth Oratorical Contest pay tribute to Dr. King's legacy with their ability to exercise the strength of the spoken word. This skill will serve them well as they seize future leadership opportunities and forge the personal relationships necessary for effective community engagement and organizing.

I congratulate and applaud the following contestants of the 22nd Annual Dr. Martin Luther King, Jr. Youth Oratorical Competition:

Middle School Contestants

Jonathan Adrien—Porter School;  
 Jacob Gonzalez—Parkside Middle School;

Nicolas Smith—Benton Middle School.

High School Contestants

Sadiyah Faruk—Gar-Field High School;  
 Ebonee Johnson—Manassas Park High School;

Seth Opoku-Yeboah—Osborn Park High School.

Mr. Speaker, I ask that my colleagues join me in commending Delta Sigma Theta Sorority, Inc. for recognizing the benefit that Dr. King's teachings bring to the development of our youth. We lay the foundations of a more tolerant society when we nurture the ability to engage and communicate with one another in a way that respects our common humanity.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S1401–S1432*

**Measures Introduced:** Ten bills and one resolution were introduced, as follows: S. 2156–2165, and S. Res. 389. **Page S1422**

#### Measures Passed:

**Counterfeit Drug Penalty Enhancement Act:** Senate passed S. 1886, to prevent trafficking in counterfeit drugs, after agreeing to the following amendment proposed thereto: **Page S1431**

Durbin (for Leahy/Grassley) Amendment No. 1808, in the nature of a substitute. **Page S1431**

**National Asbestos Awareness Week:** Senate agreed to S. Res. 389, designating the first week of April 2012 as “National Asbestos Awareness Week”. **Pages S1431–32**

#### Measures Considered:

**Moving Ahead for Progress in the 21st Century—Agreement:** Senate resumed consideration of S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, taking action on the following amendments proposed thereto: **Pages S1407–10, S1413–17**

##### Pending:

Reid Amendment No. 1761, of a perfecting nature. **Page S1407**

Reid Amendment No. 1762 (to Amendment No. 1761), to change the enactment date. **Page S1407**

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid Amendment No. 1763, to change the enactment date. **Page S1407**

Reid Amendment No. 1764 (to (the instructions) Amendment No. 1763), of a perfecting nature. **Page S1407**

Reid Amendment No. 1765 (to Amendment No. 1764), of a perfecting nature. **Page S1407**

During consideration of this measure today, Senate also took the following action:

By 52 yeas to 44 nays (Vote No. 25), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion

to close further debate on Reid Amendment No. 1761 (listed above). **Page S1410**

Subsequently, Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on Reid Amendment No. 1761 (listed above). **Page S1410**

A unanimous-consent agreement was reached providing that the motion to invoke cloture on the bill, be withdrawn. **Page S1410**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Wednesday, March 7, 2012. **Page S1432**

**Senate Briefing—Agreement:** A unanimous-consent agreement was reached providing that the Senate recess from 5 p.m. to 6 p.m., on Wednesday, March 7, 2012, to allow for a Senators only briefing. **Page S1432**

**Nominations Confirmed:** Senate confirmed the following nominations:

By 95 yeas to 2 nays (Vote No. EX. 26), Mary Elizabeth Phillips, of Missouri, to be United States District Judge for the Western District of Missouri. **Pages S1410–13, S1432**

By 93 yeas to 4 nays (Vote No. EX. 27), Thomas Owen Rice, of Washington, to be United States District Judge for the Eastern District of Washington. **Pages S1410–13, S1432**

**Messages from the House:** **Page S1420**

**Measures Referred:** **Page S1420**

**Enrolled Bills Presented:** **Page S1420**

**Executive Communications:** **Pages S1420–22**

**Petitions and Memorials:** **Page S1422**

**Additional Cosponsors:** **Pages S1422–23**

**Statements on Introduced Bills/Resolutions:** **Pages S1423–25**

**Additional Statements:** **Pages S1418–20**

**Amendments Submitted:** **Pages S1425–30**

**Authorities for Committees to Meet:** **Pages S1430–31**

**Record Votes:** Three record votes were taken today. (Total—27)

**Pages S1410, S1413**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:58 p.m., until 10 a.m. on Wednesday, March 7, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1432.)

