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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC.
November 2, 2011.

I hereby appoint the Honorable ERIK PAULSEN to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

UMWA UPPER BIG BRANCH REPORT

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

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, last week the United Mine Workers of America released the results of their investigation into the deadliest coal mine tragedy in four decades. The report describes the conditions on April 5, 2010 in Massey Energy's Upper Big Branch mine that led to a colossal explosion killing 29 miners. It confirms the findings of two other independent investigations.

In short, Massey's failure to eliminate explosive coal dust throughout the mine converted an otherwise manageable methane fire into a catastrophic explosion. The force of this explosion traveled more than 7 miles underground, destroying everything in its path. Miles of coal belts were decimated, railroad tracks were twisted like pretzels, and massive mining equipment was tossed underground like lawn furniture during a hurricane.

The report noted that in the 15 months before the explosion, the mine was cited 645 times for violations of mine safety laws. They faced $1.2 million in potential fines. However, rather than improving safety, Massey challenged three-quarters of the fines. And in the month before the explosion, miners had asked that the accumulation of explosive coal dust be addressed 560 times. However, management only responded 65 times.

The Upper Big Branch mine was literally a powder keg. The mine workers' investigation concluded that 29 miners died because of a corrupt corporate culture that put production ahead of human life. Massey Energy's top management was well aware of the conditions at Upper Big Branch mine. They knew of the mountains of citations for dangerous conditions, but all they had to do was file an appeal to get Federal safety officials to back off.

Massey also obstructed mine safety inspections by illegally alerting operations of an inspector on the property so they could cover up any noticeable problems. And management knew that workers were complaining about the conditions below ground. But all Massey had to do was remind these miners that they were free to find other employment if they continued to speak up.

Corporate officers didn't mince words when it came to production over safety. In a ''RUN COAL'' memo from CEO Don Blankenship in 2005, he told his workers their only concern was to produce coal. The message was clear from the very top: produce coal, disregard safety problems or find another job. Miners of Upper Big Branch and other Massey mines have told Congress and investigators similar stories. To enforce their perverse philosophy, top management demanded reports every 30 minutes on how much their mines were producing.

It is clear that Massey Energy management actively disregarded their workers' health and safety. Unfortunately, the knowing violation of a mandatory health and safety standard is only a misdemeanor, no matter how many miners are killed. This kind of conduct needs to be made a felony, but efforts to increase sanctions have been stifled by the mining industry's lobby. Instead of being held accountable for the decisions that caused 29 deaths, Massey Energy executives got a massive $195 million payout when they sold off their company, according to the United Mine Workers report.

Even though Don Blankenship was forced to resign following the Upper Big Branch tragedy, he pocketed $86 million in the golden parachute when 29 of the miners under his jurisdiction and responsibility were killed. If you wonder why people are talking about the 1 percent and the 99 percent, the 99 percent in the mine had their lives put in danger every day they went to work for Massey. And every day they questioned it, they were threatened with job loss. But the 1 percent—the 1 percent—walked away with $195 million for overseeing one of the most dangerous mining operations in the history of this country.

What about the families of the breadwinners of the 99 percent? They lost their breadwinner, they lost their husband, they lost their father, and they lost their brother. Now we understand

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the disparity that motivates people to occupy Wall Street. We know why people are occupying hometowns all over the country. We understand this. But we also know that these miners had to simply go to work. This was the job that was available to them, but they were ridden roughshod over by Massey.

These families are now simply left to pick up the pieces of their shattered lives and may receive some scraps later on in some final determination. It's a familiar story in an era where Wall Street companies and their executives took big payouts after wrecking our economy. But Massey Energy executives' decisions resulted in the destruction of 29 lives and 29 families. This makes Massey's payout even more disgusting.

Massey Energy was recently sold to Alpha Natural Resources. I have been personally assured that these corrupt practices won't reappear with the new owner. However, there are some troubling contradictions that merit a careful watch. Despite stating their intention to fully cooperate with the government investigations, Alpha has been keeping some senior Massey managers who have invoked their Fifth Amendment rights. And Alpha's recent actions to fight potential pattern of violation sanctions at former Massey mines don't set well either.

Yes, mining is a dangerous job; but not every mining company operates like Massey, nor should they, nor should we tolerate the Masseys of the coal industry.

BRING OUR TROOPS HOME

Mr. JONES. Mr. Speaker, a couple weeks ago, I had the privilege and the honor to visit our wounded at Walter Reed-Bethesda. It so happened that five marines from Camp Lejeune Marine Corps Base in my district were there. Four of the five had lost both legs—double amputees. And the one kid that had his leg blown off by an IED, I went into his room, as I did the other four, but this one had a question for me. His mom was sitting in the room. And he said, Congressman, why are we still in Afghanistan? And I told the young lance corporal, I don't know, I cannot answer it. I don't understand why we are not pushing the President to bring our troops home before 2014.

And that leads me to a quote by Ronald Reagan from his book entitled, ''An American Life: The Autobiography,'' based on Reagan's life. And it dealt with Lebanon, and he was the President at the time. ''Perhaps we didn't appreciate fully enough the depth of the hatred and the complexity of the problems that made the Middle East such a jungle. Perhaps the idea of a suicide car bomber committing mass murder to gain instant entry to paradise was so foreign to our values and consciousness that it did not create in us the concern for the marines' safety that it should have.

''In the weeks immediately after the bombing, I believed the last thing that we should do was turn tail and leave. Yet the irrationality of Middle East politics forced us to rethink our policy there. If there would be some rethinking of policy before our men die, we would be a lot better off. If that policy had changed towards more of a neutral position and neutrality, those 241 marines would be alive today.''

I thank Mr. Reagan for his service to our Nation, and I thank him for those words. I wish both parties would listen to leaders like Ronald Reagan who understood that you're not going to change the Middle East no matter what you want to do or hope to do or pray to do. You can't do it, and you won't do it.

Mr. Speaker, beside me are two little girls, one named Eden and one named Stephanie. They are at the graveside of their father, Sergeant Kenneth Bladuf, sergeant in the United States Marine Corps.

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About 2 months ago, he was sent to Afghanistan, along with a Colonel Benjamin Palmer from Cherry Point Marine Corps Air Station, which is in my district also.

One night, when they were having dinner with the Afghan trainees, one of the trainees pulled out a pistol and killed both of them. It is so ironic that the day before Sergeant Bladuf was killed, he had emailed his wife and he said, ''I don't trust them, I don't trust them, I don't trust any of them,'' and yet we keep spending $10 billion a month. We're going to cut programs from senior citizens and children in America. We can't balance the budget. But old Mr. Karzai, he'll get his $10 billion a month. The Congress needs to look at this and start bringing our troops home before 2014.

Mr. Speaker, also in Sunday's paper, it says: ''Suicide bomber hits NATO bus; 17 people, including 12 Americans, are killed in the deadliest attack since the war began.''

Mr. Speaker, I hope that we don't have to continue to go to Walter Reed-Bethesda and see all of these broken bodies. If we're going to be there until 2014, there are going to be a lot more broken bodies and dead young men and women. I hope the leadership of both parties will start joining those of us in both parties and bring our troops home before 2014.

Mr. Speaker, again I state to all the children like Eden and Stephanie, be proud of your moms and your dads. But for those of us who are policymakers, we have the responsibility—not the generals, but we the policymakers—of sending our young men and women to die and lose their limbs for absolutely nothing but a corrupt leader.

Mr. Speaker, I will close right now with the same closing I do all the time: God, please bless our men and women in uniform. Please bless the families of our men and women in uniform. God, in Your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. God, please bless the House and Senate, that we will do what is right in Your eyes. Please bless President Obama, that he will do what is right in Your eyes for his people. And three times I will say, God please, God please, God please continue to bless America.

COMMENDING AMERICA'S VETERANS

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

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to commend the veterans from my State of Indiana and across the United States for Veterans Day. We owe them a debt of gratitude for their service to our country and for their selfless devotion. They put their lives on the line to defend our freedom, and there is no way that we can ever thank them enough.

Over 52,000 veterans live in the congressional district that I am honored to represent, Indiana's Second District. Meeting them is an inspiration because of their humility and professionalism. When you thank them for their service, they usually modestly say, Sir, I was just doing my job.

Veterans embody the definition of patriot—selfless sacrifice in order to defend the freedoms that we enjoy in the United States. Veterans such as Mr. Marion Minks from Logansport, Indiana, who served as a PFC with the U.S. Army during World War II. My office was honored to represent Mr. Minks and also to present him with the Bronze Star, the Purple Heart, and other military service medals that he earned.

Veterans such as Mr. Gary Whitehead from Elkhart, Indiana, who served in the Navy for more than 20 years and then served his fellow veterans as the Elkhart County Veterans Service Officer. For over two decades, my office was honored to work with Gary to open a VA clinic to serve veterans in north central Indiana in his own county, something he had fought for for years and years.

Veterans such as Rich Mrozinski from La Porte, Indiana, who served in the Air Force during the Vietnam War and later became commander of his local VFW post. I had the honor to interview Rich for the Library of Congress' Veterans History Project.

It is an honor and a privilege to serve the veterans of Indiana's Second Congressional District. It is incumbent upon us to see that our veterans receive the best quality care and the benefits that they have earned through their sacrifice to our country. We must see that those services are provided to our veterans with the promptness and the respect that they deserve. That's why, while in Congress, I've worked on legislation relating to veterans health care, educational benefits, life insurance, and the disability claims process.

We still have much more work to do on behalf of our veterans. I urge my

colleagues in the House to pass the RAPID Claims Act, H.R. 2377, which I introduced to take commonsense steps to improve the benefits system and to provide our wounded warriors with a faster response on their disability claims. It's the least we can do.

I also urge the House to pass the E-SERV Act, H.R. 2470, which I introduced to improve the efficiency of the current electronic health record system for military personnel and veterans. We must seek to make the VA system work better for our military personnel, for our veterans, and for their families.

This Veterans Day, I want to say thank you again to all of our vets and to all of our servicemembers for their sacrifices for our freedom and our security. They always deserve the very best.

God bless our veterans. God bless our servicemembers. God bless Indiana. And God bless the United States of America.

REPUBLICAN JOBS AGENDA

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

Mr. LONG. Mr. Speaker, I came to Congress as a small business owner. And as any small business owner will tell you, the government can't create jobs, only the private sector can.

I think it's easy to forget, but the United States Government does not have any money that it does not first take from productive citizens and businesses. When the government spends to create jobs, it has to take money from people who earned it and who would have spent it or invested it otherwise—the broken window effect, if you will. So the reality is that government spending trades productive private sector jobs for usually wasteful public sector jobs.

With record unemployment affecting families across the Nation, now is not the time to increase the public sector on the backs of the private sector and increase the burdens on our small businesses. Small businesses are the engine that drives this economy, and it's time for the government to get out of their way.

As part of the House GOP Plan for America's Job Creators, we've opposed the President whenever he wants to create new taxes or more regulations. So far this year, the House of Representatives has passed many bills that focus on job creation. These are real jobs bills that create real wealth-producing private sector jobs—not fake bills like the stimulus that didn't do anything but stimulate the national debt—bills that empower small business owners, fix the Tax Code to help job creators, increase competitiveness for U.S. manufacturers, encourage entrepreneurship and growth, maximize domestic energy production, and pay down America's unsustainable debt burden. Some of these have passed the Senate and gone on to become law, believe it or not. The free trade agreements, for instance—for which I am especially proud.

When 95 percent of the world's customers are outside of America, it's no surprise that jobs would be created as our companies are allowed to compete and expand on the world stage. In fact, it's estimated that by pursuing those agreements, we're creating up to a quarter of a million new jobs. Good jobs will be created right here in America at a time when jobs are badly needed.

House Republicans have also tried to fix our Tax Code. Complying with our confusing Tax Code costs Americans billions every year—over $160 billion in 2009 alone.

We need to get Washington out of the way by simplifying the Tax Code and lowering tax rates. We need a Tax Code that is flatter, fairer, and simpler, a Tax Code that creates jobs by making America more competitive. That's why I'm proud Congress passed the Small Business Paperwork Mandate Elimination Act, which eliminated the 1099 form mess. The 1099 form created an unprecedented accounting and paperwork burden on small businesses across this country. A National Federation of Independent Business small business survey determined the form is the most expensive burden placed on small businesses by the Federal Government.

Another House jobs bill that has now become law is the America Invents Act, a bill that brings long-overdue patent reform. So three free trade agreements, a tax reform bill, and a patent reform bill—if you're counting. Out of the many jobs bills, only those have escaped the graveyard of the United States Senate. It seems that some would rather campaign and complain instead of doing what we know will create jobs. We know that throwing money at problems doesn't solve a thing. If it did, then all of our problems would have been solved with the stimulus. We know that eliminating burdensome overregulation and restrictions on job creators is a sure fire way to create jobs.

We need legislation that encourages entrepreneurship and growth. America has historically been on the cutting edge of innovation and technological development, but we are increasingly falling behind our global competitors. We must make it easier for existing businesses to grow and allow more start-up companies to flourish. That's why the Senate needs to pass the Reducing Regulatory Burdens Act, the Energy Tax Prevention Act, the Clean Water Cooperative Federalism Act, the Consumer Financial Protection and Soundness Improvement Act, the Protecting Jobs from Government Interference Act, Transparency in Regulatory Analysis of Impacts on the Nation, the Cement Sector Regulatory Relief Act, the EPA Regulatory Relief Act, the Coal Residuals Reuse and Management Act, and we need to fix the Tax Code.

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The Gettysburg Address is 272 words; the Declaration of Independence, 1,500 words; the Constitution, 7,200 words; the Federal Tax Code, 10 million words.

Our Tax Code needs to be fixed, and that's why the Senate needs to pass the 3 percent withholding rule repeal, which would repeal the 3 percent withholding on our contractors' payments with Federal, State, and local governments.

This job-killing requirement would create costly new work for Federal, State, and local governments and hold the money hostage from government contractors. The IRS needs to learn that hurting businesses, cities, towns, and consumers during a recession is not going to get our economy back on track.

Much like the costly Form 1099 requirements that Congress repealed earlier this year, the 3 percent withholding rule would impose more burdens on cash-strapped employers and hurt job creation. Instead of focusing on job creation and economic growth, business and local governments will have to focus on enormous administrative and financial challenges.

Just today, we learned the leadership in the Senate has been burning the midnight oil figuring out a way to even gum up this 3 percent repeal.

CHINESE CURRENCY MANIPULATION

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

Mr. VISCLOSKY. Mr. Speaker, I rise today to address the issue of Chinese currency manipulation.

In northwest Indiana, the steel industry provides middle class jobs and economic security. It supplies the products with which a strong economy can be built and a powerful national defense maintained.

China understands the value of steel and a strong manufacturing base and has aggressively acted to support and subsidize its domestic industries. For example, China has acted contrary to international trading standards in order to help their domestic manufacturers by routinely manipulating its currency in order to keep prices low on its finished products.

As an effect, China's steel production has more than doubled since 2003, while U.S. production has dropped by nearly 40 percent. We have also lost a third of our manufacturing jobs as China's manufacturing sector continues to grow, nourished by that country's blatant disregard of international law and the abusive consequences visited on other nations and people, most importantly, those who live and want to work in the United States of America.

For example, it is estimated that China has devalued its currency anywhere between 12 and 50 percent, giving its own exports a government subsidy

and, in effect, taxing American-made imports. This policy has cost the U.S. upwards of 2.5 million manufacturing jobs over the last decade and a staggering annual trade deficit of as much as $273 billion.

The Chinese have dialogued and dialogued and dialogued for years about allowing their currency to appreciate but have continued the practice of devaluing it. Our Nation is facing a jobs crisis, and we can no longer afford to stand for this destructive policy.

H.R. 639, the Currency Reform for Fair Trade Act, would address the issue of this manipulation by recognizing in law what we already know, that currency misalignment is an export subsidy. The measure would take commonsense steps to ensure our Treasury Department appropriately identifies countries that engage in this unfair policy and allow the United States to place countervailing duties on imports from offending nations.

This act has 230 cosponsors, more than enough to pass the House. In fact, just over a year ago, drawing on support from American labor and manufacturing, the House supported a similar bill. On September 23, 2010, the House approved the Currency Reform for Fair Trade Act by an overwhelming bipartisan vote of 348–79. Unfortunately, the Senate failed to act. More than 260 of the Members who voted in favor of that measure remain in the House. In this Congress, in October, the other body did pass a similar measure by a bipartisan vote of 63–35. It is time for the House to pass this bill.

Those who oppose efforts to punish China for its unfair trade policies insist this measure would start a so-called trade war. We are in a war, a war for jobs, and we are losing. China continues to fight to win jobs while America's Government dawdles. This cannot continue.

According to a report by the Economic Policy Institute, titled, ''Unfair China Trade Costs Local Jobs,'' thanks to our trade imbalance with China, 2.4 million jobs were lost in the United States between 2001 and 2008.

Unfortunately, currency manipulation is far from the only trade-disrupting policy practiced by China. This summer, the New American Foundation convened a task force led by Leo Gerard of the United Steelworkers and Leo Hindrey of New America, and published a report. The report they released further confirms the myriad of activities that China engaged in that undermine our jobs.

China employs a complex and far-reaching set of industrial and mercantile policies. Environmental and labor rules that we take for granted are rare to nonexistent in China. China disregards intellectual property protections such as trademarks, copyrights, and patents and then steals technology from us and other countries around the world at an annual cost of hundreds of billions of dollars. It does this, in part, by shamelessly forcing foreign companies to divulge intellectual property as a price for market access.

Further, China uses state secret laws to protect commercial interests and is pursuing a policy of indigenous innovation whereby it manufactures and maneuvers to increase the domestic production of high value-added goods.

The House must pass and act on the Chinese currency manipulation bill.

BORDER PATROL AGENT JESUS DIAZ

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

Mr. POE of Texas. Mr. Speaker, in the dangerous border region between Mexico and Texas, in the year 2008, outlaws from Mexico were caught smuggling marijuana into the United States, and they were caught by the Border Patrol agents.

Border Patrol Agent Jesus Diaz's actions later have resulted in him being sentenced recently to 2 years in a Federal penitentiary. On October 20 of this year, District Judge Ludham sentenced Diaz to 24 months in prison because the agent is alleged to have been too rough in his handling of one of the drug smugglers who was arrested; and, also, Diaz allegedly later lied about the incident to investigators.

Now, what Diaz is accused of is pulling the suspect's handcuffs back and pushing the suspect to the ground while pressing the suspect's back with his knee in order to get him to comply with the Border Patrol agent's orders. Prior to the incident the suspect had illegally crossed into Texas by boat with a large shipment of marijuana, and he was accompanied by a member of the notorious MS–13 gang.

The U.S. Government had a choice to make: Prosecute the illegal drug smuggler or prosecute the Border Patrol agent. The United States Government chose poorly. The Mexican Government demanded that Diaz be prosecuted by our government, and he was.

To top it off, the suspect was told he would not be prosecuted for illegally coming into the United States or for the marijuana he brought into the United States in return for his testimony against Border Patrol Agent Diaz.

Now, Mr. Speaker, I'm not here today to comment on whether or not Jesus Diaz used proper police procedure when he detained the suspect or whether the jury or the judge made a mistake. Those issues will be dealt with on appeal. However, it seems to me that this case should not have been prosecuted as a crime. It should have been dealt with and handled administratively within the U.S. Border Patrol, and the drug smuggler should have been prosecuted.

The U.S. Federal Government had its priorities wrong. The National Border Patrol Council, which represents 17,000 of our Border Patrol agents, our border protectors, they agree. They argue that a situation like this should have been handled administratively and did not rise to the level of criminal conduct. But millions of taxpayer dollars and thousands of man-hours were expended to obtain a 24-month sentence and a conviction for Diaz, who had already spent 8 months in custody.

There is more. An internal investigation by the Department of Homeland Security's Office of Inspector General and U.S. Immigration and Customs Enforcement Office of Professional Responsibility both cleared Agent Diaz of any wrongdoing in the 2008 incident.

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But Mexico would have none of this and demanded and got its way.

The U.S. Attorney's Office went after Border Patrol agent Jesus Diaz. And his case was tried in the western district of Texas, a jurisdiction that has a history of, in my opinion, unfairly targeting border protectors for prosecution. You remember, this is the same jurisdiction that prosecuted Border Patrol agents Ramos and Compean for allegedly shooting a drug smuggler as he ran away from the agents while they tried to apprehend him. It took a Presidential commutation in 2009 to finally end the persecution of these two agents, and millions of Federal dollars were wasted on this case.

Then there's a similar case where Deputy Sheriff Gilmer Hernandez was prosecuted for firing his weapon at a fleeing vehicle that had tried to run him over. Same jurisdiction.

But the question we must ask ourselves is why the Federal Government is spending time and money to prosecute our Border Patrol agents who put their lives on the line every day down there on the border of the U.S. and Mexico instead of spending time and money and resources to enforce immigration laws in this country.

When ICE Director Morton and Secretary Napolitano from Homeland Security recently testified in front of the Judiciary Committee, they both said they just didn't have the money or the resources to fully enforce immigration laws. They, in essence, in my opinion, granted amnesty or parole to thousands of illegals in the United States. But they have the money to go after Border Patrol agents.

Maybe they should use some of that prosecutorial discretion they're so proud of to prosecute people who cross the border into the United States with drugs over prosecuting Border Patrol agents.

In this case, the United States Government is on the wrong side of the border war. The U.S. Attorney's Office should quit being the voice of Mexico and be the voice of America. We should secure the border and keep the drug smugglers from having their way, and don't give them a get-out-of-jail-free card. It's time to get our money and our priorities straight. Let's stop going

after the good guys and spend time and money going after the bad guys.

And that's just the way it is.

DOES GOD TRUST US?

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

Mr. RANGEL. Mr. Speaker and my colleagues, as we see the Nation going through such pain, I rise once again to see why we can't get along, why Republicans and Democrats find it almost impossible to try to raise some solutions to the problems we face.

There is no question that there are many Republicans in the House and Senate that believe that the most important contribution that they can make to our country is to get rid of the President. But at the same time, we have 14 million people that have lost their jobs, many have lost their homes, their savings, their hopes for the future. Probably double that number we find underemployed. And the millions and millions of people in districts like mine where people have actually given up hope that they can restore their dignity and get the resources necessary to provide for their families.

Yesterday, the House overwhelmingly passed a bill that would support the motto ''In God We Trust.'' I reluctantly supported it because I didn't want anyone to believe that I didn't trust God. But I felt awkward because I didn't see where that was the question.

The real question, I would think, is, does God trust us? Does God trust us to do the things that every religion says we should be doing? Are we trusted to provide care and compassion for the vulnerable? Are we trusted to know that we have a responsibility to the sick, to the aged, to the disabled? That's where God really counts, no matter what your religious background is.

And to talk about a motto and sharing that, I don't think that has to be challenged. What is challenged is, what are we going to do about it?

Why do we find people young and old around the country protesting against the disparity that exists between the poor, who God said through his servant Jesus, his son Jesus, that they should be taken care of? And the Scriptures are not too kind—at least not as kind as I am—to the rich. But common decency would expect that there be fairness in the resources this great Nation would have.

And that when we find that less than 1 percent of Americans control 42 percent of the national wealth, would we find that our educational system is definitely not going to allow us to be competitive in the future? When we see that the American Dream—and that to me is the most important part of my pride in being an American; you don't have to succeed in America, but the hope and the dream that people from all countries can come here and have an opportunity to break out of their class system, out of poverty, and join the middle class.

Even those who came as slaves and had their backgrounds just eliminated; their names, their culture, their songs, their history, but nevertheless, because of the Congress and trust in God they, too, have been able to achieve, even to the extent of becoming President of the United States and honored Members of the Congress through the Congressional Black Caucus.

So once that hope is challenged by anybody, then it means for the whole world the symbol that America is supposed to be. It's not one that improves your quality of life but finds us having people losing hope in the system. The fact that we don't speak out when thousands of young Americans, brave warriors, are being killed and have been killed in countries that their families have no idea where the countries are located or what the issues were, and the necessity of protecting oil has no longer been the issue.

So I say, yes, in God we trust, but we've got a few days left to see whether or not we can have God trust in us.

BACK TO BASICS WITH THE BALANCED BUDGET AMENDMENT

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

Mr. MCCLINTOCK. Mr. Speaker, the International Monetary Fund estimated that as of Halloween night, the debt of this Nation surpassed its entire economy for the first time since World War II.

We all know that if you live beyond your means today you're going to have to live below your means tomorrow. That's the tomorrow that our generation has created for the children who were dressed up as princesses and cowboys when they came calling on Monday night. This is our generation's eternal shame. And it's something that our generation must act to set right.

The House is expected soon to vote on a balanced budget amendment that's critical to stop this plunder of our children. There are a number of excellent proposals out there, and I'd have no trouble supporting any of them. I do rise, however, to express the hope that the final product of these deliberations proves worthy of the wisdom that guided the drafting of the Constitution.

The beauty of the American Constitution is in its simplicity and its humility. The American Founders recognized Cicero's wisdom that the best laws are the simplest ones. And they realized that they couldn't possibly foresee the circumstances and conditions that might confront future generations, and therefore they resisted the temptation to micromanage every decision that might be made centuries in the future.

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Instead, they set forth general principles of governance and erected a structure in which human nature, itself, would provide guidance in future decisions to conform with these principles.

In crafting a balanced budget amendment, we need to maintain these qualities. We shouldn't attempt to tell future generations specifically how they should manage their revenues and expenditures in times that we cannot comprehend. The experience of many States that operate under their own balanced budget amendments tells us that the more complicated and convoluted such strictures become, the more they are circumvented and manipulated.

Many have quoted Jefferson's 1798 letter to John Taylor as support for a balanced budget amendment. Here is what he actually wrote:

''I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution. I mean an additional article: taking from the Federal Government the power of borrowing.''

What is a balanced budget? It's simply a budget that doesn't require us to borrow. So, as Jefferson did, why don't we just say so? Instead of trying to define fiscal years, outlays, expenditures, revenues, emergencies, triggers, sequestrations, and so on, I hope that we would consider 27 simple words:

''The United States Government may not increase its debt except for a specific purpose by law, adopted by three-fourths of the membership of both Houses of Congress.'' That's it.

Such an amendment, taking effect 10 years from ratification, would give the government time to put its affairs in order and to thereafter naturally require future Congresses to maintain both a balanced budget as well as a prudent reserve to accommodate fluctuations of revenues and routine contingencies. It trusts that three-fourths of future Congresses will be able to recognize a genuine emergency when they see one and that one-fourth of Congress will be strong enough to resist borrowing for light or transient reasons. The experience of the States warns us that a two-thirds vote is insufficient to protect against profligacy.

Some advocate going much further by establishing limitations on spending and taxation as well; but if borrowing is prohibited, there exists a natural limit to the ability and willingness of the people to tolerate taxation and therefore spending. The real danger is when runaway spending is accommodated and made possible by borrowing, which is simply a hidden future tax. The best and most effective way to invoke that natural limit is with a simple prohibition.

At the end of the week, I will introduce this 27-word amendment and will ask my colleagues to consider it with the many others that are currently before the Congress.

As I said, I like virtually all of them, as they all accomplish the purpose of restraining the reckless deficits that our generation has produced; but in drafting an amendment to guide not only this generation but all of those to follow, I would hope that we would do as the Constitutional Convention would have done had it had the benefit of Jefferson's wise counsel: to set down the general principle only and allow future generations, with their own insights into their own challenges, to put it to practical effect.

VOTING RIGHTS

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

Mr. ELLISON. Mr. Speaker, the right to vote is under attack. It may not be easy to see; but in State legislatures all across this country, we are seeing a quiet passing of laws that will strip American citizens of their right to vote.

It may come as a surprise that this is happening in the United States. Our great country is best known for its rich democratic tradition, which is predicated on the right to vote; and this right to vote has been expanding over time, not retracting. Throughout our history, brave men and women have fought and died for the right, and it has been denied to too many Americans for too long. Since its founding, the United States has been on a course toward enfranchisement, not disenfranchisement. Incredibly, that seems to be changing.

State legislatures are turning back the clock on decades of hard-fought voter protections. This year, 34 State legislatures introduced prohibitive voter ID bills. If passed, they could affect the voting ability of nearly 21 million Americans. Two States have enacted prohibitive proof-of-citizenship laws, which stand to exclude even more voters at the polls; 13 States are working to make it harder to register to vote; and nine are working to reduce early and absentee voting.

These laws add up to the greatest attack on voting rights since the Jim Crow era. In all, they could strip more than 5 million Americans of the right to vote. That figure alone is half the margin of victory from the 2008 Presidential election. Congress must act. Today, I am introducing two bills to push back against these laws and protect Americans' right to vote.

The first bill, the Voter Access Protection Act, will ensure that no American citizen is denied the right to vote because they don't have photo IDs on election day. The second bill, the Same Day Registration Act, will allow Americans to register to vote on the same day they cast their ballots. No American citizen should be turned back at the polls because they didn't register weeks or months in advance. These bills will help ensure that all Americans are able to exercise their fundamental rights in Federal elections.

If you truly believe in democracy, you should be doing everything you can to increase the enfranchisement of American citizens, not to take it away. I urge all of my colleagues to support this critical and patriotic legislation.

DOMESTIC ENERGY PRODUCTION IS THE SOLUTION

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, rural Pennsylvania, like other parts of the country, have not been immune to difficult economic times; but today Pennsylvania is uniquely positioned to become a source of growth and strength for our State, the region, and the Nation through the development of what could be one of the world's largest natural gas fields, the Marcellus shale, much of which is located in my congressional district.

Marcellus production is offering our region and the country expanded access to clean, reliable, and affordable energy—and a new source of economic growth and stable jobs.

As Congress tackles challenges regarding jobs and the deficit, we must consider domestic energy production as a logical and obtainable solution to both of these challenges, for the United States has enormous untapped deposits of coal, oil, natural gas, and other sources of energy that can offer good-paying jobs, new sources of revenue, affordable and reliable energy, as well as national energy security.

The economic success story of the Marcellus shale can be replicated across this country by opening up all of America's domestic resources and allowing new investment and technologies to expand the exploration and production of America's own resources.

We can develop these resources, create jobs and tens of billions of dollars in revenues, but only if the Federal Government encourages and not discourages production. I'm not talking about a Solyndra-style subsidy but, rather, government's getting out of the way of accessing the natural resources that God has blessed us with.

PRISONER TORTURE IN AFGHANISTAN

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

Ms. WOOLSEY. Mr. Speaker, a few weeks ago, I spoke in this Chamber about the U.N. report that outlined, in gruesome detail, prisoner abuse at detention facilities in Afghanistan—inmates beaten with electrical wires, hung from their wrists, and much worse. Now additional reporting by The Washington Post has revealed that U.S. officials knew for some time about this torture of prisoners by Afghan security forces.

So what did our top people in Afghanistan do about these warnings? Apparently, not a thing.

For years our Special Operations forces and CIA officials had been in and out of these prisons—dropping off detainees, meeting with Afghan authorities, taking advantage of the intelligence gathered there. We paid to rebuild one prison with the cold and chilling name Department 124, which sits behind a concrete fortress near U.S. military headquarters in Kabul.

It would be hard—actually, it would be impossible—to miss what was going on inside those walls; but for a long time, it was ignored—nothing said, no meaningful oversight exerted. It wasn't until a few months ago, when the U.N. made it clear they were releasing a report detailing the torture, that our military commanders suddenly took notice and stopped sending prisoners to these facilities. In a flash, they instituted a monitoring program and human rights training.

□ 1050

It's embarrassing, Mr. Speaker. But it seems like our leadership was more concerned about public relations damage control than adherence to human rights norms and international law.

The American people have sacrificed a lot for this war. And in return, they've been fed a lot of high-minded assurances that we're doing important work that advances American values. The name of this mission is Operation Enduring Freedom, but apparently we're not practicing what we preach in Afghanistan because torture has no place in free society, no place in a campaign that professes to be about human dignity and the rule of law.

At a time when we're considering major cuts right here at home in life-saving domestic programs so that we can get our fiscal house in order, how can we possibly justify spending billions of dollars every week on a military occupation that seems to be promoting and encouraging torture? We cannot wash our hands of this. We cannot avoid responsibility because this is happening on our watch.

Torture, whether we're practicing it ourselves or just tacitly condoning it, isn't just reprehensible; it's bad national security policy as well. It represents the United States of America in the worst possible light and is surely a great recruitment tool for the terrorists. When it comes to international affairs, the greatest currency we have is our moral authority, but we continue to waste it by acting like outlaws instead of the greatest superpower on Earth.

Mr. Speaker, the time has come. It is time we had a national security approach that showcases the very best of America, one that demonstrates our decency and compassion, one that emphasizes diplomacy and reconciliation, one that puts civilian and humanitarian experts on the ground instead of 100,000 troops with guns.

You don't need to invade a country to prove that America is strong or to keep America safe. That's the heart of my SMART security plan that I have been talking about for many years now. We've tried belligerence. We've tried force. And over the last decade—well, actually, we've tried all of this forever, and it just has not worked.

It's time, Mr. Speaker, for this war to end. It's time to implement a SMART security platform. It is time now, Mr. Speaker.

HONORING AMERICAN HERO LANCE CORPORAL JUSTIN GAERTNER

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

Mr. NUGENT. Mr. Speaker, I rise today to honor a great son of Trinity, Florida, Corporal Justin Gaertner of the United States Marine Corps First Combat Engineer Battalion. I have had the honor of getting to know Justin over the past year, Mr. Speaker, and I would like to share his story.

After being deployed to Afghanistan, Justin took on one of the most dangerous jobs there is in the Marine Corps. He was the lead sweeper, clearing roads of IEDs in advance of U.S. vehicles.

On November 26, 2010, Justin's unit was traveling with an eight-truck convoy. One of the trucks struck an IED. Following the explosion, one of Justin's good friends, Corporal Gabriel Martinez, lost both of his legs in a second IED attack while he rushed to aid that downed vehicle. Justin desperately wanted to help his friend, but his responsibility was to continue the mission, to continue to sweep for IEDs to ensure the safety of the rest of the convoy. It was during the sweep that a third IED was remotely detonated as Justin had just entered that area. The explosion propelled Justin into the air and took both of his legs and severely injured one of his arms. Justin paid a terrible price that day while helping to protect fellow marines.

When I first met Justin at Walter Reed Army Hospital in January of this year, he was more concerned about his brother marines that were still in country than he was about his own safety. He wanted to return to that company of marines to help ensure the safety of his fellow marines that were still left in Afghanistan. That's what heroes do. He's since made an incredible recovery while at Walter Reed National Military Medical Center, but that was with the help of dedicated medical staff, the support of his mother and his family and of fellow marines. Justin is getting stronger every day.

When I first met Justin in January of this year, he told me one of his future goals was to compete in a marathon. Today I'm proud to announce that this past weekend, less than 1 year since he was wounded in combat, Justin completed the 2011 Marine Corps Marathon in the hand crank division in 2 hours, 50 minutes, and 39 seconds. Justin and his family have been an inspiration to me and make us all proud to be Americans because of their sacrifice on the battlefield.

On behalf of a grateful Nation, I want to take this opportunity to again thank Justin for his bravery and his sacrifice on behalf of his Nation. And I want to thank all the troops that have been in harm's way, that have volunteered to protect this great Nation at great risk to themselves.

SHADES OF GREEN

IN HONOR OF AN AMERICAN HERO, LANCE CORPORAL JUSTIN GAERTNER, 1ST COMBAT ENGINEER BATTALION, THE UNITED STATES MARINES

Shades . . .
Shades of Green . . .
On battlefields of honor bright . . .
There are but all of those who but bring their most magnificent light . . .
As Brilliant, as brilliant . . . as any seen in this sight!
All in their Magnificent Shades of Green!
For these are but, The United States Marines!
Such men of might, who over evil do all in the darkest fights!
Rushing into the face of death, as they are seen!
Oh yes, to be a United States Marine!
To but wear so proudly, those most Magnificent Shades of Green!
As it was in battle . . . All in that fight . . .
When a Combat Engineer, with nerves of steel . . . Named Justin so appeared . . .
The kind of men who have no fear!
As Justin, walked through the Valley of Death . . . out on attack . . .
When, an IED . . . Almost took his life . . .
While, all in that moment of death or light . . . his fine heart grew even greater in sight!
And on that next day as he awoke . . . as his heart to him so spoke . . .
So spoke to him, as tears rolled down his face . . .
As he so realized, the full nature of what had took place . . .
But, this Strong Son of the South . . . would not so give up now . . .
Wiping the tears from his face, shining even brighter on that day!
All in those Shades of Green . . . as his new battle was under way!
As they took his legs, and most of his arm . . . but not take his heart that day!
As something so told him deep inside, get up and start running now . . .
As with his great heart, his first new steps he found!
To fine the faith and courage to so move onward now!
Because Marines Do! And Marines Win!
And failure was not an option, to any of them!
As one of Florida's brightest sons,
He said to himself, I will stand and I will run!
Pity get out of the way, I've got miles to go before I'm done!
Justin time, as his brave heart so began to run!
Taking him to even greater places and heights where mere men have never gone!
Because Marines climb mountains
Marines climb walls . . .
Marines always stand tall!
As there you go Justin, running to recovery!
Oh what a discovery, an even brighter Shade of Green!
As Justin You Will Teach Us . . .
As Justin, You Will So Beseech Us . . .
As it's so deep down in our hearts Justin, that you will reach us!
All in what your life means!
And if I had a son, I wish he could so shine half as bright as this one!
All in his most magnificent Shades of Green!
As one day too Justin, up in heaven you will be seen!
As an Angel, all because of how you so wore and so carried yourself . . .
All in those most magnificent Shades of Green!
Ooo . . . Rah!

RECOGNIZING THE IMPORTANCE OF LABOR UNIONS

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

Mr. PAYNE. Mr. Speaker, nearly 25 million Americans are currently unemployed or underemployed; yet despite this disparaging rate, efforts to strengthen the workforce are being derailed by special interest attacks on the middle class and workers. In Wisconsin, Governor Scott Walker has taken away nearly all collective bargaining rights from the majority of the State's public employees.

An Ohio referendum on State Senate Bill 5 aims to strip public workers of collective bargaining rights. For the 4 years prior to the enactment of Ohio's collective bargaining law, the State led the Nation in safety forces work stoppages. When the city and its safety forces had a dispute concerning wages, working conditions, and adequate staffing, there was no way to resolve the dispute. That is why the collective bargaining law was passed. And the law has worked. There have been no safety forces work stoppages in Ohio since the law was passed.

Only through collective bargaining do American workers still have a voice. Still, this right is being attacked.

The New Jersey Statehouse passed a bill destroying the right of public sector unions to collectively bargain over health care and pension issues. These efforts to turn back the clock on public safety and on those who protect and serve are unacceptable.

Today I rise in support of the workers of Wisconsin; I rise in support of the workers of Ohio; I rise in support of the workers of my home State of New Jersey. I rise today in support of the millions of Americans who stand as proud union members seeking fair labor treatment and a fair shot at the American Dream.

I have been protected by unions. I worked as a truck driver; I worked as a teacher; I worked on the docks of Newark; I worked as a waiter; I worked in the breweries of Newark—all of them protected by strong unions. And that's what helped me get through college and helped me get to the United States Congress.

□ 1100

Today, I stand with 99 of my House colleagues to speak on H. Res. 452,

which I introduced yesterday and which will recognize the importance labor unions play by ensuring a strong middle class by advocating for more equitable wages, humane working conditions, improved benefits and increased civic engagement of everyday citizens—the 99 percent. Ninety-nine Members cosponsored this resolution, and I'm proud to introduce it.

Unions have pioneered benefits such as paid health care and pensions and have helped strengthen access to the American dream by helping to establish government policies and efforts such as family leave, minimum wage, and Social Security. Unions have also been effective in supporting immigrant rights, trade policy, health care and living wage legislation.

Unions have been the voice for everyday Americans—from consumer protections to health, safety, and civil rights. The labor movement has fought to allow workers to negotiate on more equal footing with their employers, providing for a healthy, balanced workplace.

Unions benefit everyone, members and nonmembers. According to the Economic Policy Institute, if more of the 66 million American workers who want to join a union could join one tomorrow, their paychecks and benefits would increase, but so would millions of others. The union premium, as it's called, succeeds in lifting wages of nonunion employees in the same industries while not being a deterring factor of the State's economic or its growth record.

Unfortunately, there has been a decline in union membership, due largely to unfair labor practices and scare tactics by union-busting employers. Between 1999 and 2007, more than 86,000 workers filed unfair labor practice claims with the NLRB for being illegally fired by their employer for union activity.

As a result of such efforts to weaken unions, among other things, our economy continues to suffer and the gap between the rich and the poor continues to widen, undermining the foundation of the American middle class. Contrary to the belief of union bashers, unions do not increase unemployment or reduce job opportunities. Rather, there are a great deal of facts that correlate the strength of the economy and the middle class to the growth or decline of union membership.

Further, a recent report from the Congressional Budget Office also infers the impact that union membership decline has had on our economy and wealth distribution. The report found that from 1979 to 2007, average inflation-adjusted after tax income grew by 275 percent for the 1 percent of the population with the highest income. For those in the top 20 percent of the population, average real income grew only by 65 percent. However, the bottom fifth rose only by 18 percent. Three-fifths of the people are in the middle, and they grew by 40 percent. So that is not an equal distribution of growth wealth.

The Wall Street Journal has stated ''the main reason U.S. companies are reluctant to step up hiring is scant demand.'' Demand is scarce because wages are stagnant while profits are up. The chief investment officer at JPMorgan Chase states: ''U.S. labor compensation is now at a 50-year low relative to both company sales and U.S. GDP.'' While wages are down, profit margins are up.

Let me ask you to support this legislation. We will continue to stand on the steps of Ohio, march in the streets of New Jersey, in our neighborhoods. I, in addition to the 99 Members of the House who support this bill, we urge its passage.

FINDING COMMON GROUND

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

Mr. BENISHEK. Mr. Speaker, there has been a lot of talk about the partisanship and venom in Washington this year. And while we will certainly see fierce debates in the future, I believe Members of this body can still come together and find common ground.

On the surface, my colleague HANSEN CLARKE and I are very different. He is a lawyer representing the city of Detroit with a liberal voting record. I'm a conservative physician representing rural northern Michigan and the Upper Peninsula. We are both new to this House and share an interest in learning more about the unique challenges facing Michigan's citizens. After meeting HANSEN during freshman orientation, we agreed to tour each other's district.

In August I had the opportunity to head down to Michigan's 13th District in Detroit. There we toured employers such as Edward C. Levy Company and Mercy Primary Care Center and got to have some lunch on Mack Avenue. It was great to learn more about the district and be back in Detroit where I did my medical training. Next week Congressman CLARKE will tour with me in Michigan's Upper Peninsula. We will be meeting with area employers in Marquette and Escanaba, and will be getting a chance to see the splendor of Lake Superior with a visit to Pictured Rocks National Lakeshore in Munising. I hope HANSEN will even get to try one of northern Michigan's famous pasties for lunch.

Mr. Speaker, although HANSEN and I are from different parties and dramatically different parts of the State, we are united in the goal of improving economic conditions in the great State of Michigan. We believe that neither party has a monopoly on good ideas, and by working together, we can help shape a better future for our children and grandchildren.

Despite our difference of opinion on many issues, we both recognize that America remains a place in the world like no other, and that with liberty, courage, and hard work, there is no limit to one's destiny. I encourage all Members of this Chamber to pair up and schedule a visit to a different district.

Congressman CLARKE, I'm honored to have you as my friend, and I look forward to having you in Upper Michigan next week.

WORKING TOGETHER TO SERVE AMERICANS

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

Mr. CLARKE of Michigan. Mr. Speaker, I want to thank Congressman BENISHEK for that wonderful invitation for me to visit your district. Northern Michigan and the Upper Peninsula, it's one of the most beautiful areas you can ever see in the country. It has delicious food and great people. I know I'm going to have a wonderful time. But also, too, my visit to northern Michigan will help DAN and I have another set of common experiences that we can use to help serve our people together.

With his area in northern Michigan and with the area that I'm hired to represent, metropolitan Detroit, we can focus on the common needs of our people. Let me give you an example. When Representative BENISHEK visited the east side of Detroit with me this past summer, we found out we had a lot of things in common. I'm born and raised on the east side. Well, he actually lived on the east side when he attended one of the finest medical schools in the country, Wayne State Medical School in the city of Detroit.

We visited several places, but in particular we visited the Mercy Primary Care Center. This is a health clinic located right in the heart of Detroit. Firsthand, we were able to hear from and see the challenges that many of our veterans are facing. Our veterans—these were young men and women who, because of their loyalty to our country, were sent overseas. They risked their lives. They risked their mental and emotional well-being. Many of them came back to Detroit only to face a place where they can't even find a job. They can't even find a home. They are out on the street with no place to live. No one should have to live in that type of indignity.

Representative BENISHEK, as a physician and as a Member of the House committee that oversees the Department of Veterans Affairs, he wanted to work with me to better serve these veterans. So he and I are now working together with the Department of Veterans Affairs to better provide shelter, health care, and training to these homeless veterans in the city of Detroit. This is an example of how Republicans and Democrats can work together to help our people.

And you know what? It's not really that hard for he and I to work together. The folks that he represents

and the people that I serve in metro Detroit, like all Americans, we all want the same thing. We just want to have a chance to live a decent life. We want those rights that are spelled out in the preamble of the Declaration of Independence, rights of life, of liberty, and the pursuit of happiness, just a chance to live your life as fully as you choose it. That's the American dream.

So while the deliberations of this House many times highlight the differences between Republicans and Democrats, he and I are choosing to underscore how we can work together to serve our people and make this country an even better place to live. It's my greatest honor to visit the Upper Peninsula, and it's also my honor to serve this country as a Representative of metropolitan Detroit.

□ 1110

FARM ACT OF 2011

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

Mr. HUELSKAMP. Mr. Speaker, as I have traveled across the First District of Kansas to host more than 70 in-person town hall meetings during my first 10 months here in Congress, constituents have reaffirmed our shared belief that Washington cannot be everything to everybody and nor should it be. They have told me they can and want to do more with less. They know that the more Washington spends today, the more their children and grandchildren will have to pay back in the future, and likely to a foreign nation.

And while they scale back their expectations, they want Washington to scale back what it asks them to do. The ever-tightening grip and imposition of the Federal bureaucracy's expensive, counterproductive, and unnecessary burdens are killing America's agriculture industry. Today, I will introduce the FARM Act of 2011—Freeing Agriculture to Reap More Act. I am unveiling it today in light of the pending ag discussions we hear are occurring in the supercommittee.

The FARM Act reflects the conversations I have had with constituents and farm groups all across the First District and addresses their concerns about the economic impacts of overregulation. In essence, the FARM Act adds a regulatory title to the farm bill. Given the consequences of overregulation, it merits its own title amid others like trade, research, conservation, or farm credit.

Farmers and ranchers arguably pay some of the largest costs for Washington's crushing burden of overregulation. Whether it is on youth involvement on family farms, pesticide application permits, greenhouse gases, farm dust, farm commercial vehicles, fuel hauling limitations for farm equipment, or livestock emissions taxes, the Federal Government continues to insist that it control the intricate, day-to-day affairs of America's agriculture community. The FARM Act prohibits this regulatory overreach.

Kansas' family farms do not need Washington writing detailed instruction manuals for them on how much fuel they can or cannot put in their tractors. They do not need Washington prohibiting them from teaching their own children the value and importance of hard work by allowing them to work a few hours on the farm. And they most certainly do not need Washington imposing taxes on them for supposed greenhouse gases emitted by their livestock. No, they need Washington to let them run their operations in the safe and responsible, yet productive, ways they have done for generations. The FARM Act allows our family farms to continue the family tradition without fear of expensive and unnecessary regulations.

Like the families that live and the farms that operate in rural America, small towns in the First District of Kansas also have no need for additional instruction from Washington. That is why the FARM Act prohibits funding for the newly established White House Rural Council. Rural communities are the embodiment of family and entrepreneurial freedom, and this council seeks to replace that freedom with centralized planning schemes. We simply cannot afford more of the President's failed approaches.

I urge my colleagues to join me in supporting the FARM Act of 2011. It's time to stop the overregulation of America's farmers, ranchers, ag communities, and rural America. It's time to put an end to Washington's distrust of America's growers, ranchers, and producers, as well as all of rural America.

VOTER SUPPRESSION

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

Mr. JOHNSON of Georgia. Mr. Speaker, ladies and gentlemen, nothing is more fundamental in our democracy than the right to vote. Unfortunately, our right to vote is under attack.

According to a new report by the Brennan Center for Justice, voter suppression laws in States across the country could affect up to 5 million voters from traditionally Democratic demographics in 2012. It's no coincidence that this number is larger than the margin of victory in two of the last three Presidential elections.

These voter ID laws do nothing more than discourage and block eligible voters, especially students, the poor, seniors, and minorities. These are Americans who tend to vote for Democrats.

Recently, the media reported that a 96-year-old woman was denied a voter ID card in Chattanooga, Tennessee, because of one of these new laws. Her name is Dorothy Cooper, and she is a retired domestic worker. In fact, she was born in my home State of Georgia, and she relocated to Chattanooga so that she could find work. She could not get all the documents together, and so, therefore, her request for a government-issued ID was denied.

After Indiana's photo ID law was implemented, the media reported about a group of elderly nuns who lacked driver's licenses and current passports, and they were turned away from the polls. Unfortunately, if States continue to pass these restrictive and unnecessary voter ID laws, we will hear more of these stories.

The Tea Party Republicans are trying to hijack our right to vote so that they can steal the 2012 election. I don't know about you, but I'm disgusted with Tea Party Republican attempts to use voter suppression laws to erode traditionally Democratic voters by blocking their access to the polls.

These voter ID laws do not prevent fraud. In fact, they do nothing other than suppress voter turnout. America has not seen this level of suppression since the days of poll taxes and literacy tests.

More than 30 States introduced legislation this year designed to impede voters at every step of the voting process. These laws do not combat fraud but prevent millions of hardworking, taxpaying Americans, especially minorities, young voters, the working poor, people with disabilities, and senior citizens from casting ballots in 2012 and beyond, making this the most significant setback to voting rights in a century.

Photo ID restrictions disenfranchise eligible registered voters. An estimated 11 percent of U.S. citizens—21 million people—do not have current, government-issued photo ID's. While poll taxes were abolished more than 60 years ago, this new slew of voter ID laws is reminiscent of the days when poll taxes were required, days which none of us want to revisit.

These Tea Party Republicans have been scheming from day one of President Obama's term in office to make sure that he's a one-term President. They want to take ''their'' country back. So State legislators, in accordance with this scheme, have passed a spate of laws specifically designed to block access to the ballot box by voters who tend to vote for Democrats. It's not fair, it's not right, and it's simply un-American.

Ladies and gentlemen, now is the time for all good men and women to come to the aid of their country.

□ 1120

NATIONAL RECYCLING WEEK

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

Mr. FLORES. Mr. Speaker, I rise today to recognize National Recycling Week.

Recycling and the return of recycled materials to the manufacturing process

plays an important role in the global competitiveness of U.S. industries. The use of recycled materials in manufacturing significantly reduces energy use and emissions levels, reducing the cost of producing goods. For example, in the glass industry, every 10 percent of recycled glass used to make new glass containers means a 2 to 4 percent drop in energy use and a 4 to 10 percent reduction in greenhouse gas emissions. Glass containers can be used multiple times to make new containers, but most used containers do not wind up back in the manufacturing process.

Next week I plan to tour an Owens-Illinois glass plant in my district. Owens-Illinois has been a part of the Waco community since the 1940s and provides jobs to over 300 people. These are jobs we want to keep in America, but O-I needs more recycled glass to remain competitive. Unfortunately, glass and other containers have low recycling rates when they are collected through single-stream collection systems. Further, the lack of data on recovery rates is a barrier to finding effective ways to collect more recyclable materials that can be used in manufacturing.

Congress should encourage all stakeholders to take steps to improve data collection related to the recovery of recycled materials, review ways to increase the collection of recycled materials, and increase the amount of recycled materials available for manufacturers. By improving the collection of recycled materials, we can make American manufacturers more competitive and protect and create highly skilled, high-paying jobs.

This is another Main Street solution to grow American jobs under the House Republican Plan For America's Job Creators. I encourage all Americans to learn more about this plan at jobs.gop.gov.

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 23 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at noon.

PRAYER

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

God of the universe, we give You thanks for giving us another day.

Bless the Members of this assembly as they set upon the work of these hours, of these days. Help them to make wise decisions in a good manner and to carry their responsibilities steadily, with high hopes for a better future for our great Nation.

Deepen their faith, widen their sympathies, heighten their aspirations, and give them the strength to do what ought to be done for this country.

May Your blessing, O God, be with them and with us all this day and every day to come, and may all we do be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MCINTYRE 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 2, 2011.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 2, 2011 at 9:19 a.m.:

That the Senate passed with amendments H.R. 2112.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

A CONSTITUTIONAL AMENDMENT TO BALANCE THE FEDERAL BUDGET

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

Mr. SULLIVAN. Only in Washington, D.C., are we debating whether it's a good idea to balance the Federal budget. The American people don't have the luxury of choosing. Families and businesses across the country are forced to balance their budgets and live within their means, and the Federal Government should be held to the same standard.

I believe a constitutional amendment to balance our Federal budget is a real long-term solution to our Nation's fiscal problems, and I am pleased Congress will soon vote on one for the first time in 15 years.

This is a critical time for our Nation. Over 14 million Americans are unemployed, and our record-setting level of debt is over $14 trillion. Congress has a moral obligation to our children and grandchildren to stop the outrageous spending and to restore fiscal sanity in Washington in order to ensure we don't leave them under a mountain of debt.

I will continue fighting for a constitutional amendment to require the Federal Government to live within its means just like families across Oklahoma do every day.

WHITMARSH HOUSE

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

Mr. CICILLINE. Mr. Speaker, I rise today to recognize Whitmarsh House in Providence, Rhode Island—a safe haven and support network for Rhode Island youth, adults with developmental disabilities, and families for over 40 years.

In recognition of the organization's commitment to excellence, Whitmarsh House has received a 3-year accreditation from the Commission on Accreditation of Rehabilitation Facilities, or CARF. CARF is an accrediting body that recognizes an organization's demonstration of accountability and conformance to internationally accepted standards in providing essential health and rehabilitation services to its community. This accreditation comes as no surprise given the vital and quality services Whitmarsh House provides every day to our communities in Rhode Island.

Whitmarsh House has served hundreds of youth through programs that support their development as productive and contributing members of our society. I am proud to honor Whitmarsh House and to congratulate the dedicated staff on receiving this important accreditation. I look forward to seeing its continued work for the community in the coming years.

THE UNESCO VOTE ON THE PALESTINIAN AUTHORITY

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

Mr. OLSON. Mr. Speaker, I rise with deep concerns about yesterday's vote to grant the Palestinians full membership in the U.N. organization known as UNESCO.

America has been crystal clear about what the consequences would be for this kind of end run around negotiated peace between Israel and the Palestinians seeking their own nation. This action by UNESCO emboldens the fraudulent Palestinian bid for recognition without the Palestinians immediately recognizing Israel's right to exist as a Jewish nation-state or even denouncing their stated goal of Israel's destruction.

The United States had no choice but to refuse to make a scheduled $60 million transfer to UNESCO. That $60 million should be used to pay down our Federal debt instead of to support an organization committed to thwarting peace in the Middle East.

FLIGHT 3407 EMAILS

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

Ms. HOCHUL. On a cold, snowy night in February 2009, the lives of hundreds of people in my district were shattered. The cruel irony of 50 loved ones killed in a plane crash the Friday before Valentine's Day weekend is lost on no one in my district, near Buffalo, which is exactly where the Colgan Flight 3407 plane crash occurred.

The families began a quest for answers—hearings on Capitol Hill and NTSB investigations. Finally, we thought we had the answers. Yet it wasn't until a lawsuit was filed in Federal court in Buffalo and through the perseverance of a Buffalo news reporter that they finally announced that the company never gave critical emails regarding the inability of this pilot to fly this plane. Those emails were never revealed until now.

That's why I teamed up with our local delegation—Congresswoman SLAUGHTER, Congressmen HIGGINS and REED, and Senators SCHUMER and GILLIBRAND—to call for a Federal investigation by the United States Attorney General into what this company knew and when they knew it. Whether they possessed critical emails at the right time, whether they gave them to us, whether there were other emails that would shed light as to what happened on that night, the families deserve to know; western New Yorkers need to know; and America needs to know.

IN HONOR OF OTTERBOX

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

Mr. GARDNER. Mr. Speaker, I rise today to honor the charitable contributions and achievements of OtterBox, a business located in Fort Collins, Colorado.

This business manufactures and develops coverings for tech products, like cell phones and iPads, and it employs 350 people in my congressional district. Aside from their great products and innovation, OtterBox received national recognition by being named an honoree for National Philanthropy Day in Colorado.

Last year OtterBox created a new wing to their business, one devoted to altruistic values to help the surrounding community. This wing was appropriately named OtterCares. OtterCares has participated in many service projects, like providing school supplies to low-income children and by donating 600 toys to less fortunate families during the holiday season. Their work also includes volunteering at local food banks, youth centers, and animal sanctuaries.

In addition, the company gave all 350 employees a $200 grant to give to a charity or foundation of their choosing. The $200 was just a start. They encourage their employees to raise and donate more. To this day, OtterBox has raised over $74,000 for 70 different organizations.

The business utilizes this slogan: ''Throw a stone in the water, and watch how far the ripple can spread.''

The ripple started by OtterBox is helping the entire Fort Collins area. It is with great pride that I recognize OtterBox on the House floor.

□ 1210

REBUILDING THE AMERICAN DREAM

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

Mr. CARNAHAN. Mr. Speaker, with less than 2 months left in 2011, this Republican-controlled House has yet to focus on the top issues facing our country: creating jobs, growing our economy, and rebuilding the American Dream. Back home in St. Louis, I have seen firsthand how businesses, families, seniors, and students are frustrated and suffering because of inaction, obstruction, and political games in this Congress.

Last week I met with business owners in my home State, including a commercial and residential plumbing company in St. Louis. That business is suffering from the terrible housing market and poor economy. It's our responsibility to work to help our constituents who have built businesses that have been hard-hit by these tough times.

The President has proposed the American Jobs Act which would help put people back to work. And independent economists say this bill would help create more than 1 million jobs. It's time for action. We cannot retreat to our ideological corners and ignore the challenges that we face. I will work with anyone, anywhere, anytime to grow the economy and help create jobs. I challenge my colleagues to work with that same spirit. It's time we pull together and put our country first.

ARNOLD DE LA PAZ

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

Mr. FARENTHOLD. This year Mr. Arnold De La Paz, the founder and president of DLP Group, Inc., in Corpus Christi, was named the Small Business Association's Lower Rio Grande Valley District Minority Small Businessperson of the Year.

Mr. De La Paz is a service-disabled veteran who started his career with a small painting company and eventually, through hard work and dedication, founded the DLP Group, which is now one of the largest paint manufacturers in America. Mr. De La Paz is one of many small business owners that work every day to live and realize the American Dream. We must continue to foster an environment where job creators like Mr. De La Paz can succeed. We can do that here in Washington by simplifying the Tax Code, reducing government regulation, and getting the Federal budget under control.

I think Mr. De La Paz summed it up well when he said, ''Our Nation has always been about the urge to dream and the will to enable it.'' Mr. De La Paz is an example to other small business owners. His contributions as a job creator who has worked tirelessly to put Americans back to work is what this country is based upon.

VETERANS' TUITION

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

Mr. MCINTYRE. Mr. Speaker, as we approach Veterans Day and are ever thankful for the veterans and servicemen and -women who have made our country great, I rise to pay tribute to Sergeant Jason Thigpen of Wilmington, North Carolina, who is here with us today. After his service in Iraq, Jason started the Student Veterans Advocacy Group at the University of North Carolina at Wilmington to support student veterans and dependents seeking a college education.