## Committee Meetings

*(Committees not listed did not meet)*

### DEFENSE AUTHORIZATION REQUEST AND THE FUTURE YEARS DEFENSE PROGRAM

*Committee on Armed Services:* Committee concluded a hearing to examine United States Central Command and United States Special Operations Command in review of the Defense Authorization request for fiscal year 2013 and the Future Years Defense Program, after receiving testimony from General James N. Mattis, USMC, Commander, United States Central Command, and Admiral William H. McRaven, USN, Commander, United States Special Operations Command, both of the Department of Defense.

### JOB GROWTH AND CAPITAL FORMATION

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine spurring job growth through capital formation while protecting investors, including S. 1965, to jump-start economic recovery through the formation and growth of new businesses, S. 1933, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, S. 1824, to amend the securities laws to establish certain thresholds for shareholder registration under that Act, S. 1544, to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act, and S. 1970, to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, after receiving testimony from Lynn E. Turner, former Chief Accountant, Securities and Exchange Commission, Mountain View, California; William D. Waddill, OncoMed Pharmaceuticals, Inc., Redwood City, California, on behalf of the Biotechnology Industry Organization; Jay R. Ritter, University of Florida Warrington College of Business Administration, Gainesville; Kathleen Shelton Smith, Renaissance Capital, LLC, Greenwich, Connecticut; and Timothy Rowe, Cambridge Innovation Center, Cambridge, Massachusetts.

### DEPARTMENT OF DEFENSE BUDGET

*Committee on the Budget:* Committee concluded a hearing to examine perspectives on the President's proposed budget request for fiscal year 2013 for the Department of Defense, after receiving testimony from Lieutenant General David W. Barno, USA (Ret.), Center for a New American Security, Michael O'Hanlon, Brookings Institution, and James Jay Carafano, Heritage Foundation, all of Washington, D.C.

### INVESTMENT IN RESEARCH AND DEVELOPMENT

*Committee on Commerce, Science, and Transportation:* Subcommittee on Science and Space concluded a hearing to examine keeping America competitive through investments in research and development, after receiving testimony from John P. Holdren, Director, Office of Science and Technology Policy, Executive Office of the President; Patrick D. Gallagher, Under Secretary of Commerce for Standards and Technology; Subra Suresh, Director, National Science Foundation; and Mason Peck, Chief Technologist, National Aeronautics and Space Administration.

### FOREST SERVICE BUDGET

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2013 for the Forest Service, after receiving testimony from Tom Tidwell, Chief, and Susan Spear, Acting Director of Budget, both of the Forest Service, Department of Agriculture.

### TAX REFORM OPTIONS

*Committee on Finance:* Committee concluded a hearing to examine tax reform options, focusing on incentives for capital investment and manufacturing, after receiving testimony from Jane G. Gravelle, Senior Specialist in Economic Policy, Congressional Research Service, Library of Congress; Ike Brannon, American Action Forum, Robert D. Atkinson, Information Technology and Innovation Foundation, and J. D. Foster, Heritage Foundation, all of Washington, D.C.; and Michelle Hanlon, Massachusetts Institute of Technology Sloan School of Management, Cambridge.

### INTERNATIONAL DEVELOPMENT BUDGET

*Committee on Foreign Relations:* Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2013 for international development priorities, after receiving testimony from Rajiv Shah, Administrator, United States Agency for International Development.

**NOMINATION**

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the nomination of Tony Hammond, of Missouri, to be a Commissioner of the Postal Regulatory Commission, after the nominee, who was introduced by Senator Blunt, testified and answered questions in his own behalf.

**NOMINATIONS**

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the

nominations of Mark A. Robbins, of California, to be a Member of the Merit Systems Protection Board, and Roy Wallace McLeese III, to be an Associate Judge of the District of Columbia Court of Appeals, who was introduced by Representative Norton, after the nominees testified and answered questions in their own behalf.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

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# House of Representatives

**Chamber Action**

**Public Bills and Resolutions Introduced:** 6 public bills, H.R. 4144–4149; and 2 resolutions, H. Res. 571, 573 were introduced. **Page H1209**

**Additional Cosponsors:** **Pages H1209–10**

**Reports Filed:** Reports were filed today as follows:

Supplemental report on H.R. 3606, to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies (H. Rept. 112–406, Pt. 2) and

H. Res. 572, providing for consideration of the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies (H. Rept. 112–409). **Page H1209**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Jenkins to act as Speaker pro tempore for today. **Page H1155**

**Recess:** The House recessed at 11:01 a.m. and reconvened at 12 noon. **Page H1162**

**Suspensions:** The House agreed to suspend the rules and pass the following measure:

*Applying the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries:* H.R. 4105, to apply the countervailing duty provisions of the Tariff Act of 1930 to non-market economy countries, by a yea-and-nay vote of 370 yeas to 39 nays, Roll No. 96.

**Pages H1166–73, H1178**

**Moment of Silence:** The House observed a moment of silence in memory of the late Honorable Donald

M. Payne, a Representative from the State of New Jersey. **Page H1179**

**In Memory of the late Honorable Donald Payne of New Jersey:** The House agreed to H. Res. 571, expressing the condolences of the House on the death of the Honorable Donald M. Payne, a Representative from the State of New Jersey. **Page H1179**

**Whole Number of the House:** The Chair announced to the House that, in light of the passing of Representative Payne of New Jersey, the whole number of the House is adjusted to 433. **Page H1179**

**Bureau of Reclamation Small Conduit Hydro-power Development and Rural Jobs Act:** The House began consideration of H.R. 2842, to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law. Further proceedings were postponed.

**Pages H1173–78, H1179–90**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H1186**

Agreed to:

Tipton amendment (No. 2 printed in the Congressional Record of March 5, 2012) that strikes “2011” and inserts “2012” in section 1. **Page H1187**

Rejected:

Ellison amendment (No. 3 printed in the Congressional Record of March 5, 2012) that sought to state that section 2 of the bill and the amendments made by section 2 should not take effect unless the Secretary finds that such section and amendments, if in effect, shall not result in a net loss of jobs.

**Pages H1188–90**

**Proceedings Postponed:**

Napolitano amendment (No. 1 printed in the Congressional Record of March 5, 2012) that seeks to strike the exemption for small conduit hydro-power development from the National Environmental Policy Act of 1969. **Pages H1187–88**

H. Res. 570, the rule providing for consideration of the bill, was agreed to by voice vote after the previous question was ordered by a yea-and-nay vote of 232 yeas to 177 nays, Roll No. 97. **Pages H1179–80**

**Quorum Calls—Votes:** Two yea-and-nay votes developed during the proceedings of today and appear on pages H1178 and H1179–80. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and at 6:48 p.m., pursuant to the provisions of H. Res. 571, it stands adjourned in memory of the late Honorable Donald Payne.

## Committee Meetings

### APPROPRIATIONS—U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

*Committee on Appropriations:* Subcommittee on State Foreign Operations, and Related Programs held a hearing on FY 2013 Budget Request for the U.S. Agency for International Development. Testimony was heard from Rajiv Shah, Administrator, USAID.

### APPROPRIATIONS—BUREAU OF LAND MANAGEMENT

*Committee on Appropriations:* Subcommittee on Interior, Environment, and Related Agencies held a hearing on FY 2013 Budget for the Bureau of Land Management. Testimony was heard from Robert Abbey, Director, Bureau of Land Management; and Karen Mouritsen, Budget Officer.

### APPROPRIATIONS—DEPARTMENT OF AGRICULTURE

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on FY 2013 Budget Request for the Department of Agriculture. Testimony was heard from the following Department of Agriculture officials: Ed Avalos, Under Secretary, Marketing and Regulatory Programs; Gregory L. Parham, Administrator, Animal and Plant Health Inspection Service; Alan Christian, Acting Administrator, Grain, Inspection Packers and Stockyards; Robert Keeney, Acting Administrator, Agricultural Marketing Service; and Michael Young, Budget Officer.