Jason, who is a Purple Heart medal recipient, has shared with me and others here on Capitol Hill his concerns that the Post-9/11 Veterans Educational Assistance Act disallows out-of-state students to receive in-state tuition at public universities, thus making it cost-prohibitive for them to attend these public universities, even though they otherwise qualify. I am certain that my colleagues here would agree that our returning veterans who are pursuing an education under the GI Bill should not have to worry about whether it's in-state versus out-of-state tuition. These courageous individuals have been at the forefront defending our freedoms and our values. They should not be denied their opportunity to pursue an education. Let's support our student veterans.

JOBS CAN'T GROW WHEN CASH FLOW SLOWS

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

Mr. CRAWFORD. Mr. Speaker, I rise today to address a topic that concerns most Americans at this time, and that's jobs. The House has opposed the administration when they have proposed hitting job creators with new taxes or more regulatory burdens. So far this year, the House has passed a total of 17 job-creating bills. This week, the House will vote on two jobs bills that will enable small businesses and entrepreneurs to access more capital to create more jobs. Jobs can't grow when the cash doesn't flow. Smarter regulation and fewer roadblocks to capital will help job creators put more Americans back to work.

We in Congress have the responsibility to give entrepreneurs and small business owners the business environment they need to unleash America's economic potential. That's what we were sent here to do, and that's what our constituents deserve.

ASSISTANCE FOR OUR VETERANS

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

Mr. CLARKE of Michigan. Mr. Speaker, earlier this morning, I spoke on how glad I was that the Representative from Michigan's First District was able to take a tour of the city of Detroit and visit Mercy Primary Care Center. But when I visited that center, I was also appalled. I was appalled by what I saw and what I heard—that our veterans from metro Detroit, our veterans, young men and women who risked their lives, their physical and mental health for our country, who went overseas and came back home to face only no prospect of employment, no income to even provide them with decent shelter, little access to mental health and substance abuse treatment. So as a result, folks that we should be revering as heroes ended up on the streets of Detroit, living like animals. No one deserves to live that way in this country.

So right now, I'm asking this Congress, instead of just focusing on cutting everything and cutting programs and funding initiatives, let's help put people back to work. Let's provide them with mental health and substance abuse treatment and give them the dignity that every American deserves.

FLOOD PROTECTION FOR THE MISSOURI RIVER BASIN

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

Mr. BERG. Mr. Speaker, North Dakota has experienced devastating and unprecedented flooding this year. To provide additional flood control storage, our State requested that the Corps lower the water levels in Lake Sakakawea. This could help prevent a repeat of this year's flooding. Last night, the Corps denied our State's request. I strongly disagree with this decision.

The people of North Dakota are more than just frustrated. They have lost so much to flooding, and they deserve more say in the Corps management of the water levels. I have called on the Corps to testify before Congress on what went wrong this last spring, and I will continue to press for an honest conversation about the Missouri River Basin's flood protection. The Corps should do everything within its power to prevent another devastating flood next spring. Unfortunately, this recent decision suggests that the Corps is continuing forward with the same management plan that failed so badly this spring. Things need to change now before the people of North Dakota and other Missouri River States are faced with another devastating loss.

FINDING COMMON GROUND

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

Mr. YARMUTH. Mr. Speaker, this week at the University of Louisville's McConnell Center, the Speaker of the House gave a speech on the need to find common ground, but without compromise. We've been testing the wisdom of this approach all this year. Here's what we've gotten: stalemate, manufactured crises, and an inability to act on behalf of the American people.

In a government as polarized as this, insisting on common ground while refusing to compromise is maybe the best way to guarantee that 90 percent of our Nation's problems go unsolved. Not coincidentally, that's the same percentage of Americans who disapprove of this Congress and its ongoing search for a hidden, preexisting common ground.

I encourage the Speaker to hear the people out on this. They know the solutions which we've already agreed are the easy ones, and they didn't elect us to make easy decisions. They elected us to solve difficult problems. In other words, to lead. Real leaders don't just look for common ground. They create it. Our country was formed through compromise and has been strengthened by it for more than 200 years. Until Republicans provide leadership that values results over ideology and economic progress over antitax pledges, this Congress will continue to fail America.

REPUBLICAN NO-JOBS AGENDA

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

Mr. SIRES. Mr. Speaker, it has been 43 weeks since Republicans took control of the House, and we have had 817 recorded votes, yet they have failed to pass a single bill to create jobs. In turn, they have actually voted against, blocked, or ignored an array of job-creating proposals, including the American Jobs Act as well as segments of the American Jobs Act.

There are 14 million Americans out of work that are counting on Congress to pass legislation that creates jobs and improves the American economy. The American Jobs Act will create and preserve jobs now, put money back into the pockets of working Americans now, and give businesses job-creating tax breaks now. Unfortunately, the majority is continuing a no-jobs agenda by refusing to hold a vote on the American Jobs Act. The House majority will not even follow the Senate's lead by bringing job-creating components of the bill, like the provision that preserves jobs for teachers and first responders, up for a vote. Mr. Speaker, we must act now to establish confidence in our economy, and the American Jobs Act is one way to achieve that goal.

□ 1220

LATINO VETERANS

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to commemorate the 70th anniversary of World War II and to commemorate the service of Hispanic Americans who served in World War II and in all wars, and to commemorate our Latino veterans across America.

During World War II, 500,000 Americans of Hispanic ancestry courageously answered our Nation's call, including Latinos such as Ted Williams, Manuel Ortiz, Maria Dolores Hernandez, Jose Limon, Desi Arnaz, Cesar Chavez, and Guy Gabaldon.

The Hispanic American soldiers fought with integrity and bravery, earning 126 Distinguished Service Crosses, over 1,400 Silver Stars, and 2,807 Bronze Stars for valor. They earned these medals sacrificing their lives and blood to preserve the United States and freedom around the world. Through the war, over 12,000 Latinos were awarded the Purple Heart for wounds suffered in combat; 2,561 Latinos were prisoners of war; and 9,831 Latinos were killed in action.

Because of their record of service, Mr. Speaker, I introduced H. Res. 404, which recognizes the service and the sacrifice of the members of the Armed Forces and veterans who are Latino; and I urge my colleagues to cosponsor this legislation.

I wish to remember these war heroes and the stalwart and selfless service of Latinos in military history 70 years after World War II.

A NO-JOBS AGENDA FROM A NO-SHOW REPUBLICAN CONGRESS

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

Mr. POLIS. Mr. Speaker, here we are 43 weeks into the current Congress since the Republicans took control of the House, and yet we have failed to pass a single bill to create jobs. Fourteen million Americans without jobs, many millions more are underemployed, worried about where their next paycheck is coming from. And yet the majority has continued to block and ignore a number of job-creating proposals advanced by Democrats, including the American Jobs Act. I renew my call for Speaker BOEHNER to bring the American Jobs Act to the House floor and allow the House to work its will to create jobs for the American people.

The majority party will respond that there are a number of bills, but just by calling a bill a jobs bill doesn't make it one, such as bills that would increase childhood asthma and make people of all ages more ill by preventing our EPA from enforcing its clean water standards. The Dirty Water Act, again, instead of creating jobs, the bill undermines the Clean Water Act. It's not a zero sum game. And by damaging our environment and making people sick, we're not creating jobs.

I call upon the House of Representatives to pass jobs bills now.

AMERICAN JOBS ACT

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

Mr. BACA. Mr. Speaker, across the country, 14 million Americans, I state, 14 million Americans are looking for work. And yet there are no jobs that have been created, and the Republicans still don't have a jobs plan.

In my congressional district in San Bernardino County, the unemployment rate is 17 percent. People throughout our country are hurting. They're hurting. They can't wait any longer for Congress to do the job. We must bring the American Jobs Act for a vote. It will provide an opportunity to put people to work.

It contains bipartisan ideas. It puts our teachers, firefighters, first responders, and cops back to work. It provide tax cuts that will help small businesses create new jobs. It puts our veterans and returning troops back to work with a tax credit and provides an immediate boost to our economy.

Republicans have supported all of these ideas in the past. It's time they support them again. We must work together and pass the American Jobs Act.

HOUSE REPUBLICAN JOBS PLAN

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

Mr. YODER. Mr. Speaker, our economy cannot recover without tapping into the unlimited creative talents of the American people. Innovators and entrepreneurs all across the country are primed to be the spark that ignites the economic engine of America, putting millions of Americans back to work. But these bright job creators face many government-made obstacles to success.

In our free enterprise system, access to private capital and investment is the lifeblood of our economy. With the threat of higher taxes on investment income and new financial regulations on community banks, it's no wonder that these small business owners aren't expanding or creating jobs. H.R. 2930 and H.R. 2940 are two bills that remove government barriers to economic growth by helping American businesses gain access to the vital investment capital they need to create jobs and grow the economy.

Mr. Speaker, together we can pass legislation that will unleash the energy and talents of the American people and restore the prosperity and promise of the United States of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions 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.

Record votes on postponed questions will be taken later.

CIVILIAN SERVICE RECOGNITION ACT OF 2011

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2061) to authorize the presentation of a United States flag at the funeral of Federal civilian employees who are killed while performing official duties or because of their status as a Federal employee, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2061

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 ''Civilian Service Recognition Act of 2011''.

SEC. 2. PRESENTATION OF UNITED STATES FLAG ON BEHALF OF FEDERAL CIVILIAN EMPLOYEES WHO DIE OF INJURIES IN CONNECTION WITH THEIR EMPLOYMENT.

(a) PRESENTATION AUTHORIZED.—Upon receipt of a request under subsection (b), the head of an executive agency may pay the expenses incident to the presentation of a flag of the United States for an individual who—

(1) was an employee of the agency; and

(2) dies of injuries incurred in connection with such individual's employment with the Federal government.

(b) REQUEST FOR FLAG.—The head of an executive agency may furnish a flag for a deceased employee described in subsection (a) upon the request of—

(1) the employee's next of kin; or

(2) if no request is received from the next of kin, an individual other than the next of kin as determined by the Director of the Office of Personnel Management.

(c) CLASSIFIED INFORMATION.—The head of an executive agency may disclose information necessary to show that a deceased individual is an employee described in subsection (a) to the extent that such information is not classified and to the extent that such disclosure does not endanger the national security of the United States.

(d) EMPLOYEE NOTIFICATION OF FLAG BENEFIT.—The head of an executive agency shall provide appropriate notice to employees of the agency of the flag benefit provided for under this section.

(e) REGULATIONS.—The Director of the Office of Personnel Management, in coordination with the Secretary of Defense and the Secretary of Homeland Security, may prescribe regulations to implement this section. Any such regulations shall provide for the head of an executive agency to consider the conditions and circumstances surrounding the death of an employee and nature of the service of the employee.

(f) DEFINITIONS.—In this section:

(1) EMPLOYEE.—The term ''employee'' has the meaning given that term in section 2105 of title 5, United States Code, and includes—

(A) individuals who perform volunteer services at the discretion of the head of an executive agency; and

(B) an officer or employee of the United States Postal Service or of the Postal Regulatory Commission.

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 105 of title 5, United States Code, and includes the United States Postal Service and the Postal Regulatory Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 2061, the Civilian Service Recognition Act of 2011, was introduced by the gentleman from New York (Mr. HANNA) on May 31 of this year. H.R. 2061 enjoys the support of 21 cosponsors on both sides of the aisle, and the Committee on Oversight and Government Reform reported this bill by voice vote on June 22 of this year.

Mr. Speaker, each year a small number of Federal civilian employees tragically lose their lives as a result of the duties they pledged to fulfill. Sadly, nearly 3,000 Federal civilian workers have died on the job since 1992.

Many civilian employees are veterans and thus are entitled to military

funeral honors. In addition, the Departments of Defense and Homeland Security have regulatory authority over burial benefits related to civilian employees who die as a result of their service with an Armed Force in a contingency operation.

The Federal Government lacks a policy authorizing the presentation of a United States flag to the families of Federal civilian employees serving elsewhere who lose their lives as a result of their employment. For those civilian employees who make the ultimate sacrifice in the course of service to their country, H.R. 2061 authorizes agencies to give a United States flag as a way for the Nation to formally express sympathy and gratitude.

H.R. 2061 is supported by a broad coalition of Federal employee organizations, including the Federal Law Enforcement Officers Association, American Foreign Service Association, American Federation of Government Employees, and the Service Executives Association.

I would like to thank Representatives HANNA and HINCHEY for bringing this important issue to the attention of this Congress. I would also like to thank the minority for working with us to bring this legislation to the floor for our consideration.

I reserve the balance of my time.

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

I rise in strong support of H.R. 2061, the Civilian Service Recognition Act of 2011, as amended. I commend Congressman HANNA for his work on this legislation. This bill would authorize Federal agencies to give the United States flag to the families of Federal civilian and postal employees who lose their lives as a result of a criminal act, an act of terrorism, a natural disaster, or in other special circumstances as determined by the President of the United States.

□ 1230

There are more than 2.8 million Federal civilian and postal employees. They are the men and women who gather and analyze the intelligence that enables us to track down terrorists such as Osama bin Laden. They are our postal employees who deliver the mail to us in the rain, snow, sleet, and hail. They are the scientists who conduct groundbreaking and lifesaving research like those that I've seen at NIH. They are the food and water inspectors who ensure the products we eat and drink will not harm us. They are the correctional officers guarding criminals and terrorists, and they are the nurses and doctors who care for us and our wounded veterans.

Many of these employees have high-risk, dangerous jobs, and they put their lives on the line every day in service to our Nation. They give their blood, sweat, and tears for our Nation. For example, approximately 44,000 Federal civilian employees have served alongside our uniformed servicemembers in Iraq, Afghanistan, and other combat-related zones over the last decade. They have performed jobs critical to our missions, and they have been essential to the successes our military has achieved.

Over the past two decades, some 3,000 Federal civilian employees have died on the job. The gift of a United States flag to the families of Federal employees who die in the line of duty is a small token of our very great appreciation for the ultimate sacrifice these public servants have made.

That said, Mr. Speaker, these same civil servants that we seek to honor here today are the very same people who are under attack from some quarters for simply doing their jobs. Recently, the majority of the House Oversight and Government Reform Committee recommended to the Joint Select Committee on Deficit Reduction that Federal workers who are already subject to a 2-year-long pay freeze also be subjected to the following: arbitrary 10 percent workforce reductions, an extended pay freeze through 2015, elimination of periodic step increases, increased employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System, and a change in the formula used to calculate Federal pensions that may reduce the benefits provided to these many employees. In addition, our committee has scheduled H.R. 3029 for consideration tomorrow. This bill would require a 10 percent reduction in the Federal workforce by fiscal 2015.

It is appropriate and, in fact, past due that we pay tribute to our civil servants who make the ultimate sacrifice in service to our great Nation, and I am encouraged that the legislation before us enjoys bipartisan support. But I remind my colleagues that it doesn't make any sense to turn around and attack these same workers' livelihoods as we consider further deficit reductions. Such actions denigrate the value of the service these individuals provide to our great Nation, the very service we are honoring in H.R. 2061.

If Federal employees are worthy of receiving a gift of our Nation's flag upon their deaths, they are surely worthy of receiving their full pay and benefits for a lifetime of service to our country. Therefore, Mr. Speaker, I urge my colleagues to support this bill to honor Federal employees killed in the line of duty. I also urge my colleagues to join me in honoring all of our civil servants by opposing any further efforts to balance the Nation's budget on the backs of these dedicated men and women.

With that, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield such time as he may consume to my distinguished colleague from the State of New York, the primary author of this bill, Mr. HANNA.

Mr. HANNA. I thank the gentleman from Utah for yielding.

Mr. Speaker, I rise today in proud support of H.R. 2061, the Civilian Service Recognition Act of 2011.

First, I would like to thank a few of my colleagues for helping to bring this bill to the floor. My friend and colleague, a New Yorker, MAURICE HINCHEY, one of the original cosponsors of this bill; my neighbor and friend in the Cannon Office Building and someone who has been supportive of this effort from the very beginning, DONNA EDWARDS, Representative from Maryland; Oversight and Government Reform Committee Chairman DARRELL ISSA and Ranking Member ELIJAH CUMMINGS for their support of this bill; and the entire staff of the Oversight and Government Reform Committee for its work on this bill.

In addition, Mr. Speaker, I'd like to thank the people who prompted the introduction of this bill: Grant Reeher and Terry Newell. These gentlemen penned a joint opinion editorial in The Syracuse Post-Standard suggesting that legislation be introduced to honor civil servants who are killed in the line of duty.

Mr. Speaker, this bill is quite simple. If a civilian Federal employee is killed on the job as a result of a criminal contact, terrorism, natural disaster, or an extraordinary event as determined by the President of the United States, their next of kin would be authorized to receive a United States flag. The Congressional Budget Office reports that this bill would have ''no significant effect on the Federal budget.''

Mr. Speaker, since 1992, almost 3,000 civilian Federal workers have been killed while on duty, both in places like Iraq, Afghanistan, and Haiti, but also in places like Oklahoma City and Austin, Texas. This legislation is widely supported by a variety of groups and individuals, including civil service organizations, former Homeland Security Secretary Michael Chertoff, and the American Legion.

I would like to note for the record that the American Legion raised some concerns about the language of this bill. I am personally very grateful and much appreciate their input. My office, as well as the committee staff, have worked with the Legion not only to listen to its concerns, but to act on them, which we have in this bill. In the end, we made a better bill, mindful of the real differences between military and civilian service, but also acceptable to all parties.

Legislative language aside, the spirit of this bill and the original intent of this bill is simple. If a Federal civil employee is killed in the line of duty, whether at home or abroad, their life will be honored by this Nation. Their family will be presented a flag on behalf of the United States of America.

More than 2 million Federal civilian employees work within our country and in countless overseas posts, many of them in dangerous jobs at Customs and Border Protection or the FBI, just to name a couple of examples. This is a

modest but significant benefit in honor of these dedicated individuals who sacrifice on our behalf.

Until the September 11 attacks, the largest terrorism attack on American soil took place in 1995—the Oklahoma City bombing. Employees showed up at the Federal building that day, like so many before, to go to work, to fulfill their oath of office and meet their obligations.

Ours is a grateful Nation, one that values the sacrifices made in honor of this country. Mr. Speaker, a life can never be repaid, but it can be honored. I urge all my colleagues to join me in support of H.R. 2061.

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

Again, I wholeheartedly support this legislation, and I think it's a very, very important piece of legislation. I want to congratulate Mr. HANNA and all the cosponsors for it.

At the same time, though, there is an old saying: Give me my flowers while I live. The fact is that there are many Federal employees, and we get the calls every day, when we sit in committees and we hear negative things said about Federal employees, and I think we forget that we take so many of them for granted. And so often when you take people for granted, you just assume that things are going to work and that agencies are going to work.

In my district, I have the Social Security Administration, and I get complaints from employees almost every day. As they see a downsizing, they see their workload increasing tremendously, but yet they are still being subject to pay freezes and things of this nature.

So I think, again, this legislation is extremely important; but, again, I emphasize that I think it's so important that we not place these Federal employees in positions where they are constantly told that they're not doing enough work or they are not needed in many instances and need to be downsized, need to have their pay reduced and need to have the increases to their contribution to the retirement system.

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

□ 1240

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume to just merely point out that since Barack Obama took office until now, there are more than 141,000 additional Federal workers on the payroll. So while there has been some discussion about not appreciating Federal workers, I fully appreciate the Federal workers—they're patriotic people, they work hard, they do a good job. But I do think we have an expectation that people do a good day's work for a good salary. And there is nothing that has been brought up today to suggest we're doing anything other than recognizing those who are paying the ultimate sacrifice. We have been increasing the number of Federal employees; some of us are concerned about that. That is a discussion for another day.

At this time, Mr. Speaker, I would yield such time as he may consume to my distinguished colleague from Virginia (Mr. WOLF), who has been very active on this issue and cares passionately about this issue.

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

Mr. WOLF. I thank the chairman for recognizing me. I appreciate it very much.

I rise in strong support of the bill. It's very appropriate. The first person killed in Afghanistan was a civilian employee from my congressional district, a CIA employee, Michael Spann. I went to the funeral out at Arlington Cemetery. He was the very first person, and he was a civilian and gave his life there.

I also, about 7 or 8 months ago, went out to the agency where they had a memorial service—the President was there, as was Director Panetta—to remember the seven who were killed at that base there. You could see the young families and just the pain and the agony and the suffering. Also, the DEA; we lost three DEA people in Afghanistan fighting the drug wars. And you can go on, the Border Patrol and all the others. So I want to thank Mr. HANNA for the bill, thank the chairman for it, and thank the ranking member. This is important, I think, to do.

I want to thank the gentleman from New York, Mr. HANNA, for introducing this legislation, which authorizes the presentation of the United States flag to federal employees who have died in the line of duty.

According to the Office of Personnel Management, since 1992, nearly 3,000 federal employees have paid the ultimate price while serving their country.

Federal employees work side-by-side on the front lines with our military personnel to carry out the Global War on Terror in locations such as Iraq and Afghanistan. They put their lives at risk daily to defend our national interests.

The first American killed in Afghanistan, Mike Spann, was a CIA agent and a constituent from my congressional district. Imagine the dangers a CIA or State Department employee or DEA agent or an FBI agent working in Afghanistan with the U.S. military must encounter.

When I traveled to Afghanistan, I visited with FBI agents serving side-by-side with our military in the fight against the Taliban. DEA agents are also in Afghanistan and working to eradicate the poppy, which the Taliban and al Qaeda use as a primary source of funding in their operations. Last year, three DEA agents were killed in Afghanistan.

A year ago January, I attended funerals for some of the seven CIA agents who were killed by a Taliban suicide bomber at Forward Operative Base Chapman near the Afghanistan-Pakistan border.

Federal employees also put their lives on the line here at home. The Border Patrol agent shot and killed in Arizona this past December who was working to stop the flow of illegal immigrants across our southern border was a federal employee.

The three Immigration and Customs Enforcement agents who were attacked, including one who was killed, outside of Mexico City were federal employees.

Each federal employee repeats the following oath: "I, [name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

We fly the flag to demonstrate our support for the values and principals found in the Constitution and expressed by this oath. I believe it is appropriate to allow for the presentation of the flag if an employee is killed because they represent this oath, which is why I am a proud cosponsor of this measure.

This legislation recognizes all unsung federal employees who work to ensure that our government is running as efficiently and effectively as possible to provide the services that taxpayers expect. I urge all members to support H.R. 2061.

Mr. CUMMINGS. Mr. Speaker, I am very pleased to yield 4 minutes to the gentlewoman from Maryland, Ms. DONNA EDWARDS.

Ms. EDWARDS. I thank my colleague from Maryland for yielding.

I want to congratulate Congressman HANNA. It's been a privilege to be able to work with Mr. HANNA on his efforts in resolving some issues that have held up the passage of H.R. 2061—and I'm glad that we're here today—the Civilian Service Recognition Act.

When Federal civilian servants take the oath of office, they solemnly swear to ''defend the Constitution of the United States from enemies, both foreign and domestic.'' This legislation would authorize the head of an executive agency to give a U.S. flag to the next of kin of a deceased employee who dies at home or abroad of injuries incurred in connection with his or her employment with the government. The bill specifies that the employee would have to die due to injuries sustained with a criminal act, an act of terrorism, a natural disaster, or other circumstance as determined by the President.

The legislation is a well-deserved reminder of the important work done by our civilian employees, particularly when Federal employees have been so criticized and placed on the chopping block during the recent debates. H.R. 2061 is a modest but significant show of gratitude to our Federal civilian employees and the families of deceased public servants for their duty to the United States Government.

According to the Office of Personnel Management, over 100,000 civilian Federal employees have served in Afghanistan and Iraq alongside our military forces. As the daughter of a career servicemember, I know well the numerous sacrifices that members of our armed services, public servants, and their families make, and this doesn't in any way diminish the service that they

engage in every day. What it says, though, is that for those who serve in harm's way and who lose their lives, that we value their service as well.

And very similar to members of the Armed Forces, members of the Federal civilian workforce often risk their lives to carry out official duties critical to the Federal Government's foreign and domestic missions. OPM reports that more than 3,000 Federal employees have been killed in the line of duty since 1992.

In 2008, as the gentleman from Virginia mentioned, an FBI special agent was tragically shot and killed during a joint DEA, FBI, and local police department raid. This special agent began his law enforcement career with the Ocean City, Maryland, Police Department and later served with the Baltimore, Maryland, Police Department. Another brave Marylander, a DEA special agent who graduated from the University of Maryland, was killed in 2009 when the U.S. military helicopter he was in crashed while returning from a joint counternarcotics mission in western Afghanistan.

I want to recognize the dedication of these civil servants. This is a long-overdue recognition to the 146,000 Federal employees living in Maryland's Fourth Congressional District, many of whom place their lives on the line every day. I know that when I had the privilege of joining our servicemembers and our civilians in Afghanistan, I found many employed with the Department of Agriculture, Homeland Security, the IRS—virtually every agency of the United States serving in that dangerous and hostile theater.

Mr. Speaker, I want to thank Congressman HANNA and the chair and ranking member of the Oversight and Government Reform Committee for their work on this bill. I commend passage of this legislation and urge all my colleagues to vote in favor of H.R. 2061, the Civilian Service Recognition Act.

Mr. CUMMINGS. Mr. Speaker, in closing, I just wanted to let the gentleman know that he mentioned that there had been an increase in Federal employees. There have been increases in DOD, DHS, and VA, but all the other agencies over the 10 years have been decreasing.

With that, Mr. Speaker, I would urge passage of this legislation, and I yield back the balance of my time.

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

While the gentleman from Maryland and I may disagree on the statistics of the number of Federal employees, I think we can be united in supporting this bill, H.R. 2061.

There are so many good people who are doing the right thing, they're working hard, they're patriotic, and somehow, some way, unfortunately they pay the ultimate sacrifice.

We simply urge our colleagues on both sides of the aisle to pass this. It may seem trivial to some, but I guarantee you that to the families who have suffered a loss of such consequence, of such magnitude, a flag presented from the United States of America is appropriate, it's something we should do. I congratulate Mr. HANNA for bringing this bill forward, and I encourage all of my colleagues to pass it.

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

Mr. HANNA. Mr. Speaker, I rise today in proud support of H.R. 2061, the Civilian Service Recognition Act of 2011.

First, I need to thank several of my colleagues for their help in bringing this bill to the floor:

My friend and colleague to the south—and—the original co-sponsor of this bill: MAURICE HINCHEY.

My neighbor in the Cannon House Office Building and someone who's been supportive of this effort from the beginning: DONNA EDWARDS, representative from Maryland.

Oversight and Government Reform Committee Chairman DARRELL ISSA and Ranking Member ELIJAH CUMMINGS for their support of this bill.

The entire staff of the Oversight and Government Reform Committee for its work on this bill.

Mr. Speaker, I need to thank the people who prompted the introduction of this bill: Grant Reecher and Terry Newell.

These gentlemen penned a joint opinion-editorial in The Syracuse Post-Standard, suggesting legislation be introduced to honor civil servants who are killed in the line of duty.

Mr. Speaker, this bill is simple. If a civilian federal employee is killed on the job as a result of a criminal act, terrorism, natural disaster, or an extraordinary event as determined by the President, their next of kin would be authorized to receive a United States flag.

The Congressional Budget Office reports that this bill would have "no significant effect on the federal budget."

Mr. Speaker, since 1992, almost 3,000 civilian federal workers have been killed while on duty, both in places like Iraq, Afghanistan, and Haiti—but also in places like Oklahoma City, and Austin, Texas.

This legislation is widely supported by a wide array of groups and individuals including civil service organizations, former Homeland Security Secretary Michael Chertoff, and the American Legion.

I would note for the record that the American Legion raised some concerns about the language of the bill. I personally very much appreciated the input. My office, as well as Committee staff, worked with the Legion to not only listen to its concerns, but act on them.

In the end we made this bill better. Mindful of the real differences between military and civilian service, but acceptable to all parties involved.

Legislative language aside—the spirit of this bill—and the original intent of this bill—is simple: If a federal civilian employee is killed in the line of duty whether at home or abroad, their life will be honored by this nation. Their family will be presented a flag on behalf of the United States of America.

More than 2 million federal civilian employees work within our country and in countless overseas posts, many of them in dangerous jobs at Customs and Border Protection or the FBI, just to name a couple of examples.

This is a modest, but significant benefit in honor of these dedicated individuals who sacrificed on our behalf.

Until the September 11th attacks, the largest terrorism attack on American soil took place in 1995—the Oklahoma City bombing. Employees showed up at the federal building that day—like so many before—to go to work. To fulfill their oath of service to the U.S. Government.

Ours is a grateful nation, one that values the sacrifices made in honor of this country.

A life can never be repaid, but it can be honored.

Mr. Speaker, I urge all of my colleagues to join me in supporting H.R. 2061.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 2061, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1250

INCREASING SHAREHOLDER THRESHOLD FOR SEC REGISTRATION

Mr. SCHWEIKERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1965) to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1965

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

SECTION 1. SHAREHOLDER REGISTRATION THRESHOLD.

(a) AMENDMENTS TO SECTION 12 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l* (g)) is amended—

(1) in paragraph (1)—

(A) by striking "$1,000,000" both places it appears and inserting "$10,000,000";

(B) in subparagraph (A), by striking "; and" and inserting a semicolon;

(C) in subparagraph (B), by striking the comma at the end and inserting "; and"; and

(D) by inserting after subparagraph (B) the following:

"(C) in the case of an issuer that is a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), not later than 120 days after the last day of its first fiscal year ended after the effective date of this subsection, on which the issuer has total assets exceeding $10,000,000 and a class of equity security (other than an exempted security) held of record by 2,000 or more persons,"; and

(2) in paragraph (4), by striking "three hundred" and inserting "300 persons, or, in the case of a bank, as such term is defined in section 3(a)(6), or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1,200".

(b) AMENDMENTS TO SECTION 15 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended, in the third sentence, by striking ''three hundred'' and inserting ''300 persons, or, in the case of bank, as such term is defined in section 3(a)(6), or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1,200''.

SEC. 2. STUDY AND REPORT ON REGISTRATION THRESHOLDS.

(a) STUDY.—

(1) ANALYSIS REQUIRED.—The Chief Economist and Director of the Division of Corporation Finance of the Commission shall jointly conduct a study, including a cost-benefit analysis, of shareholder registration thresholds.

(2) COSTS AND BENEFITS.—The cost-benefit analysis under paragraph (1) shall take into account—

(A) the incremental costs and benefits to investors of the increased disclosure that results from registration;

(B) the incremental costs and benefits to issuers associated with registration and reporting requirements; and

(C) the incremental administrative costs to the Commission associated with different thresholds.

(3) THRESHOLDS.—The cost-benefit analysis under paragraph (1) shall evaluate whether it is advisable to—

(A) increase the asset threshold;

(B) index the asset threshold to a measure of inflation;

(C) increase the shareholder threshold;

(D) change the shareholder threshold to be based on the number of beneficial owners; and

(E) create new thresholds based on other criteria.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Chief Economist and the Director of the Division of Corporation Finance of the Commission shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes—

(1) the findings of the study required under subsection (a); and

(2) recommendations for statutory changes to improve the shareholder registration thresholds.

SEC. 3. RULEMAKING.

Not later than one year after the date of enactment of this Act, the Commission shall issue final regulations to implement this Act and the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. SCHWEIKERT) and the gentleman from Connecticut (Mr. HIMES) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. SCHWEIKERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on this bill.

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

There was no objection.

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

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

If we've learned one thing in the last 5 years, it is that the body of financial regulation which keeps us, as a people, safe must not be static, must not be dead, but, rather, a living thing that evolves and changes, not just to make sure that innovations and new products and new businesses don't get us into the kinds of troubles that we've experienced in the last 5 years, but also to make sure that the financial services industry remains entrepreneurial, that people who want to start small banks, small asset managers, small businesses of any kind have an opportunity to get started, to raise capital and to do well.

The securities laws that were established in 1933 and 1934 need to evolve and adapt to reflect the conditions in today's market. This is why I've introduced H.R. 1965. This bill would allow banks and bank holding companies to remain private to a point at which they believe it is in their interest to go public, undertake the fairly lengthy and complicated process of public registration at a moment when it makes sense for them to go into the public markets.

The original securities laws stipulated that banks would have to register with the SEC when they had more than 500 shareholders. Our small banks, our community banks experience difficulties because as original investors move on or pass on and leave shares to their beneficiaries, very rapidly banks reach that 500 shareholder number and are required to undertake the very complicated, up-front processes, but also the ongoing reporting requirements associated with public registration.

H.R. 1965 would very simply raise that threshold from 500 shareholders to 2,000 shareholders, again allowing these small banks to pick the optimal moment at which they go public, to allow them to continue to raise money in the private markets from private investors until such point that it makes sense for them to register and go public.

Now, it might be asked, is this prudent? And the answer to that question, of course, is that the banks and the bank holding companies are very heavily regulated by their prudential regulators. From the moment they are chartered, they are overseen by State and Federal entities that are designed to keep them from any sort of fraud from imprudent activities, and so this is an industry that is already heavily regulated, even for these companies who remain private.

I'd like to note that this bill provides relief to small banks by recognizing that unique characteristic, that they are regulated, and that they should continue to have access to the capital sources that got them started until they choose to go public.

I will note that this bill passed with broad bipartisan support in both subcommittee and committee, and I'd like to close my statement by thanking Chairman BACHUS and Ranking Member FRANK, as well as subcommittee Chair GARRETT and Ranking Member WATERS, for their hard work and cooperation in putting this bill together.

With that, I yield 4 minutes to the minority whip, Mr. HOYER of Maryland.

Mr. HOYER. I thank the gentleman for yielding, and I congratulate him for his leadership on this effort.

I thank my friend, Chairman BACHUS, for his facilitating the passage of this legislation.

Community banks, Mr. Speaker, are the life blood of our local economies. They are locally owned and operated. They know their local businesses and residents intimately, and lend to them, not just because it's a sound business decision, but also because it benefits the greater community.

With the credit and lending crisis we have experienced over the past couple of years, the small banks that operate in our local communities face numerous challenges just to stay afloat. These are the banks we need to see lending to small businesses and homeowners, but they are hamstrung in their attempt to raise capital by outdated SEC registration requirements. This one is over half a century old.

Under the nearly 50-year-old 500 investor exemption rule, banks have to register with the SEC if they have more than 500 shareholders. The gentleman from Connecticut (Mr. HIMES), whose bill this is, explained why that is difficult and why it changes as people who have stock die and leave their stock to more people and to heirs. Banks that have exceeded this low threshold must provide extensive and costly financial disclosure under our Federal securities laws.

Now, over the years, we have upped the threshold in terms of dollars that the bank assets have, but we have not affected the number of shareholders. To reverse this registration, they are then forced to lower their number of shareholders by buying back stock which, all too often, means losing local shareholders who keep these banks connected with their local communities.

The rationale behind SEC registration rules generally is to provide effective and timely disclosure to protect investors, which of course all of us support. However, as Maryland's Banking Supervisor Mark Kaufman notes, the current rule adds to banks' cost with little associated benefits, especially considering that, unlike most private companies, banks file public disclosure already on a quarterly basis and do so on a more timely basis than public companies, as the gentleman from Connecticut pointed out in his remarks.

□ 1300

The American Bankers Association, the Independent Community Bankers of America, State groups like the Maryland Bankers Association and small banks throughout Maryland and the Nation support raising this threshold to 2,000, which is what this bipartisan legislation would do. This will lift a significant regulatory burden on

our community banks without any offsetting price in regulatory oversight and make it easier for them to raise capital so they can continue to lend and support job growth in our communities.

I strongly urge my colleagues on both sides of the aisle to support H.R. 1965.

I note that my friend from Arkansas (Mr. WOMACK) is also on the floor. I want to thank him for his leadership in this effort as well.

Mr. HIMES. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan (Mr. PETERS) be designated to control the balance of my time.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman from Alabama will control the 20 minutes for the majority.

There was no objection.

Mr. BACHUS. Thank you, Mr. Speaker.

At this time I would like to yield 2 minutes to the gentleman from Arkansas (Mr. WOMACK), an original cosponsor of the legislation.

Mr. WOMACK. I thank the distinguished chairman for the time this afternoon, and I'd also like to offer my thanks and appreciation to my friend from Connecticut for his leadership on the issue. I am indeed an original cosponsor.

The unemployment rate in our Nation is still in excess of 9 percent. Millions of Americans are out of work. I just recently came back from my district where we had a job fair, and of the 300 or 400 jobs that were allegedly available on that particular day, there were several times more than that looking. It is a painful reminder to me that job creation is still critical to our country.

I'm also reminded as to how important it is that this job creation is linked to access to capital by businesses large and small. The slow pace of the recovery, the burdens of archaic and oftentimes unnecessary regulation have fallen disproportionately on small businesses, and particularly community banks.

As was commented on just a moment ago by the distinguished minority whip, the community banks are the lifeblood of our communities. They help a family purchase a home. They allow that mechanic the necessary capital to open his first shop. They help a chef open her first restaurant. Small businesses rely on these banks to give them a chance, a chance to take advantage of the American Dream.

Today, this Chamber has the opportunity to make it easier for community banks and small businesses to operate by removing a barrier to raising capital. So today we have the opportunity to pass H.R. 1965, and I strongly encourage my colleagues to support it. Your support will result in the fact that community banks will have the flexibility they need to raise capital without having to comply with onerous SEC regulations intended for larger banks. They will use this money in my district, the Third District of Arkansas, to create jobs, and that will be good for my district, it will be good for our State, and it will be good for America.

Again, my thanks for the time given to me by leadership and to my friend from Connecticut, and I strongly encourage support of H.R. 1965.

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

Mr. BACHUS. Mr. Speaker, at this time I would like to yield 1½ minutes to the subcommittee chair, Mrs. CAPITO from West Virginia, to speak in favor of the bill.

Mrs. CAPITO. I thank the chairman of the committee, for recognizing me.

I would like to speak in support of the gentleman from Connecticut's legislation, H.R. 1965, which would amend the securities law to establish certain thresholds for shareholder registration.

We all recognize that capital is tight for lenders and for businesses, and this bill, along with several others that were passed out of the Financial Services Committee, will address the issue of capital formation and allow institutions much needed resources to stimulate our economy. More capital equals more jobs, equals more people back to work, equals a growing economy.

Cost of public companies to register with the SEC can be very, very burdensome, and this cost is augmented when it's applied to smaller institutions. They don't have the resources to be able to meet the demands that larger companies do. So this bill would allow banks and bank holding companies access to more capital for that very precious and much needed impetus of job creation.

By raising the threshold from 500 to 2,000, it would permit easier deregistration, and the expenses that are tied up with registering would then go to stimulating our economy. More lending, more lending for a florist, a restaurant. I noticed in Charleston, a long-time restaurant that had been out of business was reopened under new ownership just this morning. And that's good news, and that's the kind of capital that small businesses need to be able to create jobs and stimulate the economy.

I believe this is a good piece of legislation whose effect on the economy will far outweigh any risks that it could propose, and I heartily endorse the gentleman from Connecticut's legislation, H.R. 1965.

Mr. PETERS. Mr. Speaker, I currently do not have additional speakers; so I reserve the balance of my time.

Mr. BACHUS. I thank the gentleman from Michigan.

At this time I would like to yield 1½ minutes to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today in support of H.R. 1965.

We missed that number by one. It should be 1964, because 1964 was the last time that they actually updated these registration numbers. That is a very long time. I can tell you, at age 42, it was a number of years before I was even born the last time that this happened, and it's high time that it does happen.

I can also tell you, Mr. Speaker, that here with the Republican Americans' Job Creators Plan, the first thing on that list is: Empower small businesses and reduce government barriers to job creation.

And I really hope that this bipartisan bill doesn't become part of that lost 15 over in the Senate. This is a very proactive, bipartisan step that this body is taking that as it goes over across to that next Chamber needs to be addressed. We need to do this because we must modernize; we must update; we must do these things to remain competitive on a world market.

Mr. Speaker, I appreciate the opportunity and am pleased that I could rise in support of that bill.

Mr. BACHUS. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. First, I would like to offer a thank you to my chairman, Mr. BACHUS, and also to the sponsor of the bill, my friend from Connecticut.

H.R. 1965 actually has an opportunity here to actually solve some things that have been of frustration, and learning some of the story was fascinating.

In Arizona, many of our community banks are quite new, but across the country you hear the story of community banks that have been there for many, many, many years. And we had one come testify and was telling us the story off to the side that most of its shareholders actually go back to returning soldiers of World War II, and they've literally had the same families, the same family members holding these shares for 50, 60 years. It causes one little technical problem: They've literally been up against their 500 shareholders for all of those years. So their ability to access new capital has been limited by these rules.

So this is a classic case of, if we want our banking system, particularly our community banks, our local lenders, to be capitalized, which they're typically capitalized with local investments, what a terrific piece of legislation. And it's one of those moments where you stand here and you look across the aisle and you find yourself smiling, saying, This is terrific. We're doing something bipartisan. We're doing something that actually produces capital in our Main Street of our communities, particularly for those lenders that often fund our local neighborhood businesses. We're heading in the right direction here.

□ 1310

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

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

About 2 years ago, the gentleman from Michigan (Mr. PETERS) and I were in Kabul and Kandahar together on a trip.

I remember talking to my Democratic colleague, saying that there must be things that Republicans and Democrats can work together on to solve. We were obviously in a country that was torn apart by differences, but we both had something in common—we were concerned about our constituents; we were concerned about unemployment; and we were concerned about jobs. I think that's true of every Member in this body.

We know that the path to prosperity is jobs and that, if Americans are working, if they're earning, they feel better about themselves and that, if they're losing their jobs, then it's going to be not only a problem for them and their families but for their communities and for their country.

I am happy to report—and I think it's fitting that the gentleman from Michigan would be across the aisle from me managing the time for the minority—that here we are moving four pieces of legislation today, tomorrow, and on Friday, legislation which will create jobs and will do so without government expense. In fact, they'll do so with some marginal savings to the government but with a great savings to those businesses.

This morning—and I don't know that it was a coincidence—the job figures came out. Large corporations lost 1,000 employees last month, but our middle-sized and small businesses created 108,000 jobs. Now, those aren't enough jobs; those aren't enough jobs for the people graduating and going into the workforce, but that's where job creation is coming from in the economy now—from small- and middle-sized businesses, those with under 500 employees particularly, and from that midrange of 50 to 500 employees.

This bill that the gentleman from Connecticut (Mr. HIMES) has brought forward has won bipartisan support because it actually will create jobs in those small community banks and credit unions because it will make their cost of capital less. In a recent survey, 70 percent of small- and middle-sized businesses, those with 500 or fewer employees, said if we had more capital, if we had more funding, we would hire. This is 70 percent. Only 14 percent said they were going to hire. The difference in that number is that the others weren't sure that they could get capital. There are two ways that you obtain capital to create jobs. One is you go and borrow it from a bank, or from an insurance company in some cases, or from someone else. But there is another way, which is by someone willing to invest in your company.

As a small boy, I can remember my father had a business, and before that, he'd invested with another man in a business. I think that one of the American Dreams is not only owning a house—and that's still an American Dream to own your own home even in the circumstances we've been through—but either to have your own business or to be able to invest in somebody else's business.

The gentleman from Connecticut's legislation will allow that threshold of people who want to invest in a community-based financial institution, and it will encourage those community banks to allow more shareholders, more people, to participate. Yes, they will be participating in the risk, but they'll also be participating in the profit, which is really the American system. When you invest, you take risks, but if things are successful, you profit. That's where the risks and the profits ought to be taken. They shouldn't be taken by the taxpayers involuntarily, and they shouldn't be taken by the government. The government shouldn't take the taxpayers' money and invest in business. It is those taxpayers—our constituents, our citizens—who ought to make the decisions on what companies they want to invest in. We all know community banks are struggling today. It will allow them to attract investors, people who say, ''I want to invest in your bank.'' They may be people who do business with the banks, and will probably be people who live in the community.

This bill will be the first of four bills that we bring forward, and they are going to be successful. They're going to move from the House to the Senate, I'll predict this week, because, as the minority whip, the gentleman from Maryland, said, there is agreement that this is the right thing to do and that we do have an obligation not only to oppose some things but to also be for positive legislation. The House this week will be for something. It will be for job creation. It will be for allowing people to invest. It will be enabling companies to attract that capital and hire people. So we can feel very good about ourselves this week, and it can start with this bill.

This is not a minor piece of legislation, but it's on suspension because it enjoys widespread support, as does the bill tomorrow. As for the two in the following days, we've worked out the differences. The gentleman from Colorado (Mr. PERLMUTTER) had a concern about a bill later this week. He felt like it didn't have enough investor protection. We've addressed that concern and have added his suggestion to the bill.

All four of these bills that will move this week are bipartisan bills. They're not Republican bills, they're not Democratic bills. They're bipartisan bills. I commend the minority whip for speaking out for these bills—I think that bodes well—and I hope the Senate was listening. I also appreciate the gentleman from Connecticut for a bill that really is long overdue. It will immediately allow our community banks to invest and not be dependent on the government for help.

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

Mr. PETERS. Mr. Speaker, I just want to join in and thank the gentleman from Connecticut for bringing this very commonsense piece of legislation before us. It is essential to bringing capital into our local communities and creating jobs, as Chairman BACHUS mentioned. I also want to thank Chairman BACHUS for his leadership on this issue.

I remember very fondly our trip to Afghanistan. It is nice that we have found common ground and that we are working today in a bipartisan fashion to make sure that our communities are strong and are vibrant and have the tools necessary to create additional jobs.

So, with that, I would certainly encourage my colleagues to support this important piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. SCHWEIKERT) that the House suspend the rules and pass the bill, H.R. 1965, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1320

SMALL COMPANY CAPITAL FORMATION ACT OF 2011

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1070) to amend the Securities Act of 1933 to authorize the Securities and Exchange Commission to exempt a certain class of securities from such Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1070

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 ''Small Company Capital Formation Act of 2011''.

SEC. 2. AUTHORITY TO EXEMPT CERTAIN SECURITIES.

(a) IN GENERAL.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—

(1) by striking ''(b) The Commission'' and inserting the following:

''(b) ADDITIONAL EXEMPTIONS.—

''(1) SMALL ISSUES EXEMPTIVE AUTHORITY.—The Commission''; and

(2) by adding at the end the following:

''(2) ADDITIONAL ISSUES.—The Commission shall by rule or regulation add a class of securities to the securities exempted pursuant

to this section in accordance with the following terms and conditions:

''(A) The aggregate offering amount of all securities offered and sold within the prior 12-month period in reliance on the exemption added in accordance with this paragraph shall not exceed $50,000,000.

''(B) The securities may be offered and sold publicly.

''(C) The securities shall not be restricted securities within the meaning of the Federal securities laws and the regulations promulgated thereunder.

''(D) The civil liability provision in section 12(a)(2) shall apply to any person offering or selling such securities.

''(E) The issuer may solicit interest in the offering prior to filing any offering statement, on such terms and conditions as the Commission may prescribe in the public interest or for the protection of investors.

''(F) The Commission shall require the issuer to file audited financial statements with the Commission annually.

''(G) Such other terms, conditions, or requirements as the Commission may determine necessary in the public interest and for the protection of investors, which may include—

''(i) a requirement that the issuer prepare and electronically file with the Commission and distribute to prospective investors an offering statement, and any related documents, in such form and with such content as prescribed by the Commission, including audited financial statements, a description of the issuer's business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters; and

''(ii) disqualification provisions under which the exemption shall not be available to the issuer or its predecessors, affiliates, officers, directors, underwriters, or other related persons, which shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

''(3) LIMITATION.—Only the following types of securities may be exempted under a rule or regulation adopted pursuant to paragraph (2): equity securities, debt securities, and debt securities convertible or exchangeable to equity interests, including any guarantees of such securities.

''(4) PERIODIC DISCLOSURES.—Upon such terms and conditions as the Commission determines necessary in the public interest and for the protection of investors, the Commission by rule or regulation may require an issuer of a class of securities exempted under paragraph (2) to make available to investors and file with the Commission periodic disclosures regarding the issuer, its business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters, and also may provide for the suspension and termination of such a requirement with respect to that issuer.

''(5) ADJUSTMENT.—Not later than 2 years after the date of enactment of the Small Company Capital Formation Act of 2011 and every 2 years thereafter, the Commission shall review the offering amount limitation described in paragraph (2)(A) and shall increase such amount as the Commission determines appropriate. If the Commission determines not to increase such amount, it shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on its reasons for not increasing the amount.''.

(b) TREATMENT AS COVERED SECURITIES FOR PURPOSES OF NSMIA.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) in subparagraph (C), by striking ''; or'' at the end and inserting a semicolon; and

(2) by redesignating subparagraph (D) as subparagraph (E), and inserting after subparagraph (C) the following:

''(D) a rule or regulation adopted pursuant to section 3(b)(2) and such security is—

''(i) offered or sold on a national securities exchange; or

''(ii) offered or sold to a qualified purchaser, as defined by the Commission pursuant to paragraph (3) with respect to that purchase or sale.''.

(c) CONFORMING AMENDMENT.—Section 4(5) of the Securities Act of 1933 is amended by striking ''section 3(b)'' and inserting ''section 3(b)(1)''.

SEC. 3. STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.

The Comptroller General shall conduct a study on the impact of State laws regulating securities offerings, or ''Blue Sky laws'', on offerings made under Regulation A (17 C.F.R. 230.251 et seq.). The Comptroller General shall transmit a report on the findings of the study to the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than 3 months after the date of enactment of this Act.

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

The Chair recognizes the gentleman from Alabama.

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add extraneous materials on the bill.

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

There was no objection.

Mr. BACHUS. At this time I would like to yield such time as he may consume to the gentleman from Arizona (Mr. SCHWEIKERT), the main sponsor of this bill.

Mr. SCHWEIKERT. Mr. Speaker, first, I would like to start this with a heartfelt thank you to both SPENCER BACHUS of Alabama, the chairman of the Financial Services Committee, for both his kindness to me as a freshman and also for the guidance he has provided me, and to the gentlewoman from California, who I hope will speak next, who partially helped spearhead this idea and helped us move it forward.

One of the reasons I stand here right now with these boards is just to sort of help get through the concept of this piece of legislation, H.R. 1070. So often around here, we refer to it as the reg A bill. But what does that mean to people? Well, to try to make it as simple as possible, it is when a company has an opportunity to do a filing with the Securities and Exchange Commission for a simplified process to go public. The problem is, in today's world, that's limited to $5 million. Well, no one is going public at $5 million.

And we can actually see some of our history of this. This was actually first done in 1933 when at that time, in the Securities Exchange Act, it was understood that there needed to be a path to go public. Well, at that time, it was $100,000, and I think 1992 is when it was moved up to $5 million.

Well, in 19 years, the world has changed a lot. But one of the changes that I consider almost a crisis is the number of our companies that aren't going public anymore. And you're going to see on a couple of these boards here that the fact of the matter is we actually have fewer, substantially fewer companies that are publicly traded today than we did even a decade ago.

Now, the first slide here is somewhat simple. It is just sort of trying to demonstrate how many years we have been sitting here at this $5 million level, and it's been 19 years. But as we go on to the next board—and I know this is a little busy to try to read. The staff got a little colorful on this one. But what we were trying to point out is that the number of IPOs that are less than $50 million today are almost nothing.

My understanding is last year we had only three companies—only three companies in the entire country take a look at filing in that $5 million and under space. And if you actually look from 1995 to 2004, some of the latest data I was able to find from that entire time frame, I think there were only 78 companies that actually pursued this process. Well, in a country our size, this is a crisis, particularly if we're looking for that path of equity, that path of financing, that path of raising capital for these growing companies. This is one of the reasons we stand here with this reg A bill, H.R. 1070.

Let's go on to this next board. And I know this is a little busy. But this is also to try to make the point of what's going on from a competitive standpoint when you look around the world. All those lines, those are other companies that are listing on exchanges, that are becoming publicly traded, that are reaching out to the world and raising capital. Well, you will happen to notice a small problem: the line with the dots, that's us. That's our country. We actually are going in the other direction.

If I remember my numbers here, we actually today have 5,091 publicly traded companies on the big exchanges. So we've got 5,000-some today. In 1997, we had 8,823. Does anyone see the real problem there? Literally in a little over a decade, we've gone down dramatically in the number of publicly listed companies. And my great hope here is, by raising this limit from the $5 million up to $50 million—which $50 million is chosen for quite a reason. That is the minimum threshold for a couple of the large exchanges to be publicly traded. And that's why we're doing this, because we're trying to create jobs, we're trying to move equity, and we're trying to be competitive around the world.

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

The American people need to see our Congress taking meaningful action to help grow our economy. America is tired of too much partisanship out of Washington, and they want to see Republicans and Democrats working together on bipartisan solutions to create jobs and grow American businesses. As Chairman BACHUS said earlier today, this is exactly what we are doing.

But before I go any further, I would like to thank the gentleman from Arizona (Mr. SCHWEIKERT) for introducing H.R. 1070, the Small Company Capital Formation Act, and I would also like to thank the gentleman from Arizona for working across the aisle to ensure that the concerns of both Republicans and Democrats were met in this very commonsense bill.

Mr. Speaker, this bill would permit a small company to raise up to $50 million through a security offering process that balances both streamlined registration with adequate investor protections. As of right now, the current exemption under the SEC's regulation A is little used due to the small size of issuances permitted. As a result, there were only three offerings last year.

The current offering limit of $5 million hasn't been raised since 1992, almost 20 years; and it's long past time for us to do something about it. In the last Congress, Democrats sent a letter to the SEC recommending that it raise the exemption limits. Today we can fix this problem by passing this bill.

Additionally, H.R. 1070 would also provide small and medium companies with the ability to offer securities of up to $50 million publicly without the full cost of a registered offering, potentially expanding their access to capital beyond private offerings that many use.

In the spirit of bipartisanship, Democrats also added important investor protections to this bill, such as requiring companies to provide investors with audited financial statements annually. In addition, Democrats offered investors legal recourse for misstatements companies make in their prospectus documents in order to prevent potential abuses.

Finally, the gentleman from Arizona has also worked with Democrats on the remaining issue of contention, and that was the preemption of State law. The gentleman from Arizona's substitute amendment to H.R. 1070 removes the exemption from State level review that was previously provided to an issuer using a broker-dealer to distribute and issue. Regulation A securities can be high-risk offerings that may also be susceptible to fraud, making protections provided by the State regulators an essential future.

Mr. Speaker, it's clear that we must pass this bipartisan legislation to help our small companies grow and create jobs. I urge adoption of this bill.

I reserve the balance of my time.

Mr. BACHUS. I yield 2 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, small businesses are the engine of the American economy, and our legislation will help to provide the boost that they need to create jobs. When I talk to small business leaders in my district, they consistently site burdensome government regulations, restrictions, and their difficulty accessing capital as the primary barriers to growth.

□ 1330

Currently, outdated Federal rules dampen both innovation and investment because the cost of regulatory compliance is just too high for the up-and-coming firms. H.R. 1070, the Small Company Capital Formation Act, will help change that.

The subject of this bill, regulation A, was enacted during the Great Depression to help small businesses access financing. However, these rules have not been properly adjusted over time to reflect the rising cost associated with taking a small company public. As a result, regulation A prohibits smaller companies from taking advantage of a crucial capital-raising vehicle.

H.R. 1070 will reopen the capital markets for small businesses, allowing them to invest and hire new employees. This legislation will jump-start the IPO market and revitalize public capital-raising opportunities that have been severely suppressed over the last decade.

At a time when capital is harder to find than ever, this bipartisan, commonsense proposal will make our financial system work to the benefit of small businesses and promote greater competition in the marketplace.

I thank the gentleman from Arizona for his hard work on this legislation, and I ask my colleagues for their support.

Mr. BACHUS. Mr. Speaker, I yield myself 1 minute.

Earlier I said that the American citizens, our American citizens, would like to see Republicans and Democrats work together to tackle the challenges facing our country, and this bill is a great example of that. Congresswoman ANNA ESHOO from California introduced this bill, along with my colleague Mr. SCHWEIKERT from Arizona, and they are meeting that challenge. As I said, it's a bipartisan effort. I know she deserves much credit for this legislation.

I reserve the balance of my time.

Mr. PETERS. I certainly appreciate the comments of the chairman.

Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. ESHOO), who has been an incredible leader on this issue.

Ms. ESHOO. I thank the gentleman from Michigan for yielding time, and I want to thank my Republican colleagues for both what they are doing today on the floor and for what you have said.

These are really difficult economic times for the people in our country, and that's why it's so critical for Congress to bolster American innovation. That, in my view, is really what this legislation is about. It's an important way to facilitate capital formation, which is really one of the important pillars of our national economy, capital formation. I know how important this is for small businesses because my congressional district, which is Silicon Valley, is the innovation hub of our Nation and it thrives on capital formation.

In December of last year, almost a year ago, I came to the Financial Services Committee at the invitation of then-Chairman BARNEY FRANK, and I want to recognize and thank him today for what he did then, as well as the present chairman, Chairman BACHUS, urging the committee to renovate essentially regulation A, which was created, as others have said, during the Great Depression to facilitate the flow of capital into small businesses. It's really quite extraordinary that FDR and Members of Congress in 1933 recognized the importance of capital formation at that time, and we have honored that since then.

Now, reg A was established as a part of the 1933 Securities Act, and it was designed to provide regulatory relief for small firms that want to sell shares of company stock.

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

Mr. PETERS. I yield the gentlelady 1 additional minute.

Ms. ESHOO. These many offerings have been used to help small companies raise capital and test the waters for IPOs, initial public offerings. Unfortunately, the regulation A threshold became stuck, as others said, at a 1992 level of $5 million. At that low level, the benefit of a regulation A offering is extremely limited. In fact, only three companies, as has been said this afternoon, have taken advantage of it in 2010. So this threshold, the $5 million threshold, falls far short of what companies need to develop the cutting-edge technologies in today's economy. It's outdated. It fails to serve its intended purpose, and it's why this legislation is needed and why I'm so pleased that, on a bipartisan basis, we are taking action today.

We need to raise the initial public offering limit to help provide capital to small businesses.

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

Mr. PETERS. I yield the gentlelady an additional minute.

Ms. ESHOO. Very importantly, we look forward to spurring hiring and business development. That's what we are here for, and I think it's what the American people want us to do.

I'm proud to be a cosponsor of H.R. 1070, to raise the regulation offering limit from $5 million to $50 million, once again creating a meaningful offering limit. What better time than now when our economy needs this important boost.

So I thank the chairman of the full committee. I thank the ranking member. I thank my colleague from Michigan, and I thank the gentleman from Arizona for his very kind words, and I urge all of our colleagues to support this. I think when we do later on today, it will be a source of pride and encouragement to the American people.

Mr. BACHUS. Mr. Speaker, I yield myself the balance of my time.

You've heard from a member of the Commerce Committee, Ms. ESHOO, who I think said it well when she said that we're modernizing, we're updating a rule which had come to restrict job growth.

Secondly, she mentioned technology. We know that small businesses are the innovators. In fact, you look at Google, you look at Apple, you look at Facebook, these companies just in the past two or three decades started off as small businesses and they were able to grow. With the passage of this legislation, we believe that path will be an easier path. Sixty-five percent of the jobs created over the last 15 years have been in small business. As every speaker has acknowledged, if there is a time to encourage job creation and capital formation, that time is here.

I urge the Members to vote in favor of this legislation, and I yield back the balance of my time.

Mr. PETERS. Mr. Speaker, I want to thank my friends Mr. SCHWEIKERT and Ms. ESHOO for their work on this bipartisan bill to help small companies grow and expand. As we all know, the American people want to see Congress working together to strengthen our economy and to create jobs. This bill will help companies access the capital they need to pull our Nation out from these tough economic times and put Americans back to work.

Additionally, this bill provides the necessary protections investors need to have in order to ensure that they will not be subjected to potential abuses.

Mr. Speaker, I urge my colleagues to vote for H.R. 1070, a commonsense, bipartisan bill to improve our economy, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the Small Company Capital Formation Act, which will help restore the purpose of the "Regulation A" exemption that was designed to make it easier for growing small businesses to access capital.

It is critical that we ensure that innovative, growing small companies have access to the capital that they need to continue to grow and hire, because these companies play such an important role in our economy.

Regulation A offers these small companies a unique chance to raise money through small offerings under a streamlined and less costly registration process. This opportunity is especially important in today's economy, in which access to capital has been greatly reduced as many banks hesitate to lend.

Unfortunately, in recent years, few companies have been able to take advantage of the Regulation A exemption because the offering limit of $5 million is too low and has not been updated in the last 30 years.

In fact, there have only been an average of eight filings per year under the exemption in recent years.

By increasing the offering limit, this bill will ensure that more growing companies can take advantage of Regulation A in order to access the capital that they need to expand and thrive.

I'm glad that this bill has come to the floor in a bipartisan way. This proposal is an important component of President Obama's American Jobs Act and has the potential to benefit small businesses across the country. It is the sort of commonsense solution that both parties should be able to agree on.

I particularly want to thank the rest of the San Francisco Bay Area delegation, as we have been working since early last year to enact this long-needed change.

Once again, I urge my colleagues to support this bill.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 1070, the Small Company Capital Formation Act, and H.R. 1965, the Increase Shareholder Threshold for SEC Registration Act. While I applaud the bipartisan efforts of my colleagues to help small businesses grow and create jobs, the sting of the effects of financial deregulation is still too strong to allow me to support these bills.

With respect to H.R. 1070, I note that Congress has raised the Securities and Exchange Commission's Regulation A threshold five times. Each time, however, was a modest increase that was in my mind relative to the rate of inflation and the purchasing power of the dollar. H.R. 1070 would mandate an unprecedented tenfold increase in the current threshold of $5 million to $50 million. Such an increase strikes me as grotesquely large, especially since inflation has risen only 165 percent since 1980, and in my view constitutes a tremendous incitement to perpetrate fraud on investors.

I take a dimmer view of H.R. 1965, which increases the number of shareholders a bank can have before having to register with the SEC. Under current law, that number is 500, and H.R. 1965 would increase it four times to 2,000. I am not at all satisfied this increase is justified and furthermore consider it a sly way to skirt federal reporting requirements that are in place to protect the American public.

Mr. Speaker, I share my colleagues' concern that not enough jobs are being created and that Congress must take swift action. Where I part ways with them is voting for seemingly innocuous measures like these that unfortunately will decrease transparency for investors and create incentives for all manner of financial rascality.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 1070, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1340

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2011

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (S. 894) to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 894

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 "Veterans' Compensation Cost-of-Living Adjustment Act of 2011".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2011, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2011, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2011, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish

in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of Senate bill 894, the Veterans' Compensation Cost-of-Living Adjustment Act of 2011. This is critically important legislation that authorizes a cost-of-living increase for our veterans' disability compensation, veterans' clothing allowance payments, and other compensation for survivors of veterans who die as a result of service to our country. The 3.6 percent increase in benefit amounts this bill would authorize is tied directly to the consumer price index, which also controls the cost-of-living adjustment for Social Security beneficiaries.

I want to thank the Senate Veterans' Affairs Committee leadership, Senators MURRAY and BURR, for working with me and our ranking member, Mr. FILNER, to get a COLA bill to the President's desk before Veterans Day.

I urge all my colleagues to support Senate bill 894, and I reserve the balance of my time.

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

Like the chair, I rise in support of passage of this COLA act, S. 894, sponsored by my good friend, Senator PATTY MURRAY of Washington, the chair of the Senate Committee on Veterans' Affairs. And I'm proud to work closely with her in my role as the ranking member of the House committee. I thank the leadership of this body for bringing this uncluttered version of the veterans' COLA bill to the floor, which passed in the Senate last month, so that we may pass it without delay and get it to the President's desk.

The veterans' COLA increase will be 3.6 percent for 2012, a figure tied directly to the Social Security COLA whose beneficiaries will also see the same increase in their payments.

As it has since 1976, Congress, through the passage of the Veterans' Cost-of-Living Adjustment Act, directs the Secretary of the VA to increase the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation, what we call DIC, to their survivors and dependents, along with other benefits, in order to keep pace with the rate of inflation. This bill will enable disabled veterans, their families, and their survivors from World War I through the current conflicts in Iraq and Afghanistan.

Many of the over 3.5 million veterans who receive disability compensation benefits depend upon these payments not only to provide for their own basic needs, but for those of their spouses, children, and parents as well. Without an annual COLA increase, these veterans, their families, and survivors would likely see the value of their hard-earned benefits slowly erode.

Mr. Speaker, I think we would be derelict in our duty if we failed to guarantee that those who sacrificed so much for this country are able to receive benefits and services that keep pace with their needs and inflation.

We funded the war; let's fund the warrior and his or her family and survivors. Let's ensure that their benefits make ends meet at the end of the month. I urge my colleagues to support this COLA bill, and I thank Senator MURRAY for sponsoring this important measure.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I am happy to yield such time as he may consume to the chairman of the Subcommittee on Disability Assistance and Memorial Affairs, the gentleman from New Jersey (Mr. RUNYAN).

Mr. RUNYAN. I thank the chairman for yielding.

Mr. Speaker, I rise today in support of S. 894, the Veterans' Compensation Cost-of-Living Adjustment Act of 2011. S. 894 is the companion bill to H.R. 1407, which I introduced in April, which passed this Chamber, as amended, on May 23 by voice vote. S. 894 provides a cost-of-living adjustment equal to the cost-of-living adjustment being provided this year to Social Security recipients for veterans' disability compensation, veterans' clothing allowance, and compensation for veterans' survivors.

This is an annual bipartisan bill which has been scored by the CBO as having no additional budgetary impact. It is crucial to ensuring that benefits for disabled veterans and their families are sufficient to meet their needs. As chairman of the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs, and the Member of Congress representing the district in New Jersey with the largest number of disabled veterans, I have heard from many veterans back home and in Washington about the importance of this needed legislation.

This cost-of-living adjustment is tied to an increase in the consumer price index, which has not increased in the last 2 years. S. 894's increase in the COLA for 2012 reflects rising inflation rates in our volatile economy and is necessary to ensure the well-being of America's returning veterans who have honorably served our country and protected our rights and freedoms.

I am pleased this bill is the first piece of legislation I had the honor of introducing as a Member of this Congress, and I can think of no greater priority or commitment that our country owes than to those who have bravely worn the uniform and defended all that we hold dear as a nation.

I want to thank Chairman MILLER and Ranking Member FILNER for bringing this companion bill to the floor quickly. I would also like to thank Speaker BOEHNER for his support in bringing this bill to a swift vote. I urge all Members to support S. 894.

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

Mr. MILLER of Florida. I yield such time as he may consume to the gentleman from Tennessee, Dr. ROE.

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

Mr. Speaker, I rise today in strong support of this important legislation which will deliver greater benefits to deserving veterans in Tennessee and across this Nation.

Under Senate 894, veterans will receive a cost-of-living increase for the first time in 2 years. This adjustment is equal to the 3.6 percent annual increase that will be provided to Social Security recipients. This will provide much-needed assistance to service-disabled veterans who are receiving VA disability benefits and their families. This bill is necessary to ensure the well-being of those who have honorably served our country and protect our freedoms.

In these tough economic times, millions of Americans are struggling to make ends meet, including many veterans. This bill represents an opportunity to take care of those who have given so much to take care of us and to help them through these hard times. I urge my colleagues to support this legislation. And as a veteran who has recently returned from Afghanistan, I can't say enough about what our troops in the field are doing now. It is no greater honor than to provide this benefit increase for them that they so richly deserve. I strongly support this. I thank Mr. FILNER for his support and the chairman for his support as well.

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

Mr. MILLER of Florida. Mr. Speaker, I yield such time as he may consume to a new member of the committee, a great advocate for veterans in his time here in Congress, the gentleman from New Hampshire (Mr. GUINTA).

Mr. GUINTA. I thank the chairman for yielding me the time.

Mr. Speaker, I rise to add my voice to those calling for a cost-of-living adjustment for our military veterans. As Americans prepare to observe Veterans Day next week, it's appropriate that this body is preparing to vote on the Veterans' Compensation Cost-of-Living Adjustment Act.

Mr. Speaker, this bill would provide a much-needed 3.6 percent increase in benefits to our veterans, their children, and surviving spouses. The men and women of America's Armed Forces answered our call when the country had asked, and now we must do the same for them.

My State, New Hampshire, has the country's sixth-largest percentage of

veterans by population. Nearly 128,000 former service men and women call the Granite State home. And many of them are hurting. The national unemployment rate among veterans is 13 percent, more than 4 percent higher than the general population.

That's why on Thursday, November 10, I'm hosting a special Veterans Job Fair in my home State of New Hampshire at Manchester Community College from 10 a.m. to 2 p.m. to help them find work. And we've got more than 40 willing employers who are attending, looking to find jobs for our men and women returning to New Hampshire.

I urge my colleagues to join with me in passing this important cost-of-living increase for the men and women who have given so much to all of us.

Mr. MILLER of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. NUGENT), a member of the Florida delegation who has three sons wearing the uniform of this country, two sons currently serving in Iraq.

□ 1350

Mr. NUGENT. Thank you, Mr. Chairman.

As a Member of Congress who represents one of the largest veterans communities in the United States, I recognize the significant responsibility that Congress has to ensure that our veterans receive the benefits that they so honorably have earned. These true American heroes answered the call of duty and put their lives on the line to protect our country, our freedoms, and our way of life.

It's important to remember that these proud Americans also spent their lives working hard, playing by the rules, and saving for a stable retirement. That is why today I am happy to rise in support of the Veterans' Compensation Cost-of-Living Adjustment Act of 2011. This legislation will provide our proud veterans with their first cost-of-living adjustment since 2009.

Mr. Speaker, we as a Nation owe our veterans a debt that can never fully be repaid. However, as Members of Congress, we can ensure that we keep our promise to our veterans by supporting this important legislation.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. First of all, I want to thank you, Mr. FILNER, for all the service that you've done for the veterans throughout the years. And of course I want to thank the chairman from Florida for your work in bringing this legislation to the floor. It's very important to the veterans.

This legislation affects the benefits of all veterans by raising the compensation they receive to allow them to continue to buy the products they need to live. It is important to pass this bill as a clean bill for those who have made sacrifices to protect the freedoms we hold most dear and do not suffer in these tough economic times.

In the words of the first President of the United States, George Washington: ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.''

As we go to Veterans Day—that's coming up November 11—I want to thank all of the veterans for their service.

God bless America.

Mr. REYES. Mr. Speaker, I rise today in support of the Veterans Compensation Cost-of-Living Adjustment Act. This legislation is of great importance to my constituents and to veterans across the Nation.

When our military forces are sent into harm's way, they know that our Nation is committed to caring for and compensating them and their families for the impacts that result of their service. For their sacrifice, we help to repay that debt with high quality care and fair compensation.

Ensuring that compensation rates continue to keep pace with inflation is critical to meeting our obligations to those men and women who have given so much. Today, the House of Representatives will vote on a measure to increase compensation for veterans and their families, so that their income will cover the increased cost of food, housing, and other essentials.

From Vietnam veterans still dealing with the effects of Agent Orange to Iraq and Afghanistan Veterans impacted by traumatic brain injuries, the lives of our troops can be forever changed by their military service. When a servicemember's health or ability to work is impacted, we must provide them with benefits that are commensurate with the sacrifices they have made in defense of our Nation.

Today's bill helps to improve those benefits, and it helps us meet the solemn obligation that we have to our veterans and their families.

Next week, we will honor those who have served on Veterans Day. Today, I urge my colleagues to show veterans the respect that they have earned through their sacrifice and service. I urge my colleagues to vote in support of this important measure.

Mr. FILNER. Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material they may have on Senate bill 894.

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

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I once again encourage all my colleagues to support Senate bill 894, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, S. 894.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2061, by the yeas and nays;

H.R. 1965, by the yeas and nays;

H.R. 1070, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CIVILIAN SERVICE RECOGNITION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2061) to authorize the presentation of a United States flag at the funeral of Federal civilian employees who are killed while performing official duties or because of their status as a Federal employee, as amended, 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 Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 8, as follows:

[Roll No. 818]

YEAS—425

Ackerman	Brady (TX)	Connolly (VA)
Adams	Braley (IA)	Conyers
Aderholt	Brooks	Cooper
Akin	Broun (GA)	Costa
Alexander	Brown (FL)	Costello
Altmire	Buchanan	Courtney
Amash	Bucshon	Cravaack
Amodei	Buerkle	Crawford
Andrews	Burgess	Crenshaw
Austria	Burton (IN)	Critz
Baca	Butterfield	Crowley
Bachus	Calvert	Cuellar
Baldwin	Camp	Culberson
Barletta	Campbell	Cummings
Barrow	Canseco	Davis (CA)
Bartlett	Cantor	Davis (IL)
Barton (TX)	Capito	Davis (KY)
Bass (CA)	Capps	DeFazio
Bass (NH)	Capuano	DeGette
Becerra	Carnahan	DeLauro
Benishek	Carney	Denham
Berg	Carter	Dent
Berkley	Cassidy	DesJarlais
Berman	Castor (FL)	Deutch
Biggert	Chabot	Diaz-Balart
Bilbray	Chaffetz	Dicks
Bilirakis	Chandler	Dingell
Bishop (GA)	Chu	Doggett
Bishop (NY)	Cicilline	Dold
Bishop (UT)	Clarke (MI)	Donnelly (IN)
Black	Clarke (NY)	Doyle
Blackburn	Clay	Dreier
Blumenauer	Cleaver	Duffy
Bonner	Clyburn	Duncan (SC)
Bono Mack	Coble	Duncan (TN)
Boren	Coffman (CO)	Edwards
Boswell	Cohen	Ellison
Boustany	Cole	Ellmers
Brady (PA)	Conaway	Emerson

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

NOT VOTING—8

Bachmann
Cardoza
Carson (IN)
Giffords
Lowey
Murphy (CT)
Ruppersberger
Rush

□ 1419

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

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment.''.

A motion to reconsider was laid on the table.

INCREASING SHAREHOLDER THRESHOLD FOR SEC REGISTRATION

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1965) to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes, as amended, 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 Arizona (Mr. SCHWEIKERT) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 2, not voting 11, as follows:

[Roll No. 819]

YEAS—420

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

Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—2

Amash
Dingell

NOT VOTING—11

Bachmann
Barletta
Capps
Cardoza
Carson (IN)
Gerlach
Giffords
Gingrey (GA)
Murphy (CT)
Ruppersberger
Rush

□ 1428

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BARLETTA. Madam Speaker, on rollcall No. 819 I was inadvertently detained. Had I been present, I would have voted "yea."

Mrs. CAPPS. Madam Speaker, on rollcall No. 819, had I been present, I would have voted "yea."

Mr. GERLACH. Madam Speaker, unfortunately, I missed one recorded vote on the House floor today. Had I been present, I would have voted "yea" on rollcall 819.

SMALL COMPANY CAPITAL FORMATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1070) to amend the Securities Act of 1933 to authorize the Securities and Exchange Commission to exempt a certain class of securities from such Act, as amended, 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 Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 11, as follows:

[Roll No. 820]

YEAS—421

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

NAYS—1

Dingell

NOT VOTING—11

Bachmann
Bass (NH)
Cardoza
Carson (IN)
Cleaver
Giffords
Gohmert
Hirono
Murphy (CT)
Ruppersberger
Sanchez, Loretta

□ 1435

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

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CARSON of Indiana. Madam Speaker, I missed rollcall votes 818–820 because of a death in the family. Had I been present, I would have voted "yes" on rollcall 818, "yes" on rollcall 819 and "yes" on rollcall 820.

APPOINTMENT OF MEMBERS TO THE CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. WOLF, Virginia
Mr. MANZULLO, Illinois
Mr. ROYCE, California

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS

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

Ms. DELAURO. A recent graph in CQ Weekly dated October 28 depicts the progress made so far on this year's appropriations bills. Only one box—that's

for the Labor, Health and Human Services, and Education Subcommittee—is blank.

With 9.1 percent unemployment, we need a vigorous debate over this bill. Its jurisdiction includes job training, K–12 and higher education funding, and health care services. And yet unlike the other 11 appropriations bills, Labor-H is the only appropriation bill that has seen no action. Instead, the chairman has posted a draft bill on the Internet representing his own preferences for the people's budget. But the chairman, by himself, is not the subcommittee; and simply posting a wish list without ever bringing it to the subcommittee or the full committee for a markup is not an acceptable substitute for public debate and amendment.

This kind of action represents a clear violation of the majority's pledge to follow the regular order or the regular process. If no House markup is held, this would be the first time in nearly a decade that the subcommittee has failed to report a bill. It is time for the chairman and the majority to keep their promises and hold a markup for the Labor-H bill. The issues that face that subcommittee are far too important to be left to the chairman's personal wish list.

OPERATION FAST AND FURIOUS, WHO'S TO BLAME?

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

Mr. POE of Texas. Mr. Speaker, when the coach messes up, blame the team. This policy occurred yesterday.

Yesterday, in an attempt to divert attention from the Attorney General, Assistant Attorney General Lanny Breuer took one for the head coach and testified about Project Gunrunner. He claimed that he knew about the practice of ''gun walking'' but still tried to punt the ball by placing blame on Team ATF for not stopping Fast and Furious. But the Department of Justice oversees the ATF, and apparently the Justice Department knew about Fast and Furious. So why didn't they stop it? Mr. Breuer said that he had talked to the ATF about it, and so he thought he didn't need to tell the Attorney General. So now it appears the dysfunctional Justice Department is responsible for this disaster.

Bottom line: Nearly 2,000 semiautomatic weapons were blindly sent into the hands of criminal narcoterrorists in Mexico, and people died because of this operation, at least two Americans and who knows how many Mexican nationals. Thousands of guns are still unaccounted for in Mexico.

Clearly, the Department of Justice needs a new head coach, and a special counsel should be appointed to investigate Fast and Furious.

And that's just the way it is.

□ 1440

TRIBUTE TO LUKE WEATHERS

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

Mr. COHEN. Mr. Speaker, this weekend I had the privilege, unfortunately, to attend a funeral of a great American, a constituent of mine living in Tucson, Arizona, when he passed at age 91, Colonel Luke Weathers.

Colonel Weathers was a Tuskeegan Airman. Born in Mississippi, he came to Memphis at I think it was age 5, and went to the famous Booker T. Washington High School. At age 23, he went to Tuskeegan. He was one of the first Tuskeegan Airmen and was decorated with more honors and awards than you can imagine, every flying award you can possibly get.

He later went on to work with the air traffic controllers and was the first African American air traffic controller in Memphis, Tennessee, at our air traffic control station. He served 25 years with the FAA as an air traffic controller, serving duties in Anchorage, Alaska, where he started; also in Atlanta, Georgia; and in Washington.

Luke Weathers was a great man who didn't let race stop him, even though sometimes his country's policies made it difficult to both integrate the Air Force and the squadron and the FAA. And even his church where the funeral was, Little Flower, he was the first African American member of that church in 1963. I was pleased to be with the family, honor this man's memory, and appreciate what he did for our country.

Mr. Speaker, Luke Weathers was a great man.

HOUSE REPUBLICAN JOBS PLAN

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

Ms. FOXX. Mr. Speaker, the Republicans have passed over 15 bills that would help create jobs and, in addition, ease the energy needs of this country. But where are those bills, and why is the President asking us to pass his jobs bill which almost no Democrats have signed on to? We've passed over 15 bills. They're stuck in the Senate. One Senator has described the Senate as moribund.

Mr. Speaker, we can help create jobs in this country by empowering small businesses and reducing government barriers to job creation, fixing the Tax Code to help job creators, boost competitiveness for American manufacturers, encourage entrepreneurship and growth, maximize American energy production, and pay down America's unsustainable debt burden and start living within our means. People can find out more about our jobs program by going to jobs.gop.gov. I invite the American people to see what Republicans have presented to the Senate. Those 15 bills should be passed.

OPPOSE CONFEDERATE FLAG ON TEXAS LICENSE PLATES

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

Ms. JACKSON LEE of Texas. Mr. Speaker, one day before the Nation gathers to commemorate Veterans Day, a day that brings all of us together, it saddens me to come to the floor of the House and announce under the leadership of Governor Perry, on November 10 in Texas, the Department of Motor Vehicles board will be voting to authorize a State-issued Confederate license plate.

Now, I realize that our work here in the Congress is about passing the jobs bill, which we are advocating to do. But I think it is a disgrace on the history of this Nation that a State-elected agriculture commissioner by the name of Patterson continues to push forward this untimely and ill-fated action.

The Confederate flag does not protect or honor Confederate soldiers. You can do that in museums. The symbol of a Confederate flag is that of a Klansman of the late 1880s and early 1900s; the brutality of slavery; the oppression of slavery; the Jim Crowism of the 1940s and 1950s. It's an ugly reminder of the past of our history. It is time to take America forward and Texas forward.

I will be in Austin on November 10 opposing that action. I ask all good-faith, well-intended Texans that want to take Texas forward to come and oppose any vote that would issue a Confederate flag. And I make a clarion call to all Americans who would like to drive to Texas, come to Austin and stand up against this dastardly deed. Stand up against promoting slavery and oppression. Come to Texas and tell Governor Perry and Commissioner Patterson enough is enough. Take the Nation forward. Don't take it backwards.

SALUTING MARK ANDOL'S COMMITMENT TO AMERICAN WORKERS

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

Mr. HIGGINS. Mr. Speaker, I rise to share the story of Mark Andol, a member of my western New York community. Mark owns a welding and fabricating company in my district. Like many American manufacturers, it lost sales to China in recent years and was forced to cut its 70-person workforce in half.

Mark was frustrated and decided to do something about it. He opened a general store that sells only products manufactured entirely in America. When it opened last year, the store offered 50 products. Since then sales have doubled, and it now sells over 3,500 products that are 100 percent American-made, right down to the packaging.

I visited Mark's store earlier this week and was highly impressed. I was

happy to invite him to the Make It in America working meeting hosted by the White House and our Democratic whip, Mr. HOYER, tomorrow.

Mr. Speaker, Mark's experience demonstrates why we need to strengthen our trade laws and pass the China currency reform bill. In the meantime, I would like to salute Mark Andol for his commitment to the American worker.

JOBS

The SPEAKER pro tempore (Mr. GUINTA). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you very much for the opportunity to take this hour together with my colleagues to discuss jobs in America. I think we know from our recent visits back to our districts that there's a great deal of pain in America. Americans want to go to work, and yet the jobs are not available.

Our President has proposed the American Jobs Act, a program that would put perhaps 1.9 million Americans to work as soon as the Congress of the United States were to pass that legislation. And so that's the subject matter of this hour, how to get Americans back to work and how to pay for it.

I'm going to start with the pay-for, a word that's used around here but perhaps not readily understood by Americans. Pay-for is how are we going to pay for the Federal programs.

Let's start with an analysis of the distribution of income in America. There's been more and more discussion about this in recent weeks, and appropriately so because what has happened over the last 25–30 years is a skewing, a wide separation of wealth in the United States to a point where it is now perhaps the widest separation between the very wealthy and the middle and poor people in America that has ever occurred in our history. Here's a pretty good description of it. If you take the top 1 percent, we've seen an enormous growth in their income, about 350 percent.

□ 1450

If you take the middle, the other 99 percent of the American population, you see very, very modest growth. And in the case of the poor, you've actually seen a decline in their income over the last two decades. And that's what's happened, this enormous separation between the very wealthy and the middle class, the working men and women of America. It's not that the real rich don't work; just not that many of them. But they sure have got a big share of the money.

Let's take, for example, the top executives of the oil industry. If we were to take the top executives of the big five oil companies and compare them to a firefighter, a firefighter averages about $47,000 a year. An executive, a CEO of an oil company, would have 307 times that amount of income. And if you take a teacher at say $53,000 a year, the CEO would have 273 times the amount of income of a teacher. So what you're seeing here in just the oil industry—and this is repeated certainly in the banking and the Wall Street industries, the financial industries—you see this enormous separation. Thirty, 40 years ago, this was in the range of 40 times, maybe 50 times. But now we're talking 300 to, in the lower 300s, a separation of the super wealthy and the working middle class, the men and women that are out there constructing schools, making our schools or teaching our kids or protecting us, police and firefighters.

I put those graphs up because it provides us with a solution. Before I get to the solution, let's just take one more look at the way this income distribution is occurring here in the United States. The rising inequality since the 1970s saw a very sharp break in the prosperity from an earlier era. From 1946 to 1976, the top 1 percent actually had a very small portion of the total wealth. From 1976 to 1990, we've seen enormous growth in the average income—not the wealth but the average income—of the top 1 percent so that now it dwarfs the rest of the population. So this is why you see Occupy Wall Street, Occupy Oakland, and the other cities talking about the 99ers, the 99 percent. The 99 percent are the rest of us, and the 1 percent are the CEOs, the Wall Street barons and those that have made enormous amounts of income over the last 20 years.

In the last decade, that's become even more apparent with the Bush tax cuts that occurred in 2001 and 2003. They basically significantly lowered the tax rate for the super wealthy and allowed them to keep even more of the extraordinary growth in their salaries and their income.

So how does that relate to American jobs? Well, very, very directly. The American jobs program that the President put forth called the American Jobs Act would provide very substantial opportunities for employment. And what I'd like to talk about is small businesses here. The small businesses of America are given a very substantial tax break in two different ways if they are to hire new people. For example, small businesses with less than $5 million of payroll are able to not pay their payroll tax, in other words, keep that money and go out and hire people. In addition to that, with Veterans Day coming up in just 1 week, we ought to be thinking about the veterans. We know that we have more than 1.5 million Americans that have been overseas fighting in Iraq, Afghanistan, and a few other places around the world. As those veterans come back, they have become the highest proportion of unemployed in America.

It would seem to me that since we are asking so much of those men and women that have served in our Armed Forces, particularly those that have served in the Afghanistan and Iraq wars, we ought to be looking to their interest very directly and making certain that our programs are focused on them. Well, this is not lost on our President. In the American Jobs Act, he deals very directly with this by providing employers with a very powerful incentive to hire veterans. So with Veterans Day coming up, let's take a look at that. Let's take a look at what the President is proposing for the 877,000 unemployed veterans, the men and women that were out there fighting for this country, protecting us and doing what has been asked of them in an extraordinary way. More than 6,000 of them have given their lives, and over 40,000 have been seriously wounded. Of that 40,000, a very large proportion are permanently, permanently damaged in many difficult and extraordinary ways. And 877,000 of them are unemployed. And the President, looking at the necessity of building jobs in America, said, let's take care of those people.

So what he has proposed, and I think this is a terrific idea, is that small businesses, in fact, any business that is out to hire a veteran will be given an immediate $5,600 tax credit so that the taxes owed by that business or that employer would automatically be reduced for every veteran hired by $5,600. Hire an unemployed veteran, and you can reduce your taxes by $5,600. Even more so, if that veteran happens to be among those that have been wounded—and as I said, that is over 40,000—if you were to hire one of those wounded veterans, one of the seriously wounded that is connected with their service disability, the tax credit increases to $9,600. That's a very, very powerful incentive for businesses to hire our veterans. So with Veterans Day 1 week away, it's incumbent upon the 435 of us here in the United States Congress to not just talk the talk, but begin to vote to provide the veterans with the services that they need.

Now why did I start off with this graph? Why did I start off with this, showing the income disparity in the United States? Because this is how we should be paying for it—those Americans that have done extraordinarily well. And we're not talking about just extraordinarily well; we're talking about extraordinarily extraordinarily well. They have seen their income rise to a point of astronomical figures in some cases. And certainly it's seen on Wall Street. It's time for them to push aside the George W. Bush tax cuts. These tax cuts allowed them to keep a very large portion of their income. Taxes went down on income over $250,000 for joint filers, it went down from 39 percent to 35 percent. And do keep in mind all of the tax writeoffs that they're able to take advantage of that most Americans can't get. But nonetheless, since they've had 11 good years, 11 good years where they have received a significant tax cut, I think

it's time for them to share and help our veterans get a job.

And so the President has proposed, as part of his American Jobs Act, which is fully paid for, that those men and women whose annual adjusted gross income after deductions—adjusted gross income after deductions—is $1 million or more, we're not talking about mom and pop on Main Street here, we're talking about those folks on Wall Street and those CEOs from the energy industry and the oil companies, those folks, it's time for them to come back and help America. It's time for them to stop shipping jobs offshore, stop playing all the Wall Street gambling games that got us in such trouble, and it's time for them to share in a fair way to pay for an American Jobs Act that would put veterans back to work by providing businesses in the United States with a tax credit when they hire one of those 877,000 unemployed veterans that have been out there keeping this country safe.

So if you earn more than $1 million adjusted gross income after all of your deductions, yes, 5.6 percent of that income over and above would be surcharged, and it would go back up to just about 40 percent.

□ 1500

Is that going to hurt anybody? No. Is it going to help somebody? Oh, yes. Oh, yes, it's going to help Americans go back to work. And it's not just in the area of veterans, although we certainly ought to be focusing on this. My plea to my Republican colleagues here on the floor is, let's not just talk about veterans and how we honor them next week. Let's vote this week while we are here to put the American Jobs Act out of this House, or at least put this part of the American Jobs Act out of the House and pay for it with a surcharge on those very fortunate Americans who have worked hard, been lucky, or whatever. Allow them the opportunity to pay for putting our veterans back to work. So let's get with it.

Now I know you're going to go back to your districts, and you're going to go to the veterans parades and you're going to talk all the talk. But here's where the walk occurs: in this House, in this week, we have the opportunity—in fact, we have the obligation—to really help our veterans, to really help them by putting them back to work; and this is one way to do it.

Let me talk for a moment about another way of doing it, and I think I'll deal with this one. Not only are there 877,000 veterans unemployed, but well over 9 million, 12 million Americans, and another 12 million that are underemployed. The President, in his jobs act, says for small businesses, if you hire an unemployed person who's been unemployed for 6 months or more, you can have a $4,000 tax credit. So veterans, $5,600; a wounded veteran—one of our returning heroes—$9,600; and for a long-term unemployed American, hire somebody and you can reduce your tax burden by $4,000. That's a pretty good deal.

In addition to that, if you're a small business with a payroll of less than $5 million, you can write off, not pay the payroll tax at all. For individual families, the President has proposed—and we all talk about the need for individual families to have additional money in their pocket, so the American Jobs Act said, for individual families, tell you what, half of the payroll tax that you're presently paying—about 6 percent—you don't have to pay it; you can keep that money. It's over $1,500 a year in the pockets of average Americans out there.

So the President has put together a program here, the American Jobs Act, to deal with unemployed—some 6 million have been unemployed more than 6 months; hire them, get a $4,000 tax credit. Hire an unemployed veteran and you can get a $5,600 tax credit. Or if that veteran happens to be one of the wounded warriors, one of America's true heroes, it's $9,600.

So it's time for us to act. It's time for the American public to tell Congress we can't wait. We can't wait. We can't take any more of this unemployment. Pass a real jobs program.

I know my colleague here, a few moments ago, was talking about the 15 bills that went over to the Senate. If you take a look at those bills, not one of them was a real jobs bill. What they did was basically gut the environmental regulations of this Nation so that our children can have a little more arsenic, a little more mercury, a little more pollution, and a little more polluted water. That's not a jobs bill. There is no economist in this Nation that will tell you that by gutting the environmental regulations you're going to produce jobs. What you're going to produce is sickness, ill health, cancer, and the rest. So those are not real jobs bills at all. The real jobs bill is the American Jobs Act, and we're going to be talking about that with my colleague from Ohio in just a few moments.

I want to share with you a piece of legislation that I've introduced. All of us are paying taxes—or at least I think most every American pays some sort of tax, a payroll tax or perhaps an income tax. That tax money is used for a variety of things. It's used for our military; it's used for our Social Security and Medicare and the like. It's also used to subsidize a variety of programs. Today at a press conference, we talked about the $12 billion a year of subsidies that we pay to the oil companies. That's right, you and I pay our tax money to the oil companies so they can have a little more. Keep in mind that this year their profits are up 100 percent. In the last decade, they've had $1 trillion of profit. They don't need our tax money. But there is a program for clean solar and wind. Those kind of programs are our tax money being used to subsidize green energy.

We also use our tax money to build highways, bridges, trains, light rail systems. This bill, H.R. 613, simply says that if our tax money—in this case, the gasoline tax money—is going to be used, it must be used to buy American-made equipment, so that that Amtrak train out there is made in America. We're paying for it. It's our tax money; it ought to be American made. This is part of the Make It In America agenda. If you want to put a solar panel on your roof and you want the Federal tax credit, terrific, buy American-made solar panels. If you don't like American-made solar panels, use your own money, buy whatever you want; but don't use our tax money to buy a Chinese panel. Help American jobs; make it in America.

The same way with these wind turbines we're seeing all around the United States. It's our tax money that's subsidizing that, and that's good. What's not good is if that wind turbine is made in China or Europe. American made. You want the tax credit, buy American made credit.

Now joining us from the great State of Ohio is Congresswoman BETTY SUTTON. I know that you've been involved in this for a long time, the Make It In America agenda.

I yield to the gentlewoman to share with us her thoughts.

Ms. SUTTON. I thank the gentleman for his leadership. Representative GARAMENDI has been a strong voice for the people of this country, standing up for the middle class, and it is my privilege to join you down here on behalf of the hardworking people of Ohio.

I think that we begin by noting that we think that the true measure of America's economic success is the well-being of American families, not just the stock market or corporate profits. Now, I know that you've already talked about this, but it's just so important that we focus on the fact that the promise of America must be for all Americans, not just the wealthy few.

So we come to this floor and we once again look at a couple of things. One of them—we've heard it many times, but it bears repeating—you know, even some of those who have done so well in America now are calling on us to have them do well by America. We've heard Warren Buffett say—here's a chart that shows that his income was $46 billion, his tax rate is 17.7 percent. His secretary's income is $60,000 and his secretary's tax rate is 30 percent. And to quote Warren Buffett, he says: ''My friends and I have been coddled long enough by a billionaire-friendly Congress.'' So even he is calling on Congress, and we join him in that call because it's so important that we focus on what is the backbone of this country. What makes this country so great is the strength of its middle class, and we know that it has been squeezed and squeezed and squeezed.

We are now in a place where one in four homeowners are under water. That means owing more on their mortgage than their house is even worth. We

know that college tuition and fees increased about 300 percent over the last 20 years, and graduates are now leaving school with an average debt of $24,000. Taxes for the richest 400 Americans were sliced in half as their income quadrupled and now are paying only 17 percent.

Now, this is a complicated problem, and it's a serious problem; but the good news is that it doesn't have to be this way. We all know that the key, the solution to strengthening this great country and restoring the promise of the middle class lies in getting people back to work.

So I'm very happy to hear you talking about your bill that deals with making sure that we're buying American—iron, steel and manufacturing goods—when we move into new industries in the future. And I have a number of bills that require the use of iron and steel and manufactured goods made in America when we build our infrastructure, which, of course, is one of the key components, that building of our Nation's infrastructure that our President is trying to make happen with the American Jobs Act.

□ 1510

Why do we need to do that? Obviously we need to put people back to work, but we also have this: We have more than 2,700 miles of our roads in need of repair. That's greater than the distance between Washington, D.C., and San Francisco, California. Now, that's from the Research and Innovative Technology Administration at the U.S. Department of Transportation. So we know that the need is extraordinary.

What would this mean for our workers? Under the American Jobs Act, building new jobs for nearly 2 million unemployed construction workers. Can you imagine?

We know that when we strengthen our infrastructure, we strengthen our middle class and we strengthen our Nation as a whole and its place in the world.

So, with that, thank you again, Representative GARAMENDI, for being down here fighting the fight, because we can do things differently and get different results, results that work, not just for the privileged few, not just for the billionaires and millionaires, but for people out there who want nothing more than a chance, a fair chance at the American Dream.

Mr. GARAMENDI. How correct you are. Thank you very much, Ms. SUTTON, and thank you for bringing up the issue of infrastructure. Infrastructure's a problem all across this Nation.

I spoke earlier about the use of our tax dollars to support infrastructure so that we buy American, so that we can make it in America. And those are middle class jobs. Once we start making things in America, we start making middle class jobs.

The American Jobs Act has the potential of putting 2 million Americans back to work, many of them construction. Those are not just temporary things that are going to be built. Those are permanent foundations upon which the economy will grow in the future. So it's a sanitation system; it's a water system; it's a highway. That is a solid investment that gives the American economy a foundation upon which it can build, and immediate jobs.

What does it take?

Ms. SUTTON. You mentioned our water and our sewer infrastructure, which is important, critically important. And as we build that out, I have a bill that's called Stop American Jobs from Going Down the Drain Act, and what that would do is it would require that when we build that water——

Mr. GARAMENDI. Reclaiming my time, you have a bill that does what?

Ms. SUTTON. It's called Stop American Jobs from Going Down the Drain Act.

Mr. GARAMENDI. I thought I heard you correctly.

Ms. SUTTON. That's correct. And it's very simple because it deals with our water and our sewer infrastructure, which is in desperate need of rebuilding in this country. And as we rebuild it, we can even multiply the jobs out if, as this bill requires, we use American iron, steel, and manufactured goods, because then the ripple effects of putting those folks who work in those industries, our ironworkers, our steelworkers, those who work in manufacturing, they also will have the benefit of us building out, in addition to our construction workers.

Mr. GARAMENDI. I want to come back to your Don't Let American Jobs Go Down the Drain Act. I love that title. But even more so, I like what it tries to accomplish. I'm going to come back to it.

Our colleague from Illinois (Ms. SCHAKOWSKY) has also joined us here today.

If you could share with us your thoughts. You're not too far from Ohio. You must have similar issues in that great Midwest.

I yield to the gentlewoman.

Ms. SCHAKOWSKY. Everybody has the same issues: the underground systems, the water systems, the overhead systems, the bridges. I wonder sometimes about those who don't support the American Jobs Act. Don't they drive over bridges? Don't their families drive over bridges?

We have 400 unsafe, structurally unsafe bridges in the State of Illinois, and so aside from the jobs that it would create, the safety issues that would be addressed.

I wanted to just debunk a myth that is so persistent and that some of our colleagues on the Republican side want to repeat over and over again, and that is that the stimulus bill did nothing, created no jobs. And of course that's just not true. No matter how many times they say it, it is not true. Between 1.9 million and 3 million jobs were created or saved.

But I also know it's not true because many of those same people, when the ribbons get cut on those projects, actually appear at the ribbon cuttings. As we speak right now, there are people who are collecting those photos and videos and news accounts of those people who say the stimulus program created no jobs so that we can compile those kind of things and show the hypocrisy that you have when the project opens, there they are, smiling and cutting the ribbon, because it's not true. It did create jobs.

I wanted to point out that at the very beginning of our country, George Washington asked Alexander Hamilton to come up with a manufacturing strategy. Hamilton was the Secretary of the Treasury, and he came up with an 11-point manufacturing strategy because, at that point, almost everything had to be imported mainly from England, from whom our colonies had just broken and now our new country was trying to create its independence.

Really what Alexander Hamilton did was kick off the American industrial revolution, and there are a number of principles which I think are very applicable today. They call stimulus—he doesn't use that word, but he talks about pecuniary bounties, which essentially is to support industries, to give money to create jobs. This has been found to be one of the most efficacious means of encouraging manufacturers; and it is, in some views, the best, though it hasn't been the practice, he says, of the United States, and that we should do that.

He also says, the encouragement of new inventions and discoveries at home, and the introduction into the United States such as may have been made in other countries, particularly those which relate to machinery.

So we had a comprehensive industrial manufacturing policy which involved the public sector making contributions, investing and making sure that not only did we have a vibrant industrial economy, but we had people that would work in those things.

By the way, when George Washington found out that he had been elected President, he looked for an American-made suit and finally found someone in Connecticut that was actually making those, the fabric; because, while we had the raw materials, they were made into clothing mostly in England, and he was darned if he was going to be wearing an imported-from-England suit to the inauguration as President.

Mr. GARAMENDI. I'm absolutely fascinated. I'd heard some of this before, but I'm so happy you brought that to our attention. So since the very first day of this country, we've had a policy in the United States of encouraging manufacturing, making it in America.

Ms. SCHAKOWSKY. That's exactly right.

Mr. GARAMENDI. George Washington's inaugural suit, I'm going to use that. That is a wonderful, wonderful story.

I understand the canal system, that was a way of transportation. Infrastructure also came about at that time. I know here in the Potomac River canal, George Washington started that at about the same time, and then the Erie Canal. All of these were transportation systems that were right back at the very beginning of our country.

Ms. SCHAKOWSKY. These are called public works projects for a reason. They're done by the public sector. They are good for our country. They are good for our economy. They put people to work. And that's exactly what we ought to be doing, and that's what the American Jobs Act is for.

Let me just emphasize one other piece of it, and that is the piece of fixing our schools. Again, not only does this create jobs and not only does this do it summer, winter, spring, and fall because you don't have to wait for construction season, but it's also good for our children who are sitting in schoolrooms around the country that are really toxic, where there's asbestos contamination and that are dangerous or inadequate in the sense of being unwired for the kinds of technologies that we need for the future in order for them to be able to get good jobs, not only now but when they become adults and go into the workforce.

This is such a no-brainer to me. If we are serious about wanting to educate or children as well as put people to work, as well as create a healthy environment for them, this is such a sensible proposal, a part of the American Jobs Act.

Mr. GARAMENDI. As I recall, there are 35,000 schools that could be renovated—classrooms, playgrounds, roofs, painting, bathrooms, laboratories—35,000 schools across this Nation.

Ms. SCHAKOWSKY. And electrical connections for the Internet.

□ 1520

Mr. GARAMENDI. I bet some of those are in Ohio.

Ms. SUTTON. Absolutely. Ohio is in need, and I think it's important that we look at not just the cost that we're experiencing today from the failure to put people to work doing this work that needs to be done in our schools, building our Nation's infrastructure, which needs serious attention, according to all of the estimates and all of the surveys out there. The fact of the matter is, it's important to look at the long-term effects, too. Because those schools, if we fail to invest in education, whether it's in the physical facilities or education in general—which is another place that some of our colleagues across the aisle want to cut back.

The American Jobs Act is going to put more teachers in the schools. One of the things that we do is we choke off our future because other countries, make no mistake, they're investing in education because they know that that creates a better future, not just for the children and the students themselves, but for their Nation and the strength of their Nation.

They're also investing in their infrastructure for the same reason, because having an up-to-date, a state-of-the-art infrastructure is going to strengthen their competitiveness. It's going to strengthen their place in the world.

And while others are doing that, here we are with all of this work that needs to be done that would add to the value of our Nation which is so great in the first instance. But there is no substitute for creating real value.

In this last recession, we saw the very risky proposition of people on Wall Street moving money around, not creating any real value. You would think that more would have learned the lesson, because we need to have strong infrastructure. When you put people to work building things, you're creating real value. When you put people to work in manufacturing and you take something of lesser value and you turn it into something of greater value, that cannot be replaced with the smoke-and-mirrors trading that we saw going on before the recession.

Mr. GARAMENDI. You're quite correct about smoke and mirrors.

When you brought up education, in the American Jobs Act, the President has proposed a better deal for America. And part of it is this education piece. It's right here.

In the American Jobs Act—fully paid for; we're not adding a nickel to the deficit—fully paid for is a huge and important education piece. We talked about the renovation of schools. Just the environment in which kids will learn. If you have a good learning environment, it's clean, it's healthy, well lit, the electrical system is working, you have air conditioning and the rest, kids are going to learn much, much faster in a better situation.

But you also need a teacher. Now, I know in California, I know from my daughter and son-in-law, both of whom are teachers, the layoffs that have occurred in their school and the increase in their class size. My daughter went from 22 or 23 to 32 or 33 students in her class because of layoffs. The President in his American Jobs Act has proposed that 280,000 teachers across this Nation go back into the classroom, that they don't have a pink slip, that they're not unemployed. That they're actually teaching our kids.

And as you said, the most important investment a society makes is in the education of their children. Infrastructure, critically important. Security, national security, military, critically important. But if you don't have a well-educated workforce, all the rest will fail.

So let's put those teachers back in the classroom. Let's use a fair tax policy: Those that have done so extraordinarily well in the last two decades, the top 1 percent, let them help the rest of the 99 percent by paying 5½ percent more on income over and above a million dollars. It works. It's fair. And 280,000 teachers will be back in the classroom in my own State. Some 30,000 teachers will be back in the classroom. And there will be police and firemen in the street to help protect us. What's wrong with that? Why are we not doing it?

In the Senate last week and again this week, a Republican filibuster was used to stop the progress of the American Jobs Act, and here in the House of Representatives, it's not even heard before committee. The Republican leadership will not even allow it to be heard.

So let's get on with it. Let's put Americans back to work.

I yield to the gentlewoman from Ohio.

Ms. SUTTON. Thank you so much, Representative GARAMENDI.

It seems there are some here in this body, and, with all due respect, there are a lot of folks who come to Congress and they're fairly well-heeled themselves. It seems that some who are here, they seem fixated on protecting those tax breaks that ship jobs overseas. They seem very concerned about that top 1 percent, the billionaires and the millionaires.

It seems as if they almost believe that we can fix this country's economy without making most Americans better off, which is a backwards proposition. It's almost like they think that the top 1 percent is who built this country, and that that's where all of our policies should be aimed.

But I disagree and I know, Representative GARAMENDI, that you do as well. We understand that when we have people working, building infrastructure and making things and manufacturing, that that has a way of rippling out, right? And then we have those taxpayers who of course are energizing our economy. And then we have the revenue that comes into our communities that can put our firefighters and our police officers and our teachers into a salary that they have earned and they deserve for doing the important work that they do.

But instead of doing that, instead of making the choice that those at the top should pay a fair share, they want to take more out of those firefighters and teachers and police officers and nurses.

Right now as we speak, we're a week away from a referendum in the State of Ohio. If that issue, Issue 2, is voted down, it will be a really big moment because what that would do is it would repeal a bill that was passed by the State legislature there. And that bill is aimed at attacking our firefighters, our police officers, our teachers, and our nurses by reducing their collective bargaining rights, their ability to even have a voice at the table, to be part of the solution, which they always are because they know what's going on in America.

They didn't go into those jobs because they thought that they would

make tons of money. They went into those jobs because they had a commitment to service, to teach our kids, to run into our homes when they're burning to try and save us, to go out on our streets and make them safe. And yet they're the ones that some are looking at to get money back?

It wasn't our teachers or our firefighters or our police officers, it wasn't the seniors on Social Security or Medicare, it wasn't the students and their Pell Grants that drove our economy off the cliff. It was Wall Street that drove our economy off the cliff. And it's time that they pay a fair share so middle class America can start to breathe a little easier again knowing that they'll have opportunities in this country.

Mr. GARAMENDI. I am so proud of what you and others are doing in Ohio, fighting back against an extraordinarily unfair law that takes away the ability of people to come together and collectively voice their concerns. That's what it's all about.

You can say it's unions, and yes, but it's also the ability of people to say, Wait a minute—we're all working here at this school. We're the workers. We're the teachers, and we should have a voice in what is going on here. Not just in our pay and in our benefits, but also in the way this is working.

□ 1530

So you're fighting back, and you're making progress. Hopefully, that proposition will pass, and we'll begin to set a new model.

Ms. SUTTON. Representative GARAMENDI, I couldn't agree more with the idea that this is the voice of the people, that this is a referendum. They said to the Republican Governor and the legislature there, You've gone too far. Our firefighters and our police officers and our teachers, they're not our enemies. They're our heroes; they're the people who we look up to, who do good work on behalf of all of us, not just those who are the privileged few. And this is where we make our stand: on this referendum.

It's so important that the American people look at what's going on, frankly, in Ohio, and that we have a strong voice. Just to make sure that we have a correct record, a ''no'' vote on that issue is going to repeal that bad bill. We'll see what the people in Ohio do, but I am confident that we're speaking up together for one another and for police and firefighters and teachers.

Mr. GARAMENDI. We need to also understand where the power has shifted. The power has shifted here.

This is the average pay of the CEOs of the five biggest oil companies—$14.5 million. That's 307 times the pay of a firefighter, 273 times the pay of a teacher, 263 times the pay of an average police officer, and 218 times the average pay of a nurse.

So what we have seen—and part of this has to do with collective bargaining—is that the power has shifted to the CEOs, to the extraordinary wealthy, and that it has resulted in this situation: where the middle class and the poor in America have seen virtually no change in their incomes over the last 20, 25 years. They've been flatlined—basically the same level of income. They're just making it.

This particular line is the next highest 20 percent. The only reason they've seen their incomes grow is that both husband and wife are now working. Back there, back in the seventies, mostly just one or the other was working; but now both are working.

But look here: this is the top 1 percent. Here are the 99ers. Here is the 99 percent down here at the bottom and the 1 percent up here. What we're saying is let's put Americans back to work with the American Jobs Act, and let's have a Fair Tax, not the George W. Bush tax cuts that gave this group even greater wealth, a greater annual income by cutting their taxes, but rather to restore that tax rate and allow that money to be used to hire the unemployed veteran.

There are 877,000 unemployed veterans. These are the men and women who fought for us in Iraq. These are the men and women who fought for us in Afghanistan. These are the men and women who came back without their legs, with their minds jumbled because of an IED—877,000 of them. Give them a chance by this group that has been so extraordinarily successful, in part, because of their own work and, in part, because of the tax cuts that they've enjoyed for the last 11 years.

Ms. SUTTON. The gentleman makes such an important point.

Here we are. We're coming up on Veterans Day. It is not enough to just go out to ceremonies on Veterans Day and express our appreciation, although that should happen. We should be expressing our appreciation to veterans, not just through those ceremonies but through our policies. We have all of these veterans out there who are returning from the current wars, and we have other veterans out there looking for opportunities. The American Jobs Act will help us to create those opportunities that they so richly deserve.

Let's be clear: the people who are fighting our wars, they are part of the 99 percent. Very few are part of the 1 percent. So it's really, really important that we do focus on giving them the opportunities, the American Dream, the fact that if you work hard and if you try hard and if you play by the rules that you'll be able to make it in America. That is part of what they were fighting for.

So I could not agree more. We've got to focus on getting help to our veterans.

Mr. GARAMENDI. Exactly.

As we begin to wrap up our hour here, Veterans Day is one week away. There are 435 of us here in this House who are representing the American people, and we have an opportunity. All of us will be out there on November 11. We'll be doing our parades, and we'll be giving our speeches about how wonderful the veterans have been in America; 877,000 of them have returned from Iraq and Afghanistan and have served this country in an extraordinary way. They're unemployed. They need a job.

The American Jobs Act will provide every employer in the United States with a $5,600 tax reduction, not a tax credit, that is, their taxes will be reduced by $5,600 for every unemployed veteran they hire. If they hire a veteran who has been wounded, one of the returning American heroes, it's a $9,600 reduction in that employer's tax.

Why are we not doing this? It's fully paid for. It's paid for with a small tax increase by those who have been so extraordinarily successful in the last decade. Why are we not helping our veterans find a job?

Because, in this House, the Speaker and the Republican Party refuse to address this issue. No hearings have taken place on the American Jobs Act that the President has put before this Congress. You can talk the talk. You can talk the talk forever. You can go home and you can talk the talk; or you can be here this week, and you can give our veterans a real opportunity. It's not just those who have returned from the war. There are veterans out there who fought in the previous wars, who served this country in Vietnam and in the first gulf war. They're unemployed or they are retired and they're receiving Social Security.

So, here on this floor, proposals have been put forth; and in the supercommittee, again proposals have been put forth to reduce the Social Security benefits, to reduce the foundation for retirement in this Nation so that the 1 percent don't have to pay their fair share of the taxes. Something is desperately wrong. Those seniors and those veterans are dependent upon Medicare for their health when we consider that it was Medicare that took more than 50 percent of the seniors out of poverty in the 1960s and gave them the health care that they needed to stay alive. Yet the proposal put forth on this floor that was voted on three times by our Republican colleagues would destroy Medicare and put every senior at risk, and those who are 55 and younger would never receive Medicare. They'd be thrown to the mercy of the private insurance companies.

Why would we ever allow that to happen? Because apparently some want to continue the tax breaks for the superwealthy.

But here we are one week away from Veterans Day—and a lot of talk. I want some action. America can't wait. These 877,000 veterans can't wait for a job. In Ohio and in California and in every other State in this Nation, this is the reality faced by veterans. This House has an obligation, this Speaker has an obligation to put the legislation before this House and to let us speak, to let us represent the people who elected us.

Ms. SUTTON, thank you so very much for joining us. You've been a wonderful

Representative of Ohio. I've watched you fight day after day to put legislation in place so that your men and women in your district can go back to work. Please wrap it up. Share with us your thoughts.

Ms. SUTTON. It is my honor and my privilege to stand up for the people of Ohio and for the veterans you were just speaking of.

I just have to say, those veterans, those men and women who were on the battlefield, they weren't just fighting for Wall Street; they were fighting for the United States of America and all that it stands for. They weren't just fighting for the top 1 percent; they were fighting for all of us. Now they're coming back, and we have an obligation. We have a promise that we have made to them, part of which would be fulfilled if we could get the American Jobs Act passed. So it is incumbent upon us to beat back.

□ 1540

We hear a lot of rhetorical terms. In the last election we heard over and over again, Oh, we could create jobs if we could get government off the backs of the job creators.

Well, look, the refrain, people don't want government on their back, I agree they don't want government on their back. But you know what? They do want government on their side. And that is not what they have been getting and that is why we have to be here, to stand up for the middle class, to stand up for those veterans, for those seniors, for those college students, for those workers, for those firefighters and those police officers, those teachers and those nurses who have suffered far less growth as, we know, Wall Street continues to flourish with record CEO bonuses and all of those profits. We just want people to pay a fair share, and we want the American people to have a fair shake.

Thank you for your leadership. You have been tremendous.

Mr. GARAMENDI. And thank you so very much for so ably representing Ohio and your constituents.

We've got work to do. We've got veterans to care for, and they need help. Americans want jobs, and the American Jobs Act is there. If we were to bring that up today or tomorrow instead of the foolish little bills that have been going on around here for the last month and a half, Americans could go back to work, and it would be fully paid for with a fair tax. We have work to do.

I ask the Speaker of the House and my Republican colleagues to give Americans a chance to go back to work. Put the American Jobs Act up for a vote; put that tax up for a vote, and let's pass it. I think we'd vote it out of here in half a moment if we had a chance. But right now we don't even have that chance.

With that and hope for the future and thanksgiving for those men and women that have been out there protecting this Nation, the veterans, young and old, able and disabled, we thank them.

I yield back the balance of my time.

BALANCING THE BUDGET

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

Mr. GOODLATTE. Mr. Speaker, this afternoon we are going to talk about a very important development here in the House of Representatives—in fact, in the entire Congress. Because of the vote this summer on the Budget Control Act, we are going to have in both the House and the Senate for the first time in about 15 years a vote on a balanced budget amendment to the United States Constitution. The last time we did this was on March 2, 1995—actually, the House had already passed it with 300 bipartisan votes, and it was brought to the Senate floor on that day. The U.S. Senate failed by one vote to send a balanced budget amendment to the States for ratification. The amendment had passed the House by the required two-thirds majority previously, and the Senate vote was the last legislative hurdle before ratification by the States.

As we know, balanced budget amendments—in fact, any constitutional amendment is voted on by the House and the Senate, requiring a two-thirds vote in each body, and then it does not go to the President of the United States, as legislation does. Instead, it goes directly to our States, and then three-quarters of the State legislatures would be required to ratify it.

If that amendment had passed, then we would not be dealing with the fiscal crisis we now face. If that amendment had passed, then balancing the budget would have been the norm rather than the exception over the past 15 years, and we would have nothing like the annual deficits and skyrocketing debt that we must address today.

The good news is that, like 1995, this Congress is again standing at a crossroads at this very moment. The decisions we make today will steer the direction of the country for the next 15 years. We have an opportunity now to take action to ensure that 15 years from today our children will face a much brighter fiscal picture. We must not allow ourselves to miss this opportunity.

Experience has proven time and again that Congress cannot, for any significant length of time, rein in excessive spending. The annual deficits and the resulting debt continue to grow due to political pressures and a dependency on government programs. In order for Congress to be able to consistently make the very tough decisions necessary to sustain fiscal responsibility over the long term, Congress must have an external pressure to force it to do so. The most realistic change we have today to enact this type of institutional reform is through a balanced budget amendment to our Constitution.

Many Members of Congress have introduced balanced budget amendments in this Congress. I introduced two versions on the first day of the 112th Congress.

H.J. Res. 2 is the exact text that passed the House in 1995 and failed in the Senate by one vote. This amendment requires total annual outlays not to exceed total annual receipts. It also requires a three-fifths majority to raise the debt limit. This legislation also has limited exceptions for times of war.

H.J. Res. 1, which I also introduced, goes much further. In addition to the provisions of H.J. Res. 2, it requires a two-thirds majority to raise taxes and imposes an annual spending cap that prohibits spending from exceeding 18 percent of GDP.

In the U.S. Senate, 47 Republican Senators—all the Republican Senators—have cosponsored a balanced budget amendment, which is a strong sign that the Senate is ready to engage in debate on this subject as well.

Our extraordinary fiscal crisis demands an extraordinary solution, so we simply cannot afford to succumb to political posturing on this issue at a point in time so crucial to our Nation's future. We must rise above that and move forward with a strategy that includes legislation that will get to 290 votes on the House floor.

So as we consider a balanced budget amendment, I encourage the Members of the body to devote our efforts to passing the strongest balanced budget amendment that can garner two-thirds of the House of Representatives. We're at a crossroads in the country. We can make the tough choices and control spending, paving the way for our return to surpluses and ultimately paying down the national debt, or we can allow big spenders to lead us further down the road of chronic deficits and leave our children and grandchildren saddled with debt that is not their own.

I have been joined by a number of outstanding Members of the House, and I am going to call upon them to offer some comments about the importance of a balanced budget amendment to them and to their constituents as well.

Since he got here first, I'm going to yield first to one of our new Members, from the State of Indiana, a great fiscal conservative, someone who believes strongly in limiting our government and balancing our budget, Congressman TODD ROKITA.

Mr. ROKITA. I want to thank the gentleman from Virginia for yielding me this time and for your leadership here in the Congress year after year over the years to see that we've come to this point where we again can have a vote in these Chambers about the condition of our country and about living within our means.

As I talk about the balanced budget amendment, I want to also address

what happened here on the House floor and what was said here on the House floor in the last hour. They used the term ''foolish'' several times. I want to describe how foolish what they said is.

Not enough dollars exist in the top 1 percent of taxpayers in this country to possibly address the debt situation we face, to possibly address our economy. There are not enough baseball players. There are not enough football coaches. There are not enough Oprah Winfreys. There are not even enough Warren Buffetts. Even if you taxed 100 percent of everything they made and assume two things, that they wouldn't leave the country and that they would continue to produce, there aren't enough of them to solve this country's fiscal problems.

So when people come here to the House floor or talk anywhere else in this Nation about how the rich aren't paying their fair share, by definition, they are going to come after the middle class. They are going to come after your property, those of us who live in the middle class. Our property being our dollars, which aren't theirs, which aren't the government's. They're ours. And that's what they're angling for; make no mistake about it.

As you may know, I happen to be a member of the House Education and Workforce Committee. A lot of talk was made here today about how we don't spend enough on our education; we have to spend more on our teachers. Let me just say this: The increase in our Federal budget for education has been well over 300 percent since the early 1970s, yet we haven't seen one bit of an improvement in our scholastic scores since the Federal Government has been involved in the education business.

□ 1550

I just find it humorous when they stand here and talk about how we need to now spend money on infrastructure, now spend money on other things that might marginally give us some more jobs. Where were they during the first stimulus when only 6 percent, almost a trillion dollars, went for infrastructure and the rest went for handouts like food stamps, unemployment insurance and other things that won't possibly grow the economy? Not to say that people didn't need help, not to say they still don't need help. But it's a falsehood to think that by giving more handouts you're going to improve the prosperity of this Nation.

You cannot tax, you cannot spend, you cannot lay debt on our kids and grandkids and expect this Nation to get stronger, expect this Nation to be better off. It doesn't work. World history is littered with examples where Nations have tried to do this very same thing; and all it has resulted in is tyranny and the opposite of prosperity.