### APPROPRIATIONS—AIR FORCE BUDGET

*Committee on Appropriations:* Subcommittee on Defense held a hearing on FY 2013 Budget Request for the U.S. Air Force. Testimony was heard from Michael B. Donley, Secretary of the Air Force; and General Norton A. Schwartz, Chief of Staff, Air Force.

### APPROPRIATIONS—NATIONAL SCIENCE FOUNDATION

*Committee on Appropriations:* Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on FY 2013 Budget Request for the National Science Foundation. Testimony was heard from Subra Suresh, Director, National Science Foundation.

### APPROPRIATIONS—U.S. COAST GUARD BUDGET

*Committee on Appropriations:* Subcommittee on Homeland Security held a hearing on FY 2013 Budget Request for the U.S. Coast Guard. Testimony was heard from Admiral Robert J. Papp, Jr., Commandant, U.S. Coast Guard.

### APPROPRIATIONS—SECURITIES AND EXCHANGE COMMISSION

*Committee on Appropriations:* Committee on Financial Services held a hearing on FY 2013 Budget Request for the Securities and Exchange Commission. Testimony was heard from Mary L. Schapiro, Chairman, Securities and Exchange Commission.

### APPROPRIATIONS—NATIONAL NUCLEAR SECURITY ADMINISTRATION

*Committee on Appropriations:* Subcommittee on Energy and Water Development, and Related Agencies held a hearing on FY 2013 Budget Request for the Nuclear Nonproliferation and Naval Reactors and National Nuclear Security Administration. Testimony was heard from the following National Nuclear Security Administration officials: Thomas D'Agostino, Administrator; Anne Harrington, Deputy Administrator for Defense Nuclear Nonproliferation; and Admiral Kirkland Donald, Director, Naval Reactors.

### APPROPRIATIONS—U.S. GEOLOGICAL SURVEY

*Committee on Appropriations:* Subcommittee on Interior, Environment, and Related Agencies held a hearing on FY 2013 Budget Request for the U.S. Geological Survey. Testimony was heard from Marcia K. McNutt, Director, U.S. Geological Survey; Suzzette Kimball, Deputy Director, U.S. Geological Survey; and Carla Burzyk, Director, Office of Budget, Planning, and Integration, U.S. Geological Survey.

## APPROPRIATIONS—HEALTH AND HUMAN SERVICES

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, Education, and Related Agencies held a hearing on FY 2013 Budget Request for Health and Human Services. Testimony was heard from Kathleen Sebelius, Secretary, Department of Health and Human Services.

## APPROPRIATIONS—BUREAU OF PRISONS

*Committee on Appropriations:* Commerce, Justice, Science, and Related Agencies held a hearing on FY 2013 Budget request for the Bureau of Prisons. Testimony was heard from Charles E. Samuels, Jr., Director, Bureau of Prisons.

## U.S. SOUTHERN COMMAND AND U.S. NORTHERN COMMAND

*Committee on Armed Services:* Full Committee held a hearing on Fiscal Year 2013 National Defense Authorization Budget Requests from U.S. Southern Command and U.S. Northern Command. Testimony was heard from General Douglas M. Fraser, USAF Commander, U.S. Southern Command; and General Charles H. Jacoby, Jr., Commander, U.S. Northern Command and North American Aerospace Defense Command.

## MILITARY PERSONNEL BUDGET OVERVIEW

*Committee on Armed Services:* Subcommittee on Military Personnel held a hearing on military personnel budget overview—service personnel chiefs' perspectives. Testimony was heard from Lieutenant General Thomas P. Bostick, USA, Deputy Chief of Staff, G-1, U.S. Army; Vice Admiral Scott R. Van Buskirk, USN, Chief of Naval Personnel, Deputy Chief of Naval Operations, U.S. Navy; Sheryl E. Murray, Assistant Deputy Commandant for Manpower and Reserve Affairs, U.S. Marine Corps; and Lieutenant General Darrell D. Jones, USAF, Deputy Chief Staff, Manpower and Personnel, U.S. Air Force.

## NATIONAL DEFENSE AUTHORIZATION

*Committee on Armed Services:* Subcommittee on Strategic Forces held a hearing on the Fiscal Year 2013 National Defense Authorization Budget Request for Missile Defense. Testimony was heard from Bradley H. Roberts, Deputy Assistant Secretary of Defense, Nuclear and Missile Defense Policy, Office of the Secretary of Defense; Lieutenant General Patrick O'Reilly, USA, Director, Missile Defense Agency; David G. Ahern, Deputy Assistant Secretary of Defense, Portfolio Systems Acquisition, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; and J. Michael Gilmore, Di-

rector, Operational Test and Evaluation, Office of the Secretary of Defense.

## MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Full Committee held a markup of the following: H.R. 452, the "Medicare Decisions Accountability Act of 2011"; H.R. 3309, the "Federal Communications Commission Process Reform Act"; and H.R. 3310, the "Federal Communications Commission Consolidated Reporting Act". The bills were ordered reported, as amended.

## MISCELLANEOUS MEASURE

*Committee on Financial Services:* Full Committee held a markup of "Approval of Views and Estimates of the Committee on Financial Services on matter to be set forth in the Concurrent Resolution on the Budget for Fiscal Year 2013". The legislation was passed, as amended.

## TERRORIST AND THE VISA OVERSTAY PROBLEM

*Committee on Homeland Security:* Subcommittee on Border and Maritime Security held a hearing entitled "From the 9/11 Hijackers to Amine el-Khalifi: Terrorists and the Visa Overstay Problem". Testimony was heard from John Cohen, Deputy Counter-Terrorism Coordinator, Department of Homeland Security; Peter T. Edge, Deputy Associate Director, Homeland Security Investigation, Immigration and Customs Enforcement, Department of Homeland Security; and David Dohahue, Deputy Assistant Secretary of State for Consular Affairs, Department of Homeland Security.

## CHEMICAL FACILITIES ANTI-TERRORISM STANDARDS PROGRAM

*Committee on Homeland Security:* Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held a hearing entitled "The Chemical Facilities Anti-Terrorism Standards Program: Addressing Its Challenges and Finding a Way Forward". Testimony was heard from Rand Beers, Under Secretary, National Protection and Programs Directorate, Department of Homeland Security; Penny J. Anderson, Director, Infrastructure Security Compliance Division, Office of Infrastructure Protection, Department of Homeland Security; David Wulf, Deputy Director, Infrastructure Security Compliance Division, Office of Infrastructure Protection, Department of Homeland Security; and public witnesses.

**MISCELLANEOUS MEASURE**

*Committee on the Judiciary:* Full Committee held a markup of H.R. 4119, the “Board Tunnel Prevention Act of 2012”. The bill was ordered reported without amendment.

**EFFECTS OF THE PRESIDENT’S FY 2013 BUDGET AND LEGISLATIVE PROPOSALS FOR THE OFFICE OF SURFACE MINING**

*Committee on Natural Resources:* Subcommittee on Energy and Mineral Resources held a hearing on “Effect of the President’s FY2013 Budget and Legislative Proposals for the Office of Surface Mining on Private Sector Job Creation, Domestic Energy Production, State Programs and Deficit Reduction”. Testimony was heard from Joseph Pizarchik, Director, Office of Surface Mining Reclamation and Enforcement; Gregory E. Conrad, Executive Director, Interstate Mining Compact Commission; and public witnesses.

**PRESIDENT’S FY 2013 BUDGET REQUEST FOR NOAA, OIA, AND FISH AND WILDLIFE SERVICE**

*Committee on Natural Resources:* Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs held a hearing on “Spending for the National Oceanic and Atmospheric Administration, the Office of Insular Affairs, the U.S. Fish and Wildlife Service and the President’s Fiscal Year 2013 Budget Request for these Agencies”. Testimony was heard from Jane Lubchenco, Undersecretary of Commerce for Oceans and Atmosphere, Administrator, National Oceanic and Atmospheric Administration; Dan Ashe, Director, U.S. Fish and Wildlife Service; and Tom Bussanich, Director of Budget, Office of Insular Affairs.