With that, thank you again for letting me speak about the balanced budget amendment. I opposed the Budget Control Act when we had that vote at the end of July because it wasn't a solution to our debt problem; it was another Washington deal. But as I've said and will continue to admit, there was a silver lining, and that silver lining was the requirement that both Houses at least take a vote on the exact same balanced budget amendment language, and they do it by December 31 of this year.

Our Constitution is the blueprint for our system of government. Our Constitution has only been amended 27 times, and for very good reason. It's not to change with the times. It's not to change with the political winds. It's a blueprint, a document that has outlined a process, contained in it negative rights, that has given us the best system for raising the condition of all men that the world has ever seen. And so it shouldn't be amended that often or that lightheartedly, but it should be amended in this case.

This Chamber, this House, this Federal Government in general, administrations both Republican and Democratic before us, have failed in their job to have us as a Federal Government live within our means. We need a constitutional amendment to do that now. Thomas Jefferson himself even said it: ''I wish it were possible to attain a single amendment to our Constitution, I mean an additional article taking from the government the power of borrowing.''

Given our $15 trillion debt and what's coming, the red menace, the tidal wave of debt that's coming in the near future, there is a clear need for a balanced budget amendment.

Now, there are several different ones to consider. Which one should we take up? I would love to have a balanced budget amendment that contained a supermajority vote for us to even consider raising taxes in order to balance the budget. I would love a balanced budget amendment with language that contained an indication that the Federal Government cannot exceed 20 percent of GDP. That would be spectacular. In this season of football, I'd call that a touchdown pass that wins the game. But there are other plays as well. And I'll take a 50-yard pass; I'll take a 75-yard pass that gets us so far down the field on this debt issue that it puts us in a position to win the day, ''winning'' meaning we save the Republic, we keep the Republic like Franklin suggested. So I would support a clean balanced budget amendment. Clean meaning a statement that simply says we will not spend more than we take in. Our expenditures will equal or be less than the revenues we take in.

Now, some of my very good conservative colleagues would say, well, you're setting us up for one day raising taxes. That may be true. But in all honesty, that's a different fight. We can have that tax fight later. Liberals love to raise taxes because their solution to everything is a bigger government, and the only way to have a bigger government is to have a more expensive government. That will never change. So let's not have the perfect be the enemy of the good. Let's have that fight. And if once in awhile they win, we know that the people who win that fight won't be here for long. And in the meantime, we have an amendment in our Constitution that declares each one of us, as we take the oath to uphold the Constitution, ensures that we will live within our means.

I thank the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman from Indiana for his remarks.

We are joined now by a very important member of our conference, a leader, the chairman of the National Republican Congressional Committee and a strong supporter of fiscal responsibility and a balanced budget amendment, the gentleman from Texas, Congressman PETE SESSIONS.

I yield to the gentleman.

Mr. SESSIONS. Mr. Chairman, I want to thank you today for your strong leadership and the leadership of other members of this conference for bringing forth a discussion about a balanced budget for the United States of America. In fact, the United States Congress has brought up this issue before, and it has been debated and discussed obviously since not just the time of the signing of the Declaration of Independence, but for many, many years afterwards.

Mr. Speaker, I would say to you today that every single Member of this body should recognize the times that we live in are unlike any that this great Nation has ever seen.

We find that we are in the midst of a threat of outside forces against the United States. We find ourselves in a time of war. We find ourselves in a time when we have political unrest with thousands of people encamped in our cities who are displeased with the direction that this country is going. We have millions of people, some 14 million people who are unemployed in America, some 6 million who are underemployed in this country.

We've seen out-of-control spending that has taken place from a Federal Government that is not accountable. They tax too much, they spend too much, and they listen too little. We have leaders of this country who are not honest in speaking to the American people about not only the truths of each party and what they stand for, but who I believe mislead others about the things for which they stand for themselves.

We find ourselves at a time in this country where we are faced with a $14 trillion debt that is growing every single day. In fact, if any American looks at the debt clock, they will see that it's spinning wildly out of control.

Mr. Speaker, I did not come to this body, nor probably did others, to think that they would be here to manage our demise. We come to Washington full of hope and opportunity, with the expectations to further the dreams of the American people, to further dreams for

an experience that would allow us to enrich our lives but also to leave that that would be the best for the next generation. As an Eagle Scout I grew up scouting and understanding that you should always leave your circumstances better than what you found it.

Now, I'm well aware that the President of the United States, President Obama, keeps talking about that this is a vision that he has about a direction, but there is no end in sight to the damage and harm, the carnage that is being laid to this country as a result of economic demise. But what I would say, Mr. Speaker, is there are others who have traveled down this road ahead of us, and we are watching them today and we've been watching them for years as the very fabric of their countries becomes torn apart.

□ 1600

The essential ingredients that made those countries strong, not that put them on the map, but that gave them a heritage, a meaning and a national purpose, they are now seeing with this current generation are falling apart. I would say as my message today I stand strong with BOB GOODLATTE and RANDY HULTGREN. We have Brother ROKITA here, we have SCOTT GARRETT from New Jersey, and we have even a Member from as far south as Mississippi, STEVEN PALAZZO, who are going to come forth on this floor and talk about the need for America to gather itself with discipline and strength to add to the spirit and the resiliency of the American people, that of entrepreneurship, that of tough love and hard work that will make this country stronger and better.

I stand here, Mr. Speaker, as a result of understanding, as other Members of this body that have circumstances that are very similar to mine. I have a future that I want to leave better than what I found it. I have two sons, one that's in the top 2 percent academically of students in this country, and one that is in the bottom 2 percent of students academically. And the future of this country is very important to them, perhaps more important than mine was to me.

But on my son who is in the top 2 percent academically, Bill, the future of his American Dream is being threatened because he wants to be a physician. And physician after physician, those in the health care field, are saying, Bill, don't do that. This is his dream. On Alex's side, as a Down Syndrome young man, he is faced with a sure future where he will be competing against all of us for the needs that he should have as a disabled young man that should be the mission statement of this government. Yet, the Federal Government will be incapable and unable to perform because they are trying to take on everybody, and thus they will not do their job right.

Former Senator Phil Gramm from Texas would speak about this often years ago when the same threat of a Clinton health care plan existed. Now it's the law. And Senator Gramm would talk about that, that little red wagon that is designed for just a few people that the Federal Government should get it right and support with government assistance—those with a physical or intellectual disability, those who are seniors like our parents, yes, my parents at 81 years old who have served this country so well, so honorably and deserve a chance to be in that wagon in their latter years and, lastly, those who are too poor to take care of themselves.

Mr. Speaker, this balanced budget will ensure that we try and create a mission statement with this Federal Government that is not about expanding itself to where it is not within a mission statement, but one where it is within a mission statement where we are going to require the Federal Government to do a few things and do them well, because we're not going to have the money unless we give it to them through economic growth. And with economic growth, people can have their own dreams and not depend on government.

So why we're all here today there could be different reasons. But it will boil down to this: that the men and women of this body, some of whom I have spoken about, including the gentleman from Alabama (Mr. BROOKS) who's joined us, are here for a mission and a purpose, and that is to join with Chairman BOB GOODLATTE from Virginia and say to him that we want to leave America a better place than what we found it; and we believe bankruptcy debt, misery, and loss of jobs is not the right future.

I heartily sign back up for this important effort again, which I led in '97, '98 and '99. I, once again, sign my name to that pledge. I am for a balanced budget to leave America a better place than we found it. I thank the gentleman for yielding me time.

Godspeed and good luck, Mr. Chairman.

Mr. GOODLATTE. Thank you for your good work. Thank you for your efforts on behalf of this cause.

I want to make reference to the fact that this Special Order that we're all participating in is sponsored by the House Constitution Caucus, which is chaired by Congressman SCOTT GARRETT of New Jersey. We'll hear from him in a few minutes.

But now I want to yield to another new Member of Congress who has been very, very instrumental in working on a balanced budget amendment and has made a number of good, constructive observations and recommendations about this issue, and that's Congressman MO BROOKS from Alabama.

Mr. BROOKS. I thank the gentleman from Virginia.

Mr. Speaker, America faces a financial threat of historic proportions. It has one basic cause. We suffer from unsustainable budget deficits that threaten America with insolvency and bankruptcy. We have seen what's been going on in Europe with Greece and with Paris from a few years ago, with Rome, with riots in Greece where there's even been fatalities. All of these relate to the financial stewardship of their governments.

I hope that with the remarks I'm about to share that the people of America will have a better understanding of the deficit situation we face, because given that understanding, I have confidence, Mr. Speaker, that the American people will cause Washington to do the right thing.

A little bit of history is in order. I've got a chart here, the United States annual deficits. The last balanced budget we had was $128 billion, fiscal year '01, a Democrat President, Bill Clinton, a Republican House and Republican Senate. Since that time, we've had 9/11 and we've had wars in Iraq and Afghanistan. You can see how the deficit situation became worse. George Bush as President and Republicans in control of Congress to $158 billion to $377 billion to $413 billion. All of those were bad, no question.

Notably, we have the Bush tax cuts in the summer of 2003; and, paradoxically, from one perspective across the aisle, things should have gotten worse, but they got better because our economy improved and our deficit declined to $318 billion to $248 billion to $161 billion. We were on the right path as of November 2006.

Then we had a different mindset capture the United States House and the United States Senate. We had a different Speaker of the House, a different majority leader in the United States Senate, and a different philosophy of government and a different economic philosophy that unfortunately has failed miserably.

As a consequence, after the November 2006 elections where the Democrats captured the United States Congress, we have a $459 billion deficit followed by a $1.4 trillion deficit. Then we have a change in the White House. For 2 years, two budgets, two sets of expenditures and two sets of revenues were totally controlled by the other party, my colleagues across the aisle. In FY10 and FY11, the fiscal year that we just finished, we had back-to-back $1.3 trillion and $1.3 trillion deficits.

Ladies and gentlemen, these deficits were bad. These are unsustainable trillion-dollar deficits as far as the eye can see, and they're a great risk to our Nation. To put it into perspective, that's $2.3 trillion in revenue last year, $3.6 trillion in expenditures, a $1.3 trillion deficit, and a $14.3 trillion accumulated debt. With what happened with the Budget Control Act in August of this year, a bill that I voted against, the debt ceiling was increased by $2.4 trillion such that it will soon hit a $16.2 trillion debt burden in 2013.

Now, I mention trillions, and people's eyes often start to glaze over, Mr. Speaker. Let me put it down in a family sense where hopefully the American

people can better understand it. Think in terms of a family that's uncertain about their income. So they go over their finances, and they discover that over the last 3 years they've averaged $50,000 a year in income—not too bad. And then they look at their expenses, and they've been averaging $80,000 a year in expenses. That's scary to them, and it should be. They've been in the hole 3 straight years for $30,000 a year. Then they pick up their Visa bill, and it's for $320,000.

Now what do you think that family would do? Well, they'd cut their spending and they would try to balance their budget in order to avoid bankruptcy. Those analogies are exactly the same as that of the United States of America—those ratios.

□ 1610

We have to have a balanced budget constitutional amendment, I submit to the American people, Mr. Speaker, because that is the only way Washington will have the backbone to do the right thing, to protect future generations from the risk of insolvency and bankruptcy that we in America face today.

So I wholeheartedly endorse the efforts of Representative GOODLATTE and all the other members of the Constitutional Caucus who have been working so hard to come forth with a substantive, effective, and enforceable constitutional amendment that can help save our children and grandchildren from the seriousness of the financial situation that we in America face today.

As for me, Mr. Speaker, I will do my utmost to support a balanced budget constitutional amendment. I will do my utmost to ensure that it is an effective constitutional amendment, that it's not a dog and pony show, that, in fact, it will achieve the desired result.

I thank the gentleman for yielding.

Mr. GOODLATTE. I thank the gentleman for his very passionate support of the cause of fiscal responsibility.

As I mentioned earlier, this Special Order is being sponsored by the Congressional Constitution Caucus. And it's now my pleasure to yield to another great champion of limited government and lower taxes and less government regulation and balancing the budget, Congressman SCOTT GARRETT of New Jersey.

Mr. GARRETT. I thank the gentleman for not only managing the floor tonight with regard to this conference, but also with regard to all your great work with regard to trying to push forward the BBA, making sure we get over the goal line this time.

As the chairman and founder of the Constitutional Caucus, we rarely come to the floor to advocate for an amendment to the Constitution, but that's exactly what we're doing here tonight. It brings us here tonight because the United States Government has what? Just as the other speakers have said, overspent, overborrowed, and overtaxed, putting this Nation on the road to fiscal ruin. Yet, as much as that is true, there are many who believe that the solution going forward is even more of the same: more spending, more borrowing, more taxation. And only here in Washington, DC, could that ever be given serious consideration.

American families are not given that luxury. American families have to do what? They have to live within their means or face fiscal disaster in their family pocketbook. So, too, here in the United States Government we should live within our means as well; but unfortunately, today, as you saw the previous chart and previous speaker, we have been incapable of doing that. And that is why we're here tonight because we know we must force ourselves to do so through a balanced budget amendment.

Now, step back. Amending the Constitution is a difficult process. It should not be entered into lightly. The process reflects the Founders' commitment to republican self-government while protecting what? The integrity of the supreme law of the land.

And so in the spirit, then, of the Founders' vision for an amendment to the Constitution, we support tonight a balanced budget amendment as the only solution to excessive and irresponsible spending that we've seen go on for far too long. And yet we hear from the other side of the aisle and the other House—Senate majority leader called the balanced budget amendment a radical new idea. But how radical is it really? Radical? Well, 49 States in this country have some form of a balanced budget amendment, and they realize they must abide by it to live within their means.

A new idea? Well, indeed, Thomas Jefferson is the intellectual forefather of the balanced budget amendment. So we can go back some 200 years. Back in 1798, when Jefferson wrote to Virginia Senator John Taylor that the solution to then-extravagant spending was a constitutional amendment eliminating the power of the Federal Government to incur debt, he went on to say:

I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution; I mean an article, taking from the Federal Government the power of borrowing.

Now, the balanced budget amendment is the Jeffersonian solution, therefore, to today's debt crisis. And yet, when you think about it, the amount of spending and overspending that they had in Jefferson's time pales in comparison to the reckless spending that we have today and the reckless and fiscal ineptitudes that we see going on in Washington.

According to CBO, the Congressional Budget Office, the government will spend nearly—get this—$1.5 trillion this year more than it takes in. And if we refuse to balance our budget, as your amendment would do, what will happen over the next 10 years? Almost $9.5 trillion in additional red ink will be added to the bottom line.

So, in conclusion, the choice I think is clear: Either we continue down the same road with blissful disregard of the warnings of financial catastrophe that we've seen, or we do what? We amend the Constitution to require a balanced budget and put the United States back on the road to sustainability and also prosperity.

So let's make the balanced budget amendment the 28th Amendment to the Constitution.

Mr. GOODLATTE. I thank the gentleman from New Jersey, and I like the sound of that 28th Amendment to the Constitution.

Let me just say that, as I mentioned at the outset, because of the vote by the Congress—the House and the Senate—signed into law by the President, we will have a vote in both the House and Senate on a balanced budget amendment before the end of this year, before December 31. And if either body passes a specific balanced budget amendment, the other body has to vote on the same one so that we have the greatest possibility that if we can reach that kind of consensus, we can actually send a balanced budget amendment for the first time to the States for ratification. It would require 38 States to ratify it. But as the gentleman from New Jersey just noted, 49 out of 50 States have a requirement in their constitution that they must balance their budgets.

I believe that with the public supporting this by numbers northward of 80 percent—and it's very bipartisan support. I saw a recent poll that showed that 74 percent of Democrats support this, as do a great many Democrats here in the House. In fact, to pass a constitutional amendment with 290 votes, it has to be bipartisan. So we are working across the aisle to make sure that we build the kind of support that we need to pass the strongest possible amendment to our Constitution requiring that the government lives within its means.

I yield to another great supporter of that concept, another new Member who came here to reform the way things are done here in Washington, DC, and who has joined us in this effort, the gentleman from Illinois, Congressman RANDY HULTGREN.

Mr. HULTGREN. I want to thank my good friend and colleague for the amazing work that you've done over the years fighting for structural change in how Washington does its business. Thank you, Congressman GOODLATTE, I really appreciate it. I appreciate the opportunity to be able to speak for a couple of minutes today.

Mr. Speaker, since the people of the 14th Congressional District of Illinois sent me to be their Representative in Washington, DC, last year, I have fought to bring accountability and responsibility back to Congress. Time

and again, I voted to cut spending and reduce the size of Federal Government, and I haven't been shy about going against and opposing colleagues from the Republican side of the aisle when I felt like they weren't doing enough to get our fiscal house back in order.

With every vote, I'm guided by the belief that Washington, like our families and small businesses across the country, needs to live within its means. I know that the path to renewed and future prosperity lies through a return to fiscal sanity and not by saddling our kids and our grandkids with more debt.

Our job-creating bills—that have been sent over to the Senate and are stuck in the Senate right now—along with less spending and less debt will help give small business owners and job creators the confidence they need to hire and expand, putting Americans back to work again and getting our economy moving again.

Unfortunately, this Congress' efforts to cut spending are, on their own, insufficient. More importantly, any cuts we make today could be reversed by future Congresses. Long-term deficit reduction and spending restraint can only be accomplished through real structural changes to the way that Washington operates. And I believe, as many of you do, that a balanced budget amendment to the Constitution is exactly the change that we need.

I have been an outspoken advocate for a balanced budget amendment even before being elected, and one of the first things I did after being sworn in was to cosponsor a balanced budget amendment. A balanced budget amendment would force the Federal Government to spend only what it takes in—a novel concept—but it is the surest path to fiscal sanity, less spending, and a brighter future for our kids and our grandkids.

Support for the balanced budget amendment is gathering momentum in Congress and across this great Nation. In fact, as Congressman GOODLATTE said, the House and Senate are required to vote on a balanced budget amendment very soon. But Congress has been here before. In 1995, they nearly passed a constitutional amendment mandating a balanced budget amendment but fell one vote short in the Senate. Imagine the difference of this Nation if that would have passed at that time than the situation that we're in right now. Sixteen years later, we have the chance to finally get it right.

The time is now. It is our responsibility and our duty to support a balanced budget amendment and bring accountability back to Washington.

Mr. GOODLATTE. I thank the gentleman. I very much appreciate his comments and would note the fact that we have, speaking here tonight, Members from many corners of the country: Indiana, Alabama, Texas, Illinois, Mississippi, Wisconsin, New Jersey, and Virginia.

□ 1620

In fact, Members of Congress from about 46 or 47 States have indicated their support for at least one version of the constitutional amendment. If we can bring all of them together, and they can bring just a few more Members together, we can get to that 290 votes, because this is not a regional issue, this is not a partisan issue.

This is an issue that transcends the country. It's reflected in the fact that this is an issue we can communicate directly with our constituents about, and they understand exactly what we're talking about because they live with the concept that they can't spend more than they take in year after year after year. The businesses that they work for, they can't spend more than they take in year after year after year. Local governments, State governments are all bound by this principle that you cannot live beyond your means. That principle should be enshrined in the United States Constitution.

I yield to another Member who joins us in this effort, another new Member—and it's the new Members who have helped to bring this issue back to the fore, who really want to see a vote on this for the first time in 15 years—Congressman REID RIBBLE from Wisconsin.

Welcome.

Mr. RIBBLE. Thank you very much. It is an honor to come down to the floor of the House and work with you, Representative GOODLATTE, on this very important issue.

Mr. Speaker, I rise today to talk about the balanced budget amendment. I came down to the floor of the House this afternoon with some prepared comments, spent some time putting it together and wanted to make sure that it was right, had help from my staff, but I'm going to go a little bit off script today.

As I've listened to my colleagues speak on this very important issue, they've covered much of what we want to say with the historical context, with what Thomas Jefferson, our Founder said, what Abraham Lincoln talked about—about government being by the people.

Instead, I think I'm going to talk about my experience here in Congress. As my friend just mentioned, I'm a new Member. As a matter of fact, right around this day today I've been here 10 months. I've never served in Congress before, never served in an elected capacity before. I ran a small roofing company in Kaukauna, Wisconsin.

I have to tell you that I'm struck that we're at this place in history. When I look at our national debt, and you look at it on a chart and on a curve from 1787 to 2011, from about 1787 to 1940, 1945, that line is almost indecipherable from zero. Then as you go on and you get to the late 2000s, that line begins to turn up. And now in the last 3 years, that line is nearly vertical as our national debt continues to explode. And that debt has to be paid.

I've told high school students and college students back in Wisconsin where I'm from that there's a reckoning coming for them. There will be a date and time certain that this bill will have to be paid.

And yet, as I've worked here I've just discovered that, for whatever reason, whether it's partisan bickering or pure ideological differences, that we cannot, it seems, find agreement on controlling our national debt and our deficits, annual deficits.

Just a few years ago the deficit was only $160 billion. As we heard from my colleague from Alabama, the last 3 years it's been over $1 trillion each and every year. Something clearly has changed, and we would like to say that it's changed in our economy. I would propose to you, sir, that maybe it has changed in our government.

At some point, I call on my colleagues on both sides of the aisle, my friends that are Republicans and Democrats alike, it is time to put the sword down. We cannot, in fact, Mr. Speaker, we must not allow this type of spending to continue so that our children, my grandchildren, your children and grandchildren, will have to pay this bill, a bill that they did not make and a bill that they should not owe.

So I stand before you today challenging my colleagues to consider a better path forward, one that we use in our families, one that we use in our businesses, one that 49 States use in their State governments, and that is a balanced budget amendment to the United States Constitution.

Just the other day I was standing right over where my colleague was and is standing right now, and I had a copy of the Internal Revenue Code. It's nearly 10,000 pages of fine print. An amendment to the Constitution will be just a few words, and it's a simple thing.

But most importantly, the amendment to the Constitution that would call for a balanced budget allows the American people, not just through their Representatives here in Congress, which we clearly have seen is not going to solve the problem, but allows the American people to finally have a say through the ratification process.

I had a telephone town hall recently, Mr. Speaker, with 15,000 Americans on the line. I did a poll and I asked them, how many of you would support a balanced budget amendment to the United States Constitution requiring the government to live within its means? Over 80 percent of those respondents said that they would support this.

I want you to know, Mr. Speaker, that millions of families and businesses every day live under the constraint of a balanced budget. As a father, as a former small business owner, and now as a Member of Congress, I have a different perspective on this whole thing, and the perspective is that we must, must move forward with this.

As a father, I tried to teach my children the value of hard work, the importance of saving for the future and not

spending more than they earn. As a business owner, I operated my company that same way. And now, as a Member of Congress, I recognize that these ideas that many of us, I would dare say the majority of Americans, hold true, is just as good for their government. And so if a balanced budget in your family, in your business, in your church and in your community and your State makes sense, it clearly makes sense here.

The reckless spending will never stop, I believe, without it. There will neither be the political will nor the courage to do so. Since Washington has proven itself incapable of doing this job, it's time that we let the people, the citizens of America have a voice so that they can force their government to act responsibly.

I call on my colleagues to pass a balanced budget amendment to the United States Constitution through this Chamber, the United States Senate, and then send it back to the people, where they will finally have their voice heard.

Mr. GOODLATTE. I thank the gentleman for his comments.

As I indicated earlier, this is an issue that has to have a bipartisan solution. It simply is not possible to pass constitutional amendments that require two-thirds of the House, or 290 Members, and two-thirds of the Senate, 67 Members, without Members reaching across the aisle and working together to come up with language that is agreeable and can be supported on both sides of the aisle.

And quite frankly, the nature of the problem that we are confronted with is one that past Congresses controlled by both parties, Presidents of both parties have contributed to, and the solution is going to have to require also that same kind of bipartisan working it out on a year-to-year basis balancing the budget.

It won't be easy. There will be tremendous differences of opinion about whether we should do this by cutting spending or raising revenues, or doing other things that can grow our economy and cause more revenues to come in. But it cannot get to the first stage of having future Congresses live by this without it being bipartisan. That's why I'm so pleased that so many members of the Democratic Party have signed on to support this effort. They've been led by an outstanding Member who has championed a balanced budget amendment for a long time, and that's Congressman PETER DEFAZIO from Oregon.

I yield to the gentleman.

Mr. DEFAZIO. I thank the gentleman for yielding, and I thank him for his leadership on this issue over almost a couple of decades. It's been a long struggle. I hope the time is here.

I was one of 73 Democrats in 1995 to support a balanced budget amendment which was basically silent on the issue of whether we would get there with additional revenues and reforms that would raise revenues, or with spending cuts, or a combination of both. Ultimately, in the nineties, by a combination of revenue increases and reforms and spending cuts, we did reach a balance in the year 2000, and actually paid down debt. And had we passed that amendment in 1995, we wouldn't be looking at a $14-plus trillion mountain of debt today.

As the gentleman before me spoke, that's not the legacy that I want to leave to our kids and grandkids and great-grandkids, given the magnitude of that debt. We have a responsibility to act, and anyone who is observing Washington these days can see that it's hard, it's really hard for Congress to come together and decide on issues that are extraordinarily important to our Nation.

□ 1630

We really need a little bit of forced discipline, I would say; and that's the way I look at a balanced budget amendment, that H.J. Res. 2 would force us over a relatively short period of time to make very difficult decisions on, yes, the potential for revenue increases or spending cuts with virtually everything on the table to get to a mandatory balance of the budget within a short period of time.

Then to begin to pay down the debt, which will take, if we aren't running surpluses and we merely balance the budget into the future, including our payments of interest and principal on the debt, it will be some 30 years before our country could be debt free.

But that would at least be a point in time in which we knew that our grandkids and others to follow would not be inheriting that debt.

So I'm very hopeful that when we have a vote some time, I understand, perhaps in the next month, that we have an opportunity to bring up what I believe is the version of the balanced budget amendment, most likely to be able to engender a majority as it did in 1995, and that would be H.J. Res. 2.

With that, I thank the gentleman for the time, and I look forward to continuing to work with his leadership on this issue.

Mr. GOODLATTE. I thank the gentleman.

In the next few weeks, as we anticipate a vote coming up quite soon, we have a lot of work to do to make sure that we are giving every Member of this body an opportunity to speak out for fiscal responsibility and not just speak but put their vote on the line and say, yes, we think we should send to the States an amendment to the Constitution to require a balanced budget.

We are also joined by another new Member who has been a very strong advocate for cutting government spending and having government operate more efficiently and believes strongly in requiring that our government do what everyone else in our society has to do, and that is live within its means, balance its budget, and that's Congressman MARLIN STUTZMAN from Indiana.

I yield to the gentleman.

Mr. STUTZMAN. Thank you, Mr. GOODLATTE, and thank you, Mr. Speaker, for the time that we can come to the floor and talk about this important issue.

I think it's an opportunity for us here in Washington to do something that changes the direction of our fiscal condition in Washington, D.C., and our Federal Government.

As we all know, the economy has been very difficult for families across this country in so many different ways. And people have realized and have made tough decisions within their own budget, whether it's a family budget, whether it's a business budget, and realize that the economy and the difficulties that we face today are forcing decisions to be made that are sometimes difficult, are not sometimes the choices that we'd like to make.

But as the Federal Government continues to spend and spend money that we don't have, money that we're borrowing—40 cents for every dollar that we spend is borrowed money—I believe that this is a time for us to let the people speak, let the American people speak on an issue that is a principle that is so foundational for our family budgets, our business budgets, what should be a very basic principle for our government in the way that we operate, and that is a balanced budget amendment.

This is a historic opportunity. It could also have historic consequences. I believe that if we do not rein in Federal Government spending and save the American Dream, we will, in effect, determine the future of our great country. It is just very simple, and I believe that as we take this time to talk about the balanced budget amendment, whatever version people support in this Chamber and across the Hall in the Senate, I believe that we have to have some basic principles, basic concepts that we can all agree on.

How can we not agree on saying that every year Congress passes a budget it's going to be balanced? It is just common sense.

I come from a State that has a balanced budget amendment, Indiana. And we have a balanced budget. And now I know the temptations that have come across the State legislature in Indiana to pass budgets that are out of balance.

But if we have that anchor here in Washington that says we have to pass a balanced budget, that we cannot continue to borrow and spend, that is what's going to keep Washington in check.

Our Constitution is the bedrock of our experiment in self-government. It is a remarkable document. Libraries have been written on its importance and its legal application, but we cannot forget that the wisdom our Founding Fathers built in the Constitution is timeless and they're very simple truths.

People give the government its power is one of those. Government exists to protect our God-given rights. Men are not perfect, so neither is our government. So it must be limited, checked, and balanced.

Our great Nation rests on these principles. If we still believe in those principles, we must recognize another simple but profound truth: good government must live within its means.

So that's why I believe the balanced budget amendment to our Constitution is crucial at this time. When we face $15 trillion of debt, we're handing off and saddling our children and every person in this country $48,000 of debt per individual. Unemployment has held steady at historic high rates. Confidence is declining, and Washington, like a spoiled child, continues to talk about tax increases and stimulus programs that just do not work.

I believe we owe it to our generation, to future generations, to pass a balanced budget amendment to our Constitution that requires the Federal Government to live within its means just like every American family and just like businesses across this country that are going to move this economy forward.

I thank the gentleman from Virginia for his efforts with the balanced budget amendment, and I am proud to stand here today and support it; and I believe this is a great opportunity for Congress to stand with the American people. This is our opportunity, and we must not fail.

Mr. GOODLATTE. I thank the gentleman.

I have to say that we've seen support from all across the country, from east coast States like New Jersey and Virginia all the way to the west coast to Oregon. We've heard from Members of both parties, we've heard from Members from States along the Canadian border, and Members from States on the gulf coast.

This amendment has broad, broad support in the Congress, but it has a high hill to climb in needing 290 Members to vote for it. We're continuing to work to find that support. It's not a new idea. It's been around for almost as long as our Constitution.

Thomas Jefferson has been cited, and I'll read that again here. He said, ''I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government. I mean an additional article taking from the Federal Government the power of borrowing.'' He said that in 1798. That's the only thing he said.

Later in his life he said, ''There does not exist an engine so corruptive of the government and so demoralizing of the Nation as a public debt. It will bring on us more ruin at home than all the enemies from abroad against whom this Army and Navy are to protect us.'' Thomas Jefferson said that in 1821.

And about our future generations, which several Members have commented on here tonight, Thomas Jefferson said in 1789, the year that our Constitution went into effect, ''Then I say, the Earth belongs to each of these generations during its course fully, and in its own right. The second generation receives it clear of the debts and encumbrances of the first, the third of the second, and so on. For if the first could charge it with a debt, then the Earth would belong to the dead and not to the living generation.''

Thomas Jefferson wrote that to James Madison in 1789, and how prescient was that as our new Nation was starting work under a new Constitution that he would observe that we are where we are today where we are passing on to future generations debt that is unsustainable.

How ironic it is that we borrow money today to pay for programs today and put that burden on the backs of our children and grandchildren and those not yet even born with the likelihood that if we do not change from this course, we will find that those very children and grandchildren will not have these programs when they need to depend upon it. They will only have the debt.

□ 1640

This is what Thomas Jefferson meant when he said the Earth would belong to the dead and not to the living.

Finally, let me give you one more quote:

''To preserve the independence of the people, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty or profusion and servitude.''

Mr. ROKITA. Just a quick note to the gentleman from Virginia.

As we're talking about ''why this hill''—and I think you mentioned the hill being so high and so hard to climb—there might be people at home watching right now, maybe even some in this Chamber right now, who are wondering: Why would this be so difficult? We had others come up and say they had a telephone town hall where over 80 percent of their constituents were in favor of this. Why is this so hard?

We have to think of it this way:

There are two groups of constituents, and we can't appease both sets all the time. There is a constituency that's the here and now that will ensure that, if we do things they want, they'll give us another election; they'll let us serve longer. Yet there is another constituency that doesn't even exist yet. No matter what we do, we won't be around for them to reward us. I would just suggest that everyone here in this House of Representatives serve that latter constituency: our kids, our grandkids, those who don't even exist yet. Vote for them to make sure that we keep the Republic.

For those of you who are watching, make sure you tell your Representatives, Hey, I want you to vote, not for me, not so that I can have more on my plate now; I want you to vote for our future.

If the people of this country demand that of their Representatives and their Senators, we will keep the Republic as Franklin demanded.

Mr. GOODLATTE. Mr. Speaker, that's an excellent note on which to close.

I want to thank the gentleman from Indiana and everyone else who has participated and the other gentleman from Indiana.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PALAZZO). Members are reminded to address the Chair and not the viewing audience.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2930, ENTREPRENEUR ACCESS TO CAPITAL ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 2940, ACCESS TO CAPITAL FOR JOB CREATORS ACT

Mr. SESSIONS, from the Committee on Rules (during the Special Order of Mr. GOODLATTE), submitted a privileged report (Rept. No. 112–265) on the resolution (H. Res. 453) providing for consideration of the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes, and providing for consideration of the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D, which was referred to the House Calendar and ordered to be printed.

MEDICAL TECHNOLOGY CAUCUS

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

Mr. PAULSEN. Thank you, Mr. Speaker.

For the next few minutes, some of us who are members of the Medical Technology Caucus are going to share some of our thoughts about some of the recent troubling developments that are threatening this American industry. I will tell you, as cochair of the Medical Technology Caucus, in Minnesota, I get a chance to tour these companies. We all know the big names of the big titan companies; but nearly every week, I get a chance to tour one of these small companies that might have five employees, that might have 10 employees—companies that are not yet profitable.

They're working on these really innovative and neat technologies that are there to help patients improve their lives and save their lives. In fact,

Mr. Speaker, from 1980 to 2000, the medical technology firms were responsible for a 4 percent increase in U.S. life expectancy, a 16 percent decrease in mortality rates, and also an astounding 25 percent decline in elderly disability rates. I think, as we'll hear from some of our colleagues, particularly from the Indiana delegation, which is where we were just about a week and a half ago, we're learning there are some new hurdles on the horizon.

Number one, there is a medical device tax that will be imposed in just a little over a year. It's a $20 billion tax, and studies have shown it's going to cost the industry about 10 percent of their workforce. It's about 43,000 jobs that will be at risk. In fact, I just met with an owner of a company today who mentioned that he believes this excise tax, if put in place 1 year from now, will cost his company at least 50 high-paying jobs.

Then you have the other issue of just an FDA that has become so bureaucratic, so unpredictable, so inconsistent, and so nontransparent that it's becoming more difficult for these companies to bring these lifesaving technologies to market to make sure that the patients have access to them.

I have traveled the country—to California, to Boston, to New York, and we'll have a chance to go to North Carolina—where these pockets of industries in the medical technology field are really strong and vibrant. One area in particular was Indiana.

We were there just a little over a week and a half ago, and I will tell you, of the folks who testified there—the companies and the presence there and the jobs there—it was compelling. In fact, I'll never forget the words from one of the testifiers there at the committee when he mentioned, when he gets asked for advice on where to invest, on where to start up, that his advice to new companies is, Go to Europe. Go to Europe.

That is the wrong message.

Mr. Speaker, in this down economy, when we are trying to save jobs, when we are trying to encourage job creation, we're encouraging one of our best American success stories, one of our few net exporters, to move overseas.

We've got legislation that's actually moving forward now. Many of these members are coauthors of not only repealing the tax but also of streamlining and modernizing the FDA to make sure we're doing what Europe is doing, for instance, and to make sure we don't have as high a hurdle. We want to make sure there is a strong, relevant, rigorous process at the FDA because these companies want the gold standard. They want the gold standard of approval, but they don't want the goalpost moved in the middle of the process to make it so ridiculous that their investments are not going to be worthy of the risk/reward that they hope to have pay off.

When we were in Indiana, we had a bipartisan gathering of Mr. ROKITA, Mr. YOUNG, Mr. STUTZMAN, and Mr. DONNELLY who were there, along with Representative GUTHRIE from the Energy and Commerce Committee. They took the time to come out, to listen to these companies that testified and also, more importantly, to listen to the patients. We had a patient testify as well, Sheila Fraser, who is a young high school student who was testifying about a device that was implanted in her leg. It truly is an amazing success story because, in a lot of cases, folks like her have to have amputations, and this is a device that is now improving her life.

So I think, as much as we like to talk about the jobs and the economic benefits, it's also just as important to hear it from the patients' perspectives as to how these lifesaving technologies are helping them and how these life-improving technologies are helping them.

As I mentioned earlier, we've been to California, and Mr. BILBRAY is going to talk in a little while. This is an industry that covers many spectrums of the economy across the country. So I just want folks who are watching out there in America to understand there are some of us who really care about this industry. We're fighting for it, and we appreciate the input and dialogue that we've had as a part of that.

With that, Mr. Speaker, I want to first yield to the gentleman from Indiana (Mr. ROKITA), who has been a leader already on this issue and has helped us get coauthors to repeal that onerous innovation tax.

Mr. ROKITA. I thank the gentleman for yielding. I also thank the gentleman for his leadership.

We were pleased to welcome you to Indiana, and I know you get that same kind of welcome all over the Nation.

The gentleman from Minnesota, I think, has done an excellent job in making sure that this issue not only was formulated the right way, not only was formulated in a bipartisan way, but is now on the verge of going through committee and coming to the floor so we can take action.

What action are we speaking of?

There is an insidious tax that was put in the new health care law, a law colloquially referred to as ObamaCare. It is a 2.3 percent tax on innovation. I often get asked in Indiana's Fourth District and in other places around the State: How do we stay competitive? Why are you letting jobs go overseas?

I am the first to point out that to succeed in this country, to succeed in this Nation, if we are to be prosperous—to maintain and increase our prosperity in the 21st century—we have got to stay a step or two or five ahead of our competition. In Indiana, we're not competing with people in Fort Wayne or in Jeffersonville or in Terre Haute. We're competing with people from places that we can barely pronounce, meaning not in the United States. No country was ever ultimately successful by building a wall, whether it's a physical wall like we found in ancient China or an economic wall like we see with tariffs or, in this case, with taxes on companies and on an industry that continues to innovate, that continues to keep us on the cutting edge of what the world is doing in this area. That's important. That is the key to our success.

By taxing these devices, by taxing this industry, you're not going to get more of it; you're not going to get more innovation. You're going to get less. If you want less of something, you tax it. By the way, when you do that, you're not even going to get more revenue to pay for that all-inclusive, government-run, bureaucrat-interpreted health care system.

□ 1650

I'm really pleased to be a cosponsor. I continue to learn on this issue. I learned a lot from the field hearing that was done.

I would like to echo the point that was made: This was a bipartisan hearing. Just like in the last hour, we saw in a bipartisan way that we have to live within our means, and we can do that through a balanced budget amendment. We had Democrats come to speak on that.

At the field hearing we had on the repeal bill of the medical device tax, we had that same kind of bipartisanship. Bipartisanship does exist. It exists in Indiana. And with this bill, it can exist here on the House floor as well.

I was alarmed as well. The person testifying was Steve Ferguson from the Cook Group. Mr. Cook, when he started his company, he started from a spare bedroom in his apartment and grew it to a multibillion dollar operation. He is one of the best examples of an American success story. And his partner, Mr. Steve Ferguson, who testified—I will back up Mr. PAULSEN in this—said, when new startups come to him, when young men and women come with an idea and want to start a company, he says, go to Europe. Not because he isn't a true-blooded American patriot, but because he's giving honest advice.

Now what does that say about our Federal Government? What does that say about our bureaucracy when, instead of going through the FDA approval process, the best advice is to go through the bureaucracy of a union of countries that can barely stay afloat because of the debt they're incurring? Where does that put us in a 21st century world? Where does that put us in terms of our ability to continue innovating, in terms of our ability to be prosperous?

We have got to put the swords down, as it was said earlier. We have got to come together and realize that it's that innovation, it's that economic freedom, it's that liberty to associate and provide an equal opportunity for one's own success that has made us the best and most successful experiment in self-governance that the world has ever known

and, as a result, has kept us on the cutting edge of profit-making innovations that employ people, that keep taxes low, where we've proven time and time again that the way to success is doing the opposite of levying a tax, by letting individual men and women rise and fall on their own decisions. That's what this medical device bill does.

Thank you for sponsoring this time, Representative PAULSEN. It's been an honor and a privilege and a pleasure to work with you.

Mr. PAULSEN. I thank the gentleman again for his leadership. I just want to mention too, you had mentioned all the authors of this bill that are trying to repeal this onerous tax. There are actually 204 Members now, Mr. Speaker, that want to repeal this tax, bipartisan support. The amount of money this tax is expected to raise is actually equal annually to the amount of money that's invested in the industry every year. So it is a very wrong-headed move.

One of the first coauthors of this bill that would repeal this tax and who, I think, recognizes the importance of this industry is my friend and colleague from Pennsylvania. I yield to him and thank him for his leadership and for being a part of the caucus effort.

Mr. ALTMIRE. I thank the gentleman from Minnesota. I can't think of anybody in the Congress who has done more for medical innovation, his leadership on the medical device tax, on FDA reform issues, than Mr. PAULSEN. It's an honor for me to be here tonight to discuss this issue before the House.

What we have done in a very strong and forceful bipartisan way, which is critically important and something we don't do nearly enough of in this Chamber, is to send a message that we want to protect the medical device industry in America. The innovations that are created in this country are second to none. The way that we handle the FDA process could be improved, and we are going to talk about that shortly.

But with regard to medical device issues in particular, I'm fortunate that the district I represent is home to a number of large and small medical device manufacturers that are doing great work right here in America, producing medical devices that we rely on in this country, that millions of Americans depend on.

And when we last year, in the last session of Congress, went through the debate and eventually passage of the health care reform bill—which I voted against—one of the issues that was in there was the medical device tax, which seemed pretty arbitrary. They were looking for sources of funding. They were looking for ways to make the bill come into balance. And one of the industries that they targeted for the tax was the medical device industry. I believe very forcefully that it was shortsighted. I think it was something that should not have been done. That's an industry that we have international leadership on in this country. It's an industry that millions of Americans have an everyday benefit from.

What we did was say, Well, you look at the portion of overall health care costs in the country that that industry represents, and you are going to create a tax that's going to pay for approximately that portion of that industry to go towards the health care bill. I didn't think it made sense then. I don't think it makes sense now. What I want to do, along with the gentleman from Minnesota and the other 202—the total of 204 cosponsors of this legislation—is just put common sense back in place to say, we want to continue to have those innovations take place in America, not in other countries; to continue to show the worldwide leadership that we have shown and to continue to allow American citizens to benefit from the great work that's being done across the spectrum, large and small, of medical device manufacturers in this country.

So the $20 billion cost that's associated with this tax is just the tip of the iceberg. We're going to lose a lot more than just the cost of what it's going to take to pay that tax if you're in the medical device industry. We're going to lose the innovation. We're going to lose the talent because we're competing with other countries for the top talent in the world, and where individual people want to reside when they undertake research and development of new drugs, new pharmaceuticals, and also new medical devices. This tax is absolutely the wrong thing to do, and I strongly support the gentleman's effort to repeal the tax. We're going to talk later on, and I'm going to join the discussion on FDA reform and some of the things we're doing, working together, but this medical device tax, the reason it has attracted bipartisan support for the repeal is because it makes no sense. It's burdensome, and it's absolutely the wrong thing to do.

Mr. PAULSEN. I thank the gentleman again for his leadership and for really standing up for Pennsylvania companies and understanding this is an American success story, as he outlined. He is actually a coauthor of some bills that are there to streamline and modernize the FDA, which we will talk about in a second as well.

We also have my friend, the gentleman from Indiana, here as well. Mr. STUTZMAN, I think you were at the hearing. Maybe you could share some of what you learned from the hearing in Indiana.

Mr. STUTZMAN. I thank the gentleman from Minnesota. It was a great day for us because of the things that we learned from those folks who testified at the hearing there in Indianapolis.

Those of us in Indiana, we love racing, we love agriculture, we love manufacturing. But we also have an industry there that we are very proud of and is one of the emerging businesses for the world. The orthopedic industry has $36 billion worldwide in revenue. And I am fortunate enough to represent Indiana's Third Congressional District, which includes the city of Warsaw and the areas surrounding Warsaw, which is the orthopedics capital of the world.

I can tell you, you hear a lot of the great stories about racing from Indiana. There are also great stories about companies that started in apartments or in a garage from folks in Indiana in this particular industry. It's an industry that I believe is so beneficial to people in a personal way. I can tell you myself that my grandmother had two of her hips replaced. And that is the industry that we are talking about; knees, joints, hips, other parts of our body that can be replaced to increase the quality of life that we enjoy.

□ 1700

My grandmother had her hips replaced, and I know what it did for her. This industry was really started about helping people and increasing the quality of life that people have. We had a young lady there, Sheila Fraser, who the gentleman from Minnesota mentioned. What a great story. What an amazing young lady. She is a senior from Mishawaka, Indiana, who had a knee replaced because of cancer in her bone. They can take this particular device and extend it. As she grows taller, as her body grows, they can adjust this particular device inside her leg as she continues to grow. It's amazing technology, and that's why it's so important for us to protect this industry, to do no harm to the industry because it's growing fast. At a time when America is facing high unemployment rates, this industry continues to grow. These are high-paying jobs.

I know it is a huge benefit to the part of Indiana that I represent. The jobs that are created, these are jobs that pay well and the type of jobs that we want to keep right here in America.

As we talked about this tax, it is going to be a burden on these businesses and on these jobs. I can tell you already after talking to the folks in northeast Indiana at these businesses that there are other countries like China. China has a growing population. You have other countries that are starting to advance in bioscience, and this is why it is so important for us to make sure that we don't affect this industry in a way that it will start looking to other countries like China or India, other places around the world. Europe, obviously, is already a mature market. China is an emerging market, and they want these particular devices built there. If we build them here, we can export them to countries like China, and they can be buying American-made products from companies and people who live in my community where they are building these particular devices.

As was mentioned, 204 Members of the House of Representatives are signed on to the repeal of this tax

which I believe is a great number, almost a majority. I would urge our leadership to bring this bill forward to the floor for a vote because we know if this tax stays in place, these companies are going to start looking elsewhere because this is a huge burden upon them.

I thank each Member who was at the hearing in Indianapolis. We saw some fantastic, amazing things that are being developed. And if we can keep government from hindering this type of technology, this type of growth, we're going to lead in new ways in manufacturing. We have the automobile industry and the steel industry. This is an emerging market that will continue to grow as people gain in wealth and they gain in access to these types of services in the health care industry.

I would just encourage all of my colleagues to sign on to this piece of legislation because we don't want to see this type of industry move outside of the United States. I appreciate Mr. PAULSEN and his leadership.

Mr. PAULSEN. As you mentioned, I think one of the things that folks don't often recognize, the medical device industry is high-value manufacturing. Boy, I think of a State like California and the high-value manufacturing that exists there. I visited some companies in California one time, and I would like to yield to Mr. BILBRAY who has been a leader on moving some of the packages of bills to help streamline the FDA and to modernize the FDA as well.

Mr. BILBRAY. I thank the gentleman.

Mr. Speaker, the gentleman is leading on not just an issue of jobs. This is an issue of jobs and lives. I think that is one thing we overlook so often. I am glad to hear about the hearing in Indianapolis because we had a hearing in San Diego. I'm sure that you guys are glad that you didn't have to come to the hearing in San Diego because we were in La Jolla overlooking the beach and the surf at the Scripps Institution of Oceanography. But maybe some day you will be able to break away and come to one of our hearings down in San Diego.

But, Mr. Speaker, we're talking about an issue that is not discussed enough. I guess one of the issues that I'm really excited about on this one is it's a bipartisan effort. If there was one thing I want everyone to know about Washington, D.C.—Democrats, Republicans or Independents—the biggest problem with this town isn't that Washington tries new things or that Washington makes mistakes; but when Washington tries new things and makes mistakes, they're not willing to go back and correct it and straighten it out. They ignore it.

In fact, a lot of times they think the only problem is just throw more money or taxes at it or more regulation, and somehow it will make it better. I think this is one of those items where Democrats and Republicans should get together and say, Look, this was rushed through, really wasn't looked into in depth and needs to be corrected and straightened out.

That is what this bill, both the gentleman's bill and my bill say: We need a step back period, a cooling off time, and let's look at this and straighten this out. And the first thing we have to do is take this huge tax off the back of not just the producers but the American consumer. We're talking about a tax of $20 billion on an industry that can ill afford this kind of burden, especially at this time. We're talking in California alone 112,000 jobs, and something that all of us will say later if we lose these jobs, Oh, my God, how could we have done this. More importantly, we are talking about those lives of the people who depend on not just those devices that are out there today, but those that will be out there in the future.

Is there anyone here that can assure themselves that their children or grandchildren or granddaughter or grandson or even their mother or father won't need to have medical devices somewhere down the line, not just to improve the quality of life, but to ensure life extension? Or the fact of just being able to survive certain medical crises? Those are all questions that we need to ask ourselves individually. But as a Nation, we need to ask ourselves: Was this the right step for us to take at this time or at any time? And if it wasn't, we have to be brave enough to do what Washington doesn't do enough, and that is go back and correct the mistakes and move on in a much better and much more secure form, something that can be substantiated.

Let me be very blunt, as someone who has a major medical device industry in my community, that there are ways we can correct these things. ANNA ESHOO and I, back in the 1990s, actually did tort reform for medical devices. There was a kind of bipartisan support of it saying put politics aside and put people first, and when it comes down to it, you do not provide health care to the public by taxing it out of the country. You're not going to make those kinds of opportunities available to either the people who need the jobs or those who need the medical breakthrough.

I want to say again that I look forward to working on this, and I look forward to working on a bipartisan effort with my colleagues on both sides of the aisle, things like FDA reform, which is going to be another essential step that we have to do to make sure that we keep this vibrant industry here, or we will all rue the day, Democrat and Republican, if we allow it to leave the country and the jobs and medical breakthroughs go with them.

Also, the huge resources that we have for more research and development to be brought back into this country by repatriating American money that is overseas, that is being kept overseas, but because of punitive actions of the Federal Government here in Washington, D.C., $2 trillion that could come back to help do research and development, to save lives, to develop the next generation of medical devices, to be able to create that opportunity in economics and in medical breakthroughs, that's the kind of thing that we need to see Democrats and Republicans work together on.

I look forward to building on the cooperation we see in this bill, and work on it in other bills related to public health and the economic opportunities of creating jobs in America with American jobs on American soil.

Mr. PAULSEN. I thank the gentleman for being a leader. When folks think of States like California, they think of high technology and medical devices, but it's the investors who have a large component in States like California that invest in these companies. Unfortunately, the FDA has become so risk averse that the investors aren't investing the resources needed to start the new products, and that's the pipeline going over to Europe. That's the challenge we have.

Someone else at the hearing a little over a week ago was my friend and colleague, Mr. YOUNG, who also heard some of these personal stories not only from the patient perspective but the innovator perspective.

I want to thank the gentleman from Indiana for his leadership and for inviting me to be a part of that hearing in Indiana.

Mr. YOUNG of Indiana. I thank the gentleman from Minnesota for his leadership and I certainly share your desire to lighten the burden on this high-value-added industry. We need to ensure that all of the manufacturing jobs, all of the job and economic growth opportunities that we can help create an environment for, a nurturing environment for, that we do.

□ 1710

One thing that I hear as I travel around southeastern Indiana and listen to my constituents, there's a lot of feedback about the level of uncertainty within our economy. There's regulatory uncertainty, there's uncertainty about future tax rates, and there's uncertainty about energy rates and health care costs. And so these medical device manufacturers are certainly laboring under the burden of uncertainty with respect to the FDA regulatory process. And then here we add an additional excise tax to their bottom line. And so I'm happy to support H.R. 436, which would lighten that burden.

I don't think probably many people appreciate—I certainly didn't appreciate it until I started looking into it—exactly how burdensome this device tax could be on the medical device industry. The tax is 2.3 percent of gross sales. So that's a top-line tax before all the other deductions and costs come out. So, essentially, that would translate into about 15 percent taxation on profits of many of these medical device companies. You add that 15 percent profit tax to 35 percent corporate tax

and the 5 percent tax when you add together the State and the local corporate tax burden, and you're north of 50 percent of tax on profits. So it's no wonder that so many of these device makers are instead deciding to expand their operations or start up new operations overseas. And we have to do what we can to prevent that.

Now, in my home State of Indiana, approximately 40 percent of all life sciences sector jobs are related to this devices industry, this high value-added industry that improves the lives of so many patients and certainly all the workers who work at these companies. My district, in particular, has some employers that we'd like to keep around, like the Cook Group in Bloomington, my hometown. And then as we head further south to Jeffersonville, Indiana, we have MedVenture. And there are people everywhere in between that work at this company.

The tax impact is going to burden not just the large companies, however. There are 300-plus FDA-approved medical device manufacturers in the State of Indiana. And as my colleague from Minnesota just indicated, they're all searching for financing. They're searching for venture capital to bring their fledgling operations to the next level. So a Cook Group could probably weather this storm and figure out some way to remain profitable, but it's the next Cook of the world, the next tinkerer in their garage or their spare bedroom that may not be able to grow their business and create the jobs that our constituents are all demanding should this device tax go into effect January 1 of next year as it's currently scheduled to do.

The regulatory challenges which I've already mentioned are also very important. They must be addressed separately. I know there's separate legislation out there to do that, and I will be supporting that initiative as well. But the bottom line here is that there are jobs at stake and there are people's lives at stake as well.

We heard very powerful testimony from Sheila Fraser. Her name has been mentioned here before. She is an outstanding young lady, a high school student, who at a very young age contracted cancer, and she was going to have to have her leg amputated. And because of the ingenuity and the entrepreneurship of people in my home State of Indiana, they were able to put together a company and sell these products and develop a product that benefited Sheila Fraser directly. And now she's living a very productive life, and she has both of her legs, thank the Lord. And we need other people to benefit from similar sorts of innovations in the future.

I am most proud to be here to speak on behalf of H.R. 436. I urge my colleagues to sign on to this legislation and to vote in favor of it.

Mr. PAULSEN. I thank the gentleman. I'm not sure how much time we have left in our colloquy, Mr. Speaker.

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

Mr. PAULSEN. Thank you, Mr. Speaker.

CIVILIAN PROPERTY REALIGNMENT ACT

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

Mr. DENHAM. Mr. Speaker, I am here this afternoon to talk about H.R. 1734, the Civilian Property Realignment Act. Here we have an opportunity to not only cut waste, but also to create jobs and to bring in new revenue without raising taxes. Here's an opportunity for Republicans and Democrats to agree and send the President actually something he is asking for.

What the Civilian Property Realignment Act would do would be to have greater oversight over leasing authority. We would also have redevelopment of underutilized property, the best use possible, and combine agencies. Where you may have 50 percent of an agency in one building, 50 percent in another, we're going to combine them into one agency.

And then we're going to sell off the things we just don't need, properties that we have around the entire Nation, some of which have sat vacant, some of them are declared excess, underutilized, sell off the things we just don't need.

And then, finally, we want to create transparency. We want to shrink the size of government by creating transparency, showing how many employees are going to be housed in which buildings, and before we go out and lease new space or buy new space actually let people know before we go out and hire new employees. This is the best opportunity, I believe, to shrink the size of government.

I want to go through these one by one. First of all, oversight of leasing authority. We held a hearing several months ago. The Security Exchange Commission went out over a weekend and secured 1 million square feet over the next 10 years at the cost of $550 million. Over half a billion dollars of taxpayer dollars were committed on a weekend with no oversight, with no authority, and today we still have a vacant space because the employees that may have been hired have never been hired, and there's no proposal to ever hire the employees, yet taxpayers are now on the hook for $550 million.

We need new oversight. We need greater oversight. The SEC, the Securities and Exchange Commission, we have now pulled back their oversight, but this is happening in many different areas of the bureaucracy. Many different agencies have this authority today and still have the ability to go out and secure these types of leases. It is time to bring it all under one department. GSA has the opportunity to manage all of our leases, all of our portfolios, and make sure that we are actually making sound business decisions. What a philosophy that is for government—actually see what we need, what agencies have how many employees, what are their leasing needs, have the transparency and the oversight before we go secure a new lease.

Redevelopment—we need to redevelop some of these properties. The Old Post Office right down the street here about a block away from the White House, a property that we had built in the late 1800s, it's a beautiful property. It's one of the tallest buildings in the capital region. It has a big clock. It is a nice historic building. That's one we don't want to sell off. But rather than spend $6½ million every year in upkeep, rather than have this vacant building that could be utilized, why not redevelop it? Why not make that a showpiece? Why not allow constituents and visitors to the Washington, D.C., area to actually go up into this national monument, go up into the clock tower and be able to take in one of the greatest views that our country has to offer? And let's do it and make a profit. We have offers coming in now from Trump, Waldorf Astoria, and Marriott Properties that all want to redevelop this property, create hundreds of jobs in the short term just in the redevelopment process, but also create hundreds of jobs in the long term by making sure that we have an employment base for years to come in this capital region.

But this isn't just about Washington, D.C. We have properties like this across the Nation. If it's a historic property, then let's redevelop it. Let's make sure that the infrastructure is there, done by a private investor that is going to go out and redevelop this property and then have the long-term job effect afterwards. It can be done, it can be replicated, this one jobs investment.

The companies that are talking about moving into the Old Post Office is $140 million total private investment, $100 million in materials, 300 immediate jobs. If you go around the D.C. area, you can see that we could use the 300 jobs just in this one project.

□ 1720

Then another 275 permanent jobs for year in, year out in this one beautiful new hotel that would be redeveloped. That's $11.2 million in annual revenues to the D.C. area. This is a way to get Republicans and Democrats to agree on something that not only creates jobs, not only gets rid of waste in $6.5 million that we spend every year just in operating costs anyway, but get a property moving again in the right way.

We also need to combine agencies, collocate. There are too many properties out there where we have 25 percent utilization, 50 percent utilization. Why wouldn't we have close to 100 percent utilization on every property? You would in business. There's no business

that wants to keep vacant office space, vacant warehouse space; but in government, because we don't have agencies talking to each other, we have vacant office space and vacant warehouse space across the entire Nation.

Here's an opportunity to do more with less. We have an opportunity to, in courthouse sharing, we have waste, 946,000 extra square feet, which was constructed because of lack of sharing. The number of courtrooms needed is 27 of the 33 courtrooms, which would have been reduced by a total of 126 if all we did was just share. But this is one example. Again, this goes across the entire bureaucracy across the United States. Combining agencies, collocating, getting to 100 percent utilization rate is something we ought to all strive for.

But I think one of the biggest areas, not only for redevelopment and jobs, but to bring in revenue—there is a lot of talk out there about taxes. If you really want to bring in revenue that Republicans and Democrats can agree on, let's sell off some of those things that we just don't need, properties that we have sat on for decades, properties that we may have bought at one time or developed at one time because we actually had a purpose for using them.

But there's no accountability, no efficiency to be able to say at a certain point that this property is just not needed; it's not being utilized; it hasn't been developed. It's going to cost us millions of dollars every year in operating costs. It's going to cost us billions of dollars to do tenant improvements.

We don't look at all of our properties across the Nation. We don't even look at our asset portfolio by agency. Let's start taking a look at the 1.4 million properties, buildings that we have across the Nation that your Federal Government owns that utilizes taxpayer dollars and make a business decision: Do we need it now? Is it being used efficiently? And can we sell off some of the things that we just don't need?

We've already identified 14,000 excess properties—''excess'' meaning we don't need them today. Let's start by selling those off. But then let's look at some big ticket items. Rather than giving the Presidio back to California or to San Francisco, rather than doing a sweetheart deal for one city or one State, selling off big billion dollar properties to New York, let's do a competitive process that affects all of our taxpayers, that actually brings revenue back to our Treasury and reduces our debt.

And along the way, as we're selling off these properties, the private individual that buys it or the company that's redeveloping it is going to reinvest not only in the property, but in the community. You can generate millions of jobs just by creating the redevelopment across the entire Nation. So there's a great opportunity with our property sale as well.

And then we also need oversight. I mean, there has been a huge lack in oversight across the Nation. One of the glaring examples that I've seen is in my home State of California, a courthouse that was proposed over a decade ago. Now, in 2000 we had 60 judges, with a proposal to add about 20 more judges. They were going to build a new courthouse. About $400 million it was going to be to build this new courthouse.

We also spent millions of dollars acquiring this new piece of property that is in a beautiful area of downtown, redeveloped all around it; but it is a hole in the ground. For the last decade, we have not done it because we haven't hired new judges; in fact, we have fewer judges now. And across the Nation there is this new policy to actually commingle, share courtroom space. So we've got two courtrooms in the L.A. area that neither one is a hundred percent occupied. We have space there just for individuals; but if we did sharing, we could actually get rid of one of those two courthouses. But instead, we're going to obligate a half a billion dollars to build a brand-new court site when we're not utilizing the other two court sites that we have today.

We need greater oversight so that we can look at all of these properties, the stimulus package that we had at one time and the money that's still being spent out there and actually use them for shovel-ready projects that will create jobs today. This little courthouse is going to spend a half a billion dollars on courtrooms that we don't need. We need greater oversight.

If we want to really move this country forward, if we want to get Republicans and Democrats to agree, if we want to get both parties in both Houses to work on something together, if you want to send something to the President that the President is actually asking for that creates jobs, not just numbers out there or long term, that creates jobs today, something that's going to bring in revenue—we know we need revenue, we know we've got a huge debt that we've got to pay off—immediate revenue within the first year, over $15 billion within the next decade. And I think that that is a very conservative estimate, that we have a chance to sell quite a bit more than that itself.

And then, lastly, cutting waste. With one bill we can cut waste, we can create jobs, and we can create revenue with both parties agreeing to something that will move our country forward.

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

RECESS

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

Accordingly (at 5 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PALAZZO) at 6 o'clock and 32 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. RUPPERSBERGER (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons (surgery).

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 368. An act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10 a.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 6 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 3, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

3709. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Responsibility and Liability for Government Property (DFARS Case 2010-D018) (RIN: 0750-AG94) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3710. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3711. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Share Insurance and Appendix (RIN: 3133-AD79) October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3712. A letter from the Secretary, Department of Education, transmitting the Department's final rule — State Fiscal Stabilization Fund Program [Docket ID: ED-2011-OS-0010] (RIN: 1894-AA03) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3713. A letter from the Assistant General Counsel for Legislation, Regulations and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Compliance Certification for Electric Motors [Docket No.: EERE-2010-BT-CE-0014] (RIN: 1904-AC23) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3714. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Countermeasures Injury Compensation Program (CICP); Administrative Implementation, Final Rule (RIN: 0906-AA83) received October 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3715. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles [EPA-HQ-OAR-2010-0162; NHTSA-2010-0079; FRL-9455-1] (RIN: 2060-AP61; 2127-AK74) received October 14, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3716. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Electric Reliability Organization Interpretation of Transmission Operations Reliability Standard [Docket No.: RM10-29-000; Order No. 753] received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3717. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Management Directive 11.6, ''Financial Assistance Program'' received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3718. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Final Division of Safety Systems Interim Staff Guidance DSS-ISG-2010-01: Staff Guidance Regarding the Nuclear Criticality Safety Analysis for Spent Fuel Pools received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3719. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Supplemental Standards for Ethical Conduct for Employees of the Department of the Treasury (RIN: 1505-AC38) received October 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3720. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System, Grand Teton National Park, Bicycle Routes, Fishing and Vessels (RIN: 1024-AD75) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3721. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Sonoma County Distinct Population Segment of California Tiger Salamander [Docket No.: FWS-R8-ES-2009-0044] (RIN: 1018-AW86) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3722. A letter from the Acting Chief, Listing Branch, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status for the Altamaha Spinymussel and Designation of Critical Habitat [Docket No.: FWS-R4-ES-2008-0107] (RIN: 1018-AV88) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3723. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Casey's June Beetle and Designation of Critical Habitat [Docket No.: FWS-R8-ES-2009-0019] (RIN: 1018-AV91) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3724. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Regulatory Amendment [Docket No.: 110131079-1521-02] (RIN: 0648-BA79) received September 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3725. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties [Notice 2011-79] received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3726. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Supplemental Procedures for Church Plan Letter Rulings (Rev. Proc. 2011-44) received September 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3727. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2011 Prevailing State Assumed Interest Rates (Rev. Rule. 2011-23) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3728. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2011-84] received October 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3729. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Updated Procedures for Opinion and Advisory Letter Rulings for Pre-approved Plans (Revenue Procedure 2011-49) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 453. Resolution providing for consideration of the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes, and providing for consideration of the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D (Rept. 112–265). 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. FLORES:

H.R. 3306. A bill to repeal the Advanced Technology Vehicle Manufacturing loan program; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself, Mr. BLUMENAUER, Mr. LUCAS, Mr. KING of Iowa, Mr. LATHAM, Mr. DOLD, Mr. PETERSON, Mr. BRALEY of Iowa, Mr. LARSON of Connecticut, Mr. BOSWELL, and Mr. THOMPSON of California):

H.R. 3307. A bill to amend the Internal Revenue Code of 1986 to extend the renewable energy credit; to the Committee on Ways and Means.

By Mr. POMPEO (for himself, Mr. LABRADOR, Mr. RIBBLE, and Mr. FLAKE):

H.R. 3308. A bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN (for himself and Mr. KINZINGER of Illinois):

H.R. 3309. A bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission; to the Committee on Energy and Commerce.

By Mr. SCALISE (for himself and Mr. WALDEN):

H.R. 3310. A bill to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens; to the Committee on Energy and Commerce.

By Mr. BILBRAY (for himself, Mr. FILNER, Mr. HUNTER, and Mr. ISSA):

H.R. 3311. A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself and Mr. LARSEN of Washington):

H.R. 3312. A bill to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes; to the Committee on Homeland Security.

By Mr. DEFAZIO (for himself, Mr. BRALEY of Iowa, Mr. JOHNSON of Georgia, Mr. SARBANES, Mr. FILNER, Ms. SUTTON, Mr. BLUMENAUER, Ms. SLAUGHTER, Ms. HIRONO, Mr. WELCH, Mr. CONYERS, Ms. EDWARDS, and Mr. HINCHEY):

H.R. 3313. A bill to amend the Internal Revenue Code of 1986 to impose a tax on certain trading transactions; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself, Mr. MARKEY, and Ms. MATSUI):

H.R. 3314. A bill to direct the Secretary of Health and Human Services to develop a national strategic action plan to assist health professionals in preparing for and responding to the public health effects of climate change, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASSIDY:

H.R. 3315. A bill to establish a pilot program providing for monthly fee-based payments for direct primary care medical homes for Medicare-Medicaid dual eligibles and other Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself and Ms. MOORE):

H.R. 3316. A bill to prohibit election officials from requiring individuals to provide photo identification as a condition of obtaining or casting a ballot in an election for Federal office or registering to vote in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. ELLISON (for himself and Ms. MOORE):

H.R. 3317. A bill to amend the Help America Vote Act of 2002 to require States to provide for same day registration; to the Committee on House Administration.

By Mr. FLEISCHMANN:

H.R. 3318. A bill to amend the Internal Revenue Code of 1986 to temporarily exclude capital gain from gross income; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 3319. A bill to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe; to the Committee on Natural Resources.

By Ms. HANABUSA (for herself, Ms. BORDALLO, and Ms. HIRONO):

H.R. 3320. A bill to amend the Compact of Free Association of 1985 to provide for adequate Compact-impact aid to affected States and territories, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 3321. A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HIMES (for himself, Mr. CONNOLLY of Virginia, Mr. POLIS, and Ms. HIRONO):

H.R. 3322. A bill to establish an Early Learning Challenge Fund to support States in building and strengthening systems of high-quality early learning and development programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HUELSKAMP:

H.R. 3323. A bill to reduce the regulatory burden on the agricultural sector of the national economy; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mr. MCGOVERN, Ms. SLAUGHTER, Mr. ACKERMAN, Ms. SCHAKOWSKY, Mrs. MALONEY, Mr. FATTAH, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. HIRONO, Mr. LARSEN of Washington, Mr. CLAY, Ms. CHU, Ms. NORTON, Mr. TOWNS, Ms. MOORE, Ms. CLARKE of New York, Ms. DEGETTE, Mr. RUSH, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. HOLT, Mr. QUIGLEY, Mr. HASTINGS of Florida, Ms. WOOLSEY, Mr. BLUMENAUER, and Ms. DELAURO):

H.R. 3324. A bill to provide for the reduction of unintended pregnancy and sexually transmitted infections, including HIV, and the promotion of healthy relationships, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERLMUTTER (for himself, Mr. MORAN, Mr. AL GREEN of Texas, Ms. WATERS, Mr. JOHNSON of Georgia, Mrs. CAPPS, Mr. SIRES, Mr. BLUMENAUER, Mr. LARSON of Connecticut, Mr. CLEAVER, Mr. FILNER, and Mr. QUIGLEY):

H.R. 3325. A bill to create livable communities through coordinated public investment and streamlined requirements, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUAYLE (for himself and Mr. FLORES):

H.R. 3326. A bill to enable States to opt out of the Medicaid expansion-related provisions of the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce.

By Mr. REED (for himself, Mr. OWENS, Mr. GUINTA, Mr. CRAWFORD, Mr. GOSAR, Mr. BROUN of Georgia, and Mr. WESTMORELAND):

H.R. 3327. A bill to direct the Secretary of Transportation to issue categorical exclusions from environmental assessment requirements for certain highway construction activities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RENACCI (for himself and Mr. ROSKAM):

H.R. 3328. A bill to amend title XVIII of the Social Security Act to provide a six-month grace period for certain Medicare advanced diagnostic imaging services suppliers to receive accreditation; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. DONNELLY of Indiana, Mr. RUSH, Mr. RANGEL, Mr. FILNER, Mr. BENISHEK, and Mr. BRALEY of Iowa):

H.R. 3329. A bill to amend title 38, United States Code, to extend the eligibility period for veterans to enroll in certain vocational rehabilitation programs; to the Committee on Veterans' Affairs.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. RUSH, and Mr. RANGEL):

H.R. 3330. A bill to amend title 38, United States Code, to extend the Department of Veterans Affairs demonstration projects on adjustable rate mortgages and hybrid adjustable rate mortgages; to the Committee on Veterans' Affairs.

By Mr. SENSENBRENNER:

H.R. 3331. A bill to require an accounting for financial support made to promote the production or use of renewable energy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, 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.

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. FLORES:

H.R. 3306.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7.

By Mr. REICHERT:

H.R. 3307.

Congress has the power to enact this legislation pursuant to the following:

''The constitutional authority of Congress to enact this legislation is provided by Article 1, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).''

By Mr. POMPEO:

H.R. 3308.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. WALDEN:

H.R. 3309.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution, which empowers Congress to regulate Commerce among the several States.

By Mr. SCALISE:

H.R. 3310.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 3 of the United States Constitution, which empowers Congress to regulate Commerce among the several States.

By Mr. BILBRAY:

H.R. 3311.

Congress has the power to enact this legislation pursuant to the following:

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. BRADY of Texas:

H.R. 3312.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: ''The Congress shall have Power . . . To regulate Commerce with foreign Nations. . . .''

By Mr. DEFAZIO:

H.R. 3313.

Congress has the power to enact this legislation pursuant to the following:
Interstate Commerce Clause
By Mrs. CAPPS:
H.R. 3314.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 3
By Mr. CASSIDY:
H.R. 3315.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 1
By Mr. ELLISON:
H.R. 3316.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.
By Mr. ELLISON:
H.R. 3317.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.
By Mr. FLEISCHMANN:
H.R. 3318.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, clause 1.
By Mr. GRIJALVA:
H.R. 3319.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution.
By Ms. HANABUSA:
H.R. 3320.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3, to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; and Article I, Section 8, Clause 18 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. HERGER:
H.R. 3321.
Congress has the power to enact this legislation pursuant to the following:
Article I Section 8 of the United States Constitution which allows the Congress of the United States 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. HIMES:
H.R. 3322.
Congress has the power to enact this legislation pursuant to the following:
Clause 3 of section 8 of article I of the Constitution.
By Mr. HUELSKAMP:
H.R. 3323.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to Article I, Section 8, Clause 3 of the U.S. Constitution, which grants Congress the authority to regulate commerce between the several states, and from Amendment X to the United States Constitution, which grants states all authority not explicitly given to the federal government. This bill seeks to ensure and promote commerce between states, and to return authority previously and erroneously claimed by the federal government, back to the states.
By Ms. LEE of California:
H.R. 3324.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.
By Mr. PERLMUTTER:
H.R. 3325.
Congress has the power to enact this legislation pursuant to the following:
Clause 1 of Section 8 of Article 1 of the Constitution of the United States, whereby the Congress is authorized to provide for the ''general Welfare of the United States.''
By Mr. QUAYLE:
H.R. 3326.
Congress has the power to enact this legislation pursuant to the following:
Amendment X of the U.S. Constitution
By Mr. REED:
H.R. 3327.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 as well as Article I, Section 8, Clause 18.
By Mr. RENACCI:
H.R. 3328.
Congress has the power to enact this legislation pursuant to the following:
Art. 1, §8, Clause. 3 To regulate commerce among foreign nations and the several states.
By Ms. LINDA T. SÁNCHEZ of California:
H.R. 3329.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8
By Ms. LINDA T. SÁNCHEZ of California:
H.R. 3330.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8
By Mr. SENSENBRENNER:
H.R. 3331.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 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. 10: Mr. GOODLATTE.
H.R. 12: Mr. CLYBURN, Mr. SABLAN, and Mr. KILDEE.
H.R. 31: Mr. MEEHAN.
H.R. 104: Ms. HERRERA BEUTLER and Mrs. SCHMIDT.
H.R. 139: Mr. HOLT, Mr. VAN HOLLEN, and Mr. MILLER of North Carolina.
H.R. 157: Mr. DESJARLAIS, Mr. MCKINLEY, and Mr. HULTGREN.
H.R. 178: Mr. CUELLAR.
H.R. 212: Mrs. ROBY.
H.R. 321: Mr. MILLER of North Carolina.
H.R. 361: Mr. RIBBLE and Mrs. ROBY.
H.R. 363: Ms. SPEIER and Mr. BERMAN.
H.R. 374: Mr. HECK and Mrs. ROBY.
H.R. 402: Mr. KEATING and Mr. CARNAHAN.
H.R. 436: Mr. AMASH and Mr. KISSELL.
H.R. 459: Mr. GENE GREEN of Texas and Mr. WALDEN.
H.R. 507: Mr. HANNA.
H.R. 553: Mr. ROTHMAN of New Jersey.
H.R. 676: Ms. RICHARDSON.
H.R. 709: Mr. WATT.
H.R. 735: Mr. CHABOT and Mr. SENSENBRENNER.
H.R. 750: Mr. BROUN of Georgia.
H.R. 835: Mr. BASS of New Hampshire and Mr. HANNA.
H.R. 862: Mr. CONNOLLY of Virginia.
H.R. 891: Ms. SCHWARTZ.
H.R. 904: Mr. HARRIS.
H.R. 973: Ms. FOXX.
H.R. 993: Mr. CONAWAY.
H.R. 1058: Mr. YOUNG of Florida.
H.R. 1063: Mr. RIBBLE.
H.R. 1173: Mr. GUINTA, Mr. GOSAR, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. GARY G. MILLER of California, and Mr. ROKITA.
H.R. 1175: Mr. JOHNSON of Ohio.
H.R. 1195: Ms. HERRERA BEUTLER.
H.R. 1236: Ms. FUDGE.
H.R. 1265: Mr. BOREN and Mr. BACHUS.
H.R. 1358: Mr. YOUNG of Florida.
H.R. 1370: Mr. GUINTA.
H.R. 1386: Ms. FUDGE, Mr. MICHAUD, Mr. CONNOLLY of Virginia, and Mr. GENE GREEN of Texas.
H.R. 1426: Mr. KELLY.
H.R. 1489: Mr. CICILLINE and Ms. SUTTON.
H.R. 1511: Mr. KINGSTON.
H.R. 1515: Mr. HASTINGS of Florida, Mr. JOHNSON of Georgia, Mr. CARSON of Indiana, and Mr. ACKERMAN.
H.R. 1639: Mr. RENACCI.
H.R. 1659: Mr. DOYLE.
H.R. 1724: Ms. DEGETTE.
H.R. 1738: Mr. HANNA.
H.R. 1744: Mr. GRIFFITH of Virginia.
H.R. 1755: Mr. BROUN of Georgia.
H.R. 1802: Mr. BROUN of Georgia.
H.R. 1815: Mr. PEARCE and Mr. CHABOT.
H.R. 1834: Mr. JORDAN, Mr. SCALISE, and Mr. CHANDLER.
H.R. 1946: Mr. ADERHOLT and Mr. BUTTERFIELD.
H.R. 1951: Mr. HOLT.
H.R. 1956: Mr. CHAFFETZ and Ms. FOXX.
H.R. 1965: Mr. RUPPERSBERGER.
H.R. 1971: Mr. JONES.
H.R. 2028: Mr. TIERNEY.
H.R. 2059: Mr. GOSAR, Mrs. NOEM, Mr. BURGESS, and Mr. LONG.
H.R. 2065: Mr. FILNER.
H.R. 2082: Mr. BOREN.
H.R. 2088: Mr. DOLD.
H.R. 2105: Mr. BILIRAKIS and Mr. SMITH of New Jersey.
H.R. 2108: Mr. FARR.
H.R. 2131: Mr. BONNER, Mrs. CAPPS, Mr. PEARCE, and Mr. GRIFFIN of Arkansas.
H.R. 2137: Mr. MEEHAN and Mr. QUIGLEY.
H.R. 2194: Ms. DEGETTE.
H.R. 2195: Mr. MORAN.
H.R. 2227: Mr. BARROW, Mr. ENGEL, and Mr. MATHESON.
H.R. 2239: Ms. BALDWIN.
H.R. 2284: Mr. ROSS of Florida.
H.R. 2299: Mrs. ROBY.
H.R. 2308: Mr. HUIZENGA of Michigan.
H.R. 2369: Mr. PAUL, Mr. TIBERI, and Mr. FLAKE.
H.R. 2435: Mr. BROUN of Georgia.
H.R. 2446: Mr. JONES, Mr. CRAWFORD, Mr. DUNCAN of Tennessee, and Mr. ROYCE.
H.R. 2453: Mr. ENGEL.
H.R. 2469: Ms. MOORE.
H.R. 2487: Ms. SCHAKOWSKY and Mrs. MALONEY.
H.R. 2492: Mr. TIERNEY and Mr. PASCRELL.
H.R. 2528: Mr. FLORES.
H.R. 2536: Mr. HANNA.
H.R. 2563: Mr. WOLF and Mr. STIVERS.
H.R. 2586: Ms. MOORE.
H.R. 2595: Ms. DEGETTE and Mr. HEINRICH.
H.R. 2602: Mr. ROSS of Florida.
H.R. 2697: Mr. SMITH of Nebraska.
H.R. 2706: Mr. FLORES and Mr. YOUNG of Alaska.
H.R. 2815: Ms. HAHN.

H.R. 2829: Mr. WOLF.
H.R. 2870: Mr. AUSTRIA and Mr. KLINE.
H.R. 2874: Mr. JONES, Mrs. ELLMERS, Mrs. MCMORRIS RODGERS, and Mr. JOHNSON of Ohio.
H.R. 2918: Mr. JOHNSON of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FORBES.
H.R. 2948: Mr. PASTOR of Arizona, Mr. HOLT, Mr. LUJÁN, Mr. HIGGINS, Ms. CHU, Mr. ACKERMAN, Ms. WASSERMAN SCHULTZ, Mr. CONNOLLY of Virginia, Mr. KEATING, Mr. AL GREEN of Texas, Ms. DEGETTE, Mr. POLIS, Mr. SIRES, and Mr. MCNERNEY.
H.R. 2962: Ms. HAYWORTH and Mr. PEARCE.
H.R. 2982: Mr. ELLISON and Mr. JOHNSON of Ohio.
H.R. 2992: Mr. MARCHANT.
H.R. 3010: Mrs. ADAMS, Mr. GOHMERT, Mr. AUSTRIA, Mr. DAVIS of Kentucky, Mr. JOHNSON of Ohio, Mr. BACA, Mr. COSTA, Mr. CALVERT, and Mr. CARDOZA.
H.R. 3020: Mr. CROWLEY.
H.R. 3029: Ms. BUERKLE and Mr. AMASH.
H.R. 3046: Mr. GONZALEZ, Mrs. DAVIS of California, and Mr. RYAN of Ohio.
H.R. 3059: Mrs. MALONEY, Mr. PLATTS, and Mr. ROGERS of Michigan.
H.R. 3076: Mr. LEWIS of Georgia, Ms. LEE of California, Mr. GRIJALVA, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas.
H.R. 3086: Mr. ACKERMAN, Mr. NADLER, and Ms. SLAUGHTER.
H.R. 3094: Mr. CALVERT and Mr. BACHUS.
H.R. 3127: Mr. HUELSKAMP, Mr. RIBBLE, Mr. ROE of Tennessee, Mrs. SCHMIDT, and Mr. BRADY of Texas.
H.R. 3130: Mr. JORDAN and Mr. NUNNELEE.
H.R. 3145: Mr. HIGGINS.
H.R. 3155: Mr. PEARCE.
H.R. 3156: Mr. PAUL.
H.R. 3162: Mr. CASSIDY, Mr. FORBES, and Mr. BUCSHON.
H.R. 3163: Mr. STARK, Ms. LEE of California, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. NORTON, Ms. FUDGE, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. RANGEL, Ms. EDWARDS, Mr. CLEAVER, Ms. CLARKE of New York, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. DAVID SCOTT of Georgia, Mr. MEEKS, Mr. RICHMOND, Ms. RICHARDSON, and Mr. CARSON of Indiana.
H.R. 3185: Mr. JOHNSON of Ohio, Mr. LONG, Mrs. ELLMERS, and Mrs. HARTZLER.
H.R. 3194: Mr. BROUN of Georgia.
H.R. 3200: Ms. CLARKE of New York.
H.R. 3202: Mr. YOUNG of Alaska.
H.R. 3218: Mr. FLORES, Mr. PENCE, Mr. MANZULLO, Mr. KINGSTON, Mr. COLE, Mr. POSEY, Mr. CONAWAY, Mr. BARTON of Texas, and Mrs. SCHMIDT.
H.R. 3233: Mr. CLARKE of Michigan.
H.R. 3243: Mrs. BLACKBURN and Mr. NEUGEBAUER.
H.R. 3267: Mr. BENISHEK.
H.R. 3270: Mr. DENHAM.
H.R. 3286: Mr. LEWIS of Georgia, Mr. THOMPSON of California, Mr. LANGEVIN, Mr. FILNER, Ms. BORDALLO, and Ms. EDWARDS.
H.R. 3289: Mr. GOSAR and Mr. PEARCE.
H.R. 3294: Mr. STUTZMAN, Mr. FLORES, and Mr. YODER.
H.R. 3296: Ms. HIRONO.
H.J. Res. 20: Mr. FLORES.
H.J. Res. 81: Mr. NUNNELEE, Mr. HULTGREN, Mr. PALAZZO, Mr. YOUNG of Indiana, and Mr. CUELLAR.
H. Res. 25: Mr. DUNCAN of South Carolina.
H. Res. 295: Ms. NORTON.
H. Res. 341: Ms. PINGREE of Maine, Mr. LATHAM, and Mr. CONNOLLY of Virginia.
H. Res. 351: Mr. BARTLETT.
H. Res. 356: Mr. DIAZ-BALART and Mr. WOLF.
H. Res. 433: Mr. KLINE.

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 MCHENRY, or a designee, to H.R. 2930, the Entrepreneur Access to Capitol Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative BRAD MILLER of North Carolina, or a designee, to H.R. 2940, the Access to Capital for Job Creators Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, NOVEMBER 2, 2011 No. 166

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rabbi Lord Jonathan Sacks, Chief Rabbi of the United Hebrew Congregation of the Commonwealth, London, England.

The guest Chaplain offered the following prayer:

Sovereign of the universe, who created all in love, teach us to love all that is good and beautiful in this world. Teach us to honor the dignity of difference, recognizing that one who is not in our image is nonetheless in Your image; never forgetting that the people not like us are still people—like us.

At this fateful moment in the human story, bless us that we may be a blessing to others. Guide the nations of the world to honor You by honoring one another, so that by reaching out in love we may turn enemies into friends and become your family on Earth, as You are our parent in heaven.

Beloved God, bless the Members of this United States Congress and guide their deliberation, that they may govern this great Nation with wisdom and justice, grace and compassion, bringing honor to Your Name and Your blessing to humankind. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 2, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the Senator from Connecticut, chairman of our Homeland Security Committee, speak briefly. He is someone who is every day an example to the rest of us in morality and the observance that he does through his religion. It is something we all admire. Senator LIEBERMAN.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

RECOGNIZING CHIEF RABBI LORD JONATHAN SACKS

Mr. LIEBERMAN. Madam President, I thank our leader. Again, I have had many conversations about things political, which will not surprise anybody who is hearing me speak. But perhaps people will be surprised that Senator REID and I have probably had as many conversations about matters spiritual and personal. Those conversations tie us together forever.

It is my honor to welcome to the Senate Jonathan Sacks, the chief rabbi of the United Kingdom, and to thank our extraordinary Chaplain Barry Black for joining me in hosting the chief rabbi.

The truth is that I knew Chief Rabbi Sacks from his writings before I knew him personally. He has written 24 books, the most recent of which was published earlier this year, called ''The Great Partnership, God, Science and the Search for Meaning.'' His writing is extremely insightful. It is broadly accessible. Perhaps paraphrasing the old commercial—and the occupant of the chair, being from New York, will remember this about Levy's Jewish Rye: ''You don't have to be Jewish to love Levy's Jewish Rye.'' Well, you don't have to be Jewish to benefit from Rabbi Sack's writing.

He is the sixth incumbent of the Chief Rabbi position in the United Kingdom, having served in that position since 1991. The role was formalized in 1845. He was knighted by Her Majesty the Queen in 2005, and then on the 27th of October, 2009, was made a life peer, taking his seat in the House of Lords, where he sits on the cross benches as Baron Sacks of Aldgate in the City of London. So we welcome Rabbi Sacks not just as the Chief Rabbi of the United Kingdom but as a member of a fellow legislative body. He has spoken with remarkable wisdom and insight and has formed my faith in so many ways.

As I heard him give the opening prayer today, I could not help but think that he stands in a proud tradition that began with those remarkable Christian reformists who left England to come more than two or three centuries ago to our shores, forming the United States of America more than two centuries ago, and in our founding documents, responding to their faith, but also creating the foundation of the liberties that succeeding generations of Americans have enjoyed and that we in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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this Chamber work hard to protect and strengthen every day.

Again, I thank the Chair and the leader. I particularly thank Chief Rabbi Sacks for honoring us with his presence and his words today.

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour, with the majority controlling the first half and the Republicans controlling the second half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 1769, the Rebuild America Jobs Act.

I filed a cloture on the motion to proceed to S. 1769 last night. If no agreement is reached, we will vote on this tomorrow morning. I am working with the Republican leader to come up with an expeditious way of expressing the will of the Senate in the next 24 hours.

Again, tomorrow the Senate will vote on the Rebuild American Jobs Act. It is a plan to put hundreds of thousands of Americans back to work, constructing thousands of miles of roads, bridges, runways, and train tracks.

The plan is paid for with a small tax—less than a penny—on every dollar a person earns in excess of $1 million every year. The legislation asks millionaires and billionaires to contribute a little more than they do today, knowing there is a pricetag associated with getting our economy back on track.

My Republican colleagues say they oppose this plan to hire hundreds of thousands of construction workers and rebuild our Nation's collapsing infrastructure because they believe the wealthiest Americans cannot afford to pay a few pennies more.

Even the majority of people who would pay this tax say that isn't true. They support our plan. This tiny fraction of American taxpayers who would pay a tiny fraction more each year are among the 1 percent of Americans who have done better and better with each passing decade.

Between 1979 and 2007, the annual aftertax income at the top 1 percent of American wage earners has increased by 275 percent. That same 1 percent now makes more than the other 99 percent of Americans combined. These are the latest figures. It is difficult to compile these numbers. Think about what has happened in the last 4 years. They have even gotten richer and richer. I repeat, that 1 percent now makes more than the other 99 percent of Americans combined. And not all of that 1 percent of wealthy Americans would even qualify to pay this tax to fund billions of dollars in road construction and create hundreds of thousands of jobs. Only those whose income is more than $1 million. Some billionaires and millionaires would not qualify because their income in a given year is less than $1 million. They may have a lot of property wealth and things of that nature.

Tomorrow, my Republican colleagues face a choice, which is not whether to invest in roads or bridges or whether the richest of the rich can spare a few pennies for the sake of our economy; the choice is about priorities. Who will Republicans put first, the millions of ordinary Americans who are struggling to find work and put food on the table or the millionaires and billionaires, whose biggest problem is that they may have to pay an additional $7,000 on the second million they make each year?

We ought to be able to agree that making enough money to pay even a dollar more under our plan is a wonderful problem to have. But so far, Republicans have been pretty clear what their priorities are. They unanimously voted against the American Jobs Act. That legislation would have put more than 2 million people back to work and cut taxes for middle-class families and small businesses.

Then they unanimously voted against the Democrats' plan to put 400,000 teachers and tens of thousands of police officers and firefighters back to work. Republicans have cost this country millions of jobs in the last few weeks alone. They will have another opportunity tomorrow to show America whose side they are on—billionaires and millionaires or the middle class.

Seventy-two percent of Americans, including 54 percent of Republicans, want us to pass this plan. Seventy-six percent of them, including 56 percent of Republicans, want us to pay for it by asking the Nation's wealthiest citizens to contribute their fair share.

Americans—Democrats, Republicans, and Independents—know the only way out of the worst recession since the Great Depression is to invest in what this country needs—its workers to be employed. They believe it is fair to ask those who have profited most from this country's success to help shoulder that burden.

Republicans have obstructed and opposed every Democratic effort to create jobs this year. Why would they do that? Fear. Because those job creation efforts would cost millionaires and billionaires even a dollar more. Who do they fear? The truth is they are terrified to violate the infamous Grover Norquist tax pledge, even though they know Norquist is wrong—or if they don't know, they should know. They are in thrall, my Republican colleagues, and in submission to a man whose singular focus is keeping taxes low for the very wealthy, no matter what the effect is on this Nation. They fear his political retribution.

I hope my Republican colleagues will heed this message sent yesterday by former Republican Senator Alan Simpson, a conservative bona fide, regarding Grover Norquist's pledge. He said the only power Norquist wields is the power you give him. Senator Simpson said:

> He can't murder you; he can't burn your house. The only thing he can do is defeat you for reelection, and if that means more to you than your country, you really shouldn't be in Congress.

That is what Simpson said. I believe most Senators—and certainly most Americans—know that legislating isn't simple. It is not as simple as a mindless pledge. Those Senators must have the courage to act on their convictions.

As British historian Thomas Fuller once said, ''Better break your word than do worse in keeping it.''

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A DIFFERENT APPROACH

Mr. McCONNELL. Madam President, there is no denying the fact that the policies of the past 2½ years have made a bad situation worse. For 2½ years, Democrats completely dominated this town. They got everything they wanted. And what happened? Unemployment has hovered at around 9 percent for 32 months. The so-called misery index is worse than it has been in more than 25 years. Consumer confidence is at levels last seen during the height of the financial crisis. But if one number really stands out, it is this: 1.5 million. That is the number of fewer jobs we now have in this country since the day President Obama signed his signature ''jobs bill'' into law.

These are just some of the numbers that all of us, Republicans and Democrats, read about every single day. But it is not the numbers that compel us to action; it is the stories that lie behind them. It is the millions of men and women who have seen their dreams shattered, their lives upended, and their potential unfulfilled.

What Republicans have been saying is that if we truly want to help improve the situation we are in, if we want to turn this ship around, then we need to learn from our mistakes and take a totally different approach. We know what policies haven't worked. We have tried that. What sense does it make to try those same policies again and again? That is why Republicans in the House and the Senate have been taking a different approach.

Democrats may control the White House, and they may control the Senate, but for the past 10 months Republicans in the other half of Congress have done their best to correct the mistakes and excesses of the previous 2½ years and set us on a different course.

They have done something else that Democrats have not done over the past few years: Week after week, the Republican majority in the House of Representatives has been passing bills that actually have a chance—actually have a chance—of gaining bipartisan support and becoming law. They are actually trying to do something.

Unlike the President and the Democrats who run the Senate, House Republicans are designing legislation to pass rather than fail. They want to make a difference rather than make a point, and the only thing keeping these bills from becoming law is that the Democrats in the Senate will not take them up.

We know the President's strategy. His so-called jobs bill has one purpose and only one: to divide us. Just this morning I read a story that quoted some Democratic operative almost bragging about the fact they do not expect any of the legislation the President has been out there talking about on the bus tour to pass. They openly admit these bills are designed to fail.

It is not exactly a state secret that Republicans—and, yes, some Democrats—don't think we should be raising taxes right now on the very people we are counting on to create the jobs we need to get us out of the jobs crisis. Yet the one thing every single proposal Democrats bring to the floor has in common is it does just that.

So the Democrats' plan is to keep putting bills on the floor they know ahead of time we will vote against instead of trying to solve the problem. They do not even hide it. The President's top strategist actually issued a memo a few weeks ago stating the President would use this legislation not as a way to help people but as a way to pummel Republicans.

Meanwhile, House Republicans have passed bill after bill after bill actually designed to do something. On March 31 they passed H.R. 872, the Reducing Regulatory Burdens Act. It got 57 Democratic votes—57 Democratic votes—in the House, a bipartisan bill that could pass and become law. On April 7 they passed H.R. 910, the Energy Tax Prevention Act. It got 19 Democratic votes. The list goes on and on. There are 15 of these, Madam President—15 of them—that have passed, and each with significant Democratic support—one with 33, one with 28, one with 21, one with 23, one with 16, one with 10, and one with 47 votes.

So there are 15 of these bills that have passed the House with bipartisan support, and in the Senate we don't take up any of them because we are busy taking up bills that everybody knows are not going to pass.

This week, over in the House, they are going to pass four more bills making it easier to hire out-of-work Americans. Just last week, House Republicans passed a bill that would repeal a law requiring the IRS to withhold 3 percent of future tax payments from any company that does business with the government—a bill the President himself said he would be willing to sign into law, and 170 Democrats voted for it. So why don't we pass it in the Senate? The President is waiting to sign it.

This is just the latest example of a simple bipartisan bill that struggling businesses are begging us to pass but that Senate Democrats are holding up right now because it doesn't fit the story line.

I am not saying we have to vote on every one of the bills the House passed just as they are—there is an amendment process for that—but why not take them up? Every one would help create jobs, and none—none—would raise taxes. That is what we call compromise. It is called finding common ground, and it is how the American people expect us to legislate.

What we are witnessing in Washington right now is two very different styles of governance: a Republican majority in the House that believes we should actually do something about the problems we face and which has put together and actually passed bipartisan legislation that would help address those problems, and a Democratic majority in the Senate that has teamed up with the White House on a strategy of doing nothing—nothing—all for the sake of trying to score political points and spreading the blame for an economy their own policies have cemented in place as they look ahead to an election that is still more than a year away.

The President's economic policies have failed to do what he said they would, and now he is designing legislation to fail. Americans are actually tired of failure. So Republicans are inviting Democrats to join us in succeeding at something—anything—around here that would make a difference.

I guess to sum it up, Madam President, what we are saying is, why don't we quit playing the political games? The problems we face are entirely too serious to ignore. Let's take up the bipartisan bills that House Republicans have already passed and actually do something. There is no better time to tackle the problems we face than now. Let's not squander this moment because some political strategist over in the White House is enamored with their own reelection strategy.

Let's take advantage of this moment to act when the two parties share power in Washington. As I often note, it is only when the two parties share power that they can share the credit and the blame. That is why some of the biggest legislative achievements have taken place at moments like this, and that is why I have been calling on Democrats in Washington—privately and publicly—for the past year to follow the example of those Congresses and those Presidents before us who were wise enough to seize an opportunity such as this one for the good of the country.

We face many serious crises as a nation. We know how to solve them. Let's not let this moment pass us by.

TRIBUTE TO C. FRANK RAPIER

Mr. MCCONNELL. Madam President, I wish to express my thanks and appreciation to one of Kentucky's hardest working public servants at the end of a long career. Charles Frank Rapier, the executive director of the Appalachian high intensity drug trafficking area—that is kind of a mouthful, and we have a way to shorten that called Appalachia HIDTA—will be retiring this November after 46 years in law enforcement.

This guy is a bit of a legend, Madam President. Director Rapier—called Frank by his friends—has been leading the Appalachia HIDTA Program since 2003. Prior to his appointment, he served as deputy director of that program for Kentucky. The Appalachia HIDTA Program was established in 1998 to combat one of our country's greatest problems: illegal drug trafficking and drug abuse.

The problem of drug abuse that Frank has pledged his career to fighting is particularly bad in my home State of Kentucky. Kentucky ranks in the top three of marijuana-producing States. More Kentuckians died of drug overdoses in 2009 than in fatal car crashes—an astonishing 82 per month. The threat from illegal meth use poses a problem across the State as well. This rampant drug abuse increases crime and destroys families in Kentucky.

Under Frank's leadership, the Appalachia HIDTA Program has attacked drug trafficking organizations in the tristate area of Kentucky, West Virginia, and Tennessee head on. And let me say, Madam President, he has done an amazing job, a truly amazing job.

Specifically, in 2009, Appalachia HIDTA disrupted or dismantled 82 separate drug trafficking organizations. That translates into hundreds of thousands of marijuana plants destroyed and hundreds of arrests. In 2006, they kept an estimated $1 billion worth of profits off of illegal drug activities out of the State of Kentucky.

Frank played an integral role in arranging a visit to Kentucky earlier this year by Gil Kerlikowske, the Director of the White House Office of National Drug Control Policy, better known as the Nation's drug czar. The Director's visit, which I was proud to help facilitate, has been an important step in maintaining our focus in Kentucky to stem drug abuse and save our family members, friends, and neighbors from the dangers of drug addiction and drug-related crimes during a time of shrinking Federal resources.

As a strong supporter of efforts to fight drug abuse in Kentucky, I have gotten to know Frank and have seen firsthand his efforts. He is a humble man, but he is highly respected in the law enforcement community throughout the State—and even the Nation, for that matter—for the wonderful job he has done. I know his dedication and leadership in this important fight against illegal drugs will be greatly missed.

Frank knows well the area he has worked so hard to protect. Born and raised in Corbin, KY, he received his

bachelor's degree from Eastern Kentucky University where he began his law enforcement service as an EKU campus police officer. He attended graduate school at Xavier University, served as an instructor at the Federal Law Enforcement Training Academy at Glynco, GA, has taught at numerous police academies, and has been a speaker at many law enforcement conferences.

Before working with Appalachia HIDTA, Frank was a special agent with the U.S. Treasury Department for 32 years. He was a member of the National Undercover Resource Pool and the National Response Team. Over the course of his long career, he has served many assignments with the U.S. Secret Service and State Department, including working as a member of the Southeast Bomb Task Force that investigated the Olympic bombing case in Atlanta in 1996.

While with the Treasury Department, Frank received four Special Achievement Awards, a Special Act Award, a Performance Award, and the Director's Award/Masengale Memorial Award.

After 46 years in law enforcement, I wish Frank congratulations on a job well done and best wishes in his retirement. Countless Kentuckians owe their thanks to Frank as well.

Frank regularly describes the practice of asking his granddad: What did you do in the war? He feels prepared to be asked the same question himself now as he nears the end of his career. He knows someday there will be an accounting. He has worked all his professional life so that his answer to that question can be: I fought back against a tide of illegal drugs and saved lives. He has certainly done that, and more.

I know my colleagues in the Senate join me in thanking Director Rapier for decades of service. The work he has done for so many years has created a safer, stronger Kentucky.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from New Mexico.

REBUILD AMERICA JOBS ACT

Mr. BINGAMAN. Madam President, I rise today to speak in favor of the Rebuild America Jobs Act. I, first, just clarify for folks, because it is a little confusing, we have had several proposals to create jobs that have come to the floor in the last several weeks, and they have similar names. The one before us today is the Rebuild America Jobs Act, and it is a portion of the larger American Jobs Act that President Obama proposed and set out for the Congress to consider in September.

Let me talk first about that larger bill which the President proposed. This American Jobs Act the President proposed would have a very significant and beneficial impact on my State of New Mexico. Under that legislation, there would be payroll tax cuts for about 40,000 businesses in my State. There would be an expansion of payroll tax cuts for workers that would provide a typical household in New Mexico, having a median income of $44,000, with a tax cut of about $1,360 per year.

There would be support for up to 2,600 construction jobs in upgrading public schools. There would be $20 million to revitalize vacant and foreclosed businesses and homes. There would be over $49 million for community colleges in New Mexico. There would be unemployment insurance reforms that could help put 32,000 unemployed New Mexicans back to work. And there is funding in that legislation for up to 3,100 teachers and police officers and first responders to keep those people on the job so they can continue to provide services to our schools, to our students, and to our communities.

But despite the fact that all these important investments would be fully paid for—and that is made clear in the legislation; not a single dollar would be added to the national debt—this comprehensive legislation was blocked by a filibuster by our Republican colleagues a couple weeks ago. I commend Senator REID for continuing to fight to keep job creation on top of the legislative agenda and for bringing up parts of this broader legislation independently to see if we can get support for any of these individual parts because each of them has a great deal of merit.

Two weeks ago, we voted on the Teachers and First Responders Back to Work Act. This would have helped States and local governments keep over 400,000 teachers, police, and firefighters on the job during these tough economic times. It was disappointing to me that this effort failed to get enough votes so we could go ahead and consider the bill.

The legislation we are discussing would provide $50 billion in infrastructure investments in highways and transit and in rail projects across the country, and in doing those investments it would create thousands of jobs. Among other things, it would put Americans to work in improving 150,000 miles of roads, 4,000 miles of train tracks, restoring 150 miles of airport runways, and in implementing the NextGen air traffic modernization efforts that this Congress should be strongly supporting. Those are efforts to improve air safety and to reduce delays in air traffic.

So passage of this legislation would mean at least $284 million in my home State of New Mexico in immediate infrastructure investments. That investment of $284 million would support a minimum of 3,700 local jobs. These resources are greatly needed in my State. The Federal Highway Administration estimates that about 22 percent of New Mexico's major roads are in poor or mediocre condition; 19 percent of our bridges are structurally deficient or functionally obsolete, according to the Federal Highway Administration.

In addition, the bill includes $10 billion to establish an independent national infrastructure bank in order to leverage private and public funds in advancing a broad range of infrastructure projects through loans and loan guarantees. Under this proposal that was modeled after bipartisan legislation introduced by Senators KERRY and HUTCHISON earlier this year, the bank would help finance large-scale transportation, water, and energy projects that are of national and regional significance. I am glad to see that the infrastructure bank included in this bill would begin to address some of the significant challenges we have of stimulating investment in new energy projects. There is simply not enough capital available in the country to deploy these technologies at the scale we need to deploy them to meet our national security objectives and to remain competitive in growing international markets for clean energy technologies. So the availability of this type of financing through this national infrastructure bank could be helpful in developing the transmission capacity required to bring renewable energies developed in my State of New Mexico to communities throughout the country.

Let me also briefly comment on the fact that there is revenue raised in order to pay for this set of investments that are being proposed; that is, there is a so-called offset for the cost of this legislation. That is because I think all of us agree the deficit is at unsustainable levels. We should not be committing to increased spending without finding a way to pay for it, and that is why this legislation contains a revenue-raising provision. The legislation would impose a 0.7-percent surtax on income exceeding $1 million.

What does that mean? That means that if a person's annual income is $1 million, then this legislation does not, in any way, change the taxes they are required to pay. So any garden-variety millionaire who only receives $1 million per year in income is not required to pay any more under this legislation. But if they exceed that and their income is $1,110,000, for example, they would have to pay an extra $700 toward the cost of this legislation.

The reality is, modernizing our Nation's infrastructure and stimulating job growth and enhancing policies to

assist with our economic recovery does cost money. We all wish it did not, but it does. Frankly, if we are going to give more than just lip service to addressing our persistent deficits, I think it is reasonable to ask the wealthiest among us to pitch in to move America forward to get this economy moving again.

In New Mexico, less than one-tenth of 1 percent of taxpayers would be impacted by this modest surtax. That means 99.9 percent of New Mexicans would not be impacted at all, and the handful of filers who would be impacted would only pay the surtax on the portion of their annual income that exceeds $1 million.

I strongly believe this legislation, the Rebuild America Jobs Act, that we are going to try to proceed to tomorrow—or whenever we can get consent from our Republican colleagues to proceed to it—I believe is important legislation. It is an important step in turning our economy around, and I urge my colleagues to support it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. COONS. Madam President, I rise because this week, once again, the Senate of the United States has the opportunity to create jobs, to find a way to work together to make a real difference in the long-term strength of this Nation, and to finally punch back against this recession which has taken so much from the working families of our States.

I rise in support of the Rebuilding America Jobs Act, a bill that will invest $60 billion in our Nation's crumbling infrastructure and put hundreds of thousands of Americans back to work.

Investments in America's infrastructure are investments in America's future, and they could not come at a more critical time for our country, our communities, or our future.

The rest of the world is pouring money into its infrastructure because they know it will not only make it easier for them to recover from this recession; they know it will make them more competitive for their long-term future, for their people, for their countries, for their economies. So at a time when our competitors are pouring money into fixing, expanding, building their infrastructure, we have turned off the spigot. We are starving our roads and our bridges, our sewers and our water systems, our tunnels, our ports, our runways, our railroad tracks. We are starving them of the repairs they need to function properly—not just today but to lay the groundwork for our competitiveness for the next generation of Americans.

China, one of our greatest economic competitors, is spending 9 percent of its GDP on infrastructure. As anyone who has visited China in recent years knows, all across the nation of China there are gleaming new highway systems, brandnew ports, brandnew airports and runways, brandnew transportation infrastructure that connects newly built cities leaping from the ground as if by magic because they have invested enormous amounts in a modern infrastructure. Europe broadly is investing 5 percent of GDP in modernizing their infrastructure. In the United States, where modern infrastructure has for a generation made us the envy of the world, we are investing just 2 percent—just 2 percent—of our GDP. This is foolish.

Few people argue that infrastructure isn't important. In fact, it is one of the few things that seem to enjoy broad support in this Chamber, in this city, and in this country. Folks as disparate as the AFL–CIO and the U.S. Chamber of Commerce agree that investing in modernizing our infrastructure is critical, not just for putting Americans back to work but getting America working for our country's future. They both support the idea of an infrastructure bank because they know investing in infrastructure isn't just about rebuilding our roads, it is about rebuilding our economy.

When companies make decisions about where to locate, about where to build a new factory, about where to expand production, about where to lease a new office, infrastructure is always at or near the top of their list. Proximity to a highway means everything if someone is going to run or expand a factory. Being close to a port is critical if their products need to be exported overseas. Access to airports and railways is imperative if someone wants to do business outside their community or our country. High-speed Internet can be every bit as important as these century-old transportation technologies and can be every bit as important as clean water, modern ports or new railroads.

Infrastructure is important in every State of our Nation and especially so in my coastal State of Delaware. The Port of Wilmington brings 4 million tons of goods through Delaware each year, providing high-wage, high-skilled jobs for the longshoremen and the communities immediately around our port that rely so much on its vital link to the global economy. Railways allow Amtrak to connect businessmen and women from New York to our financial services sector, to our legal and banking community in Wilmington, and it is one of the busiest railroad stations in America. I–95, the east coast corridor, connects truckers and motorists up and down the east coast to our little State.

But as folks have known for too long, one of the worst choke points in the whole East Coast on I–95 was in our State. I used to get calls all the time in my role as county executive because folks mistakenly thought it was somehow my role to modernize this highway. It was John F. Kennedy who cut the ribbon on this modern interstate highway, and we, frankly, have failed to invest in keeping up with the times, in keeping up with the growth in traffic, in keeping up with the tempo of global commerce since then.

Delaware has finally solved these problems. With the leadership of the Obama administration and this Chamber, the investments that were made in infrastructure over the last 2 years, we finally have solved that chokepoint on I–95. Today, motorists move through at great speeds—pay their tolls to Delaware, yes—and are able to get on their way, north or south, and engage in commerce at the speed that the modern economy demands. That is what we seek to do nationwide. That is what the Rebuilding America Jobs Act can do.

For the last 25 or 30 years, we have been building off the infrastructure built by our parents' generation, hoping that a little bandage here, a little ointment there, a little wire, a little bubble gum would be enough to get us through another year. But that is not a strategy for laying the groundwork for a great future for our children. It is not even a strategy for keeping up. The chokepoints on America's roads can't be allowed to choke America's economy for the next generation. One-third of our Nation's major roadways are in poor or even mediocre condition, and one-quarter of our bridges have been rated structurally deficient or functionally obsolete. We have even faced the human suffering and the reputational disaster of having bridges collapse across this country in recent years. We have failed to invest in our future. As a country, we can keep swerving to avoid these potholes, but eventually we are going to hit them.

The Rebuilding America Jobs Act would fill that pothole, would make smooth the rough places of this Nation, and accelerate our economic growth for the future. I am a cosponsor of the Rebuilding America Jobs Act because this bill would fill the pothole we have been avoiding for decades. It would rebuild 150,000 miles of American roadways, maintain 4,000 miles of train tracks, upgrade 150 miles of airport runways. It would restore critical drinking water and wastewater systems for our communities, and strengthen our energy infrastructure. In short, it would make us competitive. It would put people back to work. It would get us on the right road to a sustained recovery. It would put hundreds of thousands of Americans back to work in that sector of economy that took the first and hardest hit from the recession.

More than 2 million Americans who worked in construction have lost their jobs since this tragic recession hit, including 8,000 in my home State of Delaware alone, and we have thousands of folks in the skilled building trades ready to go. They need us to get over our differences, find a way past these endless, mindless filibusters, and get them to work. This week we have an opportunity to invest in those people and invest in our country. Infrastructure is such a smart investment, and in this economy and in this competitive

global environment where our allies and competitors are outstripping our investment because they see clearly the road to the future, we simply cannot afford to continue to refuse to act.

It was 1 year ago today that the people of Delaware elected me to represent them in Washington. Every day since I have wondered when this Chamber was finally going to come together across the partisan divide and start moving on jobs. The persistent partisanship here that has plagued this body is in my view not worthy of the very real human needs of the people who sent us here.

Last month, folks in this Congress, mostly from the other party, prevented us from acting on jobs—not once, not twice, but several times. I do not understand the strategy here, but the endless filibusters must stop. I know there is debate over how we are going to pay for this particular proposal to put $60 billion into infrastructure, but as Senator BINGAMAN commented just before me, this is a modest increase in revenue from the very wealthiest Americans that I believe is justified in this critical economic time. Too many of my neighbors, too many of my constituents, are out of work.

I don't think we have a choice. We need to act. The President is right, we cannot wait to act. The Rebuilding America Jobs Act not only invests in America's jobs for today but in our economy tomorrow. We cannot wait any longer to fill this pothole. This bill deserves bipartisan support and I hope my colleagues will join me in voting for it this week.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, I rise to speak also on the Rebuild America Jobs Act. Our Nation's infrastructure is in a state of disrepair. We see it in the potholes in our streets, in the congested highways of public transit that lack the capacity to safely and efficiently get Americans where they need to go. The American Society of Civil Engineers gives our Nation's infrastructure a D grade. One in four bridges in the United States is structurally deficient. Our deteriorating infrastructure has negative impacts on commerce and our economy. We no longer have an infrastructure system that is the envy of the world.

When you invest in public infrastructure, you have two results: You create immediate construction jobs and you lay the foundation, the groundwork, to improve communities and facilitate commerce. That was certainly my experience when I was mayor of Anchorage.

I became mayor in 2003 at a time of economic slowdown—not quite as bad as the national recession we face today, but we inherited huge budget deficits and a dramatic slowdown in our economy. Our answer to turn Anchorage around was to invest in our basic system of roads and water and sewer and power—basic infrastructure. One of the best examples of the public infrastructure investment was a small community in the northern part of Anchorage called Mountain View. We knew there was great potential for economic turnaround in this community. We knew it because the community was interested. But in that community the public infrastructure hadn't been invested in for decades. We did some simple things at first—upgraded the roads, basic systems that move people from one end of Mountain View to the other. We invested in schools. Then we invested in some public facilities. Today, Mountain View is the home of a branch of one of our large credit unions which is now their top performer in new accounts. Also new retail was established there—restaurant, phone store—and housing developments where no housing was being developed in this neighborhood. As a matter of fact, this neighborhood—I know it well because I grew up not far from there—was the neighborhood where people lived and then they tried to figure out how to move out of the neighborhood. Today it is a community of choice, a place where people want to go. Well over 140 housing units have been developed in this community in the last 5 years. Also additional public offices and a library were developed there for the first time in over 22 years. Simple investments created private sector investment along with it.

Another example is, we built a new $100 million convention center in our downtown Anchorage. The new Dena'ina Center is now an economic engine attracting bigger conventions and meetings and tens of thousands of visitors a year. In September alone the new convention center generated almost $12 million in revenue supporting restaurants, shops, and hotels.

Again, as someone born and raised in Anchorage, I remember when businesses were fleeing the downtown. They saw it as not an opportunity for economic development. By making these simple investments, we can have a long-term impact. This $100 million may sound like a lot of money. Let me give another example—$40,000 we invested in improved street lights in a small part of downtown along G Street. Property owners had legitimate concerns of safety after dark. When winter hits in Alaska, there is a lot less light, so we invested about $40,000 per street light, installing some simple street lights, a dozen or so along the road there. As a result, the character of the street has dramatically changed. We have seen 10 new businesses spring up in a three-block section of G Street because it is safer. People move freely at any time of the day. There are year-round retail and restaurant businesses such as an Urban Greens, Jo Jo A Go Go, Modern Dwellers, Alaska Cake Studio, and Octopus Ink—a variety of new businesses. Retailers are investing their hard-earned capital, reaching out to expand opportunity for Anchorage. These businesses probably would not have made the investment without the small investment of the public infrastructure.

In my view, we need to follow this model on a national level. Failure to invest in our crumbling infrastructure—our roads, bridges, airports—will cost us nearly a million American jobs without this investment. It is incredibly important to move our economy forward by legislation such as the Rebuild America Jobs Act. We have an opportunity to reverse this trend while helping to put hundreds of thousands of people back to work. This could put Alaskans back to work on important projects—bridge repairs outside the Denali National Park, a critical route between Alaska's two population centers and a heavily traveled route for tour operators and shippers; intersection upgrades on two of the busiest roads in downtown Fairbanks; highway safety improvements along the Seward Highway outside of Anchorage that reduce deadly traffic accidents and delays; safety improvements along the Sterling Highway on the Kenai Peninsula—other areas of high visitor traffic in the summer.

We know these improvements will support local economic growth all around Alaska, which is still a very young State compared to many States, and has tremendous transportation needs. Two years ago, this Congress approved the Recovery Act which funded sorely needed projects across my State—projects such as the Gustavus dock, Alaska Railroad line improvements, Glenn Highway repairs, and airport upgrades. These all created immediate construction jobs and have also improved access points so private companies can increase revenues and create long-term jobs.

The Rebuild America Jobs Act not only provides desperately needed repair funds, it also provides the seed money for the National Infrastructure Reinvestment Bank that will attract private sector capital to help fund a broad range of nationally significant projects. The concept for the infrastructure bank has broad bipartisan support and is currently being championed by the U.S. Chamber of Commerce.

Moody's estimates for every $1 spent on roads and water and sewer—the basic infrastructure of this country—GDP is raised by $1.59. The Rebuild America Jobs Act would make some key investments—$27 billion to rebuild roads and bridges; $9 billion to invest in public transit; $3 billion to invest in our airports and modernization of our air traffic control system, which will make aviation more efficient and safer.

For Alaskans, this investment would fund $220 million in much-needed transportation improvements and modernization which of course means good jobs—an estimated 2,900 jobs in Alaska from this bill.

Infrastructure development and investment has historically been a bipartisan effort. The American people want

Congress to work together. This is a good bill to deal with our Nation's roads, bridges, rails, ports, and runways.

Let me close by saying I have been here almost 3 years. We have some good bills that passed and we argued over some that we wished would pass. We have had some success over the last couple of weeks here, when you think about the China currency bill, the three trade bills. Now we have this bill. We have put three jobs bills up. Two have not been able to pass because of opposition from the other side but here is one that we know has bipartisan support. The infrastructure bank, the Chamber of Commerce is actively promoting this because they see the melding of the public and private sectors moving together to invest in the future of this economy. They also know when you lay down those roads or that better infrastructure on rail or transit, the net result is private sector investment will occur either right after it or simultaneously.

I hope folks on the other side will make the decision that it is wise to invest today and move this bill forward so we can have a long-term economic impact for our country.

I yield the floor. 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. THUNE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX REFORM

Mr. THUNE. Madam President, as we debate here in the Senate how to get our economy going again to deal with what is a stagnant economic set of circumstances, something that we have been grappling with now for a few years, I think it is instructive to look at what is happening in Europe. It was interesting to me as we look even at the papers this morning, the front page of the Wall Street Journal, ''Fears of Political Chaos Tank Global Markets as Europe's Bailout Plan Teeters.'' Then much of the paper today, at least in the news reporting, is all about what is happening in Europe and the Greek crisis and the sovereign debt crisis that is being experienced in that country.

The business page in the New York Times, ''Aftershocks for Athens and Wall Street; European Debt Crisis Tightens Its Chokehold On Global Markets.'' There is a whole series of stories again there about the same issue.

The front page of the Washington Post above the fold, ''Europe Bailout Again In Doubt, Greece Seeks Referendum.''

My point is as we have observed now what is happening in Europe, it should be a lesson to us and a warning sign about what we need to be doing to get our economy back on track in this country. What is really saddling Europe right now is the fact that the European governments have gotten too big for their economies to support, so they are drowning in all of this debt. They have debt-to-GDP ratios that way exceed the normal levels that are required for admission into the European Union. Yet they continue to struggle with these huge amounts of debt, much of which was created over a long period of time. It didn't happen overnight. It is, frankly, that many governments made promises they could not keep. So now they are dealing with that and trying to figure out how they are going to work their way out of it. It is becoming increasingly concerning, I think, to people all across the globe and certainly to us in the United States.

If we look at the debt-to-GDP ratios in some of these countries around the world, they are pretty staggering. Greece is somewhere in the 180 percent debt-to-GDP area; in Portugal, Spain, countries like that, in some cases it is in excess of 200 percent debt-to-GDP.

Where are we in this country? We are already at 100 percent. We are 1 to 1. Our debt-to-GDP now is at a level we have not seen since the end of World War II. Spending as a percentage of our economy, debt as a percentage of our economy, deficits as a percentage of our economy—all at historic highs relative to anytime in history, at least in recent history going back to World War II.

I think, hopefully, the lesson to take away from all of this is we have to get our fiscal house in order. We are in a deep hole. We cannot continue to dig that hole deeper. When I hear the discussion about how to revive our economy, and I hear it revolve around we need to have more government intervention, we need to have more government spending, to me, that is literally a warning sign that we are on the wrong path. That is exactly what has happened in Europe. Governments have gotten too big. Their economies can no longer support them, and they are now faced with untenable circumstances; serious, dramatic austerity measures, accompanied by contracting economies, all leading to a complete mess in Europe. Hopefully, one that will not spill over into this country and around the globe. That concern clearly exists today, which is why we see so many of these headlines in our American papers focusing on that particular issue.

My point is simply this: I think as we look at how we deal with our economy in the United States, it starts with balancing our budget, getting our fiscal house in order, trying to get that debt and spending as a percentage of our economy down to more normal historic levels. If we go back over the past 40 years in American history, our spending as a percentage of our GDP has been in the 20-percent to 21-percent range on average. That is a 40-year historical average. Incidentally, the five times we have balanced the budget since 1969—and there have only been five times, regretably, where we actually balanced the budget—the spending-to-GDP ratio was 18.7 percent on average. So, clearly, in those times when we balanced the budget going back to 1969, those 5 years, we had an economy, obviously, that was expanding and growing, but also we had government spending under control at a reasonable level.