**INDIAN HEALTH SERVICE AND OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS BUDGET REQUEST**

*Committee on Natural Resources:* Subcommittee on Indian and Alaska Native Affairs held a hearing entitled “2013 Budget Request of the Indian Health Service and of the Office of Special Trustee for American Indians”. Testimony was heard from Yvette Roubideaux, Director, Indian Health Service; Michele F. Singer, Acting Principal Deputy Special Trustee, Department of the Interior; and public witnesses.

**PROS AND CONS OF MAKING THE CENSUS BUREAU’S AMERICAN COMMUNITY SURVEY VOLUNTARY**

*Committee on Oversight and Government Reform:* Subcommittee on Health Care, District of Columbia, Census and the National Archives held a hearing en-

titled “The Pros and Cons of Making the Census Bureau’s American Community Survey Voluntary”. Testimony was heard from Representative Poe, TX; Robert Groves, Director, U.S. Census Bureau; and public witnesses.

**REOPENING AMERICAN CAPITAL MARKETS TO EMERGING GROWTH COMPANIES ACT OF 2011**

*Committee on Rules:* Full Committee held a hearing on H.R. 3606, the “Reopening American Capital Markets to Emerging Growth Companies Act of 2011”. The Committee, granted by voice vote, a structured rule providing one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill. The rule provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–17 shall be considered as adopted and the bill, as amended, shall be considered as original text for the purpose of amendment and shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule makes in order only those further amendments printed in the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Capito; Schweikert; Frank, MA; and Waters.

**BUDGET OVERVIEW OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY**

*Committee on Science, Space, and Technology:* Subcommittee on Technology and Innovation held a hearing entitled “An Overview of the National Institute of Standards and Technology Budget for Fiscal Year 2012”. Testimony was heard from Patrick Gallaher, Under Secretary of Commerce for Standards and Technology and Director, National Institute of Standards and Technology.

**BUDGET OVERVIEW OF NOAA AND EPA**

*Committee on Science, Space, and Technology:* Subcommittee on Energy and Environment held a hearing entitled “An Overview of the National Oceanic

and Atmospheric Administration and the Environmental Protection Agency Budgets for Fiscal Year 2013". Testimony was heard from Jane Lubchenko, Administrator, National Oceanic and Atmospheric Administration; and Lek Kadeli, Acting Assistant Administrator, Office of Research and Development, Environmental Protection Agency.

#### DEPARTMENT OF VETERANS' AFFAIRS DUBIOUS CONTRACTING PRACTICES: SAVANNAH

*Committee on Veterans' Affairs:* Subcommittee on Oversight and Investigations held a hearing entitled "VA's Dubious Contracting Practices: Savannah". Testimony was heard from Robert L. Neary, Acting Director, Office of Construction and Facilities Management, Department of Veterans' Affairs; and public witnesses.

#### INDEPENDENT PAYMENT ADVISORY BOARD AND MEDICARE

*Committee on Ways and Means:* Subcommittee on Health held a hearing on how the Independent Payment Advisory Board (IPAB) will impact the Medicare program, its beneficiaries, and health care providers. Testimony was heard from public witnesses.

### Joint Meetings

No joint committee meetings were held.

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#### COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 7, 2012

(Committee meetings are open unless otherwise indicated)

##### Senate

*Committee on Agriculture, Nutrition, and Forestry:* To hold hearings to examine healthy food initiatives, local production, and nutrition, 9:30 a.m., SH-216.

*Committee on Appropriations:* Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of Health and Human Services, 10 a.m., SD-124.

Subcommittee on Department of Defense, to hold hearings to examine proposed budget estimates for fiscal year 2013 for the Department of the Navy, 10:30 a.m., SD-192.