Today we are in the 24-percent to 25-percent range of spending as a percentage of our economy. Debt to GDP is now literally at 100 percent. That is something we have not seen. It is historic in terms of our country's economy and our fiscal situation. I think it suggests that we cannot spend our way out of this; we cannot borrow our way out of this. All that will do is compound the situation, make it worse rather than better. I think we have seen that in the first couple of years of this Presidency.

President Obama, when he came into office, had a very aggressive agenda. He wanted to expand the role of government. So we had a stimulus program funded with borrowed money that was focused on government spending, government stimulating the economy. We had a massive new health care bill, $2.5 trillion when it was fully implemented. That was a big expansion, the biggest expansion of government we have seen, literally, in the last 40 years.

We have seen excessive regulation to the point that there are now 61,000 pages of new regulations that have been issued or pushed through this year, all of which, again, compounds and makes worse the problem we have of growing spending as a percentage of GDP, growing debt as a percentage of GDP, and a shrinking private economy, or at least an economy that is not growing at the rate we would like to see, and continuing to run unemployment rates that are north of 9 percent. So these are serious economic circumstances and worsened, I believe, by the policies that have been put in place since this President took office.

I believe we need to take a different approach. We need to move in a different direction. We cannot continue to double down on what we know does not work. Clearly, government spending, government stimulus of the economy—if the last stimulus bill was any indication of that, certainly it has not worked. So much of what I hear being talked about now from my colleagues on the other side and from this administration is very similar to that. We are talking about a lot of the same prescriptions for our economy: We need to spend more here—which, of course, entails more borrowing or higher taxes on the people who create jobs.

In fact, the more recent iterations of that have entailed a tax increase on people who create jobs—a permanent tax increase, I might add—to pay for temporary spending programs, temporary spending ideas that have already been proven not to work. It

seems ironic, in a way, that we are having that discussion. It strikes me at least that there are lots of other ideas we ought to be thinking about if we are serious about getting the American economy back on track and growing and expanding.

Of course, we all talk about the issue of taxes. Taxes are clearly an issue when it comes to our competitive place in the world and our ability to compete with other countries around the world. We continue to see companies move jobs to other places because our tax structure in this country is not competitive. We have the second highest tax on business in the entire world right now, which I think makes us anticompetitive and makes it more difficult for us to attract jobs and investment in this country.

We have, as I said, a regulatory structure that is spinning out of control in terms of new regulations, new mandates, new requirements on American businesses. Quite simply, we are making it more costly and more difficult for American businesses to create jobs when we ought to be looking at how we can make it less difficult and less costly, less expensive, cheaper, if you will, to create jobs. So that is where we ought to be looking.

Of the things that strike me that fit into that debate, No. 1 is tax reform. I think getting tax rates down on businesses and individuals, broadening the tax base, is something we ought to be having a debate about, and tax reform that would put policies in place that are going to be there for a while, that there is some permanence to. We continue to change tax law every year or two, and that kind of economic uncertainty makes it very difficult for American businesses to invest. Who in their right mind is going to make investments based upon a set of policies that are going to be in place for at best 2 years, at worst maybe a year? That is how we have been setting tax policy of late.

We need to create economic certainty through more permanent tax changes that promote long-term economic growth, not this decisionmaking that is designed for people in the near term. Do something that might give us a little bit of economic pop in the next 6 to 12 months, but something that actually puts in place conditions where businesses will make long-term investments, create long-term good-paying jobs right here in America.

I think that is the kind of economic debate we need to have. Frankly, instead of talking about redistribution of wealth or redistribution of income, which is so often what we hear coming out of the White House, we ought to talk about what we can do to promote economic growth. How can we get this economy growing and expanding, and what are the policies that will make that happen? Tax reform, clearly, in my view, is one, and tax reform that is focused on getting rates down and making us more competitive with the rest of the world. Then I think we ought to have a debate about what we are going to do about these regulations. Regulations are out of control.

There are a series of things that have been passed by the other body, by the House of Representatives, which they call the ''forgotten 15.'' There are a whole series of things dealing with domestic energy production and development, doing away with some of these costly regulations. All of these are pieces of legislation, bills that have passed in the House of Representatives this year.

Since January when we came into this new session of Congress, 15 bills have passed in the House of Representatives that have not been acted on in the Senate. Many of us have tried and will continue to try to get votes on some of these as amendments, perhaps, to bills that might be moving through the Senate. If we are serious about supporting policies that will create the right conditions for economic growth, it seems to me at least we could start by taking legislation that has passed the House with broad bipartisan support. These are policies that have come through one body of the Congress that we could put on the Senate floor and the agenda in the Senate that would impact the economy and the job creators. These are all things we have heard people say they want and they need.

If we look at the number of regulations coming out of Washington, DC, and what it would take in terms of our job creators to comply with all of that, it is an astonishing 82 million hours. It is 82 million hours to comply at a cost of $80 billion. That is what these new regulations that are coming out of Washington just in this last year, or since this administration has taken office, that is the cost to our economy of all of these new requirements that are being imposed upon our businesses. We know regulations, excessive redtape kills jobs. It increases our dependence on foreign oil, and it imposes costs on our businesses that we, frankly, cannot afford.

If we look at what the Federal regulations cost job creators annually, it is somewhere along the order of $1.75 trillion. That is the composite of all of the regulations that exist on the books today, not just those that have been enacted since this administration came to power. They have taken it to a whole new level.

It is interesting because the chairman of the business roundtable and the chairman, president, and CEO of Boeing company, a gentleman named Jim McNerney, in a Wall Street Journal oped and printed on Monday, noted the following:

> A tsunami of new rules and regulations from an alphabet soup of Federal agencies is paralyzing investment and increasing by tens of billions of dollars the compliance cost for small and large businesses.

He goes on to say:

> What we face is a jobs crisis, and regulators charged with protecting the interest of the people are making worse the problem that is hurting them now. . . . An increasingly skeptical business community needs proof Washington can put America on a sustainable fiscal footing and promote economic growth.

The recognition that we have to get our fiscal house in order, the recognition that this alphabet soup of Federal agencies is paralyzing investments, increasing by tens of billions of dollars the compliance for large and small businesses is what this particular CEO, who leads a large business organization in this country, has put his finger on in terms of the things we need to get the economy in this country growing again.

I hope as we continue to have this discussion in the Senate, rather than focusing, again, on raising taxes on people who create jobs—and that is what these proposals that have been put in front of us would do. We had one we voted on the last time we were in, the week before last, and we have one we will probably have a vote on sometime this week—essentially saying we are going to permanently raise taxes on job creators to pay for temporary spending programs that have already been proven not to work. That doesn't sound like a jobs plan to me. That sounds like another futile attempt to have Washington become relevant to this debate, knowing full well it really is the job creators out there in this country, it is our private economy where the jobs are really going to be created.

As the American people follow this debate, this is a very real issue for them because it affects their jobs. It is something about which they care deeply and profoundly. Economic issues, bread-and-butter issues, kitchen table issues are what the American people focus on. So I think they care deeply about this debate, and they should because what we do here impacts them and their children and grandchildren for generations to come.

If we think about the fact that today we have a $15 trillion Federal debt and what that translates into per family in this country, it is about $126,000 per family. Every family owes their share of the Federal debt, $126,000. Now, compound that by adding the total unfunded liabilities of our Federal Government, which now total over $60 trillion, and those are the obligations we have to pay Social Security and Medicare benefits for future generations. That share of that unfunded liability per family in this country exceeds $500,000 per family, and that exceeds the amount they pay for their mortgages and for all the other things combined in their daily lives. Take their mortgage payments, car payments, the payments they are making on their student loans, all those sorts of things are all exceeded by that amount—the mortgage, in effect, they have because of the unfunded liabilities their government has racked up.

So we look at where we are, we look at what we are doing to the American

people with the spending and the borrowing here in Washington, DC, and we look at what is happening in Europe, and we can see some real parallels there, and it is a path I hope we will not go down. But it is clear to me at least that we continue to try to make promises to people in this country that we can't keep. When we get to the point—and I think we are there—where the size of government, the growth in our government in this country cannot be supported by our economy, we have to make some decisions, and those decisions are not going to be easy. We need to get government back into a more normal, historical size relative to our economy, and I think that will help unleash the job creation we need in this country.

By the way, as I mentioned, the amount of debt many of these European countries have racked up as a percentage of their GDP—we are not far behind. We are 1 to 1, about 100 percent. As I said, today Greece is about 180 percent.

But if we look at the studies that have been done and how sovereign debt impacts the economy and jobs, there is a clear correlation and clear connection. A good body of research done by a couple of economists, Carmen Reinhart and Ken Rogoff, suggests that when we get a debt-to-GDP level that exceeds 90 percent and we sustain that, it will cost about a percentage point of economic growth every single year. In this country, when we lose a percentage point of economic growth, it costs about 1 million jobs. So these high, sustained, chronic levels of debt-to-GDP at the ratios we are at and continue to be at today continue to make it more difficult for our economy to create jobs, that coupled, as I said, with all of the new requirements we are imposing on businesses.

I want to mention a couple of other things in wrapping up when I talk about those requirements because, in those cases, the ''forgotten 15'' that have been passed by the House of Representatives do focus on some areas that are costing a lot of money in our economy for our job creators. Again, these are 15 bills passed by the House of Representatives, all with bipartisan support, none of which has been taken up and acted on here in the Senate. It seems to me we ought to at least have votes on these, and these are things American businesses are telling us they need to get the economy growing again.

The other thing we know that is making it more difficult and costly for American businesses to create jobs is the new health care bill.

The Des Moines Register reports that last week Iowa-based insurer American Enterprise Group announced that ''it will exit the individual major medical insurance market, making it the 13th company to pull out of some portion of Iowa's health insurance business since June of 2010,'' mere months after ObamaCare passed. As a result, 35,000 individuals receiving coverage from American Enterprise's individual insurance policies will now lose their current coverage. For these individuals, the promise that they will not have to change plans, that nothing will change under the Obama plan except they will pay less, has once again proven to be hollow.

Another example of an insurance company that is moving out of the business—and if we look at the more recent reports about companies that are dropping or talking about dropping coverage, we now know there is a McKinsey & Company report out there. They surveyed a bunch of companies in this country, both large and small, and 30 percent of employers and 28 percent of large employers will definitely or probably stop offering coverage after 2014.

So all of those people who derive their health insurance coverage from their employer or the individual marketplace are seeing not lower costs but higher costs and probably fewer options. That is the trend we are seeing. That is the experience so far, after passage of ObamaCare, the impact it is having on American businesses and American businesses' ability to create jobs in our economy.

So the health care heavy weight, the anchor that is putting on American businesses, coupled with all the other regulations that are coming out of Washington, DC, coupled with a tax code that is riddled with uncertainty and questions about what is going to happen next in terms of raising taxes on job creators in this country, focused more on income and wealth redistribution rather than economic growth, which is where we ought to be focused, suggests that we are headed in the wrong direction fiscally. We are headed in the wrong direction economically. We are headed in the wrong direction with regard to tax and regulatory policies in this country.

We still have time to change direction. I hope we start by taking these 15 bills passed by the House of Representatives and putting them on the floor of the Senate for a vote instead of having yet another political vote, which is what we are going to have this week, that would permanently raise taxes on the people who create jobs in this country—permanently raise taxes—to pay for temporary programs that have proven not to work, as is evidenced by the failed stimulus bill from 2 years ago. We can do better. We can do better by the American people, and we need to. But it has to start here, and it can start by picking up things that we know have bipartisan support.

Madam President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

REBUILD AMERICA JOBS ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1769, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of the bill (S. 1769) to put workers back on the job while rebuilding and modernizing America.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, the Rebuild America Jobs Act addresses two of our most fundamental responsibilities: first, the need to respond to the urgent jobs crisis and, second, the duty to create the physical framework for economic growth now and into the future.

There should be no debate about our duty to fulfill those two responsibilities. Yet, once again, we are in a situation where the refusal of our Republican colleagues to compromise, even on consideration of measures they have supported in the past, prevents us from acting on behalf of the American people.

I am encouraged by reports that perhaps finally the need to act has convinced some of our colleagues across the aisle to at least consider allowing the Senate to debate this legislation. I hope for the sake of millions of people in Michigan and in every other State who are waiting for us to act that at least some of our Republican colleagues will relent and allow us to at least debate this measure.

What would this bill accomplish? Simply put, it seeks to create jobs now and into the future. It does so by funding a wide array of infrastructure projects, including roads, bridges, rail transport, mass transit, airport facilities, and updated air traffic control systems. These projects would put construction workers on the job immediately. They would, according to estimates by Moody's, boost economic growth by more than a dollar and a half for every dollar we spend. And the benefits would continue into the future as American companies and American workers benefit from the increased competitiveness that modernized infrastructure provides.

In my home State of Michigan, this legislation would result in more than $900 million going to infrastructure projects. It would create about 12,000 jobs. Residents of my State are keenly aware of the need to act, and to act now, on the jobs crisis, and they are

keenly aware of the terrible costs we pay if we allow our economic competitors to establish advantages over our workers. In my State, nearly one-third of our bridges are structurally deficient or functionally obsolete. More than one-third of our major roads are in poor or mediocre condition. About 40 percent of our major urban roadways are congested. The people of Michigan want us to act on jobs, and they want us to act now to maintain America's competitive edge.

These are not controversial ideas—at least they have not been in the past. Support for infrastructure is traditionally bipartisan. It was a Republican President—Dwight Eisenhower—who launched the Interstate Highway System. This bill includes an infrastructure bank based on a bipartisan idea once supported by the U.S. Chamber of Commerce. Every Member of this body, Democrat and Republican, fights for adequate infrastructure spending for their State. Why, when faced with the dual challenges of a jobs crisis and increasingly outdated infrastructure, would we hamper our ability to grow now and in the future by not allowing a debate on this bill and adopting this bill?

Perhaps some of my Republican colleagues object to the way this bill is paid for. As has been the case with previous jobs bills, this legislation would not add a dollar to the deficit. It would pay for these much needed infrastructure efforts by asking those with incomes of more than $1 million a year to pay a fraction of a percentage point of their income above $1 million a year in additional taxes. Again, outside the Halls of Congress, this is not a controversial notion. A strong majority of Americans, including a majority of rank-and-file Republicans, support the idea of asking the wealthiest among us to contribute to solving our jobs crisis.

I might say, in terms of investing in infrastructure, a recent CNN poll shows that 72 percent of Americans support investing in infrastructure to create jobs. We know from this poll that a huge majority of Americans want us to invest in infrastructure. They want us to invest in infrastructure now to create jobs. That is mirrored by other polls which show a vast majority of Americans believe the fair way to pay for this investment is for the wealthiest among us to pay a small fraction of the income they make above a level such as $1 million, which is what is provided for in this bill. Now, make no mistake, if Republicans reject this legislation because of the funding mechanism, they are voting directly in opposition to the will of the American people and against the concepts of basic fairness that should guide our actions.

Finally, relative to this pay-for, there is only one group of Americans who have done well financially in the last few decades; that is, the wealthiest 1 percent. The rest of Americans, middle-income Americans, have either lost ground or gotten nowhere, but the wealthiest 1 percent of Americans have done exceedingly well, and their proportion of the national income has grown dramatically. So to say income above $1 million should not pay a small fraction of a percent in a surcharge to help pay for what this country desperately needs and would create jobs flies right against the feelings and beliefs of the vast majority of the American people.

Finally, the vote we are going to take in the next couple days is not even a vote on the bill. This is a vote on ending a Republican filibuster on the motion to proceed to the bill. It is a motion which would allow us to begin to debate a bill.

I have been continually surprised at the lockstep opposition of Republicans to even beginning to debate on these matters. I would make a simple request, and a number of us have done the same. Let's debate this legislation. Allow us to debate the legislation. If the legislation can be improved, offer ideas to improve it. If there is a better idea, offer the better idea. I believe Republicans would have a very receptive audience if they propose ideas for which there is strong evidence of benefits and economic growth and job creation. But until we can get a job-creation measure to the floor of the Senate, we cannot even discuss those issues in a legislative setting; we can only really hear debate as to whether we ought to be allowed to debate those issues.

A bipartisan vote to begin the debate on jobs legislation would send an important signal to the people we all represent, a signal that we are ready to put aside partisanship and address the problems our people face. I hope Republicans will end their filibuster so we can adopt the motion to proceed to this jobs bill.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I rise to address our Nation's job crisis and to share some thoughts about why it is important that we proceed to debate on the Rebuild America Jobs Act. It may come as a surprise to some across the Nation that at this point this Chamber is not debating the Rebuild America Jobs Act but that we are debating whether to debate. Only in the Senate could we be engaged in that type of question, when across America millions of folks want to see us act, want to see us create jobs.

It was only a few weeks ago we had a similar debate. That debate was over the America Jobs Act, a broad portfolio of measures to put our economy back on track and create jobs for Americans. To get closure on whether to debate, we had to get a supermajority under the rules of the Senate.

My colleagues across the aisle opposed that and we could not get to the debate of the bill on how to create jobs. Now we have before us a smaller segment of that bill, one that focuses on the construction industry. Again, we find ourselves debating whether to debate rather than getting down to work and creating jobs. So I hope this time the outcome will be quite different.

The jobs crisis has hit hard across this Nation. It hit especially hard in my home State of Oregon, where the job rate has been lowered as the unemployment rate has been higher than in most States across this Nation. One of the main reasons Oregon is hurting is because our construction industry, our residential and commercial construction industry, is flat on its back. More than 40,000 construction jobs have been lost in Oregon since 2007. Thousands more have been lost in related industries such as forest products and nursery stock and grass seed, all of which only thrive when we are building homes in America. Right now, we are not building homes in America.

So we need a boost to get the construction industry moving again. If you do not believe me, just listen to the people in the State of Oregon. A few weeks ago, I asked my constituents to write in and share their stories. Today, I am going to share some of those stories with all of you. Carolann from Marion County writes in and says:

> I am a construction cost accountant with 47 years of experience and two masters degrees. I have been widowed since 1996. I am 69 years old. I fully support my 67-year-old sister who has dementia and is in remission from colon cancer. Wall Street and my own bout with cancer just before I turned 65 has wiped out a lifetime of savings, my retirement nest egg. I have to work or we will be homeless in about 3 months. I drive a 16-year-old vehicle that is on its last legs. I have aging parents who are struggling to keep their farm. Those are the facts. In late 2008, for the first time in my career, I was laid off from my construction accounting job. Since that time I have been unable to find another job in any field despite my good references. Currently I work part time for a start-up dot-com. My prognosis for continued employment is shaky. Banks will not loan money to a start-up. This summer I went from June 26 to September 7 without a paycheck of any kind. Last week I applied for a job at Wall Mart for Oregon's minimum wage. I will probably get hired, but I am not kidding myself about job security. That does not exist any more for most of us. Senator, the worst thing about all of this is our do-nothing Congress. Washington, D.C. has lost touch with America.

Her words ring powerfully in this Chamber. She, similar to millions of other Americans, is saying this economy is tough. Family circumstances are rough. Why does Congress not get down to work and debate and pass job-creating legislation? She is frustrated with this do-nothing Congress and we

are debating whether to debate a jobs bill. I encourage my colleagues to listen to Carolann from Marion County. Let's get past this point and get down to debating the jobs bill.

Hank from Marion County writes:

Three years ago, I was at the top of my more than 35 years in construction management working as a senior project manager on a large project. As the economy tanked, the projects were terminated. Today I am unemployable after hundreds of applications. I am left able, willing and highly experienced, yet undesired. Our farm was foreclosed and my wife and I had to file bankruptcy. Currently our mortgage lender refuses to complete a home loan modification, although they qualified us 2 years ago for the program. And since then we have been making the required payments each month even without a final agreement. We have met with community groups, written letters, made calls, yet nothing seems to happen. In another year when the bankruptcy period ends, we fear the bank will simply foreclosure again and we will lose our farm.

Again, another voice from a family deeply affected by the collapse of the construction industry and a call to us to help put it back on its feet.

Brian from Yamhill County writes:

I have worked in the lumber industry for 35 years. In 2009 I was laid off for 11 months. I did go back to work in June only to be cut again after only 5 days of work. I went back to work in December for the same company. In September 2010 there was a cutback. More than 70 people lost their jobs. I was lucky. I made the cut. But my pay was reduced by nearly $5 an hour. I went from driving a fork lift to a clean-up position. 6 months went by and then another cut. This time another 60 people lost their jobs. I was lucky again. And I worked at a new position for nearly a year until September 2011, and then came another cut. This time I was one of 42 people to be laid off with no chance of a call back. Now there are rumors that the entire plant is closing. I have been out of work for 1 month now. And in my job search I have been running into the same thing everywhere I go: No work available.

Every industrial area I go into I see many buildings where companies have gone out of business. Windows and doors are boarded up. I want Congress to do the job they are being paid to do so I can go back to work.

That is the line he closes on: that we here in this Chamber should do the job we are assigned; that is, to take on, amend, and pass job-creating legislation so he can find a job, so he can go back to work. I think his sentiment is echoed by millions of American families. There is no substitute for a job. No program can come anywhere close to the important role a job plays in the personal satisfaction, the structure it gives us in our life, in the knowledge we are putting a roof over our family's head and putting food on the table. No program can suffice. A job is the heart of the success of our families. Yet here we are fiddling while Rome burns or, in this case, filibustering while millions of Americans go without jobs. It is not right.

I say to my colleagues, particularly I wish to encourage my colleagues across the aisle who filibustered the last effort to put the jobs bill on the floor: Stop. Talk to the folks in your home State who are unemployed, who expect us to do what every American worker expects us to do, which is to debate and pass job-creating legislation.

The bill which we are debating whether to debate, the Rebuild America Jobs Act, is a commonsense strategy to put people back to work in an industry that needs it, making investments our country will have to make sooner or later anyway. One in four bridges in America is rated deficient. We get a D grade on our infrastructure from the American Society of Civil Engineers.

This is not the America we know. It is not the America we want. Let's build the America of the future that will have the infrastructure to drive our economy positively. Infrastructure is not an option; it is a necessity. We can build it now when interest rates are low and jobs are needed or we can spend more later when our infrastructure has deteriorated further and it is more expensive. We can do it earlier, with lower interest rates and more bang for the buck, or we can do it later, when it will be more expensive, more difficult, with a higher interest pricetag. It doesn't seem to be a difficult choice. It certainly doesn't seem to be a difficult choice as to whether we should at least be on the bill, debating it.

I know many folks are coming to the Chamber to address the question of how we get a jobs bill actually before the Senate. I hope all of my colleagues will get on the line with folks back home, go to that town meeting, and say: Do you want us to debate a bill or do you want me to keep stalling and preventing a debate on how to create jobs? I am pretty confident 9 out of 10 people—and maybe 10 out of 10 people—will stand up and say: Quit stalling. Let's get to work here so America can get back to work.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, today I want to discuss the jobs bill we are currently debating and how important it is that we pass this right away.

I also want to respond to the minority leader's remarks this morning in which he tried to deny the bipartisan nature of this proposal and, instead, sought to divert this Chamber toward a hodgepodge of bills taken up by the House.

All across the country, and in our State of New York, from Poughkeepsie to Buffalo, there are roads, bridges, and sewer systems in need of serious repair. In each of these places, there are thousands of middle-class families desperately looking for work.

In the construction trades—the backbone of the middle class in many of our communities, in New York and around the country—there is 25, 30, 40 percent unemployment. That is true for many of my colleagues on both sides of the aisle. We all know that in previous recessions, 60 percent of the new jobs were in construction. That is because they lower interest rates and build more housing. There is no more lower interest rates because, when the recession began, they were already very low and, of course, there is a surplus of housing now in America.

This week, by voting to pass the Rebuild America Jobs Act, the Senate can get thousands of Americans off the unemployment line and back into the workforce. Because they get paid good salaries, the money they get flows into the economy and creates a multiplier effect that creates other jobs. These are good, solid, high-skilled American jobs—jobs we need.

Investing in our roads, bridges, and sewer systems could not be more urgent. More than one in four of our Nation's bridges is either structurally deficient or obsolete. I put out a list of those in New York State and it was astounding, in every part of our State.

We all know that, as we get closer to winter, our deteriorating roads will place a heavy burden on commuters and local taxpayers. Our local towns, villages, counties, and cities cannot afford the infrastructure work that is needed right now because of tight budgets and budget cutbacks at the Federal, State, and local levels. As this past weekend's storm made clear, investing in our crumbling sewer systems has never been more essential. All up and down the Northeast, old sewer systems have given way to serious flooding. We can make a downpayment on these priorities by passing this bill, and we should do so in a bipartisan manner.

When I travel across New York State, two of the first things people bring up to me are jobs and fixing our infrastructure. This bill does both. It doesn't matter whether the people are Democratic, Republican, Independent, from upstate or downstate, men or women, liberal or conservative, they all say the same thing, and we see this reflected in public opinion. A recent CNN poll showed nearly three-quarters of Americans support additional Federal investments in our infrastructure. Yes, they are worried about the deficit and our long-term fiscal health, but they know we can't cut our seed corn—infrastructure projects that create jobs and help America grow economically.

Here is the best part of this bill. It invests in projects that create jobs, but it is fully paid for by asking the wealthiest among us—those who have incomes of over $1 million—to pay a fraction more in taxes. They pay that not on their entire income but just on the part that is above $1 million. So if a millionaire—someone worth a lot of money—has an income of $1.1 million,

they only pay the small .7-percent increase on the $100,000 that is over 1 million. Their first million doesn't change. The tax policy doesn't change.

Over the last decade, the middle class has taken a punch in the gut. The cost of sending kids to college has gone way up, the job market is tougher and tougher, and middle-class incomes are declining while costs to the middle class are rising. As a middle-class family sits around the dinner table Friday night trying to figure out how to pay all those bills and provide a great life for their future and for their children, it is very hard for them. However, the very wealthy—the very wealthy—have done very well over the last decade.

A lot of those wealthy people live in our State of New York. We say: God bless them. They started successful businesses and have done well over the last decade. So to pay for this bill, we are just asking them to pay a sliver more—.7 percent more of each $1 they earn over $1 million. This is a situation where they can't say: We are afraid the money will be wasted, because it goes to infrastructure—directly to infrastructure. The way this is set up, there is no politics in the process. It is the most needed projects that get the work.

Let me cite a fact. I know many of my colleagues joined with me and Senators BROWN of Ohio, STABENOW, and CASEY in saying China has to play fair, and we are all worried China will get ahead of us economically. But right now China is spending four times as much on infrastructure as the United States—four times as much. That is not four times as much per capita, that is four times as much period.

Here is the real kicker: According to a recent survey of 1,400 business leaders in 142 countries, the United States ranks No. 24 in overall infrastructure quality. Is that a shame? We are behind countries such as Barbados and Oman. We also rank No. 20 in roads behind the United Arab Emirates, Portugal, and Namibia; No. 22 in ports behind Malaysia, Bahrain, and Panama; and No. 31 in air transportation infrastructure behind Chile, Thailand, Malaysia, and Malta.

How can it be that these great United States that we dearly love, and which always was at the top in creating roads and bridges and tunnels and great water systems—the third water tunnel in New York is being built right now, and it is an engineering wonder, though the planning for it started in the 1950s, I believe—is now ranked No. 31 in transportation, 22 in ports, 20 in roads behind countries such as the United Arab Emirates, Portugal, Malaysia, Thailand, and Chile? If that isn't a wake-up call, I don't know what is. We can't afford to let our global competitors get the edge.

So this bill builds back infrastructure, creates good-paying jobs that will send a shot into the arm of an economy that desperately needs it, and pays for it only by taxing the income over $1 million of those who are very wealthy and have done very well in our society.

How can anyone vote against something such as this? One could think maybe the only reason is because some people don't want the economy to grow and prosper. I hate to think that, but infrastructure has always been a bipartisan issue in this body, and it should continue to be.

Let me respond directly to the minority leader's comments this morning. He derided the proposal on the floor as something that had already been tried, something that had no chance of passing, and something that was not bipartisan.

First, already been tried? Oh, yes. Is the minority leader saying because we built the Erie Canal or built the highway system in the 1950s we shouldn't do any more infrastructure? That makes no sense. That just makes no sense. Every study shows the infrastructure part of the stimulus bill created lots of jobs and left us with better infrastructure.

The minority leader then said, as I mentioned, not just that it had been tried already but that it was not bipartisan. We know the need for infrastructure is a bipartisan priority. Just because the minority leader may be imposing a top-down strategy that bars anyone on his side from voting for any proposal offered by the President to improve the economy doesn't mean these proposals aren't bipartisan.

Just yesterday, the former Republican Senator from Ohio, a fiscal conservative if there ever was one—Senator Voinovich—was quoted as saying he believed the need to repair our roads and bridges was so great he thought President Obama should be raising the gas tax to fund those investments. I don't know if I agree with him on that specific solution, but isn't it remarkable, a Republican Senator calling for revenue increases to pay for infrastructure investment?

That is what we do in this bill. Let me say once again that Senator Voinovich is no longer in the Senate, so he is free to pretty much do as he wants. But I would hope other Senators who are in the Senate would join in that call because I believe they know in their heart it is the right thing to do.

The only difference between what we propose and what Senator Voinovich proposes is that instead of asking middle-class Americans to pay more at the pump, we ask those who have an income above $1 million to pay their fair share and to help put construction workers back on the job. That seems like the right set of priorities to me.

So the minority leader is clearly wrong when he says this concept isn't bipartisan.

Another former Senator—Chuck Hagel from Nebraska—has been a leader in calling for an infrastructure bank, which also is in this bill. Senator Hagel sponsored one of the first pieces of legislation creating an infrastructure bank and has continued to call for it since leaving the Senate.

So there are lots of Republicans out in the country who support this measure, and the polling shows a large number of Republicans who support the kind of proposal we have on the floor—building infrastructure and having those who make over $1 million pay for it so we don't increase the deficit. This is a bipartisan proposal.

So let's not hear from the minority leader or anybody else that the proposal on the floor isn't bipartisan. Just this morning, the top Republican on the Environment and Public Works Committee was quoted discussing the progress he and the chairwoman of that committee are making on a 2-year surface transportation bill. This is great news. I am glad to hear they are close to advancing that bill. But if one believes infrastructure is enough of a priority that they can support a long-term highway bill, why would they object to speeding up some of that investment now so we can put more Americans to work quickly?

This bill is bipartisan for sure. The minority leader has a political strategy to block all our President's initiatives to improve the economy. What does the minority leader call for instead? He has called for the Senate to take up a hodgepodge of bills sent over by House Republicans that, even when taken together, don't do enough to tackle the jobs problem.

Who would believe this hodgepodge of bills will do more for jobs than the traditional way we get out of recessions—infrastructure building? Most of the ideas cited by the minority leader have next to nothing to do with jobs at all. Many of these ideas belong more on a lobbyist's wish list rather than any serious jobs agenda.

It is a stretch to call many of these bipartisan. Many of these bills are items Republicans would be seeking to pass even if we were in a boom and had full employment. Many are just ideological priorities dressed up as job solutions.

It is laughable for the House leadership to act as though these proposals would address the jobs crisis when they are sitting on real solutions such as the China currency bill. The Speaker and the majority leader over in the House say they want to do something about jobs. They say they are worried about the two Houses not working together. We had a large bipartisan majority—65 votes—saying we are going to force China to play fair on currency because their failure to do so causes millions of jobs—good manufacturing jobs, primarily, though not exclusively—to leave this country. There is nothing more Congress could do that would lift our manufacturing sector than to confront China's unfair trade practices. But Speaker BOEHNER and Majority Leader CANTOR sit on that bill and then tell us to take up this hodgepodge of items. The China currency bill passed with a bipartisan supermajority in the Senate. Yet the House leadership continues to sit on

the sidelines as China takes advantage of us. The China currency bill is languishing in the House for no good reason.

I suggest Speaker BOEHNER heed the will of his Chamber and put that bill on the floor and that the minority leader in the Senate would be well served to stop pretending these pieces of the President's jobs bill are not bipartisan just because he is withholding his support in service to a strategy that, perhaps, outlines his No. 1 goal: the defeat of the President.

It is time to stop the games and accomplish something that can make a real dent in the jobs crisis. I say to my colleagues on both sides of the aisle: Pass this bill, rebuild our ailing and aging infrastructure, create jobs, and make sure what we do here does not increase the deficit by having those whose income exceeds $1 million pay a small, little increase to pay for it.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

USDA APHIS MEMO

Mr. MORAN. Mr. President, yesterday we concluded our work here in the Senate on our version of the Agriculture appropriations bill. I am a member of the Appropriations Committee, a member of the agriculture appropriations subcommittee, and I supported the legislation we passed, but there is an outstanding issue at the Department of Agriculture of which I was only recently made aware. To me, it is a very serious issue, and given more time I would have taken action here on the Senate floor. It is an issue I will continue to pursue as a member of the conference committee as we work toward our final fiscal year 2012 Agriculture appropriations bill.

The issue involves a memo issued by the Department of Agriculture last month, October 6, authorizing the Department of Agriculture Animal and Plant Health Inspection Service, APHIS, to conduct an animal welfare scientific forum. This forum was approved by Under Secretary Edward Avalos on October 12.

I ask unanimous consent to have printed in the RECORD the USDA's memo.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECISION MEMORANDUM FOR THE UNDER SECRETARY

Through: Gregory Parham, Administrator, Animal and Plant Health Inspection Service.

From: William H. Clay, Deputy Administrator, Wildlife Services.

Subject: APHIS Animal Welfare Scientific Forum.

ISSUE

How can APHIS effectively engage animal advocacy groups in ongoing scientific reviews and discussions of animal welfare issues related to APHIS program activities?

SUMMARY

At a meeting on July 26, 2011, between representatives from USDA's Marketing and Regulatory Programs (MRP) and the Humane Society of the United States (HSUS), HSUS representative John Hadidian requested that USDA establish an Animal Welfare Working Group to address animal welfare concerns regarding the use of existing and emerging lethal control technology.

The Under Secretary agreed with the general concept. APHIS recommends hosting a scientific forum facilitated by Animal Care (AC) at the APHIS Center for Animal Welfare in Kansas City, MO, to bring together animal advocacy groups as well as industry organizations to discuss the latest science regarding lethal control technology and other animal-welfare related activities carried out by the Agency. Wildlife Services (WS), AC and Veterinary Services (VS) activities in use now or those that may be used in the future would all be open for discussion at the forum. Pertinent scientific information gathered at the forum would be presented to the appropriate APHIS programmatic advisory committee for consideration.

Senior leaders from WS, AC and VS would meet with HSUS and several other advocacy groups in advance of the forum to identify priority topics for discussion and potential speakers.

BACKGROUND

In the past several meetings with MRP and APHIS representatives, HSUS representatives have consistently raised concerns regarding horse slaughter, horse transport, and WS' use of lethal control methods, as well as several welfare issues related to enforcement of the Animal Welfare Act. At a meeting between Under Secretary Avalos and HSUS on July 26, 2011, HSUS representative John Hadidian requested that an animal welfare working group be established to address animal welfare concerns regarding the use of new and emerging lethal control technology. Under Secretary Avalos agreed with the general concept.

APHIS representatives believe that HSUS' intent is to position the organization to be recognized nationally as influencing APHIS policy on critical and sensitive welfare issues. Where and how emerging and existing lethal control technology can be used is one of many issues HSUS wishes to influence. By expanding the proposed group to other APHIS programs besides WS, and establishing a scientific forum, APHIS would be able to engage HSUS and other advocacy groups on a range of animal welfare issues and focus on science-based, practical application approaches, using best practices recognized and developed with input from a variety of stakeholders, including industry groups, animal advocacy groups, and State and Federal partners.

The National Wildlife Services' Advisory Council (NWSAC) is the recognized body to make recommendations to the Secretary regarding future WS activities. Topics of discussion from the forum that might aid or impact APHIS activities could be passed to the NWSAC or equivalent advising bodies for VS and AC, as appropriate.

HSUS and other welfare advocacy groups would be invited to participate in a preplanning meeting for the forum with senior leaders from WS, AC and VS. These groups would have input into the topics to be discussed, potential speakers for the topics, dates and times for the forum, how the forum should run, etc.

The APHIS Center for Animal Welfare in Kansas City, MO is experienced at managing dialogue between diverse groups on controversial and emotional issues and in facilitating group interaction so that individuals stay focused on established topics. Holding the forum at the Center would make it convenient for transparent interaction with all interested stakeholders from across the country.

OPTIONS

Option 1. Establish an Animal Welfare Scientific Forum consisting of representatives from APHIS, animal advocacy organizations, industry groups and other interested stakeholders. This would allow APHIS to engage animal advocacy organizations with concerns about WS' use of lethal control methods, as well as other APHIS issues, such as horse slaughter and transport This process would also refocus attention from prescriptive protocols based on subjective criteria to science-based approaches while still allowing for input from diverse groups, including end users.

Option 2. Do not establish a scientific forum and continue operating under existing protocols. HSUS and other advocacy groups currently meet with APHIS programs individually at random intervals to discuss issues of concern. Multiple meetings of these advocacy groups with the different APHIS Programs are less efficient than a single forum that covers multiple issues.

RECOMMENDATION

APHIS recommends Option 1. This will provide cross-program participation and will allow animal advocacy groups to participate in a non-prescriptive manner.

DECISION BY THE UNDER SECRETARY

Option 1: (Signed) Edward Avalos, October 12, 2011.

Mr. MORAN. What is ironic about this forum is there is little science involved. It is little more, in my view, than the Department of Agriculture spending taxpayer dollars on a forum to provide the Humane Society of the United States a public forum to espouse its anti-agriculture views. The document speaks for itself in this regard. On page 2, the document states:

> APHIS [the Animal and Plant Health Inspection Service] representatives believe that the Humane Society's intent is to [promote and] position the organization to be recognized nationally as influencing APHIS policy on critical and sensitive welfare issues.

After reading that statement, it becomes clear that the Department of Agriculture is catering to an outside organization instead of relying on the advice of animal scientists at our land grant universities or even at the Department of Agriculture. If the Department of Agriculture was interested in science, why would it allow an animal rights organization to steer its agenda? Why wouldn't APHIS simply request the latest animal research from scientists across the country to make sure its guidance is up to date?

In addition to catering to HSUS, in planning this forum the Department of Agriculture APHIS is precluding input from members of the agricultural industry it is supposed to promote. The memo states:

> HSUS and other welfare advocacy groups would be invited to participate in a preplanning meeting for the forum with senior leaders from Wildlife Services, Animal Care, and Veterinary Services. These groups would have input into the topics to be discussed, potential speakers for topics, dates and times for the forum, how the forum should run, etc.

That is quoting from the memo. No mention in the memo is made of asking any agricultural organization or animal scientists for preplanning assistance. According to the memo, HSUS is going to set the agenda for this forum. Even if the agricultural industry is later invited to the event, Agriculture would have the cards already stacked against them.

I believe it is important for most Americans to understand that HSUS is not your local animal shelter. HSUS is a national lobbying organization that spends most of its budget to lobby against farmers and ranchers who provide us with food or clothing that we enjoy. In fact, tax documents show that HSUS spends less than 1 percent of its budget on grants to animal shelters. Given these facts, you would have to wonder why the Department of Agriculture is giving this organization this platform and shunning producer organizations. This is one more demonstration that this organization is no real friend of rural America or the American farmer and rancher.

My purpose this morning is to inform my fellow Senators of this troubling development at USDA and to put the Secretary on notice that this type of conduct from the Department is unacceptable.

The Department's mission statement reads as follows:

> We provide leadership on food, agriculture, natural resources, and related issues based upon sound public policy, the best available science, and efficient management.

USDA should live up to its mission statement and work to promote agriculture, not work against farmers' and ranchers' best interests and, I would say, not work against the best interests of the consumers of food in this country. Going forward, I will do my best to make sure the Department of Agriculture adheres to its mission statement.

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.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UPDATING THE POSTAL SERVICE

Mr. CARPER. Mr. President, just a few minutes ago, Senators LIEBERMAN, COLLINS, Senator SCOTT BROWN of Massachusetts, and I gathered in the press gallery upstairs to unveil a proposed compromise that is designed to help ensure we have a viable, strong U.S. Postal Service in this country for the next 10, 20, 30, 40, 50 years and longer.

There has been a lot of time spent in debate over jobs: How are we going to save jobs? How are we going to create jobs in this rough economy we are moving through? As it turns out, there are about 7 million jobs that flow from the Postal Service. There are only about 500,000 people who actually work for the Postal Service these days. There are roughly another 7 million who are associated with the Postal Service in one way or the other.

If we do nothing, the Postal Service—which lost $10 billion last year, is on track to lose a couple hundred billion dollars over the next 10 years—will literally go out of business next year—not in 10 years, not in 5 years but next year. That is a consequence none of us can look forward to and we need to provide predictability and certainty and part of that is to make sure we have a Postal Service that meets the needs of our businesses and the interests of our citizens.

The situation is dire, but it is not hopeless. This is one we can fix and the four of us believe this legislation will fix this problem not in 5 years, not in 10 years from now but literally provide the fix that is needed this year.

I mentioned in our press conference that a couple years ago my sister and I went to the home of my parents. My parents are now both deceased. We went to their home and we rooted through all kinds of nooks and crannies and boxes in the attic. We came across a treasure trove of letters they exchanged during World War II. They wrote to one another when my dad was overseas. They wrote several times a week. They saved the letters.

When I was in Southeast Asia back during the Vietnam War, the happiest day of the week for us was the day the mail came. The letters, the postcards, the birthday cards, the packages we received, magazines, the newspapers, made that the best day of the week.

When our Presiding Officer and I go on a CODEL to Afghanistan or to Iraq to visit our troops and see how they are doing and what we need to be doing, they still get the mail over there, but it is not like it was when I was serving or when my dad or my uncles were all serving. Troops today communicate with their families back home with Skype. They have the ability to use the cell phones. They have the Internet, Facebook, Twitter. You name it, it is a different game today. As the way we communicate in this country and in this world has changed, the Postal Service needs to change the way they do business and they are ready and anxious to do just that.

I think there is a good analogy in trying to figure out what the Postal Service needs to do to right size its enterprise. There is a good analogy we can draw from by looking back just 3 or 4 years ago at the situation the U.S. auto industry was in. Think about this: In 1970, my first trip to Southeast Asia, the market share of Ford, Chrysler, and GM was just about 85 percent. In 2009, their market share dropped to less than 50 percent.

When the auto industry reported to us and to the rest of the country in 2009 that given their market share, they had more employees than they needed, they had more auto plants than they needed, and there was a mismatch in terms of the wage-benefit structure they were paying their own employees versus the wage benefits that were being paid to their competition selling cars, trucks, and vans in this country, they asked us for a bailout—not exactly a bailout. They asked for a cash transfusion. They promised to pay it back with interest. Lo and behold, they have, and 3 years later Ford, Chrysler, and GM are still in business. They have fewer employees than they had 3 years ago. They have fewer auto plants than they had, but they have changed the wage-benefit structure and made some changes in their health care costs and the way they administer health care costs which are now overseen by the United Auto Workers. As I said earlier, the moneys we invested in those two companies, Chrysler and GM, was money that has been repaid, largely, with interest.

The Postal Service, in 2011, is in a situation not unlike where our auto industry was a couple years ago. Given their market share, the Postal Service has more employees than they need. The Postal Service has more post offices than they need. They have more processing centers around the country than they need. What they would like to be able to do is not to fire employees, not to abrogate labor contracts. What they have asked to do is to do what the auto industry did in working with their workers; that is, to incentivize people at the Postal Service who are eligible to retire to go ahead and retire. There are about 125,000 of them. We have seen the Postal Service head count drop from 800,000 employees a decade ago to a little under 600,000 today. The Postal Service needs to reduce the head count by another 100,000 or so over the next couple years by incentivizing people eligible to retire to go ahead and retire. The Postal Service thinks they can do that for about $2 billion. By doing that, 100,000 Postal Service employees will be eligible to retire. That will save the Postal Service $8 billion a year going forward.

Last year, the Postal Service lost $10 billion, and in the years to come they are projected to lose about $20 billion. We could literally address about half of that financial challenge with one fell swoop, incentivize employees eligible to retire.

The Postal Service is interested in being able to close some post offices. They would like to be able to consolidate some post offices—where they have two, make one. In some cases, they would like to be able to take the services they provide at a post office and offer them at maybe a retail outlet that is open more than 6 days a week or maybe a retail outlet open 24/7, potentially put postal services in some supermarkets in communities across the country, put them in some convenience stores or maybe in pharmacies. The idea would not be to provide worse service; the idea would be to provide better service in a lot of instances.

There are 33,000 post offices in the country. The Postal Service is looking today at 3,700 of them to decide whether they are viable. Under current law, the Postal Service can close a post office. They cannot do it solely on economic grounds, but they can close a post office pretty much at their volition and maybe have a cursory conversation with the community but not much.

The legislation we have proposed would say that the post office, as they look at these 3,700 post offices that are under review—and perhaps others in the future—that before they go about closing any of them, the Postal Regulatory Commission—which is responsible for setting service standards for the post office—would have to be part of that decisionmaking process in these communities across America. They would make sure the service standards the Regulatory Commission—the regulators, if you will, for the post office—has established are going to be met in the future if a post office is closed or post offices are consolidated or the services are colocated. This has to be a transparent process, where the folks who live and work in those communities have the opportunity to be full participants in that decisionmaking.

With respect to the closure of mail processing centers, there are over 500 of them across the country. The Postal Service would like to close as many as 300 of them. Under the legislation we have proposed, there would be the opportunity for communities, businesses, small and large, postal customers, residential customers, and others to have the opportunity to make clear whether the close of a mail processing center in their town or community would somehow be inopportune and a real detriment to that community in ways that are not fair.

Those are three things that the postal service wants to be able to do: address their head count needs, take a close look at how many post offices we have and whether those services can be provided in a more cost-effective way, and the third is to look at the 500-plus mail processing centers we have and try to figure out how many of those can be closed.

The Postal Service delivers mail from my State to the Presiding Officer's State in Minnesota—I can mail a letter today and probably it would get out there on Friday or maybe Saturday. The standard service today is, in some cases, next-day service; in some cases, service can be as much as 3 days. What the Postal Service has asked is, they will still be able to do 1-day service, but they would like for the standard to be officially 2 to 3 days. That is one of the things they are asking for the opportunity to do, and our bill let's them do that.

The other thing the Postal Service has asked for is some relief, if you will—not a bailout, not taxpayer dollars—with the health care costs. Currently, the Postal Service pays into Medicare for its employees. They are the second largest payer into Medicare of all the employers in the country. They also pay into something called the Federal Employees Health Benefits Program. We have the Postal Service sort of paying twice for health care service for its retirees. People 65 and over, 85 percent of them are eligible for Medicare. If they are not, they are still eligible for the Federal employees health benefits as retirees. The Postal Service has asked to do what a lot of other companies do. What a lot of other companies have asked is that Medicare would be their primary source of health care coverage. In addition to that, the Postal Service would provide a Medigap plan to fill the gaps that Medicaid and Medicare do not cover. We think that is a reasonable request. We have also given the Postal Service the opportunity to negotiate with the labor unions to see if it might make sense for the Postal Service to withdraw from the Federal Employees Health Benefit Program and establish their own plan for roughly 1 million people. They will have a chance to study that and decide whether that makes sense.

I will mention three other things we believe the Postal Service can do to reduce costs. One of those is the way they deliver the mail. For a lot of folks in my home, the mail is delivered to our front door. There is a mailbox by our front door. What we are suggesting in our legislation is that in some cases the Postal Service looks at whether that is an efficient way to deliver the mail or maybe is curbside delivery fine. If someone has a mailbox, the letter carrier puts the mail in the mailbox and doesn't have to get out, park the vehicle, walk up to the house and put it in the mailbox and walk back to the vehicle. A fair amount of money can be saved there.

There is money that can be saved in the way workers' comp is handled for Postal Service employees—and we also believe for Federal employees and the President agrees—and we have that legislation in this bill too.

In addition, in finding ways to save money, I would hasten to add it is important for the Postal Service to find new ways to make money. We have seen the TV ads about flat-rate boxes. If it fits, it ships. The price is pretty good, and the service is pretty good too. That is the kind of idea we need more of from the Postal Service. The Postal Service has a partnership with FedEx and UPS. Most people think of them as competitors, but actually the Postal Service has partnered with FedEx and UPS. FedEx and UPS don't want to deliver to every door in America every day for 6 days a week. They don't want to do that. They simply ask the Postal Service to deliver to those doors that FedEx and UPS don't want to deliver to on a particular day, and the Postal Service makes money doing this. They make a lot of money doing this. When the holiday season comes upon us, we will find there is a need for—a lot of people don't just go to brick-and-mortar stores to buy holiday gifts, they want to order online, and the Postal Service can participate broadly in that business too.

The last thing I wish to mention is this: In addition to making money, we have to come up with new ideas. Those are a couple ideas that work. There are others. We are looking for ways to save money in State and local government. Why not consolidate some of the operations in post office buildings. We have a couple more tenants and we can provide service there for other purposes. We do that for passports. Why not do it for other things? We will hear a lot about virtual mailboxes in the days to come and whether that might be a new piece of business for the post office to be involved in as well.

Let me close by saying this: I think as we go forward in this process, we need to be mindful of the Golden Rule, to treat people the way we want to be treated. That includes customers of the Postal Service, be they businesses or residential customers, employees of the Postal Service, the taxpayers. We need to treat everybody the way we want to be treated.

The last thing I would say, my friend from Tennessee, who is standing, and I are two people here who believe we ought to be serious about solving the big problems, as is the Presiding Officer. There are a lot of people who think we are incapable of dealing with big challenges these days.

This is a big challenge. The Postal Service is one of the two largest employers in this country. The consequences of the Postal Service going down next year are not what we want to see visited on this country. Seven million jobs would be in jeopardy. If we simply try to put them on autopilot and let the taxpayers pay for it, it would be over $200 billion more of a hit on the Treasury.

This is a big challenge. This is one we can fix. To the extent we can pull together in the Senate, as we have done in our committee on this issue, I think we will set a good example for our Nation to say: Yes, we can still take on a tough problem, and we can fix it—not in a year or two or three from now but this year.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I know we are rotating right now. What I thought I might do is yield just a couple of minutes to Senator BLUMENTHAL, and then let him yield back to me if that would be OK.

But I do want to thank Senator CARPER for his leadership on this issue. We have looked at this bill and others, and we are glad they have been able to come to an agreement between each other. Obviously, the issue of the Postal Service is one of the big issues we need to deal with. I agree with him. I think that is something we can do now. I thank him for his leadership.

I yield back for the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank the Senator from Tennessee, Mr. CORKER, for very graciously beginning this discussion. I want to join in thanking the distinguished Senator from Delaware for all of his hard work and his very successful and insightful discussion this morning. It is a problem that concerns all of us very deeply and immediately, and his leadership has been an enormous contribution to the Nation on this issue.

THE GAIN ACT

I am pleased to be here today with Senator CORKER to discuss a problem that is spreading across the country. It is a public health threat to our troops, our children, our frail, and our elderly involving the spread of mutant germs, so-called superbugs, that are resistant, sometimes even immune to existing antibiotics.

I have been very proud of the work Senator CORKER and I have done together. He has joined me, and we have been joined by Senators BENNET, HATCH, CASEY, ALEXANDER, COONS, and ROBERTS in the Senate, and by Representatives GINGREY and DEGETTE in the House, along with a very bipartisan group of respected Members there on an issue that is truly bipartisan. I wish to yield to Senator CORKER and then continue my remarks on an issue that ought to concern us very closely and immediately.

Reports from the Centers for Disease Control and Prevention suggest that these infections are not only prevalent but spreading across the country. I have a detailed set of charts that demonstrate this problem. He and I have developed what I think is a solution the Congress can consider in order to provide incentives for development of new antibiotics, new medicine, that can help the Nation prevent the spread of these kinds of diseases.

So with that, I yield for the distinguished Senator from Tennessee.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Tennessee.

Mr. CORKER. Thank you, Mr. President. I am sure the Chair is familiar with us going back and forth, and I thank the Chair. I thank my friend from Connecticut. I know he mentioned the Senators who have joined us in this effort, as well as the House Members on the other side of the Capitol, in a bipartisan way.

First, I thank him for his leadership on this issue and for approaching our office about it. I know the public watches Washington and wonders if there is ever anything that is done in a bipartisan way. There are actually lots of efforts that are undertaken that way, and I am very glad to be working with him and his staff who have been very professional and, hopefully, this bill can become law.

The problem is that we have these drug-resistant bacteria called superbugs. All of us have read and heard about them. They are becoming harder and harder to treat because we lack the new antibiotics capable of combating these infections. It is actually scary when we think about what is happening in many facilities across our country. So it is obviously crucial to discover new antibiotics so we can stay ahead of this growing trend of drug resistance.

Drug discoveries, obviously, don't happen overnight. Action is needed now to ensure that we have access to these lifesaving medications when we need them.

These are serious infections. They are definitely life threatening to the patients, especially children and the elderly. In fact, the CDC, the Centers for Disease Control, has named this antibiotic resistance as one of the top public health concerns in our country.

According to the Infectious Disease Society of America, 100,000 deaths and 360,000 hospitalizations result from antibiotic-resistant infections each year in the United States. In my State of Tennessee, nearly 2,000 cases of MRSA are reported annually. MRSA is a common and very dangerous type of antibiotic-resistant bacteria often found in hospital settings. Again, I am sure all of us know of cases where this has happened to loved ones, friends, and others.

The financial impact of these infections is also staggering, costing our health care system $35 billion to $45 billion annually.

This problem is also threatening the health of our troops abroad. One particular type of bacteria, known as a Ramibacterium, is striking hundreds of wounded soldiers coming back from Iraq. Since 2003, more than 700 U.S. soldiers have been infected or colonized with this life-threatening bacteria.

While bacterial infections continue to become more resistant to traditional antibiotics, innovation of new antibiotics capable of combating these infections has slowed by an alarming rate. FDA approval of these new antibiotics has decreased by 70 percent since the 1980s. Between 2003 and 2007, there were five new antibiotics approved by the FDA compared to 16 new antibiotics from 1983 to 1987.

This bill, the GAIN Act, provides meaningful market incentives and reduces regulatory burdens to encourage the development of new antibiotics that will help us save lives and reduce health care costs. Specifically—and I appreciate the way the Senator from Connecticut has approached this—the bill provides 5 additional years of exclusivity to new drugs developed to treat these superbugs.

The bill also gives these antibiotics priority status during the FDA review process so they can move through more quickly. It encourages the FDA to revisit the clinical trial guidelines for antibiotics. By encouraging a more robust antibiotic pipeline, we can help ensure patients have access to lifesaving treatments while also reducing health care spending.

The GAIN Act is a straightforward, commonsense bill that provides market incentives to encourage innovation without putting Federal dollars at stake. Antibiotic resistance is a growing issue that we must address to properly prepare for the future.

Dr. William Evans, the director and CEO of St. Jude Children's Hospital in Tennessee, recently wrote a letter supporting this bill. Many of my colleagues know of St. Jude and the wonderful work they do for children across our country. Here is his quote:

> We don't want to find ourselves in a situation in which we have been able to save a child's life after a cancer diagnosis, only to lose them to an untreatable multi-drug resistant infection.

I wish to thank my colleague again, Senator BLUMENTHAL from Connecticut, for his leadership on this bill, and I look forward to working with him to ensure it gets proper consideration in the Senate.

Also, I ask unanimous consent that letters of support be printed in the RECORD from the following organizations: St. Jude Children's Hospital, Le Bonheur Children's Hospital, University of Tennessee Health Sciences Center, and East Tennessee State University Quillen College of Medicine.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ST. JUDE
CHILDREN'S RESEARCH HOSPITAL,
Memphis, TN, October 14, 2011.

Hon. RICHARD BLUMENTHAL,
Hon. BOB CORKER,
U.S. Senate, Washington, DC.

DEAR SENATORS BLUMENTHAL AND CORKER: I am writing on behalf of St. Jude Children's Research Hospital to express our support for the Senate companion bill of H.R. 2182, the Generating Antibiotic incentives Now (GAIN) Act of 2011. The mission of St. Jude Children's Research Hospital is to advance cures, and means of prevention, for pediatric catastrophic diseases through research and treatment. The GAIN Act represents an important first step in addressing a public health issue that significantly affects our mission. We believe that the legislation is of great importance not only to our children's hospital and the children and families we serve, but to children and families across the country.

Many of the children we treat at St. Jude have compromised immune systems, and are

particularly vulnerable to bacterial infections. At the same time that multi-drug resistant strains of Methicillin-resistant Staphylococcus Aureus (MRSA) and gram negative bacteria are on the rise, the number of new antibiotics being approved has dropped precipitously. A study conducted at St. Jude and published in Pediatric Blood & Cancer compared MRSA colonization rates in pediatric oncology patients in 2000–2001 with rates in 2006–2007. The study showed an increasing prevalence of colonization with MRSA observed in children with cancer at our institution, and that the colonization was associated with infection. Recurrent MRSA infections were seen in 22 percent of patients. A copy of the study is enclosed.

We applaud the work that you and your bipartisan group of colleagues are doing to address the issue of the dwindling antibiotic pipeline. We believe that the GAIN Act is an important first step in stimulating new antibiotic development and getting lifesaving drugs to the children we treat. We don't want to find ourselves in a situation in which we have been able to save a child's life after a cancer diagnosis, only to lose them to an untreatable multi-drug resistant infection. Thank you for your leadership in the Senate to ensure that we have the tools we need to treat the children entrusted to our care.

Sincerely,

WILLIAM E. EVANS,
Director and CEO.

LE BONHEUR,
CHILDREN'S HOSPITAL,
Memphis, TN, October 26, 2011.

Hon. BOB CORKER,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CORKER: on behalf of the patients, families, physicians and associates of Le Bonheur Children's Hospital, I commend your efforts to invigorate the development of new antibiotics to combat the spread of antibiotic resistant bacteria with the introduction of the GAIN Act. Thank you for taking the lead on this important public health concern.

Antibiotic infections have been on the rise for many years, disproportionately affecting children and increasing the cost of care. We applaud your efforts to encourage antibiotic innovation, an important step to ensuring that lifesaving medicine will be available to the many children who need them.

Please let us know how we can assist in passing this important legislation. Our many pediatric physicians, researchers and clinicians are available to lend whatever support you need. Thank you, Senator CORKER, for working to improve healthcare for children.

Sincerely,

MERI ARMOUR,
President and C.E.O.
Le Bonheur Children's Hospital.

THE UNIVERSITY OF TENNESSEE
HEALTH SCIENCE CENTER,
Memphis, TN, October 25, 2011.

Hon. BOB CORKER,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORKER. We, here at Le Bonheur Children's Hospital and the Department of Pediatrics at the University of Tennessee Health Science Center, applaud your efforts to spur development of new antibiotics to combat the spread of antibiotic resistant bacteria with the introduction of the GAIN Act. Thank you for taking the lead on this important public health concern.

Antibiotic-resistant infections have been on the rise for many years, in many cases disproportionately affecting children. For example, infections caused by methicillin-resistant Staphylococcus aureus (''MRSA'') have been particularly frequent in children and may be life-threatening. My colleagues Steve Buckingham and Sandy Arnold and I have published a series of articles summarizing our experience with these infections and discussing the impact of antibiotic resistance on the treatment of children with serious infections.

We commend your efforts to encourage antibiotic innovation that will bring lifesaving medications to the many children (and adults) who need them.

As a pediatric infectious disease specialist, please let me know how I can assist and support your efforts on this important issue. Thank you, Senator Corker, for your hard work and vision.

Sincerely,

B. KEITH ENGLISH, M.D.,
Professor and Interim Chair, Department of Pediatrics, University of Tennessee Health Science Center Interim Pediatrician-in-Chief, Chief, Division of Infectious Diseases Le Bonheur Children's Hospital.

EAST TENNESSSEE STATE UNIVERSITY, OFFICE OF THE VICE PRESIDENT FOR HEALTH AFFAIRS,
Johnson City, TN, November 2, 2011.

Hon. BOB CORKER,
Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR CORKER: We are writing on behalf of East Tennessee State University to express our support of S. 1734, the Generating Antibiotic Incentives Now (GAIN) Act of 2011.

At the turn of the last century, infectious diseases were the leading cause of death in America. Between improvements in sanitation and the development of vaccines and antibiotics, the impact of infectious diseases on human health has been greatly reduced in our country. However, we are concerned that as microorganisms develop resistance to existing antimicrobial agents there is an increased possibility that we will see a resurgence in some infectious diseases that are currently under control. Additionally, with continued growth of the world's population, and the shortened travel times between continents, resistant organisms have the capacity to spread quickly across the globe. We believe that the GAIN Act, S. 1734, will be a first step in stimulating new research in antibiotic development to address a predictable public health crisis.

East Tennessee State University Division of Health Affairs (including the Colleges of Medicine, Nursing, Pharmacy, Public Health, and Clinical and Rehabilitative Health Sciences) has research programs strongly focused on meeting the needs of our region, particularly needs of the underserved and other vulnerable populations. We recognize the necessity to promote advancements in research related to infectious disease and currently conduct clinical and basic science research in these areas. We feel that the GAIN Act will expedite our efforts to produce novel treatments for disease and in turn, reduce the related burden of illness to the region and state.

Sincerely,

WILSIE S. BISHOP,
Vice President for Health Affairs and Chief Operating Officer.
PHILIP C. BAGNELL,
Dean of Medicine.
GREGORY A. ORDWAY,
Chair of Pharmacology.
PRISCILLA B. WYRICK,
Chair of Microbiology.

Mr. CORKER. With that, I yield the floor for my good friend, someone with whom I have thoroughly enjoyed working on this issue. I thank him again for his leadership on a very important issue that matters to all of us.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Again, my thanks to my very distinguished colleague from Tennessee whose leadership and contribution to this bill has been instrumental from the very start. I welcome him and have been thankful for his partnership on this issue.

As my colleague from Tennessee said so well, these antibiotic-resistant drugs are a spreading scourge. Reports from the Centers for Disease Control and Prevention suggest that MRSA infections are responsible for more than 17,000 deaths in the United States every year—more than AIDS and many other diseases that are regarded as public health threats. All 50 States have seen rates of antibiotic-resistant E. coli infections double in less than 10 years.

A lesser known bug, Acintobacter, a bacteria that affects increasing numbers of our troops serving in Iraq, has infected more than 700 of our servicemembers since 2003. The numbers are continuing to rise. Those numbers are alarming. I have some charts I will show in just a moment that will be even more graphic. But to put a human face on this problem, Jamel Sawyer, a former college football player from Norwalk, CT, knows all too well the crippling impact of these antibiotic-resistant infections.

He was in school in Boston. He suffered from severe back pain and a rising temperature. He went to the hospital and was told he was suffering from a kind of antibiotic-resistant staph infection which surmounted multiple rounds of antibiotic treatment. He was left paralyzed and unable to walk. He was paralyzed from the waist down and remains very severely handicapped as a result. Right now he is fighting to gain back his ability to walk and function normally.

We are in an arms race with superbugs. We are in a fight with antibiotic-resistant mutating germs that are a spreading, persistent, and pernicious problem all around the country. The resistance is fueled by careless use of antibiotics, the overuse of certain kinds of antibiotics, or failure to use them properly, as when they are not used for the full round when they should be and thereby lead to greater resistance on the part of these germs.

Failure to use these antibiotics properly and failure to exercise good stewardship is important, but it is not the only cause. We need to stay ahead of these germs in an arms race to develop new antibiotics and provide incentives for those antibiotics.

The problems we are encountering are shown by these charts, beginning first in the year 2000 with antibiotic-resistant E. coli. As this chart makes clear, nowhere—in no State in the United States—was there a rate above 10 percent. That accounts for the light yellow pattern here.

In 2009, the situation was very different. In States across the country—major States, including New York and the entire East—the rate was above 35 percent. In many parts of the Midwest, including the Presiding Officer's State, the rate was above 25 percent. E. coli resistance to treatment by this commonly used antibiotic presents a threat particularly to our children and our elderly.

The next chart I wish to show concerns Acintobacter. This bacteria has afflicted particularly our troops coming back from Iraq. It is, in fact, nicknamed ''Iraqtobacter'' by many military doctors, and it has literally jumped enormously in the number of cases.

This was the case in the year 2000, showing almost everywhere rates below 5 percent. The present incidence is very different, alarmingly so. In some States it is above 50 percent, including, I believe, New Mexico, and in many parts of the East above 30 to 40 percent.

This Acintobacter incidence is something that is a major national security problem insofar as 700 troops have been infected with Acintobacter, and as Robert Jackson, the director of Military Families United said so eloquently about this disease:

> The worst part is that many of our men and women in uniform survive the war effort only to return and die of this infection in the continental United States. Thus Military Families United strongly supports the GAIN Act, which would ensure that American companies have the motivation to combat the most modern, multi-drug resistant diseases.

I brought these charts simply to show how the spread of these superbug infections has affected the entire United States. There are other diseases like MRSA and VRSA. They are a set of acronyms that are comparable to, in effect, a modern plague.

Fully one-third of all deaths from H1N1 Swine Flu, for example, in 2009 were actually caused by antibiotic-resistant bacteria. According to the Infectious Disease Society of America, 100,000 deaths and 360,000 hospitalizations in the United States resulted from antibiotic-resistant infections, at a cost of $26 billion to our health system annually.

What is the reason for the rise and spread of these diseases? Well, the main reason is we do not have new antibiotics to treat and cure them. The reason for that dearth of new antibiotics goes to the fundamentals of modern economics involving the drug industry. Antibiotics are prescribed and used for a course of 2 weeks, if they work. There are blockbuster drugs and miracle drugs that are used for the treatment of chronic diseases and, therefore, are used often for lifetimes. The revenues from those blockbuster drugs are themselves blockbuster products and profits.

The problem with antibiotics is the lack of economic incentive to develop them in the modern economics of the pharmaceutical industry. The GAIN Act would remedy that problem. It would incentivize the development and research required to implement and discover these new drugs. It would extend the data exclusivity rights for 5 years. It would speed and expedite consideration of these drugs by the FDA. It would provide a fast track, essentially, and enable prompt review. It would moderate and eliminate the kinds of regulatory hurdles which is so important in providing not only incentives but also a track to consumers so they would have the availability of these drugs.

I personally would welcome other ideas if there are any for strengthening the incentives for development of these antibiotics that are so important to treat and cure the antibiotic-resistant germs that cause these problems. I hope we will continue to have the kind of bipartisan momentum in favor of these new developments.

I close by saying we are all talking about jobs on the floor of the Senate these days. This proposal is also, in a way, a jobs-related program. It would enable small innovators and small businesses—one is, for example, Rib-X Pharmaceuticals in New Haven, a 50-person company trying to develop new drugs through innovation. The kind of boost and incentive this bill will provide is very important for the innovators of America who are out there trying to provide cures for Acintobacter, MRSA, E. coli—all of them superbugs—providing a solution to this problem that I think is very much urgent and in the interests of our Nation.

This measure is a first step. I hope we can come together to enact it. I urge the Senate to join me in doing so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

SOMALIA AND AL-SHABAAB

Mr. KIRK. Mr. President, I rise today to thank the Government of Kenya and its President Kibaki for the difficult decision he and his government have made with regard to Somalia.

We all recall Somalia as the site of the Black Hawk Down tragedy in 1993. As much as Americans might wish to ignore that troubled country, I do not think we can. Somalia is a country whose government collapsed in 1991 but has now given rise to what is arguably the second largest terror presence on planet Earth, called al-Shabaab. The country also represents a new 21st-century threat of piracy across America's Persian Gulf oil supply lines.

On October 16, at the invitation of the Somali Transitional Federal Government, the Kenyan Government launched Operation Protect the Country against the al-Shabaab terrorist organization based in Somalia.

We all recall that al-Shabaab is an al-Qaida affiliate that has been designated as a foreign terrorist organization by the United States since 2008. It is responsible for multiple attacks in Somalia, Kenya, and Uganda, including a suicide bombing in July 2010 in Kampala that killed 76 people, including an American citizen, 25-year-old Nate Henn of North Carolina who worked for the Invisible Children nonprofit organization. Also, on October 25, al-Shabaab kidnapped and is still holding another American citizen, 32-year-old Jessica Buchanan of Virginia.

About 4,000 Kenyan troops are now approaching the critical Somali port city of Kismayo where al-Shabaab makes most of its money and is headquartered. The success of the Kenyan operation would mean a significant weakening of al-Shabaab's ability to plan and execute terrorist attacks and would greatly support the security of the region and the United States.

Also joining in the fight against al-Shabaab are prominent local tribal militias, including the Ahlu Sunnah Waljamaah, the ASWJ; the Raas Kaambooni Front; and the Jubaland militia formed under the former TFG defense minister, Mohamed Abdi Mohamed.

I commend the Kenyan Government and the allied groups for their action, and the United States and NATO should support this Kenyan action.

Al-Shabaab poses a significant threat to America's national security and to Kenya's safety. Since 2009, al-Shabaab has conducted at least 10 attacks on Kenyan soil and the territorial seas along her coastline. In a particularly heinous crime, on October 1, al-Shabaab kidnapped a disabled French woman on Kenyan soil and dragged her to Somalia, where she later died. Last week, al-Shabaab militants also threw a grenade into a Nairobi nightclub.

Because of al-Shabaab's refusal to allow access for humanitarian organizations to relieve famine, Kenya is also now home to 600,000 Somali refugees. In many ways, the famine and distress that is now evident in Somalia should be called the al-Shabaab famine.

Al-Shabaab also poses a direct threat to the United States by actively radicalizing and recruiting American citizens.

On October 29, a suicide bomber attacked an African Union base in Mogadishu, killing himself and 10 other human beings. The suspect, Abdisalan Hussein Ali, was a 22-year-old American citizen who grew up in Minneapolis and studied to be a doctor before he suddenly disappeared to join al-Shabaab in 2008. The recording he allegedly made before his death contained a disturbing message aimed at young Americans. He said:

> Today, jihad is what is most important. It's not important that you become a doctor, or some sort of engineer.

According to the FBI, Ali was one of 30 American citizens who have now

joined al-Shabaab. In August of 2010, the FBI arrested 2 and charged 12 more individuals in Minnesota, Alabama, and California ''with acts of terrorism that include providing money, personnel, and other material support to the Somali-based terrorist organization al Shabaab.'' At the time, Attorney General Eric Holder called it ''a deadly pipeline that has routed funding and fighters to al Shabaab from cities across the United States.''

On July 27, an investigation by the House Committee on Homeland Security found the following:

Al-Shabaab has an active recruitment and radicalization network inside the U.S. targeting Muslim-Americans in Somali communities. It also ensnared a few non-Somali Muslim-American converts, such as a top Shabaab commander:

At least 40 or more Americans—

According to the House—

have joined Shabaab;

So many Americans have joined that at least 15 of them have been killed fighting with Shabaab, as well as three Canadians;

Three Americans who returned to the U.S. were prosecuted, and one awaits extradition from The Netherlands;

At least 21 or more American Shabaab members overseas remain unaccounted for and pose a direct threat to the U.S. homeland.

The House said:

Al-Shabaab has the intent and capability to conduct attacks or aid core Al Qaeda and Al Qaeda in the Arabian Peninsula in Yemen with striking U.S. interests and the U.S. homeland.

They said that al-Shabaab has openly pledged loyalty and support to al-Qaida and al-Qaida in the Arabian Peninsula in Yemen and has cemented an alarming set of operational ties to both groups.

The House report also points out that after the successful U.S. operation to kill Osama bin Laden, al-Shabaab's leadership eulogized bin Laden and vowed revenge against the United States. Omar Hammami, another al-Shabaab leader raised in the United States, said he ''swore [a] blood revenge against his own homeland for the May 1 killing of Osama Bin Laden.''

Al-Shabaab poses a grave threat to regional stability and to our own national security. I thank the Kenyan Government and their allies in Somalia for taking action. Our administration and our NATO allies should support Kenya. We should also make sure that in this support we have the objective to collapse al-Shabaab in Somalia. With luck, while al-Shabaab may have found a recruit or two among American citizens to wage jihad against their own country, there, hopefully, will be no al-Shabaab to fight for if they ever reach Somalia.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Thank you, Mr. President.

Mr. President, I believe we are currently debating the motion to proceed to go to the energy, water, et cetera, package. Included in that is the proposal of the President that he has sent up asking the Senate to vote on the question of an infrastructure bank.

I believe there was a prior vote in the Senate on that in the context of the Jobs Act, which we all know failed at that time. There are some signs that this may wind up being a partisan effort here, but I hope colleagues will stop and think very carefully about the infrastructure bank proposal and what it represents to our country.

Whether we can get it over the hurdle at this moment, I do not know. But it is an idea whose time has come, and I am confident in the next weeks or months, hopefully, the Senate will embrace this concept. The reason for doing so is very simple. Colleagues on both sides of the aisle are increasingly reminded when they go home, as well as familiar here just in the general dialog about where we are going in our country, of the enormous deficit reduction—the deficit; it is on my mind—of the infrastructure deficit we face in this country as a whole.

So I want colleagues to stop and think hard about a simple question: How are we going to build America? How are we going to build America going forward so that we can do what our parents and our grandparents did for us, providing us with the basic infrastructure of a nation that has been able to allow people to move easily from home to work to places of commerce across the country, an interstate highway system, all of our airports, our train stations, all of the assets that provided for the strength of our Nation and for the kind of communities we live in? None of it appeared out of nowhere. It was built because people had a vision, people had an idea about how you make communities strong, and also how economies work. The fact is that some of the greatest projects in our country, whether it is some of the great bridges we look at today—Golden Gate Bridge, Triborough Bridge, George Washington, countless bridges across the Potomac and elsewhere—the tunnels, the roads, our water treatment facilities, our airports, and the airline system we have, all of those things contribute to the strength of our country.

But everyone here knows we are not currently pursuing a set of projects calculated to make America more competitive and to continue that rich history and tradition of building for the future. We are busy living off the assets that were created by the generations that preceded us. So the question has to be asked by every colleague here: Are we going to appropriate the money for grants? And the answer is no, partly because the deficit and the debt are telling us in loud terms we do not have those kinds of funds right now, but also because everybody here sees the difficulty we are having trying to get the highway bill reauthorized or the FAA bill reauthorized in order to do the things we need to do.

The proposal for an infrastructure bank is a proposal that recognizes this fiscal reality. We simply do not have and will not allocate the types of funds necessary to do the job every American knows has to be done. That does not mean the job cannot be done. There is a way to do it. And the way to do it is to invite other people's money, the private sector, not tax dollars, to come to the table and invest in these projects, where these projects have revenue streams that will support that kind of investment.

One of the important features of the infrastructure bank that I ask colleagues to focus on is the fact that this bank is not a grant entity. There will be no grants. It is exclusively loans, and exclusively loans that meet the fiduciary test of their ability to be able to be repaid, to have a revenue stream that will support the loans themselves.

I would say to my colleagues, some of them I know have asked me occasionally: Well, is this going to be an entity such as Fannie Mae or Freddie Mac? Is it going to be one of those government-supported entities that got some folks in trouble? The answer is no, resoundingly and profoundly no. It is not similar in any way whatsoever. Fannie Mae and Freddie Mac issued stock. They were for-profit entities listed on the New York Stock Exchange. They were using the Federal guarantee on a loan to actually leverage their position in the marketplace in competition with other entities and for-profits. This bank is not for profit. No issuance of stock will be listed on any exchange. It will exist exclusively for the purpose of lending to those types of projects that meet the highest fiscal standards with respect to the ability of those projects to be repaid.

In fact, in each and every lending situation, the infrastructure bank will make a risk analysis, just as you do on any deal in Wall Street. There is a risk analysis, and a risk factor will be assigned to that deal. In fact, fees will be charged to the borrowers, to the dealmakers, in order to cover that level of risk. That will be part of the cost of the transaction.

The benefit of this infrastructure bank is that by virtue of the Treasury Department providing a discount for the Federal Treasury guarantee, you actually make the loan attractive in terms of the private sector in competition, and it does so at a level, as I said, of risk analysis that does not put the Federal Government or the taxpayer on line and at risk for the measured level of the loan itself, but only the risk which is credited or put on the books in terms of what is carried by the Treasury Department as the risk of this particular loan.

So, in fact, if you look at the type of projects that are authorized by this—only energy projects, transportation projects, and water projects—in the better part of the country, they are limited to $100 million size or up, and there is a set-aside for rural communities. In the rural communities, the

level of loans could be $25 million or up, because obviously in parts of rural America, you have smaller kinds of projects, and we want everyone in the country to be able to share from the benefits of this kind of an infrastructure bank.

I would say to my colleagues, this bank has bipartisan support. It has been introduced in slightly different forms from what the President has put it in. But the fundamentals of the bank in structure and concept are the same. It has been introduced by Senator KAY BAILEY HUTCHISON of Texas, who is a coauthor; Senator LINDSEY GRAHAM, Senator MARK WARNER are the original cosponsors. But it has other cosponsors and broader support including, I might add, the U.S. Chamber of Commerce, which is a strong supporter of the infrastructure bank, and was present at the announcement of this legislation, as well as the AFL–CIO.

Why is this infrastructure bank necessary? What is it we need? Well, everybody knows that the experts are telling us we have a $2.2 trillion infrastructure deficit in America. That means there are over $2.2 trillion of projects around the country, countless bridges in countless communities around the country, roads or tunnels or airports, countless projects which need to be repaired, upgraded, or put in place at first instance.

We are that far behind, a $2.2 trillion deficit to what we ought to be doing. The American Civil Society of Architects and Engineers tells us that we could spend about $250 billion a year for the next 40 years just to bring our roads up to par, and we are not about to do that, we know, because we do not have the money, because we are not getting that kind of an appropriation now for our initiatives.

Listen to what Oklahoma City Mayor Mike Cornett says: Mayors see up close the deferred maintenance that is going on in the Nation's cities. It is a ticking timebomb. We also know it puts people to work.

Well, Cornett is president of the Republican Mayors and Local Officials Coalition within the U.S. Conference of Mayors. He knows what he is talking about in terms of this deferred maintenance. But the truth is, every Senator here knows. You can go back home and find mayors and State senators, State representatives, Governors, Departments of Transportation—all of them are pleading with us to try to help provide the kinds of funding necessary because they are simply overwhelmed. I might add many of our States are living under court orders to do some of these projects, particularly the water, the combined sewer overflow-water treatment facilities, where communities have sued and you need to do those projects in order to meet the standards. And they are under court order, without understanding where the money is going to come from. But they are under a court order.

The fact is that whether we decide to do these things is going to determine how competitive America is going to be. Right now, everybody knows we are facing a transformational economic challenge. It is different from the challenge we faced in the last century. During that period of time, as we came out of World War II, we were the only major economy in the world left standing. At the end of the war, we had both the vision and foresight as well as the courage to put a lot of money on the line in the Marshall plan to help rebuild Europe and rebuild Japan. And we saw throughout the Cold War the ways in which that investment paid back for the United States of America, indeed for the western world and for the values that we made central to that kind of an investment.

That has changed. It started to change in the eighties and nineties, and now we are seeing, with the rise of less developed countries that are, after all, doing the very things that we encouraged them to do—we told them you have got to liberate your societies to be able to go out and compete in the marketplace, that they needed to open up that market, they needed to trade, they needed to excite capital formation and invest and so forth. That is exactly what they have done. They have not changed their political systems, in many cases, which remain totalitarian and closed, one party, but they have certainly changed their economic systems, and in doing so, they have transformed the marketplace we are competing in. So the United States is not looking at the same playing field, where we had unlimited resources, unlimited capacity to go out and, frankly, win. We could win many times without even trying that hard. But now other people are doing the same things we took for granted. They are competing in science, they are competing in technology, they are competing in manufacturing, they are competing in software, and they are competing all kinds of things that were our domain for a long period of time.

The market globally has changed significantly enough that we are facing a challenge to our ability to be able to remain the No. 1 economy. I heard today that China will probably be the No. 1 economy in the world within 5 or 6 years, much faster than we had anticipated previously. So if the United States is going to compete and get its act together going forward, we have to invest in the infrastructure of our country, because that is how you, No. 1, create jobs, but, No. 2, you provide the ability to move goods, to provide for people, to provide for the quality of life and the kinds of institutions that make a difference to our ability to be able to compete and to live the quality of life we want.

The figures of other people's commitment to infrastructure tell us the story. China is investing 9 percent of its gross domestic product in infrastructure. Europe is investing 5 percent of its GDP in infrastructure. Here in the United States, we are investing somewhere around 2 percent. Figures vary—2.2, 2.1, 2 percent. I think Brazil invested over $240 billion in its infrastructure in the last 3 years, and the Brazilian economy is growing in double digits. North Korea, Mexico, Brazil, China, India, all growing in double digits, and the United States is stuck in this recession, maybe just breaking out of it, but with very uneven growth.

The infrastructure bank is geared to fill a void in our investment abilities in this country. Again, Senators know we are not going to invest billions of dollars of appropriated money—taxpayer dollars—because of the competition we have in our discretionary funds now because of the way we are heading in terms of the fiscal cliff and debt cliff and because of the challenge of the rising costs in health care and entitlements. We don't have that money.

While we get control of those components of our economy, we need to be investing in the infrastructure of our Nation and putting people back to work. We need to invest in highways, roads, bridges, mass transit, inland waterways, commercial ports, airports, air traffic control systems, passenger rail, including high-speed rail and freight rail systems, and the water sector. We can invest in wastewater treatment facilities, storm water management systems, dams, drinking water treatment facilities, levees, and open space management systems.

In the energy sector, we need transmission in America. We need an energy grid that is modern. We need distribution, storage, energy enhancements for buildings, public and commercial.

There is an extraordinary amount of work to be done—if we decide to do it. Hundreds of billions of dollars is sitting on the side lines right now. It could come in and help us with these projects. The infrastructure bank is precisely the entity that will bring that private capital to the table so that it is the Chinese who are investing in an American infrastructure project that they cannot take back to China; it is here in America. It improves our lives, but it gives them a return on investment for the money they put on the line in a deal, which, frankly, is the kind of deal that will produce the sort of long-term, patient capital investment that I think a lot of people are going to be turning to given the nature of the financial turmoil we see going on in the world today.

We are in a competitive race with other countries to attract this private equity investment. An infrastructure bank could help us put that money to work here at home.

Some people say: Senator, why do you need the infrastructure bank to do this if these deals are so attractive? Why doesn't the money come and they will invest it anyway and so forth?

It doesn't work that way for a number of reasons. First of all, our financial institutions have not developed a

long-term infrastructure-lending business. We don't have that in this country the way other banks in other parts of the world do.

If you look at a major American infrastructure transaction over the last few years, guess what. Non-U.S. banks—mostly Australian and European—are the ones providing most of the financing. They are doing it at an average of 20 to 1—20 parts by the non-U.S. banks, the European and Australian banks, and 1 part U.S. investment. Given the troubles the European sovereign market has today, I think it is going to be a very long time before we see a lot of European banks looking to invest over here. Maybe I am wrong.

The lack of investing by our institutions is not because the investment is too risky. The problem is that for a very long time, the vast majority of American infrastructure has been financed through the municipal bond market, the rest largely through Federal grants, which I have said are now under pressure. So there has been no need for large bank lending to be created. As we all know, large bank lending—that market just doesn't happen overnight.

The municipal bond market also relies principally on small retail investors for most of its funding. Because of the way it is designed, it can't access large global pools of capital or, for that matter, pension funds. Pension funds are prohibited from investing in those bonds.

The municipal bond market is not well-suited to fund large, cross-State, cross-boundary projects, so we need something else. That something else is this kind of infrastructure bank, with all of the very strict limits that have been put into place to keep it from reaching too far. It doesn't cost a lot of money—$10 billion of startup funding. It becomes self-financing. Every loan is a loan that can be repaid because they rely on sources of revenue that are among the most dependable sources of revenue in the marketplace—from energy projects that sell electricity, and you have a pretty regular stream of buyers for that. You have a pretty regular stream of people who need water in their homes and pay for the water. All of these revenue streams—the tolls on bridges, for instance, and these others—have a certainty and longevity to them that make these kinds of deals very attractive.

I say to my colleagues that one of the silver linings of this kind of infrastructure investment is this: For every $1 billion, the Federal Highway Administration tells us you will create, I think, 30,000 jobs. The range of jobs, depending on whom you listen to, goes from about 20,000 to 35,000. Let's say it is 20,000 jobs per billion. People say this bank investment of $10 billion can leverage more than $½ trillion—$500 billion—of investment, so you are talking 20 million jobs over the course of perhaps 10 years.

I think there are so many compelling reasons for engaging this. Europe has an infrastructure bank. We have State infrastructure banks, but the State infrastructure banks don't have the advantage this bank has of being able to do transboundary, cross-State deals. They also don't have the advantage of having a discount on the lending component coming through the Treasury Department of the Federal component of this—done, as I said, under the strictest fiduciary standards. Only 50 percent of any project can be lending. The rest has to be equity and has to be invested by the other investors in the deal. It could be a combination of investors, but they need to invest.

I close by saying that a modern infrastructure is really the lifeblood of our economy. I don't know how many of my colleagues have taken the Acela to New York, but it is a train that has the ability to go 150 miles an hour. It only goes 150 miles an hour between here and New York for about 18 miles of the trip because you cannot go fast under the Baltimore tunnel because vibrations might cause it to fall in. You cannot go fast over the bridges of the Chesapeake because the train will wind up in the Chesapeake. This is absurd.

Many of us have had the pleasure of having a train ride in China. I rode recently from Beijing to Tianjin—a trip that used to take 8 to 10 hours takes 29 minutes. You are going 200 miles an hour. The water on your table is barely jiggling during the entire ride. It is an extraordinary accomplishment. They are building something like 55,000 miles of that kind of high-speed rail system over there, as they spend their 9 percent of GDP on infrastructure.

We can do better. The United States of America can do better. We know that. We are the country that had invention and building construction in our DNA, the country that went to the Moon and developed these extraordinary technologies that connect human beings around the world instantaneously.

I am convinced that if we put this infrastructure bank together, all of a sudden the United States will attract capital, create jobs, modernize our economy, and have benefits that spill out all across our Nation. I hope our colleagues will get rid of the politics and embrace this idea, which is long overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, before the Senator leaves the floor, I commend the Senator from Massachusetts. He has said much this afternoon that I certainly agree with.

I also want to touch on one other point about the Senator's work—the Senator from Massachusetts—in this area. The public, perhaps more than anything else, is talking about why people in Washington, DC, cannot work together, why we can't come up with ways to build coalitions. I am not sure people picked up on it in the Senator's remarks, particularly with respect to China. They are investing far more than we are. But he has pulled together the chamber of commerce and the AFL–CIO for an infrastructure package. That doesn't happen by osmosis or because somebody puts out a press release. He put in the time to try to build that coalition, which, of course, is key to getting bipartisan support up here. I want the Senator to know I very much appreciate it. I know he brought exactly the same approach to his work on the supercommittee, trying to find common ground on some of the most challenging issues so that we will generate growth and deal with health care costs.

I have some remarks to make, but I am glad I had a chance to listen to the Senator from Massachusetts because I thought the point he made about bringing people together was important. And I hope people will say, as we look at this transportation package—I just want to get on the bill, frankly, so we can open other kinds of ideas. The Senator has put in a lot of time, and it paid off with coalitions such as the chamber of commerce and the AFL–CIO. That is the kind of approach that will solve some of these big problems.

Mr. KERRY. I thank my friend from Oregon. Nobody works harder on building coalitions than the Senator from Oregon. He has done a superb job on health care and tax policy, so those words mean a lot. I appreciate that. Thank you.

Mr. WYDEN. Mr. President, my sense is that if you tune in on the Senate today—and, of course, the ways of the Senate are always hard to follow. The occupant of the chair is involved in changing the rules of the Senate and has a sense of what I am talking about. You try to figure out what the Senate is up to, and at this point you have learned that today the Senate is working on infrastructure. You hear that word again and again. You roll your eyes and you say: Wake me when the potholes get fixed.

What I want to do for a few minutes this afternoon is try to tie this to what I believe is first and foremost on the minds of the American people, and that is jobs. That is what we hear about morning, noon, and night.

The fact is that we cannot have big-league economic growth in America with little-league transportation systems. It is not possible. If our bridges and roads are falling apart, we simply cannot have the growth we need, and job growth is the No. 1 issue for our people, and literally infrastructure improvement—roads, bridges, and transportation systems and jobs are two sides of the same coin. They go hand in hand. That is point No. 1.

Point No. 2 is on the question of how we stack up to some of our competitors worldwide. If we can't move goods and services efficiently in this country, our businesses are practically in the position where they have to put up a sign and say: We cannot compete with China because when China is making

these kinds of investments that we heard Senator KERRY and other colleagues on both sides of the aisle talk about in the last few days, you know what we are up against.

Transportation is the key to moving goods and services efficiently. We have bottlenecks, for example, in my part of the country, in the metropolitan area and, frankly, in rural areas where people could not have dreamed there would be a traffic jam even a few years ago.

Point No. 3 is there is no economic multiplier in our country like transportation. When you make well-targeted investments in transportation, you create jobs for the folks who are building those projects, you create jobs for the people who are selling the equipment, you are creating jobs for folks such as the people in the restaurants who make the ham sandwiches for the workers who are out there building the projects and trying to find ways to help our people avoid traffic and save gas as they try to get to and from work. So this is a big economic multiplier.

And, No. 4, Mr. President, as you know from your experience as a westerner, the history of our part of the world is that private investment has always followed well-targeted public investments. You look all over the West and the great distances our folks have to travel, and you will see again and again the key to getting more private sector investment. In my view, the key to economic recovery is the private sector job growth that is behind the tax reform bill I have with Senator COATS—the first bipartisan tax reform bill. We need private sector job growth in the West. The history of our region is that private sector employment has traditionally followed well-targeted public investments.

What I want to see us do—and what the vote that is coming up is all about—is to have a chance to move to the bill. If we move to the bill, I believe there are all kinds of opportunities for Democrats and Republicans, through amendments and a variety of opportunities, to exchange ideas and to come up with bipartisan approaches. I have had a chance to be part of those kinds of discussions in the last few years.

Look, for example, at the common ground that has developed between Senator BOXER and Senator INHOFE on the Environment and Public Works Committee. They are making a lot of progress in reauthorizing a transportation bill. That is only one example here in the Senate of Democrats and Republicans coming together.

Let me cite two others. In the Economic Recovery Act, I had a chance in the Senate Finance Committee to advance an idea I have been working on for more than 5 years. There was a very large and bipartisan group of us who worked on it. Former Senator Talent was the original Republican, but Senator THUNE was involved, Senator WICKER, Senator COLLINS, and a very large bipartisan group working with colleagues on our side of the aisle. The Senator from Minnesota, AMY KLOBUCHAR, is one who comes to mind, who has been a very thoughtful advocate of improvements in transportation. So in the Senate Finance Committee, as we moved forward with the Economic Recovery Act, Chairman BAUCUS and then ranking minority member Senator GRASSLEY, in effect, said: Well, we have been hearing about some of these ideas this bipartisan group has been advancing. Let's give them a chance to make their case. I offered the proposal to create something called Build America Bonds. This was a chance to, for the first time, move the Federal Government into the bonding area. It has long been done, of course, at the State and local level, and it received good reviews from the private sector.

I recall the day when Senator BAUCUS and Senator GRASSLEY asked me what I predicted in terms of the results of the Build America Bonds. I said: We have gotten basically about a year and a half. As you know, the Recovery Act was passed in the winter of 2009, and the IRS had to implement the rules. But when we wrapped up the period for which we issued Build America bonds, more than $181 billion worth of Build America bonds had been used all across the country for capital infrastructure projects. They had been used in big projects on the east coast of the United States—the New Jersey Turnpike was one—and they had been used for roads in southern Oregon.

If you want to talk efficiency, look at the Web site of our State treasurer, Ted Wheeler, who said they were saving in our State 10 percent by issuing these Build America bonds.

I see my friend from California is here, Senator FEINSTEIN, and I believe California was one of the largest users of Build America bonds. To have a program that was envisioned as perhaps selling $5 billion or $36 billion worth of bonds selling more than $180 billion is an example of what we can do on a bipartisan basis that will put people to work and will actually save money.

The savings we found in Oregon can also be illustrated by the analysis done by the Department of the Treasury that finds the same sort of savings we found in Oregon.

With respect to the Build America bonds, in some respects they were too successful. People said: Oh, perhaps they are being used for more kinds of projects than was acceptable to some people. So once again we said, we are going to come back and try to find a way to generate bipartisan support. My colleague from North Dakota, Senator HOEVEN, and I got together and we put forward another proposal—a different version—that we call the TRIP program—the Transportation and Regional Infrastructure Program. Our plan would allow State infrastructure banks to issue bonds to pay for transportation projects, once again having a small supportive role from the Federal Government. The folks who run the numbers at the Joint Committee on Taxation say that with this bipartisan proposal—a Republican from North Dakota, a Democrat from the State of Oregon—it would be possible to get $50 billion worth of transportation projects with this model, with only $12 billion worth of cost over 10 years.

I only illustrate this fact to suggest that if it is possible to get on the bill, I think we are going to see colleagues on the Republican and the Democratic side look to try to cooperate and find some common ground. Senator KERRY made the point about the infrastructure bank, how we got the support of the Chamber of Commerce, Senator GRAHAM and Senator HUTCHISON and others. I have gone through some of the history of other transportation efforts—that progress is being made now with Senator BOXER and INHOFE on the transportation bill; and the Build America bonds effort, which produced a thirtyfold increase over what was anticipated, literally revolutionizing the municipal bond market and was utilized for big projects, such as the New Jersey Turnpike, and small projects, such as roads in southern Oregon; and now if we can go to this bill—and that is what the vote is all about, whether we actually get on the bill—we will be able to offer alternatives and ideas. Frankly, the provisions that are in the bill in its current form, I don't see how anybody can be against them. The question of highway repair is about as fundamental a function of government as anything one can imagine. So there is plenty in this bill I think colleagues on both sides of the aisle could support.

I have cited a number of examples of bipartisanship in this area, where we can do more in the infrastructure field while we save money, and I hope colleagues will vote—I gather the vote will be tomorrow—to move to the bill and give us a chance to get serious about what I think is central to growing the American economy and at well-targeted investments in transportation.

To me, the question of job creation and infrastructure are literally two sides of the same coin, so I hope the Senate moves to this legislation tomorrow and begins to beef up our effort to deal with a fundamental part of job creation in this country. It is so fundamental that in much of the country, if we don't make the investments, it will literally be the equivalent of saying to our businesses: Put up a sign that says you are not going to be in a position to compete with China right now; come back another time. That is unacceptable to me and to Oregon businesses and Oregon workers. That is why I hope my colleagues will vote to go to the bill.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Oregon and the

Senator from Massachusetts. I happened to hear their comments, and they are both very good and they are both right on.

I was thinking while Senator WYDEN spoke about the fact that in the past 6 months those of us on this side have tried on four different occasions to pass legislation related to jobs. We began on May 4 to reauthorize the Small Business Innovation Research Program, which would direct grants to small businesses to develop technologies. That fell on a cloture vote. It did not get 60 votes. It only got 52. We then tried to reauthorize the Economic Development Administration, which I think most of us know essentially is a cost share for communities in distress. That didn't get cloture. It fell 49 to 51. We then tried the President's big jobs act on October 11. That vote fell. It did not get cloture. It only got 50 votes. We then tried taking a part of that on October 20, in order to fund 400,000 school jobs and thousands of jobs for police and fire departments—first responders—throughout the Nation. That was paid for with a .5 percent surtax on people who could well afford to pay for it and probably would want to pay for it, but that fell on a 50–50 vote. We did not get the 60 votes for cloture.

Today, we are trying for a fifth time on a part of the President's bill which has to do with infrastructure. Again, there is a pay-for. It is paid for by a .7 percent tax on people who can well afford to pay that .7 percent. And I think Senator WYDEN and I both know the value of keeping this Nation No. 1, because we come from the West. We are on a burgeoning trade basin. We seek competition with countries that have a blooming infrastructure, and we see the plugs and the bumps and the stoppages in this country because of an absence of adequate infrastructure.

I am delighted the Senator is here and that we share this same cause. Hopefully, there is going to be some change in the mindset on the other side of this great Hall and people will realize if we are going to remain No. 1—and we are not No. 1, and I will go into that in my speech—then we have to pass this segment of the President's bill. So I thank Senator WYDEN very much for his comments.

As I said, this legislation offered by the majority leader includes the key infrastructure provisions of the President's Jobs Act. It is $50 billion for our roads, bridges, airports, and transit systems, and it capitalizes a free-standing infrastructure bank with $10 billion. This bill makes the investment without increasing the deficit. Funds appropriated are offset by a .7 percent surcharge only on people who can afford it.

I come from a State where unemployment is high—11.9 percent—and employment in our construction sector is down 44 percent, as you can see from this chart. This is actually California's construction jobs, and you can see where it was in 2000. You see it rise to 900,000 in 2006, and since that time it has plummeted. The fact of the matter is, construction, to a great extent, drives the economy in a number of States, and I think California heads that list. So infrastructure and employment go directly together.

Last week, this body passed legislation authorizing the sale of power from the Hoover Dam. The Hoover Dam is on the border between Nevada and Arizona, and it was built in the 1930s. But it reminds me of the invaluable contribution that infrastructure investments have made in generations past. During the depths of the Great Depression, we stepped forward to help build Hoover Dam. Between 1931 and 1936 our Nation made a massive effort involving thousands of workers—more than 100 of whom lost their lives—to build a powerplant unlike anything the world had ever seen.

This is kind of a working picture of Hoover Dam being built. At the time, many in Congress argued the cost of this engineering marvel was too high and the investment of taxpayer dollars too risky. They opposed efforts to invest in an unproven energy technology like hydropower. The debate was strikingly similar to the debate we hear today. Luckily for the people of California, believers in American infrastructure and technology won the Hoover Dam debate. As the years have passed, the investment has been repaid and the wisdom of Congress' investment remains clear.

Today, Hoover Dam, all these years later is still owned by the American people.

It produces power for the Southwestern United States at less than one-quarter of the market price. It is the quintessential example of why infrastructure spending and investment makes sense. During the depths of the Depression, it gave people jobs and hope. But its benefits were permanent, not fleeting. The investment made in the 1930s is still paying dividends for the economy of the Southwest.

Today, this legislation invests $50 billion in America's transportation infrastructure. That is specifically $27 billion for highways, $9 billion for transit, $4 billion for high-speed rail, $2 billion for Amtrak rail improvements, $3 billion for airports and air traffic control modernization, and $5 billion for discretionary grants and TIFIA loans to multimodal projects. These funds are actually in addition to funding levels in the surface transportation bill which authorizes $52 billion annually and the FAA authorization which authorizes $16 billion annually. The proposal also appropriates $10 billion to capitalize an infrastructure bank. With its own appointed board and CEO, this bank would have the power to issue loan guarantees and loans, at the Federal funds rate, to large projects in water, transportation, and energy.

The bank's authority is similar to the functions performed by EPA's State Revolving Fund, the DOE's Loan Guarantee Program, and the Department of Transportation's TIFIA and RRIF Programs.

In the long term, centralizing these functions in a single infrastructure bank will establish more consistent lending rules and policies. So I think a lot of us have gotten together from time to time to see what could be done to fund a real infrastructure bank. Presently, when we build infrastructure, we have no way of financing it. We put up the whole cost upfront. Most States and cities don't fund their infrastructure that way. They float bonds, and they are amortized over time. So the ability to have an infrastructure bank to loan money, to look at various instruments, to move infrastructure production throughout this country I think is vital. Because the bank will lend, not grant, funds, it will leverage $10 billion into approximately $100 billion in actual investment dollars.

The bank would be particularly beneficial to California—I must say that—and we lead the application list for Federal financing assistance.

For example, Los Angeles citizens voted to tax themselves by raising the sales tax in order to build a desperately needed subway and transit system. They seek a Federal loan. They have the money to pay it back; it comes every year due in sales taxes, but they seek a Federal loan to build the system in 10 years, not 30 years because they need it sooner rather than later. The County of Riverside seeks a Federal loan to build a toll road on the Highway 91 goods movement corridor, through which millions of containers move from the Ports of Los Angeles-Long Beach to every community in America.

I think most people in this body don't understand that approximately 50 percent of all the containers that come into this country, east coast, west coast, come in at Los Angeles-Long Beach, 40 to 50 percent, and they go out in multimodal areas in stacked trains into the Midwest. But they run into all kinds of impediments. There is not separated grades. There is not the ability to move these trains as rapidly as they should be. So if we are going to keep up with the delivery of cargo into the heartland of this country, most of which comes from Asia, we need to do something. California's communities are prepared to repay these loans, but they need help in the beginning.

The Federal Highway Administration estimates that for every $1 billion of Federal transportation spending, 27,822 jobs are produced. It is one of the biggest bang for the buck programs I know of. For every $1 billion in spending, nearly 30,000 jobs are generated. So this bill is a job generator. For every $1 spent on infrastructure projects, it also spurs economic activity, raising the level of gross domestic product by $1.59.

So what is the conclusion? Investing in infrastructure is essential to addressing our nationwide unemployment

crisis. Oh, I only wish we could see this.

Congestion is a big problem in this country. I told you about Los Angeles-Long Beach. What I should also tell you is that the average Los Angeles commuter spends 63 hours per year stuck in traffic. That costs $1,400 a person. In Greater Los Angeles, commuters spend 515 million hours stuck in traffic every year. They waste 407 million gallons of fuel, at a total economic cost of $12 billion. That is just L.A.

I see the Senator from Illinois is on the floor. That is just L.A. I wonder what the Chicago numbers would be. They have to be large. San Francisco, San Jose, San Diego, and Riverside County face all the similar congestion. In each area, the average commuter spends more than 30 hours a year stuck in traffic. That costs us $6.4 billion, and nationwide, congestion is causing Americans to travel 4.8 billion hours more and to purchase an extra 3.9 billion gallons of fuel, for a congestion cost of $115 billion in 1 year. That year happens to be 2009. This is the equivalent of wasting 130 days of flow from the Alaska pipeline each year. It is enormous.

So is this bill necessary? The answer is clearly a resounding yes. In my State, 66 percent of our major roads are in poor condition, 68 percent of our urban interstates are congested, vehicle travel on our highways increased by 27 percent from 1990 to 2007, and 30 percent of our bridges are structurally deficient or functionally obsolete.

One of the best infrastructure projects in the Nation is the repair of Doyle Drive going onto the Golden Gate Bridge. Senator, I wish you could see it because this is a stimulus project and it is amazing because you actually see these dollars at work. Huge ramps are being rebuilt going down to ground level, this great icon of America. The Golden Gate Bridge would never be built today. We just wouldn't build it. If we did, it would take 100 years to do it with all the permits we need. But it is there, it is an icon, and there is a major infrastructure package working on it.

Our Nation's deteriorating surface transportation infrastructure is going to cost the economy more than 876,000 jobs. It is going to suppress GDP growth, it is estimated, by $897 billion by 2020. Poor road conditions cost U.S. motorists $67 billion a year in repairs and operating costs—$333 per motorist. Failing infrastructure will drive the cost of doing business in this country up by $430 billion in the next decade, as the costs to ship goods and raw materials will increase due to bottlenecks and roads that beat up vehicles.

There was a time when America built big things. In the 1800s, we built the transcontinental railroad in one of the great private-public partnerships of all time. We built projects such as the Bay Bridge, the Golden Gate Bridge, the Hoover Dam in the 1920s and the 1930s. In the 1950s and 1960s, we built an interstate highway system unlike anything else anywhere on the planet. In the 1970s, we built the Bay Area Rapid Transit system in San Francisco. This multidecade investment gave America an economic advantage over every country around the world.

Now listen to this. As recently as 2005, the World Economic Forum rated U.S. infrastructure as No. 1 for economic competitiveness—No. 1 in 2005 for economic competitiveness. But in just 5 years, we have slipped to No. 15—not 5, not 10 but 15 in 5 years because we haven't kept up what is a deteriorating infrastructure caused by overuse. The argument is so solid to pass this bill, I can't understand how anyone could vote against it.

China is spending today 9 percent of its GDP on infrastructure. They are our competition. I live on the Pacific Rim. I can tell you, every time any one of us goes to China they will look around the city, whether it is Beijing or Shanghai, and you will count 20 to 50 cranes building in that city, improving infrastructure.

I stood in Shanghai when the head of the government told me: In 10 years, we will build 375 kilometers of underground subway and 25 stations. Guess what. They did and are doing it. We can't do that. It is a problem. Of course, China doesn't have NEPA, it doesn't have CEQA, it doesn't have three dozen permits you have to get. It is easy to write a letter to Mrs. Lee or Mrs. Chu and say: You will move in 30 days because your apartment building is going to be destroyed. That doesn't happen here.

But there is no excuse not to do what is in this bill. There is no impediment to do what is in this bill. It might not take us back to No. 1, but it might take us back to No. 3 or No. 4.

China spends 9 percent. Do you know what we spend? I will tell you. According to the Economist, on April 28, we spent 2 percent of GDP on infrastructure.

A lot of people are doing columns on whether America remains No. 1 in the world, whether we have lost our clout, whether we have lost our competitiveness, whether we have lost our ability to invest in the future. This bill is a good testing ground because this measure is all infrastructure, with the ability to get it done in the future by a bank that can specialize in the arena.

So it is a good test. It seems to me, if we want this country to be No. 1, we have to vote yes. I believe the will is on this side of the aisle and I send a challenge to the other side of the aisle. There is no reason not to vote for this bill.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Illinois.

Mr. DURBIN. I thank the Senator from California for her presentation. As she talked about her wonderful hometown of San Francisco, one of my favorite cities outside Illinois, I thought about my most recent trip there to that Golden Gate Bridge and the wonderful work that is done in the Presidio. What a tribute it is to that beautiful part of our country that the investments are being made now so people can enjoy it. It was filled with people, bicyclers, walkers, runners, families, tourists, and everybody. It is an indication to me that if you build it, they will come.

In this situation, I couldn't help but reflect as the Senator went through the litany of all the great achievements in America over the last 60 years from the viewpoint of infrastructure. Think back to President Eisenhower and the big debate that was on then about the interstate highway system: Was it going to be bonded or paid for with taxes? It went back and forth, and it ended with a bipartisan agreement, and thank goodness it did. We need that kind of bipartisan agreement right here.

Were it not for the interstate highway system, your State would be much different today. So would mine. Thank goodness, 60 years ago, a Republican President and a Democratic Congress reached an agreement. It can be done.

The Democrats did not say if Eisenhower gets this, people are going to think better of him. They thought better of the Nation, and that was a commitment that made a difference.

I thank the Senator for telling us this story. I appreciate it.

Mr. President, we had a meeting this morning with economists from labor and business, and they came and talked to us about what is going on with the American economy. Nothing they said was a great surprise, but it sure was troubling. One-fifth of all men in America are currently out of work. Just a few years ago, it was one-twentieth.

Since 1969, there has been a 28-percent decline in purchasing power of the average working family. Even though they are working, they have fallen behind. The level of fear and anger in our country is growing. We have had slow economic growth rates, and we are facing some serious issues. The United States today has the same number of jobs it had in the year 2000, 11 years ago, but we have 30 million more Americans in 2011 than we did in the year 2000. We can lament this and read about it and say isn't it a darn shame or we can do something about it.

Fortunately, for those of us who have been elected to this Chamber, we have a reason to do something. In fact, that is the reason we have been sent here. People didn't send us to give inspiring speeches; they sent us to solve problems, to make life better for America, to make this a stronger Nation—a secure, safe, and stronger Nation. We have that power to do this, and the question is whether we will.

I can tell you many people argue that the President's efforts to get this economy moving have failed. I could not disagree more. I have been around Illinois, and I have taken a look at what

we have built in America with the stimulus funds. It is impressive. In my home State, it is impressive, not only in terms of infrastructure but helping businesses get started and to succeed.

Douglas Holtz-Eakin is the president of the right-leaning American Action Forum and was Senator MCCAIN's top economic adviser during the 2008 Presidential campaign. In the Washington Post, on Sunday, he said: ''The argument that the stimulus had zero impact and we shouldn't have done it is intellectually dishonest or wrong.''

That is from a conservative, Republican-leaning economist. He knew the stimulus helped. America would have been in a deeper hole today had we not acted to reduce taxes and to help build America in ways that will serve us for generations to come.

We know now we need to do more. Tomorrow we are going to give our colleagues in the Senate a chance to join us in making that happen. We are going to try to move this country forward by putting people to work building things that count. Highways and bridges and airports and schools, community colleges and things that will serve us for years to come. It will create thousands of jobs all across America. We know the stimulus bill did that.

The Department of Transportation estimates that $48 billion in transportation funds put 65,000 people to work on 15,000 projects. I just saw one last week. It is the new Intermodal Transportation Center in Normal, IL. It is amazing. Right next to the Amtrak station, they have built an intermodal center which has kicked off a renaissance in downtown Normal, IL. There are restaurants, a brandnew hotel I stayed in, a Marriott. There are all sorts of shops and a lot of activity. It is all focused on the centerpiece that is now under construction and will soon be completed. This intermodal center is paid for by the same stimulus funds that many come to the floor and question or mock. This multimodal center is a centerpiece for the growth of a great town in the Midwest.

Incidentally, the rail service of that Amtrak station is being funded with $1.1 billion in high-speed rail grants that were part of the stimulus as well. We didn't just build the buildings, we are putting down new rail with concrete to make sure people have a safe, secure, and faster ride. The station is built with $22 million in TIGER grant funds through the same Recovery Act.

These investments are doing great things for Normal, for Illinois State University that is there. The mayor of Bloomington, who is right next door, came over to say he agreed too.

The Peoria airport is another story. They just completed a brandnew airport terminal. It is beautiful. Mr. President, $6.4 million in Federal stimulus funds are going right into Peoria, creating jobs in Peoria, and building an airport for the 21st century. There were 120 workers at work building this terminal—good pay, good benefits, jobs right here in America.

The Englewood Flyover Project in Chicago is going to eliminate the biggest railroad bottleneck in the Midwest. It will mean that goods and passengers move more quickly through that great city and to their destination. It will put hundreds to work for this construction, and it came right out of the stimulus package.

I listened earlier when Senator FEINSTEIN talked about choices we have to make in this country. I think the choices are pretty clear. We know what China is doing. If we go to China today, we will see building cranes in every direction. She talked about a 375-mile underground subway system. When I was there, they talked about 50 new airports they are going to build in the next 5 years that can land every Boeing aircraft. They are building the ports, the airports, the roads, and the railroads to compete with us in the 21st century. What are we doing? We are locked in a partisan debate on the Senate floor, where we cannot get one Republican vote to support the President's jobs bill to create jobs building America's economic future—not one.

Why? I will tell you why. Let's get down to brass tacks. The Republicans say we cannot vote for any bill that raises taxes. The President's jobs bill—the part we are going to bring—does raise taxes, and here are the taxes that are raised. For those making over $1 million a year in income—that is over $20,000 a week in income—we say, on the income over $1 million, they have to pay a surtax of .7 percent. That would mean that the first $100 that the millionaire makes over $1 million, they would have to pay 70 cents. The Republicans have said: No way. We will not make the millionaire pay 70 cents on the first $100 he earns over $1 million, even if it means putting people to work in America. Who disagrees with that position? A majority of Democrats, Independents, and a majority of Republicans, a majority of the tea party members disagree with the Republican position, but not a single Republican has broken ranks yet to join us in a bipartisan effort to put Americans back to work and pay for it by having the wealthiest, the most well off in our country pay 70 cents on $100.

To me, that is not too much to ask. I would ask that and more of those who have been blessed with a comfortable life and a good income and a nice home and no worries. For them to pay a little more so America can get moving forward and we can reduce this unemployment rate is not too much to ask. It is what we were sent here to do.

I encourage my colleagues to join us. Let's get together, if we can, in a bipartisan basis tomorrow and pass this portion of the jobs act and put America to work.

Incidentally, at this point, the Republicans have produced no jobs bill. They have no ideas. As we are united in fighting this recession and unemployment, they are united in opposing anything proposed by President Obama. I don't think that is the way we need to operate.

Thank goodness when President Eisenhower built the interstate system, a Republican President and Democratic Congress looked beyond the next election and into the next century and what America needed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

A SECOND OPINION

Mr. BARRASSO. Mr. President, the October 2011 issue of the AARP bulletin contains an interesting opinion piece. It was written by the Senate majority leader, HARRY REID. It is right there on the front page, Senate Leader REID. His opinion piece is entitled ''The Health Care Law is Already Working.''

I come to the floor, as I do from time to time, to give a doctor's second opinion. I have a second opinion today about the piece in the AARP paper. I find the choice of the words in the title, ''The Health Care Law is Already Working,'' ironic, especially as the American people continue to express negative views about President Obama's health care law.

I come to the floor—as a physician who has practiced medicine in Wyoming and taken care of Wyoming families for a quarter of a century—to talk about the health care law and to talk about health care in America. What we see is a growing majority of Americans who want to see the entire law repealed and replaced with patient-centered reforms.

Don't take my word for it. Let's look at the facts. On October 18, 2011, just last week, the Kaiser Family Foundation released its monthly health tracking poll. This is a nonpartisan Kaiser survey and it tracks the public views about the health care law, and they have been doing it ongoing. The results this month are truly astonishing. About half of all Americans have an unfavorable view of the health care law. Overall favorability of the health care law stands at just 34 percent, an alltime low. The number of individuals who view the health care law very favorably stands at 12 percent, an alltime low. The number of people who think they will personally be better off due to the health care law stands at 18 percent, an alltime low. The number of individuals who think the country, as a whole, will be better off due to the health care law stands at just 28 percent, an alltime low. Approval of the law among Democrats dropped 13 percentage points to an alltime low. These results make it clear that the new health care law does not work.

About 19 months ago, Mr. SCHUMER, the senior Senator from New York, claimed on NBC's ''Meet The Press'' that:

> . . . as people learn about the bill, and now that the bill is enacted, it's going to become more and more popular.

The President and Washington Democrats miscalculated. They made numerous promises to the American people and they said we need to act fast. We can answer questions later. They asked the American people to trust them. Then the Nation watched as weeks went by, new stories uncovered another health care law glitch, another health care law unintended consequence and another of the President's broken promises. Seniors all around the country know that the President's health care law took over $500 billion from a broken Medicare Program not to save Medicare but to start a whole new government spending program for someone else, not for seniors. Medicare patients know the health care law failed them and failed to address the broken physician payment system. America's seniors understand that Washington Democrats can't cut $½ trillion from Medicare and then claim those cuts will not impact their own health care.

When we look at Medicaid, Governors all across the country know the health care law's Medicaid expansion will restrict patient access to care and very likely bankrupt our States. Medicare only pays health care providers cents on the dollar. That is why about 40 percent of physicians don't accept Medicaid patients. Having a government health care card doesn't mean patients will actually have access to medical care.

We also have concerns since the law was passed about employers dropping coverage. President Obama promised that if Americans liked their current health care plan, under the law, they would be able to keep it. Over the last 19 months, employers have made it clear that the law's mandates are too expensive, threatening their own ability to offer health insurance to their employees.

A reputable national consulting firm surveyed employers across industries, geographies, and employer sizes. The company produced a report titled ''How U.S. Health Care Reform Will Affect Employees' Benefits.'' The company, McKinsey & Company, found that overall 30 percent of employers will either definitely or probably stop offering employer-sponsored coverage after 2014. That is when the President's health care law goes into full effect. Among employers with a high awareness of the health care law, understanding the specific implications of the law, that number of those who will either definitely or probably stop offering employer-sponsored coverage jumps to 50 percent. At least 30 percent of employers would actually gain economically by simply dropping coverage even if they compensate employees through other benefit offerings or higher salaries. So how did we get from ''if you like the plan you have, you can keep it'' to ''30 percent of employers will either definitely or probably stop offering health insurance''?

The problems continue to mount. Recently, on October 20, 2011, Walmart announced its decision to scale back health insurance for some part-time employees. A New York Times article explained that future part-time Walmart employees working less than 24 hours per week won't be allowed to join the company's plan. New part-time employees working between 24 and 33 hours a week won't be able to buy insurance for their spouses. The New York Times article quotes Walmart as saying that the increasing cost of health care is the reason for the change.

Now let's take a look at people's premiums. In 2009, President Obama promised that his health care plan would reduce health insurance premiums $2,500 a year for families in America. Well, the opposite has occurred. President Obama's law has forced Americans to pay more for their health care premiums. On September 27, 2011, the Kaiser Family Foundation issued a report showing that the employer average annual family premium increased 9 percent, from $13,770 to $15,073. The employer average annual single premium—the other was a family, now for singles—the single premium increased 8 percent, from $5,049 to $5,429. Of course, part of this premium increase is tied directly to the health care law.

Then let's look at the CLASS program. That program has recently failed. Remember, President Obama's health care law established a brandnew Federal long-term care entitlement program. It was referred to as CLASS, but the letters stood for ''Community Living Assistance Services and Supports.'' Well, to qualify, people would have to pay the government a monthly premium for 5 years, and then after those 5 years, they could begin collecting benefits. It is now known that the CLASS program was an intentionally designed budget gimmick. The Congressional Budget Office estimated that the CLASS program would reduce the deficit by $86 billion. These ''savings'' came from the premium dollars the CLASS program would collect for the first 5 years, all while the program wasn't required or allowed to pay out any benefits to individuals. So all the money would be coming in. Instead of holding on to that excess money being collected to pay out for future expenses, Washington Democrats here in the Senate used those funds to pay for President Obama's health care law.

Fast forward, and we now know for sure that the program is not financially viable and does not work. How do we know that? Well, many of us knew it when it was going on here on the Senate floor a few years ago, but on October 14 of this year, Health and Human Services Secretary Kathleen Sebelius announced that the administration will not implement the CLASS program.

An op-ed she has written appeared in the Huffington Post, and it said:

> . . . as a report our department is releasing today shows, we have not identified a way to make CLASS work at this time.

The Obama administration had 19 months to figure out how to implement the program, and they couldn't do it. Administration officials at the Department of Health and Human Services knew the CLASS program was unsustainable, and I believe they knew it before President Obama signed the health care law. They knew it, the administration knew it, and the administration failed in their duty to be honest with the American people and tell them.

Today, the White House still refuses to admit that the CLASS program is a colossal failure. In the middle of last month, October 17, 2011, White House spokesman Nick Papas said:

> Repealing the CLASS Act isn't necessary or productive. What we should be doing is working together to address the long-term care challenges we face as a country.

How can the White House admit that this part of the health care spending law will burden taxpayers with yet another unsustainable entitlement program and at the same time demand that it stay on the books? How do they do that?

After having received the AARP bulletin with the headline ''The Health Care Law Is Already Working'' from the Senate majority leader, I came to the conclusion that I needed to come to the floor with a second opinion. The health care law needs to be repealed. It must be replaced with reasonable, commonsense, and financially sound alternatives. This health care law is not working. It is not good for patients; it is not good for providers, the doctors and the nurses who take care of those patients; and it is not good for the American taxpayers.

I will continue to come to the floor of the Senate as we learn more and more about this health care law. It seems that just about every week or so there is a new, unintended consequence that comes forward, a new concern for patients, a new concern for providers, a new concern for the taxpayers. I will continue to work with my patients and with my colleagues to find a health care law that gets patients the care they need from the doctor they want at a price they can afford.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am here today to discuss the critical need to address our Nation's crumbling transportation and infrastructure system. The cracks in this system became abundantly clear to all of our country and, in fact, the entire world when, on the afternoon of August 1, 2007, the I–35W bridge in Minneapolis collapsed into the middle of the Mississippi River, taking the lives of 13 Minnesotans and injuring so many more.