*Committee on Armed Services:* To hold hearings to examine the situation in Syria; with the possibility of a closed session in SVC-217 following the open session, 9 a.m., SD-106.

*Committee on Commerce, Science, and Transportation:* To hold hearings to examine priorities, plans, and progress of the nation's space program, 10 a.m., SR-253.

Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine the President's

proposed budget request for fiscal year 2013 for the Coast Guard and the National Oceanic and Atmospheric Administration, 2:30 p.m., SR-253.

*Committee on Energy and Natural Resources:* Subcommittee on National Parks, to hold hearings to examine S. 29, to establish the Sacramento-San Joaquin Delta National Heritage Area, S. 1150, to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, S. 1191, to direct the Secretary of the Interior to carry out a study regarding the suitability and feasibility of establishing the Naugatuck River Valley National Heritage Area in Connecticut, S. 1198, to reauthorize the Essex National Heritage Area, S. 1215, to provide for the exchange of land located in the Lowell National Historical Park, S. 1589, to extend the authorization for the Coastal Heritage Trail in the State of New Jersey, S. 1708, to establish the John H. Chafee Blackstone River Valley National Historical Park, H.R. 1141, to authorize the Secretary of the Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System, H.R. 2606, to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, S. 2131, to reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, and the Delaware and Lehigh National Heritage Corridor, and S. 2133, to reauthorize the America's Agricultural Heritage Partnership in the State of Iowa, 2:30 p.m., SD-366.

*Committee on Finance:* To hold hearings to examine the President's 2012 trade agenda, 10 a.m., SD-215.

*Committee on the Judiciary:* To hold hearings to examine lending discrimination practices and foreclosure abuses, 10 a.m., SD-226.

*Committee on Veterans' Affairs:* To hold joint hearings to examine a legislative presentation from the Veterans of Foreign Wars (VFW), 10 a.m., SD-G50.

*Special Committee on Aging:* To hold hearings to examine opportunities for savings, focusing on removing obstacles for small business, 2 p.m., SD-562.

##### House

*Committee on Agriculture,* Full Committee, hearing on budget views and estimates letter of the Committee on Agriculture for the agencies and programs under jurisdiction of the Committee for FY 2013, 10 a.m., 1300 Longworth.

*Committee on Appropriations,* Subcommittee on Commerce, Justice, Science, and Related Agencies, hearing on FY 2013 Budget Request for the Federal Bureau of Investigations, 9 a.m., 2359 Rayburn.

Subcommittee on Defense, hearing on FY 2013 Budget Request for the Army, 10 a.m., H-140 Capitol.

Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, hearing on FY 2013 Budget Request for the Department of Agriculture, 10 a.m., 2362-A Rayburn.

Subcommittee on Homeland Security, hearing on FY 2013 Budget Request for Federal Emergency Management Agency, 10 a.m., 2358–A Rayburn.

Subcommittee on Energy and Water Development, and Related Agencies, hearing on FY 2013 Budget Request for Nuclear Energy and Nuclear Regulatory Commission, 10 a.m., 2362–B Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, hearing on FY 2013 Budget Request for the Bureau of Ocean Energy Management/Bureau of Safety and Environmental Enforcement Budget, 1 p.m., B–308 Rayburn.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, hearing on Installation, Environment, and BRAC, 2 p.m., H–140 Capitol.

Subcommittee on Energy and Water Development, and Related Agencies, hearing on FY 2013 Budget Request for the U.S. Army Corps of Engineers, 2 p.m., 2362–B Rayburn.

Subcommittee on Financial Services and General Government, hearing on Fiscal Year 2013 Budget Request for the Treasury Inspector General, 2 p.m., 2359 Rayburn.

*Committee on Armed Services*, Full Committee, hearing on the Fiscal Year 2013 National Defense Authorization Budget Requests from U.S. Central Command, U.S. Special Operations Command and U.S. Transportation Command, 10 a.m., 2118 Rayburn.

Subcommittee on Seapower and Projection Forces, hearing on assessing mobility airlift capabilities and operational risks under the revised 2012 defense strategy, 3:30 p.m., 2118 Rayburn.

*Committee on Energy and Commerce*, Subcommittee on Communications and Technology, hearing entitled “Cybersecurity: The Pivotal Role of Communications Networks”, 10 a.m., 2123 Rayburn.

Subcommittee on Energy and Power, hearing entitled “The American Energy Initiative: Rising Gasoline Prices”, 10:30 a.m., 2322 Rayburn.

*Committee on Financial Services*, Subcommittee on Capitol Markets and Government Sponsored Enterprises, hearing entitled “The Securities Investor Protection Corporation: Past, Present, and Future” 9:30 a.m., 2128 Rayburn.

*Committee on Foreign Affairs*, Full Committee, markup of the following: H.R. 2106, the “Syria Freedom Support Act”; H.R. 890, the “Holocaust Insurance Accountability Act of 2011”; H.R. 1410 the “Vietnam Human Rights Act of 2011”; H.R. 3783, the “Countering Iran in the Western Hemisphere Act of 2012”; H.R. 4041, the “Export Promotion Reform Act”; and S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the Inter-

national Civil Aviation Organization (ICAO), 10 a.m., 2172 Rayburn.

Subcommittee on Terrorism, Nonproliferation, and Trade, hearing entitled “The State Department’s Reward Programs: Performance and Potential”, 2 p.m., 2127 Rayburn.

*Committee on Homeland Security*, Subcommittee on Transportation Security, markup of H.R. 2179, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to United Service Organization, Incorporated, and for other purposes, 10:30 a.m., 311 Cannon.

*Committee on the Judiciary*, Subcommittee on Crime, Terrorism, and Homeland Security, hearing entitled “The Prescription Drug Epidemic in America”, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration Policy and Enforcement, hearing on H.R. 3808, the “Scott Gardner Act”, 1:30 p.m., 2141 Rayburn.

*Committee on Natural Resources*, Full Committee, hearing entitled “The Council on Environmental Quality’s Fiscal Year 2013 Funding Request and the Effects on NEPA, National Ocean Policy and Other Federal Environmental Policy Initiatives”, 10 a.m., 1324 Longworth.

*Committee on Science, Space, and Technology*, Full Committee, hearing entitled “An Overview of the National Aeronautics and Space Administration Budget for Fiscal Year 2013”, 2 p.m., 2318 Rayburn.

*Committee on Small Business*, Full Committee, markup of the following: Views and Estimates on the Small Business Administration’s FY 2013 budget request; H.R. 3850, the “Government Efficiency through Small Business Contracting Act of 2012”; H.R. 3851, the “Small Business Advocate Act of 2012”; H.R. 3893, the “Subcontracting Transparency and Reliability Act of 2012”; H.R. 3980, the “Small Business Opportunity Act of 2012”; H.R. 4118, the “Small Business Procurement Improvement Act of 2012”; and H.R. 4121, the “Early Stage Small Business Contracting Act of 2012”, 1 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Coast Guard and Maritime Transportation, hearing entitled “Protecting Maritime Jobs and Enhancing Marine Safety in the Post-Budget Control Act Fiscal Environment: A Review of the Administration’s Fiscal Year 2013 Coast Guard and Maritime Transportation Budget Request”, 10 a.m., 2167 Rayburn.

*Committee on Ways and Means*, Full Committee, hearing entitled “Closely-Held Businesses in the Context of Tax Reform”, 10 a.m., 1100 Longworth.

*Next Meeting of the SENATE*

10 a.m., Wednesday, March 7

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, March 7

## Senate Chamber

**Program for Wednesday:** After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 1813, Moving Ahead for Progress in the 21st Century.

*(Senate will recess from 5 p.m. until 6 p.m. for a Senators only briefing.)*

## House Chamber

**Program for Wednesday:** Complete consideration of H.R. 2842—Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act. Begin consideration of H.R. 3606—Reopening American Capital Markets to Emerging Growth Companies Act (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

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# Congressional Record

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