As I said that day, a bridge just shouldn't fall down in the middle of America, especially not an eight-lane interstate highway which is one of the

most heavily traveled bridges in our State, especially not at rush hour in the middle of a metropolitan area, especially not a bridge six blocks from my house that I take my family over all the time to go visit their friends. That is what happened on that day, in the middle of a sunny day in the middle of America. Yet, years after that bridge collapsed and then was rebuilt, 25 percent of our Nation's bridges are still structurally deficient or obsolete.

I wish I could say the bridge collapse was the only tragedy my State has suffered because of a broken infrastructure system. It is not. We saw another one just this October in Goodhue County on Highway 52, which connects the Twin Cities with Rochester, home to the Mayo Clinic. Within a 10-day span, one intersection on Highway 52 between Rochester, MN, and the Twin Cities of Minnesota was the site of two fatal crashes that claimed three lives and injured others. Even before these tragic crashes, everyone agreed that an interchange was needed so that drivers weren't forced to risk racing across a four-lane, divided highway, but the county and the Minnesota Department of Transportation didn't have the funds to build an interchange which could have eased the situation and could have saved lives. The worst part is that intersection of Highway 52 isn't even the most dangerous stretch of that road. In fact, local leaders have marked other projects as higher priorities. Yet the funds aren't there, the money isn't there to address these problems.

These are just two examples of the impact of our infrastructure and transportation needs in this country. There are tens of thousands more in small towns and big cities from Maryland to Minnesota. That is why I have come to the floor to discuss the Rebuild America Jobs Act, legislation I introduced with several of my colleagues, including Senator MANCHIN of West Virginia and Senator SHELDON WHITEHOUSE of Rhode Island. We have come together as Senators from all corners of the country because we recognize the urgent need for new and bold initiatives to rebuild America.

Our legislation would get the ball rolling on desperately needed improvements by establishing an infrastructure bank—something that has long garnered bipartisan support in the Congress—and directing $50 billion toward infrastructure. Both of these ideas, as I have noted, have enjoyed bipartisan support in the past. In fact, standing there with us this afternoon was Ray LaHood, a former Republican Congressman who is now the Secretary of Transportation under a Democratic President.

We have also said there is no such thing as a Democratic bridge or a Republican bridge or a Democratic or Republican highway. Transportation has always been a bipartisan issue in this country, and it must continue to be. That is why we are continuing to push this legislation. We may not pass it this week, but I know from my colleagues on the other side of the aisle that there continues to be interest in moving ahead on infrastructure funding.

This legislation is about improving public safety so that no bridge ever collapses again in the middle of America, but it is also about creating better opportunities for our businesses and jobs. I say that because if we look back through history, it is clear that many of the major milestones that contributed to America's greatness were rooted in our infrastructure. Whether it was connecting the east and west coasts by rail in 1869 or the WPA in the 1930s or the construction of the Interstate Highway System that began in the 1950s with a Democratic Congress and a Republican President—Dwight Eisenhower—or even the amazing innovations of the early American auto industry, our country did not move forward because our leaders tinkered at the edges of the status quo. America flourished because of innovators such as Henry Ford, who once said: ''If I'd asked my customers what they wanted, they'd have said a faster horse.'' Then he turned around and built the Model T.

If Henry Ford were alive today, he would say that America cannot afford to take a horse-and-buggy approach to infrastructure. That is, in fact, what we have been doing. While other countries are moving full steam ahead with infrastructure investments, we are simply treading water.

In an increasingly competitive global economy, standing still is, sadly, falling behind.

China and India are spending about 9 and 5 percent respectively of their GDP on infrastructure. Even Europe spends 5 percent of its GDP. Yet how much are we committing right now? About 2 percent. The effects of this shortsighted strategy are increasingly clear. In its 2007 and 2008 report, the World Economic Forum ranked American infrastructure sixth in the world. That was only a few years ago, and yet we have already slipped to 16th place, putting our roads roughly on par with those of Malaysia and far behind those of Germany, Canada, and Hong Kong. This is a huge problem because the strength of our infrastructure is directly tied to the competitiveness of our economy. Just look at the numbers. As our country slipped in the rankings for infrastructure, we also dropped in the World Economic Forum's rankings on competitiveness. Last year we were in fourth place, and this year we are in fifth place.

Competitiveness is a huge element here, but it is not just about global bragging rights. Fundamentally, it is about lifting the parking brake that has kept our economy idling and addressing the major inefficiencies we have seen in our infrastructure system.

If we want to move to this next-century economy, it is going to be about exports. It is going to be about making stuff again, inventing things, exporting to the world. If we do not have the roads to carry the trucks to bring those goods to market or the waterways and the barges to do it or an air traffic control system that is up to speed on a competitive basis internationally, we are not going to be that economy that so many of our workers and so many of our businesses want us to be.

Failing to move ahead will have consequences no one likes. For example, it would not be altogether different from levying a multibillion-dollar tax on American industry. I say that because inefficiencies in infrastructure are expected to drive up the cost of doing business by an estimated $430 billion, according to the American Society of Civil Engineers. That is just in the next decade.

America spends 4.8 billion hours in traffic—just sitting there in traffic—every single year. When trucks idle in traffic on the highways or wait at port facilities to be loaded and unloaded or when freight trains sit waiting to pass in our congested rail network, our economy hemorrhages dollars, losing roughly $200 billion each year. To put that number in perspective, it is roughly 1.5 percent of our gross domestic product.

Increased transportation costs will make it more expensive for companies to ship goods and purchase raw materials. We can only expect that those costs would be passed on to customers.

Traffic congestion, as I mentioned, costs us billions. When I said 4.8 billion hours per year, actually, I thought: Did I get that wrong? Is it millions? But, no, it is, in fact, 4.8 billion hours each year stuck in traffic. That is $101 billion in lost revenue. That is $713 per motorist.

The bad news is that without action those numbers are only going in one direction—up. By 2020, it is estimated that our crumbling infrastructure will cost our economy more than 876,000 jobs and $897 billion in lost GDP growth.

As I alluded to earlier, the public safety aspect of this debate is also incredibly important, and it is something we cannot afford to ignore, particularly in the context of population growth. According to the Census Bureau, the American population is expected to add another 120 million people by 2050. That is a 40-percent increase in 40 years, and it is like adding the entire nation of Japan or more than three States of California. Think about that. We cannot stand still on our infrastructure. That is 120 million more people on our roads, bridges, tunnels, highways, and airports—structures that are already insufficient for meeting the needs of today's population.

But here is the good news. Addressing this challenge does not just make sense from a long-term competitiveness perspective, it also makes sense

because it would be an immediate shot in the arm for our economy. We are still looking at an environment where too many Americans are out of work or have seen their hours cut back. And people who have taken it the hardest are people in the construction industry. In construction, the unemployment rate now is 13.3 percent—more than 4 points higher than the national average.

The Rebuild America Act will help get these workers back on the job. Here is how we do it:

First of all, we will need to make smarter decisions to stretch our transportation dollars further. This is a compelling case for public-private partnerships—we all know government cannot do this alone—public-private partnerships for private sector jobs. That is why the infrastructure bank part of the Rebuild America Jobs Act is so important. The American Infrastructure Financing Authority would provide loans and loan guarantees to finance projects that would otherwise be too expensive for any one city, county, or even a State to accomplish on its own. The bank would serve as an incentive for the creation of public-private partnerships and the mechanisms necessary for repaying loans once the projects are completed. This will help ensure the quality of projects too, because no private firm is going to invest in a project that is likely to fail.

The infrastructure bank would allow State transportation departments to move more projects off the books and to tackle other critical needs. So the Minnesota Department of Transportation could finally have the resources to focus on fixing Highway 52 and Goodhue County Road 9—or projects in Missouri or projects in Maryland or projects in Oregon. There are needs all over this country.

I wish to make an important point here that the American taxpayers need to know; that is, they would be protected as well. Projects would be considered and reviewed by expert staff, separate from the independent and nonpartisan board that would select the projects. There are strong oversight protections, and projects would have to be backed by a dedicated revenue stream.

All of this is part of the reason this infrastructure bank has always had bipartisan support. Senator KERRY has worked very hard on this legislation, as have many of my Republican colleagues. They have suggested a similar model in the BUILD Act, many of the sponsors. The BUILD Act has 10 bipartisan cosponsors.

Beyond bipartisan congressional support, an infrastructure bank has earned the support of people as far-ranging as from the chamber of commerce to the AFL–CIO.

With the initial infusion of $10 billion that the Rebuild America Act proposes, it is estimated it could leverage private investment to generate between $300 billion and $600 billion for infrastructure improvements. The infrastructure bank is the kind of bold and new action we should be taking as a nation.

Coming from a State, as I do, where there is a large rural population, I also think it is important to note that rural America—whether they are in South Dakota, North Dakota, Montana, or Nevada—should not be left behind. The infrastructure bank would be structured so that the kinds of projects that are important to rural regions, such as clean drinking water and sanitary sewer systems, could also compete for loans and loan guarantees.

Right now, too many repair and replacement projects in our Nation's drinking water and sanitary sewer systems are endangered by a lack of funding. According to the 2008 EPA survey of needs, Minnesota needs $4.1 billion to upgrade our drinking and sanitary water systems. And in 2011 alone, my State has $400 million worth of projects that are just sitting there.

Clean water projects are vital to the safety and health of our communities, particularly our rural communities. We all benefit from projects that can promote public health, protect our environment, help create jobs, and support local infrastructure. Let me give you an example. In southwestern Minnesota, we are working on a three-State effort—consisting of Iowa, South Dakota, and Minnesota—to get water to 20 communities. The region's current lack of water has brought economic development to a standstill in an area where there are all kinds of possibilities for development in an agricultural community. According to the manager of the Lincoln Pipestone Rural Water System in Minnesota, this lack of clean water has forced the community to turn away businesses that would have otherwise opened in the area, including a large dairy plant, a large cattle-feeding operation, and biofuels plants. That is just in the last 5 years. In other words, the community has lost untold jobs and economic growth because it lacks the water.

Importantly, the infrastructure bank that the Rebuild America Jobs Act would create also includes technical assistance to rural communities. Five percent of the initial investment to capitalize the bank would be designated for projects in these very areas. That is $500 million for rural America.

As we move forward with this conversation, we cannot lose sight of the critical importance of the multiyear surface transportation bill. This is something we need, and we need it now.

The surface transportation bill gives certainty to State departments of transportation so they can make the multiyear planning decisions on how best to spend Federal and State resources.

The certainty of a multiyear bill also benefits the private sector. Once States know how much they can put toward infrastructure projects, they can begin contracting with companies—private companies—in engineering, design, and construction. These are companies such as Caterpillar, which employs 750 people at its road-paving equipment manufacturing facility in Minnesota. I visited there in August. Caterpillar's employees are the kind of people who are out there on the front lines of American industry. They are people who make the slogan ''Made in America'' not just a slogan; it is real. They depend on the certainty that only a multiyear Transportation bill provides. We have an opportunity to give them that certainty.

I know Chairman BOXER and Senator INHOFE have been working on this out of their committee, but I did want to keep in mind that as we work on the rebuild America jobs bill, as we work on the Transportation bill we are talking about today that I would like to get passed by the end of this year, that we also are cognizant of the fact that there is a very important 2-year bill they are debating at this very moment.

When we look at the state of our Nation's infrastructure, there is no escaping the fact that we are far from where we need to be. Our 21st-century economy depends on a 21st-century transportation network. It is that simple. Fixing our infrastructure is one of the best possible ways to strengthen our Nation's most basic foundation—the channels we use for everything from commerce and exporting to emergency management and disaster response.

But I also believe it is about bringing America back to the brass tacks. We know we have to do something about our debt, and I personally believe we can get there with a balanced approach, with spending cuts and looking at closing some of these loopholes. But even then, we must focus on what will move our economy forward in the long term. We simply can no longer base our economy on being a country that just simply churns money and shuffles paper, simply being a country that consumes, that imports and spends its way to a huge trade deficit. That has not worked.

What we need to be now is a country that makes things again, that invents things, that exports to the world. The only way we are going to make that happen is if we have the roads and the bridges and the rail and the barges and the airports to carry these goods to market. That is what this is about. We cannot put it off any longer. We must move forward now in a bipartisan manner to get this done for our country.

I urge my colleagues to support this bill.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I rise today to speak on this infrastructure jobs bill, and actually I think my good friend from Minnesota has done a great job of explaining why we need to be focused on infrastructure. I think if I was

going to summarize my comments, as they might compare with hers, they would be that we need to be focused on the longer term problem.

We certainly do have a committee that is working on a 2-year bill, and here we are spending time today talking about a bill that I think is likely not to happen. Even if it did happen, would it be better than a 2-year bill? Of course not. Does it do anything better than the traditional infrastructure focus of the country that includes communities and cities and States instead of Federal bureaucrats? Of course it does not. We need to be focused on the right thing, at the right time.

The top concern on American minds today is righting our Nation's economy, having an economy that creates private sector jobs. While we take different approaches to addressing this issue, I think the Congress is genuinely united in understanding what the goal should be; we just have such a difference of opinion as to how to get there.

What role does infrastructure play in private sector job creation and competition? It plays a critical role. In fact, it is one of the few places where the Federal Government actually can take actions that specifically create private sector jobs.

Roads and bridges are maintained and kept clean and kept open and supervised by State and local authorities, but they are built by private sector contractors. So that is a good thing. The question is, What is the best way to get there? Unfortunately, we are 2 years removed from the expiration of the last surface transportation bill, and we are talking in the Transportation Committee—I am told; I am not on that committee—I know Chairman BOXER and the ranking Republican, Mr. INHOFE, are talking about how you can have another 2-year extension of that bill. It is unfortunate we are not talking about the 4- or 5- or 6-year surface transportation bill we have traditionally talked about because that is the kind of time it takes to really make a project that matters work.

We have been holding the surface transportation bill together with duct tape and Super Glue for a couple of years now, and the last time we did this, in September, we extended that bill for 6 months. The President frankly began to put his energy behind this different proposal that I have lots of concerns about. But I have even greater concerns about the fact that the energy and focus is there instead of on how do we get at least a 2-year extension of a transportation bill, a surface transportation bill that would work.

I said we were holding the bill together—the legislation together—by duct tape and Super Glue. Unfortunately, that is how we are also holding the transportation system together, because you cannot have the Eisenhower vision that was mentioned earlier of an interstate system, you cannot have an Eisenhower vision that has a 6-month shelf life or a 6-month window of opportunity. If you are going to have that kind of system put in place, you have to have a system that is put in place with an understanding that this is an ongoing program, that we have ongoing sources of funding, that we have an ongoing ability to contract.

That is why we need to be talking about the best way to find new and innovative ideas to invest in our infrastructure development. I am increasingly concerned that this legislation we are talking about today takes a short-term ''Federal bureaucrat knows best'' approach, rather than the approach we have had good success with in the country when we were building roads and bridges and airports and infrastructure in ways that mattered.

In all of our home States, certainly in my home State of Missouri, community leaders and job creators tell me that they are clearly looking for more certainty of how to create jobs. They need the ability to look beyond 3 or 6 months in order to plan and anticipate investment levels to expand their operations. We need to make smart investments in our Nation's infrastructure so people who build infrastructure can look forward with certainty, and communities that are dependent on infrastructure can look forward with certainty, and a business that is thinking about making a job-expanding commitment to a community knows what the highway plan is for the decade, not for the next day.

We have to get there, and you cannot get there 6 months at a time. This piecemeal approach, including the continuing resolution, and the so-called stimulus bill, and other things that postpone other efforts for communities to get funding, the whole idea of an infrastructure bank that would go for projects that had some ability to pay for themselves—when you ask questions about that, nobody knows what that means. Nobody knows why. If these things have an ability to pay for themselves, States could bond them out tomorrow. If you have a revenue stream that will pay off the building of a bridge, if you figured out how to create that revenue stream, States could issue that bond right now.

The only reason to have a Federal infrastructure bank is because the infrastructure bank is insolvent and not planned to be solvent, and only the Federal Government can give it the credibility it needs so it can ever possibly be used. But that is not the long-term solution to infrastructure.

As we have witnessed in recent months, the President's idea of a jobs plan apparently is focused on holding press conferences in front of bridges—he had one today—to sell the idea that another stimulus bill will create more jobs. How does the President ever expect shovel-ready projects to be shovel ready? They only get to be shovel ready if you have a lot of time to plan and you know what the funding source is, and you know how you are going to not just start the project but complete the project—bridge replacement and major infrastructure investment and critical projects.

But if this bill does become law, 10 percent of the money, the Congressional Budget Office estimates, would be spent between now and September 30 of next year. So this is no economic recovery plan. It is also no long-term highway plan. And 10 percent of the money spent in the next 11 months is not what it takes to get this job done.

Of course, 50 percent of that—of all of the money—would be spent by the Federal highway department rather than allocated, as we have allocated Federal highway money since the 1950s, back to the States with incentives for them to match that money and to do the best they could to have a fair distribution of highway and surface transportation money across the country.

These piecemeal solutions will not work. There are many examples of communities that are facing challenges and they want to know how that question is going to be met. In Washington, MO—not Washington, DC, but Washington, MO—there is an 80-year-old bridge that goes across the Missouri River. It needs to be replaced. It has needed to be replaced for some time now. But are we going to let the President of the United States decide if that is the bridge we replace? There are some things that the President should not decide. The President is without any question in the best position to decide what is the best way to go into Abbottabad and get Osama bin Laden. The President is not in the best position to decide what are the bridges to be built between Kentucky and Ohio.

I know he likes to give that example a lot because the Republican Senate leader is from Kentucky and the Republican Speaker of the House is from Ohio. And he says, we need a bridge between Ohio and Kentucky. That may actually be true. But the President of the United States is not the best person to solve that problem. The best people to solve that problem are the people in Kentucky and Ohio who get their gas tax money, their transportation money, whatever kind of funding we can figure out meets the needs of the future and say, here is our 10-year plan. Here is how we are going to fund our 10-year plan. In year one we are going to do the bridge planning for which of these bridge possibilities we need. In year two we are going to plan the bridge we decided we needed. In year three we are going to build the bridge. Maybe by year six or seven someone is using the bridge. This is the idea. These ideas, these short-term solutions, simply do not work.

State departments of transportation are hesitant to commit to long-term projects without the assurances of a funding stream in the future. The President's bus tour will not provide individuals with more certainty, but instead a long-term investment plan would work to answer these questions.

We need a clear Federal infrastructure blueprint to help county commissioners, to help contractors and cities, to help statewide departments of transportation lay the groundwork to plan, to assess local needs, to hire more employees, to make the decisions necessary to encourage economic growth.

In addition to the short-term approach that I think this bill has, I am concerned with some of the policies included in this proposal. With the increased funding for discretionary proposals, grant programs such as the Federal TIGER grants and now the infrastructure bank, the message being sent to the States is that Washington bureaucrats will set the priorities. Our entire infrastructure network is in desperate need of comprehensive updating that refuses to be put off any longer. We need to refocus all our efforts on the modes of transportation, the flexibility between them. Why we continue to rely on fragmented programs makes no sense to me or lots of other people. The answer is not to continue writing blank checks to the administration and then hoping that the people who will make the decision—with zero accountability, frankly—will somehow make that in the best interests of all of our States. We need to do the hard work of crafting and investing in a formula that works for the future.

Chairman BOXER and Ranking Member INHOFE have been working hard putting together a new reauthorization bill. I wish that were a 6-year bill, not a 2-year bill. But I tell you, a 2-year bill has far greater possibilities for success than a 6-month bill that will go away before it is able to do any good.

I look forward to starting the work. I hope we can stop taking time on things that will not work and start solving the problems that have to be solved for the country, that have private sector job recovery that we need to be prepared for the next century, as people in this body worked in the 1950s to see that we could be prepared for the last 50 years of the last century.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, most every Republican in this body and probably outside of this body would admit that President Obama inherited a very bad economy by the time he was sworn in. The only thing is, by every measure of the economy, this economy is much worse now than what he inherited.

The Obama economy is bad because there is a prospect of taking more money from the American taxpayers with the biggest tax increase in the history of the country next year; and many brand new regulations that are very costly to the economy. Particularly small businesses do not know where they are going to be hit next and where their costs will be.

We have this big budget deficit that is a damper on the economy. In every respect, things this administration are doing are putting a wet blanket on the economy. We have wrongheaded energy policies as well.

We hear the President say, when he puts forth his jobs bill, touring the country in his bus: Pass this bill right now. Pass this bill right now. We have had some experience with efforts to pass bills ''right now.'' They got passed, like the stimulus bill, 1 month after he was sworn in, which was supposed to keep unemployment under 8 percent. But it has never been under 8 percent since 1 month after that time. We have to pass the health care reform bill ''right now.'' And the health care reform bill was passed that very first year when the other party controlled everything, all three political branches of government. They had everything their way. And it was passed ''right now.''

We are finding out that passing something right now is not the way to do business, particularly if it is done in a partisan way. I think the extent to which the President would lead instead of being on the fringe would help this process along, because he is the only elected official in this country who speaks for the national voice. Each one of us representing our constituencies has a national perspective, but we also have to be worried about the needs of our constituents.

Let's go to what the latest effort is of this President to turn this economy around his way and get this bill passed ''right now.''

Just a few weeks ago, the Senate considered a so-called jobs bill that would have provided $35 billion of the $447 billion for the purpose of creating or saving jobs for teachers and policemen and firefighters. This bailout was included by President Obama in this $447 billion stimulus bill No. 2 that he proposed in his speech before Congress this September.

When it became apparent the Senate leadership didn't have the necessary votes for the whole package, then Majority Leader REID chose to move this bill in parts instead of in one big package. Most of the reason he had to do that is because people in his caucus were not ready to vote for big tax increases or taking more money away from the American people and sending it to Washington.

Proponents of that bill argued that this $35 billion bailout was necessary to prevent the layoff of teachers and public safety employees. Don't forget, this isn't the first time the Senate has considered this type of bailout because it was that bailout that just had to pass ''right now,'' in February of 2009, which was supposed to keep employment under 8 percent. That was the $814 billion stimulus bill Congress enacted in early 2009. It included bailout money for State and local governments.

That is one of the reasons it didn't work, because whether it is the State, local, or Federal government, governments consume wealth. They don't create wealth. When we put half of that $814 billion bill into public employment, it doesn't create jobs. That money should have been used to stimulate private sector employment.

President Obama stated that bill would save or create up to 4 million jobs over the following 2 years. That bill was supposed to create or save 150,000 jobs for teachers, nurses, firefighters, and police officers according to our President.

Then, in August 2010 Congress passed another State and local bailout, this time sending $26 billion to States to save or create public sector jobs. At that time, Robert Gibbs, the White House spokesman, stated that this bill was ''a very important proposal, particularly to ensure that 160,000-plus teachers don't get fired as a result of bad State budgets.'' This $26 billion was the second effort by Congress to help States plug their budget holes while claiming that we were saving the jobs of teachers and other government workers.

The truth is, these efforts to save State and local public sector jobs are more simply a bailout of State and local governments that have failed to rein in their own spending. State and local governments became addicted to tax-and-spend big government policies, and Federal bailouts have only aided the addiction.

Rather than making the necessary and difficult budget decisions, these State and local governments come to rely on the spendthrift behavior of their Congress to spend more and plug budget holes. Nationally, the debt held by States is approaching $3 trillion. That doesn't even figure in unfunded pension liabilities. Some of the States in the worst trouble are Massachusetts, Rhode Island, New York, New Jersey, Connecticut, Illinois, and California. The increase in debt has had a significant impact on their budgets or on their bond rates and their ability to find competitive bond rates and competitive financing.

The free-spending State legislatures, coupled with a huge public work force, have driven up the cost of doing business in these States. It has negatively impacted their unemployment rate and their economic growth.

For much of the history of our country, States have been responsible for financing their schools, police, firefighters, first responders, and other public employment. We know that throughout the 224-year history of our country most of the time these State and local governments have done a pretty darn good job. States that have done well have grown economically and attracted more jobs. With economic

growth we are going to have more taxpayers. What this country needs is more taxpayers, not more taxes.

States that haven't managed their budgets well have had, as you might expect, the opposite result. This competition among States has created a system that demands and rewards good government and, in the process, attracts employers and workers.

A Federal bailout of States upsets this balance. It rewards bad behavior and ultimately hurts the American economy. Federal bailouts eliminate the risks associated with poor economic policies. The moral hazard of Federal bailouts is that it sends a message to bad actors that there are no negative consequences for their failure to effectively govern.

At the same time, this type of Federal stimulus is ineffective at saving or creating jobs, and it does nothing to promote private sector growth. Annual Federal deficits are close to about 8 to 9 percent of GDP, and our national debt is $15 trillion. We cannot afford to bail out States and continue to encourage poor fiscal behavior by our States.

The bailout of Democratic Governors and State legislatures—and I suppose I ought to include Republican Governors and Republican State legislatures, as well—and public employees may be good politics, but it is terrible economics and creates even worse fiscal situations. Rather than propose political solutions during this economic downturn, the President should work with Congress to find real, authentic, genuine solutions to our economic and unemployment problems.

The recession began in December 2007, and nearly 1 in 10 Americans remain unemployed today. More than 26 million Americans are either unemployed or underemployed. The policies of the past 2½ years have not worked; they have made things worse.

Now, for the benefit of people—and maybe we can't say this too often because it looks strictly partisan—but we all ought to admit that this President inherited a bad economic situation. It is nothing to be proud of for a Republican President or any of us Republicans who were in office at that time. But by any measure of the economy, this President has made things worse.

The time for political documents has long past. It is time to govern, to work together, to get our economy growing again, and move the Obama economy into a bipartisan economy, at least to job creation.

For those who are unemployed, it is a depression. It is time we did something to help turn this situation around. Private sector employers need an international trade agenda that opens new doors to sell U.S. agricultural goods and manufactured products and services. Obviously, I am glad the President finally sent to the Senate three trade agreements and that they were passed last month. They were delayed, though, unnecessarily for years, and the rest of the world is moving ahead without us. We are more than capable of increasing exports, but we need the markets to do it. It is very simple. Why worry about exports? Because only 4 percent of the people on the face of the Earth live in the United States. The other 96 percent live outside the United States. Who are we going to market to, the 4 percent? Yes. But if we are going to expand our economy, we are going to have to market to the other 96 percent.

Thank God, President Obama has set an agenda that he wants to double exports. But in order to reach this goal and do everything possible to generate economic activity and opportunity in the United States, the President needs to move forward on other job-generating and trading initiatives without delay.

It is time to put an end to job-killing Federal regulations—as I move on to a new subject of why the economy is not so good. New regulations from EPA, the Department of Labor, National Labor Relations Board, and others are making it harder for businesses to grow. Understand that I said ''new'' regulations. I think sometimes people, when they hear us talk about a moratorium on regulations, they think we ought to take all of the present regulations off the books. They may not necessarily be good, but the economy has accounted for them already.

When we have 9.1 percent unemployment, and we have all these new regulations coming out—66,000 pages of new regulations so far just this year—that just makes it very hard to decide whether we ought to hire somebody—particularly, for small business.

Remember, small business creates 70 percent of the new jobs and about 25 percent of all employment in America. In some cases, new regulations are actually destroying jobs. With unemployment at 9.1 percent, it is time for the Federal bureaucracy to stop harmful, job-killing, new regulations.

What we are calling for is not to stop ever regulating into the future, but to put a short-term moratorium on regulations so that people have a chance to get us out of the hole we are in with this 9.1 percent unemployment—let's say a measure of getting unemployment down to 7 percent before we have new regulations.

It is also time to develop domestic energy resources that will create jobs while increasing domestic energy supplies. Nobody seems to be very concerned about spending $830 million every day—just in case that sounds phenomenal, $830 million a day is the amount of money we send overseas to bring oil into this country. That is a terrible subsidy to the volatile Middle East, which wants to train Americans to kill us or to reward Hugo Chavez, who badmouths us almost every day.

We need to make more energy available, driving down prices, making our country more energy independent. The President's energy agenda is moving us backward because of not enough emphasis on the fossil fuels that are available in this country. It was only 3 years ago that natural gas was $14, $15 per unit because we thought we were using it all up in America. Recent discoveries tell us that we have natural gas for maybe 100 years. It is down to around $4 or $5 now per unit.

But it is not a case of finding fault with the President on green energy because whatever source of energy we have, if we want a growing economy, we are obviously going to use more energy. We just must use it more conservatively. We ought to encourage conservation, and we should also encourage the use of fossil fuels wherever it can be found. It ought to encourage all sorts of green energy, and that is all the biofuels we in the Midwest talk about—the wind energy that my State is second in production of, and it is also solar, biomass, cellulosic, biofuels, all of the above.

I said conservation, and I guess the fourth one would be nuclear energy. It is time to change course and develop energy sources at home and create jobs in the process.

Finally, in 2009, President Obama said we don't raise taxes in a recession. He stated his position clearly: The last thing you would want to do is raise taxes on anyone during a recession because it would harm businesses and economic growth. We know when he said that unemployment was under 8 percent. So if we have 9.1 percent unemployment now and will for quite a bit into the future, aren't we still in a recession? So isn't the President's own benchmark the benchmark we ought to be using yet today? Yet we have the biggest tax increase in the history of the country—taking more money away from the taxpayers and sending it to Washington—coming up next year.

Wouldn't it do a great deal of economic good if this President said exactly what he said about the time he was sworn in; that we shouldn't increase taxes during a recession. Yet we have all these jobs packages put before the Senate that include job-killing tax hikes. That is why they have been received with bipartisan opposition. To those who say the packages the President has proposed have been killed by Republicans, one of the reasons the majority leader had to change the President's tax packages for a vote here a couple weeks ago is because there is opposition within his own conference about that. A few courageous Senate Democrats have consistently said no to their leadership when it comes to raising taxes on small business and other job creators.

The only bipartisanship we have seen so far is the bipartisan opposition to ill-conceived political documents. The Democratic majority needs to get serious about addressing our economic problems. It is time to consider policies that will get people back to work without harming the economy. It is time to stop the political aspects of this debate. The best way to do that, it

seems to me, is to look at the other body—controlled by Republicans—that has passed 15 pieces of legislation that will help turn this economy around. We haven't taken up any of them, although I think we are about ready to take up, thank God, one of the 15 that is referred to as the ''3-percent withholding.'' Unemployed Americans need to know we are going to do something to help create jobs and grow the economy, and taking up more of those 15 bills would be getting something done in a bipartisan way. Unfortunately, so far the Democratic majority and President Obama are more interested in political strategies than creating jobs and economic growth. The only reason I say that is it seems to me there is little intellectual honesty on the part of the President when in a speech given to a joint session of Congress one evening—as he did in September—he would plead for bipartisan support and then, the very next day, go out on the road on a political venture and say he can't get the cooperation of the Republicans—pass that bill right now.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, later this week—I assume sometime tomorrow—the Senate is expected to vote on the Rebuild America Jobs Act. This is a practical, commonsense piece of legislation that does two urgent and important things: It will help to modernize America's crumbling infrastructure, and it will help to put Americans back to work and get our economy going again.

Not surprisingly, this bill enjoys overwhelming popular support among the American people. Every day, Americans see the infrastructure crisis with their own eyes. They see interstate highways increasingly overwhelmed—potholes everywhere. They see bridges and overpasses that are structurally unsound and in danger of collapse. Need I mention the gridlock in some of our major cities because of inadequate roadways and access points for automobiles? China and Brazil are building world-class seaports, while ours are left over from early in the last century.

We know we need to make major Federal investments in modernizing America's infrastructure, so why not do it now, at a time when our Nation is suffering from the most protracted period of joblessness since the Great Depression. The construction sector is the hardest hit part of our economy. We can put those people back to work renewing our infrastructure and, again, as I said, boosting our economy.

Why aren't we doing this? The answer is, Republicans have made it clear they intend to block this legislation tomorrow, just as they have blocked so many other bills designed to put Americans back to work and get the economy moving again. They filibustered and killed the American Jobs Act. Two weeks ago, they filibustered and killed the Teachers and First Responders Back to Work Act. It seems to me if the word ''no'' were removed from the English language, our Republican friends would be rendered speechless.

Let me state the obvious. The word ''no'' will not put 28 million Americans back to work. The word ''no'' will not allow us to strike a balanced agreement to bring deficits under control. The word ''no'' will not allow us to undertake a robust program to modernize our transportation system.

The job-creating investments in this bill are fully paid for with a tiny fractional tax on the richest of the rich in the United States. These wealthy Americans would pay a 0.7-percent surtax on incomes in excess of $1 million a year. Let me repeat that. This infrastructure jobs bill we will be voting on tomorrow, which the Republicans have indicated they are going to filibuster and kill, is fully paid for with a 0.7-percent surtax on incomes in excess of $1 million a year. If those making more than $1 million a year even noticed such a negligible tax, I would be astonished. Still, the Republicans say no.

Let's put this in context. Just last week, the nonpartisan Congressional Budget Office reported that over the last three decades the aftertax income of millionaires and billionaires increased by 275 percent. That is correct. The Congressional Budget Office said over the last three decades the aftertax income of millionaires and billionaires increased 275 percent. During the same 30 years—the same three decades—the average take-home pay of middle-class workers in America actually declined. So is it any wonder the middle class is upset when they see what has happened to them over the last 30 years—flat, slightly declined in terms of their living standards and their income—while the superrich increased their take-home by 275 percent.

The top 1 percent of income earners in America now take home more than half of all the money earned each year in America. Again, that needs repeating. The top 1 percent of income earners in America take home over half of all the money earned in America every year. Mind-boggling, isn't it? Mind-boggling. Yet Republicans adamantly oppose any tax increase on these people—even 0.7 percent—which would go toward the infrastructure of America and putting people back to work.

Certainly, no one questions the solicitude of Republicans toward the rich and the superrich. I just wish they would show even a fraction of that concern on behalf of the besieged middle class in this country. Republicans on this so-called supercommittee are willing to block all progress in order to prevent any tax increase at all on the rich, but they are demanding—demanding—deep cuts to Social Security, Medicare, student loans, and other Federal programs that undergird the middle class in the United States. Meanwhile, Republicans in the Senate continue to block the bills we have proposed in order to put people back to work and get the economy moving again.

Some pundits have speculated that, for political reasons, Republicans are deliberately blocking any legislation that would boost the economy or create jobs because that would make President Obama maybe look good. These pundits point out the Senate's minority leader has been explicit in stating that his No. 1 priority is to prevent the reelection of President Obama. So many of the pundits say that, to the extent Republicans can prevent us from doing anything—keep this place in gridlock, keep us from having a jobs program—and the economy gets worse, then they will say to the American people: See, President Obama is not doing his job. The economy is getting worse.

I just heard my colleague from Iowa. In his speech, he was at least honest enough to say President Obama had inherited a bad economy. That is true. He admitted that. My friend from Iowa, my colleague, went on to say, however, that President Obama has made it worse; that he hasn't improved anything over the last 2½ years; that his plan hasn't worked.

I daresay it is the Republicans who have been blocking anything we could do to put America back to work, including their voting no tomorrow, which I understand they will, in order to prevent us from getting this infrastructure and jobs bill through.

A more charitable explanation is Republican ideology is simply that government can't create jobs. This may be a sincere belief of most Republicans, but I must point out it is sincerely wrong. Across our Nation's history, an often visionary Federal Government has funded and spearheaded initiatives that have expanded private commerce, given birth to countless inventions and new industries and created tens of millions of jobs in the process.

Let's take a look at history. One of the most visionary advocates of Federal investment to create jobs was, believe it or not, the father of the Republican Party—Abraham Lincoln. Despite the disruption of the Civil War, Lincoln insisted on moving the Nation forward through bold Federal investments and initiatives. For example, in 1862, he signed the Pacific Railway Act, authorizing huge Federal land grants to finance construction of the transcontinental railroad—one of the great technological feats of the 19th century. To produce the rails for this railroad, he enacted a steep tariff on foreign steel in order to get the American steel industry going.

There is a story—I don't know if it is real or apocryphal—about Abraham

Lincoln. He was approached by, I guess, the free traders of his time who said: If you are going to build this transcontinental railroad, it would be cheaper to import the rails from England. They have the steel mills, they know how to do it, and it would be cheaper to build them in England and ship them here. It is said Lincoln thought about this for some time and came back and said: Well, it seems to me, however, if we buy the rails from England, they have our money and we have the rails. But if we build the rails here, we have our money here and we have the rails.

As I said, I don't know if that story is true, but I have heard it many times in my lifetime. Thus, he put in place a steep tariff, kept England's rails out, rebuilt our steel industry, and, as they say, the rest is history.

These and other Federal initiatives during Lincoln's Presidency had a transformative impact on the U.S. economy—creating new industries and millions of new jobs. Again, Lincoln did this despite the fact the Federal Government was deeply in debt—deeply in debt—and running huge deficits to finance the Civil War.

It is almost humorous to imagine how today's Republicans would have reacted to Lincoln's agenda. No doubt they would have attacked him as reckless and irresponsible. They would whine that we are broke and can't afford to invest in the future. I keep hearing this all the time: We can't afford to do this. We can't afford that. We are broke. We are broke. Doesn't anybody understand we are broke?

I keep pointing out the United States is the richest country in the history of mankind—the richest country in the history of mankind. We have the highest per capita income of any nation in the world. So if we are so rich, why are we so broke? We have got to keep asking that question. I am sure the tea party contingent would have demanded that Lincoln be expelled from the party, all of which reminds us how far the modern-day Republican Party has strayed from its progressive, forward-thinking beginnings. Indeed, the present-day Republican Party would have excoriated President Reagan. I see they just put a new 9-foot statue of him out at National Airport. They should put underneath it, ''He raised taxes in 1982, 1983, and 1984.'' Yes, President Reagan raised taxes in 1982, 1983, and 1984.

Dwight Eisenhower, another Republican, championed one of the greatest public works projects in our history, and that is the building of the Interstate Highway System. A 1996 study of the system concluded that:

> The interstate highway system is an engine that has driven 40 years of unprecedented prosperity and positioned the United States to remain the world's preeminent power into the 21st century.

And, of course Franklin Roosevelt in the depths of the Depression put a lot of people to work, and they built a lot of good things. So I thought I would bring this over here. I hang this on the wall in my office. This is my father's—not my grandfather's—WPA card. For all you young people here, you can read your history. WPA stands for the Works Project Administration. It was instituted in the Depression to put people back to work building public works projects. So this is my father's WPA card because he was out of work, and he went to work on WPA. It has his name here, Patrick F. Harkin, Cumming, IA. It says here: You are asked to report, ready for work at once at a project as a laborer, $40.30 per month, 138 hours max, Warren County. Signed by my father.

So my father went to work on WPA, and this is his card. I keep it as a reminder of a lot of things, but also a reminder of the good things the government can do. They gave my father a job. He was married and had five kids and the sixth one on the way—me; no work, no income. Of course, that was before Social Security or Medicare or anything else.

What did they do? Did they stand around doing nothing? Years later, my father took me out to visit some of the projects he worked on, on WPA. There is a place out in Des Moines called Lake Ahquabi. It is a huge State park, it is a recreational facility, campgrounds, Boy Scouts, a big lake there, conference centers, still being used today, built by my father. Well, not by him alone, but he worked on it in the WPA, still being used today. You can go in and look at the high school built by WPA, still being used today, I might add. My father was rather proud of the things he worked on.

When they built the high school, did the government do it? Was it some kind of government entity that built it? No, it was a private contractor. Who dug out the lake and built the things at Lake Ahquabi? Private contractors.

The bill we are going to vote on tomorrow, the public works bill, the putting America back to work jobs bill, would put people all over America back to work on highways and bridges, and sewer and water systems and things such as that, who would be employed by the private sector, by private companies to do the work. And the work needs to be done.

Many of the things my father and others in the WPA worked on in the 1930s still are being used today, although they are crumbling. Someone recently said that we are still driving on Eisenhower's highways and going to Roosevelt's schools.

What is our generation going to do to rebuild that infrastructure for future generations? Well, I guess we are going to sit around here and do nothing, because the Republicans continue to filibuster and block any meaningful jobs bill getting through the Senate.

Mr. McCAIN. Will the Senator yield for a question as to how much more time the Senator will be taking, so we can adjust?

Mr. HARKIN. I would say to my friend from Arizona, less than 10 minutes, about 7 minutes.

Mr. McCAIN. I thank the Senator.

Mr. HARKIN. I thank the Senator.

Investments such as these, investments such as what Abraham Lincoln did or what Eisenhower did or Franklin Roosevelt did, investments that were led by Lyndon Baines Johnson to educate our workforce and to retrain our workforce, to make sure every child had a good education in America, all of these helped people who were unemployed, helped them to get jobs, helped them to become taxpayers, and it set the stage for economic growth in our country.

To me, the most obvious and quickest way to dramatically ramp up our Federal investments in infrastructure is to pass this jobs bill. The American Society of Civil Engineers estimates that America faces a $2.2 trillion infrastructure backlog. Bringing the U.S. infrastructure into the 21st century would rapidly create millions of private sector jobs, especially in the hard-hit construction industry, while modernizing our arteries and veins of commerce.

There could be no economic recovery without robust, forward-thinking investments to boost our competitiveness and put people back to work. This means to invest in education, innovation, the infrastructure in America. It means restoring a level playing field with fair taxation, a good ladder of opportunity to give every American the education they need to gain decent employment and achieve the American dream.

Again, it is all wrapped up in the Rebuild America Jobs Act that we will be voting on here tomorrow. I wish I could say I am hopeful that we could pass it, but I understand the Republicans are going to filibuster it and we won't have the 60 votes needed. That is a shame, because we need to put people back to work and we need to rebuild our infrastructure, and we can't wait much longer to do it.

Mr. President, I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 720

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 720 and the Senate proceed to its immediate consideration; that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. Reserving the right to object, which this Senator does, I want to make a comment and then I will give my answer.

Mr. President, the good Senator, who is on the Finance Committee, wants to repeal the CLASS Act. It is called long-term care. To be sure, the CLASS Act is not perfect, but little of what we do in the Senate is perfect. But if there is anything in this country that we ought to be driving toward, it is a long-term care policy, which right now consists of impoverishing yourself and getting rid of your assets, homes, house, whatever, car, in order to classify for Medicaid. That way you can get it. It is called the humiliation of Americans with legitimate health care needs.

The CLASS Act could be amended through the regular legislative process to make it sustainable over the long term, but always our friends on the other side of the aisle find it easier to object and repeal. ''Let's repeal something.'' You don't have to have an alternative in mind. You can leave people in the same sense of suffering as we found way back during the Pepper commission, where people would prostrate themselves in order to qualify for Medicaid, in which they would have a chance at getting some long-term care. We need to discuss this, because it is a huge problem.

In 2008, 21 million Americans had a condition that caused them to need help with their health and personal care. Why? Because Congress has shied away from this subject forever. We have made a habit of shying away from it. Medicare does not cover long-term services and other supports, yet about 70 percent of people over age 65 will require some type of long-term services and support at some point during their lifetime—70 percent of people over 65. As our population ages, the need for services will grow. A little known fact is that about 40 percent of the individuals who need long-term care are under the age of 65, and long-term care services and supports can help these individuals be more independent and be part of the workforce and to have a sense of self-esteem.

Medicare, as I say, does not cover these services. The difference between Medicare and Medicaid and what each of their roles should be is such that there is now a separate agency in Health and Human Services, which I helped promote, which is now sorting out what is the best relationship between the two so they don't have to duplicate each other and so they can clarify roles and get at the problems.

Medicare doesn't cover these services, so Medicaid is in fact the real, de facto, long-term care program in the country. That is what it is. Only after middle-class Americans impoverish themselves are they allowed to get into that situation.

Again, the CLASS Act is not complete as an answer, but it was at long last an attempt on the part of the Congress to do something about it. That in itself was a signal victory. An attempt to help people live with dignity in their homes and communities is not something which we should consider a frivolous matter.

Those who are gloating today about the administration's decision not to carry forward with the CLASS Act are not the fiscal heroes they make themselves out to be. They have no answers. They have no answers. They have no alternatives. But if you can repeal something, boy, you can take that home and people say, Boy, they got rid of that part of government, not having any understanding of what it does to people who have situations either of age or other problems which they cannot help. And they are called people.

Instead, they use this as a political opportunity to bash the President. I was disappointed when the President did this. I was very disappointed. But it doesn't mean we have to go along. Imagine that, bashing the President, using seniors and people with disabilities as a political prop instead of putting forward real solutions. What this place lacks is in fact real solutions. A lot of people like to tease the health care bill. They are, for the most part, wrong. Not entirely wrong. But one thing they can't tease is the fact that a whole bunch of people called Senators and Congressmen and staff members worked hard for a very long 2 years to try and come up with answers. And we did.

Let's have a serious discussion how to meet the current and future needs of seniors and people with disabilities. They are all of our friends. We know them. Those needs are not going away.

Having said that, I object to the Senator's request.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, I appreciate the objection of the Senator from West Virginia and I appreciate his comments about the importance of long-term care. I agree, it is something we need to address in this country. There are other ideas out there, and I think better ideas, ideas that are based upon incentives as opposed to creating a new government program. But let me get, if I might briefly here, for a moment at what I believe is the real issue.

This was a program destined to fail. It was clear from the beginning many of us said that. There were 12 of my colleagues on the other side, 12 Democrats who voted to strike this particular provision from the health care bill back in December of 2009. I think at that time many of us were making the same arguments the experts are now conceding at the Department of Health and Human Services. In fact, there were colleagues on the other side, one of my Democratic colleagues, who called this ''a Ponzi scheme of the first order, the kind of thing that Bernie Madoff would be proud of.'' That is how it was described before it was voted on and put into the health care bill to help demonstrate the health care bill would actually reduce the deficit.

The fact is, after having had several months to look at this, here we are 19 months or so later, the Department of Health and Human Services has concluded that this doesn't work. They can't make it work. Now the CBO has come out and said it doesn't impact the budget. My view is we ought to pull this, we ought to get it off the books, and we ought to address the issue in a way that makes sense for the American people, not in a way that adds trillions of dollars of additional debt.

If we look at what we have today in terms of unfunded liabilities, we have $61.6 trillion in unfunded liabilities in this country or $528,000 for every family. That is five times what most families have in terms of home mortgages, car mortgages, other types of debt. That is what we are piling on the American people today. This would have been yet another unfunded liability, and the experts warned us at the time.

Now, we did an investigation of this. It was published in September. I worked with some of my House colleagues on it. It was ''The CLASS Act, The Untold Story.'' It concluded that the actuaries at HHS were saying before this bill was even passed that it would be a recipe for disaster, that it would lead to an insurance death spiral, and the Chief Medicare Actuary at HHS said at the time:

> . . . 36 years of actuarial experience lead me to believe that this program would collapse in short order and would require significant Federal subsidies to continue.

That is what the experts were saying about this program way back before it was even voted on in 2009.

I think we ought to acknowledge what now everybody concludes to be the case; that is, this program will not work. It is actuarially unsound. We ought to repeal it. We ought to get it off the books, and that was simply what my motion would do. I regret that the other side has objected to it, but I have some of my colleagues today who have been very active on this issue.

I say to my colleague from Arizona, in light of this report that came out from the HHS last month outlining exactly why they cannot move forward with CLASS, it seems difficult to understand why the administration doesn't support repeal of this program. Can my colleague make any sense out of this contradiction and apparent hypocrisy to say a program doesn't work, yet we want to keep it on the books?

Mr. McCAIN. I say to my colleague I do not quite understand it either.

In response to the comments of the Senator from West Virginia about the importance of long-term care, I think all of us understand that. I think all of us who meet and have interface with our constituents recognize that the issue of long-term care is one of transcendent importance. The Senator

from West Virginia said he would be glad to make some changes or tweaks to the program. We would be eager to hear of those. We would be eager to hear how we could change the program, the CLASS Act, so it is not, as Senator CONRAD, the chairman of the Budget Committee, said of the CLASS Act, ''a Ponzi scheme of the first order, the kind of thing that Bernie Madoff would have been proud of.''

I think it is pretty clear if we accept Senator CONRAD's and other objective assessments of the CLASS Act that we have to go back to square one. We are not going to be able to fix a program about which, the Congressional Budget Office said:

> . . . the programs would add to budget deficits in the third decade—and in succeeding decades—by amounts on the order of tens of billions of dollars for each 10-year period.
>
> The CLASS program would add to budget deficits in future decades even though the proposals require the Secretary of Health and Human Services to set premiums to ensure the program's solvency for 75 years.

I would like to interject. I know my colleagues share my view. When Senators leave we kind of forget them. Maybe we do not mention them anymore. But we owe a debt of gratitude to Senator Gregg, former Senator from New Hampshire, who put in this provision that required solvency over a period of 75 years before it could be implemented. If it had not been for that provision, we would now be moving forward with a program that, according to the CBO, would add tens of billions of dollars to the deficit in each 10-year period.

Wherever you are, Senator Gregg, and I know you are happier than if you were here, I offer my appreciation and my thanks.

I note the presence of Dr. BARRASSO. I think there is something we ought to understand about the CLASS Act. It did have a short-term impact according to the way the Congressional Budget Office ''scores'' things, tells us how much things will add or detract from the deficit, either plus or minus. The fact is, the CLASS Act, in the first 10 years, because younger people would be paying in premiums and would not have gotten to the point where they are eligible for the benefits, it disguised the cost of what we know now as—what we call ObamaCare.

Because of the way they are restricted on scoring, the CLASS Act, at least for 10 years, contributed $70 billion and helped them estimate that the Health Care Reform Act, known as ObamaCare, would have $122 billion in savings, when in reality after the first 10-year period it was tens of billions of dollars in added deficit and burdens on average Americans.

I ask my colleague, Senator BARRASSO, Isn't there a way we could address the long-term care problem in America? Isn't there a way we could address this issue without piling on, as the CBO judged the CLASS Act, an increase of tens of billions of dollars to the deficit, which we all know right now is $44,000, I believe, for every man, woman, and child in America?

Mr. BARRASSO. I respond to my colleague from Arizona that we all have concerns for the people of America. That is why we were here trying to offer constructive ideas to make sure people would get the care they need, from the doctor that they want, at a price they can afford.

We heard the President make promises that the cost of premiums would go down $2,500 a family. We have seen instead the premiums have gone up.

We heard the President say: If you like what you have, you can keep it. We saw that we lost out on that. So many people are going to lose the health coverage they like under this new health care law. So I say to my colleague, absolutely there are things we can do and should be doing.

It is astonishing. I received through my medical office the AARP Bulletin. On the cover of this AARP Bulletin for this past month, October 2011, the headline is, ''Senate Leader Reid: The Health Care Law Is Already Working.'' This is what the Senate majority leader has said on the cover of the AARP Bulletin. Yet the Kaiser survey that tracks public views about health care every month has come out with their recent numbers, and the results are astonishing. The American people have seen through this health care law to the point that a majority of Americans now have an unfavorable view of the health care law.

Mr. MCCAIN. So we now have about two-thirds of what was advertised as a savings now going by the boards; in other words, $70 billion of the advertised $122 billion in total savings that we voted on not that long ago; is that correct?

Mr. BARRASSO. That is exactly the way I read it, that is the way the American people read it, which is why the overall favorability of the health care law now stands at only 34 percent, an all-time low.

Mr. THUNE. Mr. President, I ask unanimous consent we be able to enter into a colloquy now for 25 minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. I would simply say—we have the ranking member of the Budget Committee here too—that it strikes me that there were probably lots of other budget gimmicks in the health care law that are going to come to the surface in the same way this CLASS Act gimmick has. The Senator from Arizona pointed out they tried to understate the true cost by taking a lot of savings in the early years as people were paying premiums, knowing full well in the outyears it was going to add billions of dollars to the deficit. So it was a gimmick that was used, again, to make this salable to the American people and salable here.

In spite of that, there was still a majority of Senators who voted again against this, who actually voted to strike the provision from the health care bill in December of 2009 when I offered that amendment.

It seems to me at least we ought to have bipartisan support now that everyone has come out and recognized what we were trying to tell them in advance: this doesn't work, it was a gimmick, and we ought to get it off the books.

I ask my colleague, the ranking member of the Budget Committee, about this budget gimmick that was used. Is it illogical to think if we have this $2.5 trillion expansion of government in the form of this new health care bill that somehow it is going to reduce the Federal deficit because that was the argument that was made at the time, and that is one of the reasons they were able to make that argument? I suggest there are going to be lots of other gimmicks we are going to uncover to demonstrate this thing was way out of line at the time, but I ask for his comments as being the ranking member of the Budget Committee.

Mr. SESSIONS. Mr. President, Senator THUNE deserves a lot of credit for pursuing this issue tenaciously and seeing his prediction validated now by President Obama's own Secretary that this cannot be a viable program. But he is exactly correct. One of the greatest financial misrepresentations in history, if it continues to be on the books, will be the contention that this health care bill would actually create money for the U.S. Treasury, actually produce a surplus.

They used a 10-year scoring model; $70 billion, 60 percent or so of the total savings this bill is alleged to produce—not savings, actual revenue, net revenue increase—was this program. Now it is gone.

As Senator MCCAIN correctly said, Judd Gregg deserves great credit for it because he put in the bill that the Secretary had to certify that this was a sound program. So after all the political smoke had been going on, after the bill had been passed, while they were defending it as a viable CLASS Act program that would actually produce revenue for the government, when she had to certify it, I suppose, under penalty of perjury—she could go to jail if she didn't do it correctly—she said she could not do so.

It was never possible this bill was going to be a moneymaker for the U.S. Treasury. They double-counted, maybe $300 billion, $400 billion, $500 billion in money that is Medicare money also counted as income to fund an entirely new bill. That is going to come out also.

As Senator BARRASSO has noted, their estimates have been wildly inaccurate concerning the ability to bend the cost curve down, to actually reduce health care costs. This was something a lot of people thought was a good idea. This was going to produce a reduction in our insurance premiums, and since the bill was passed they have gone up dramatically, just the opposite of what was promised.

I think this is a death knell for the entire health care concept. This is just one more example of it. I thank the Senator.

Mr. MCCAIN. I say to my colleague, what is a little hard to understand—maybe Dr. BARRASSO understands it—the Secretary of Health and Human Services said they can find no way to implement it, after nearly 2 years. So why would there be an objection to Senator THUNE having just moved to repeal the CLASS Act?

If they tried for all of these months since the passage of the bill to figure out a way they can meet the Judd Gregg proviso that required the 75-year sustainability, then one would wonder why—one would wonder why we would not just go ahead and repeal it. If there is a better proposal, as we have all agreed, to address the long-term care issue in America, then why don't we sit down at the drawing board and find a way to care for people who, in their most vulnerable years, need government assistance?

I know of no one in this body who is opposed to a viable, reasonable, fiscally sound long-term care program. This is not it. This is not it. It is not even close. So I wondered why my colleagues on the other side of the aisle would refuse to repeal it unless it is some distorted pride in authorship.

Mr. THUNE. I would say to our colleague from Wyoming, who is a physician and has a lot of experience on these issues, who comes down every week with a second opinion talking about all the various issues regarding the health care bill—the more recent one, as we have all seen now is contrary to predictions—health care costs are going up. The predictions were that they would go down. That is also something many of us saw coming.

The question is if we leave this on the books, and if they decide at some point to resurrect it—after they have already acknowledged it doesn't work—and come up with some new language that does away with the Judd-Gregg proviso, what are the fiscal consequences of this program being resurrected? We talked about this, and there were lots of predictions made at the time.

In fact, the Senator from Arizona had statements from some of our colleagues who said on the floor at the time how this was going to be a great deal and how it was going to work. The administration said at the time that this was not a budget gimmick. That is what they were quoted as saying. Clearly this was a budget gimmick. We all know that now. It is a Ponzi scheme. Clearly that is what the actuaries are saying at Health and Human Services.

If, in fact, we don't get this repealed and at some point this program ends up being resurrected, what are the fiscal consequences and implications for the country and future generations who will be saddled with yet another unfunded liability, another entitlement program that is not paid for?

Mr. BARRASSO. I think this is devastating for the country. I told the President directly that overall I thought his proposal was going to bankrupt the country. We stood here and debated over a year ago the fact that the Democrats in this body were voting to take $500 billion away from our seniors on Medicare—not to save Medicare, but to start a whole new government program for somebody else. And when we talk about long-term care and what people need over the course of their lifetime, they took money away from hospice. They took money away from home health. They continue to take money away from hospitals and the physicians who take care of our seniors.

Mr. MCCAIN. The popular Medicare Advantage Program.

Mr. BARRASSO. Which has an advantage because it coordinates care. It does a number of things that are important. I believe this is the reason why last week in the Kaiser poll, the number of individuals who have a very favorable view of the overall health care law has dropped to 12 percent, an all-time low. The number of people who think they will personally be better off under the health care law is only 18 percent, an all-time low. The number of people in the country who think that the country as a whole will be better off due to the health care law stands at 28 percent, an all-time low. The American people realize we need truth, honesty in budgeting.

I know my colleague from the Budget Committee is working on that. He has an op-ed I read and has a proposal and is working on that. That is what the American people want. They want some honesty in budgeting, not the kind of politics and budget gimmicks and tricks we see happening here. The American people are tired of being misled and sold a bill of goods. They see through it. They don't like it, they don't want it, and that is why all of the polling on the health care law shows it at an all-time low.

Mr. THUNE. We all saw this coming and we tried our best to prevent it, but now we know and we have these statements that came out as part of the report that was done by the House and Senate, an investigative report called the CLASS Act, the untold story. It was published in September. What it revealed was that the Health and Human Services Department actuaries—the people who are the experts, not the politicians, not those of us who are making many of these statements during the political debate we are having here in the Senate—who are actually responsible for doing the math on this came up and called the CLASS program a recipe for disaster. Those were in internal e-mails we discovered when we were doing this investigation.

Prior to their announcement in October that HHS is not moving forward with the CLASS program at this time, Secretary Sebelius and other officials at the Health and Human Services Department claimed through much of 2011 that the Department had sufficient authority to modify it. What they were trying to suggest is that we can make this work. Yet these internal documents cast significant doubt on all of those assertions.

I will repeat this because I think this is important. The Chief Actuary, during 2009, when this program was being debated—it was a part of the health care bill. It was during the debate here in the Senate. Richard Foster said:

> . . . 36 years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.

That was what they were saying in 2009 before this vote ever occurred. He also went on to say:

> . . . this would end in an insurance death spiral because the coverage would only be attractive to sicker people who will need costly services. This will force premiums higher and deter healthy individuals from enrolling.

You have all the experts who were putting all this information out there and sharing this with their superiors, all of who were out there on the record promoting this as being something that would work and something that is not a budget gimmick, but actually could, in fact, be actuarially sound. We all know now it was not. It wasn't then and isn't now and that is why we ought to repeal it.

Again, I appreciate my colleagues' input and work on this. I think this is something we ought to end. We need to put the final touches on this program and end it once and for all so it doesn't come back in some other form and saddle future generations with trillions of dollars of additional unfunded liabilities and debt. There are ways we can approach this issue.

In fact, I have some ideas that I introduced in 2007 that deal with long-term care and providing incentives for people that we all are going to be faced with at some point in our lives. But this is the wrong way. It was the wrong prescription at the beginning. It is the wrong prescription now. That is why it ought to be repealed.

Mr. SESSIONS. If I recall, Senator THUNE quoted the Chief Actuary, Richard Foster, in his statement that this would collapse during the debate on the floor. This was talked about, but the administration and our Democratic colleagues refused to listen. They continued to repeat the idea that they would have this large surplus. They counted this money as surplus money in justifying voting for passage of this bill when common sense told us in a host of areas, including this one, it was not going to produce a surplus. It goes to mean something systemic about our problem and why this Congress now going into the third year will be borrowing 40 percent of the money the United States spends. It is because the politics here is that we want to pass the bill. When somebody shows it is not actuarially sound and it is going to cost money in the outyears, they don't

worry about that; somebody will take care of that in the outyears. It is that kind of mentality that I think has helped overrule commonsense budgeting.

We have not had a budget now in over 900 days in this Senate. So this is not the kind of responsible approach to managing the taxpayers' money.

I know Senator BARRASSO raised this repeatedly, that this should not be counted, but did we hear Secretary Sebelius at that time? Back in 2009 she wrote to Senator Kennedy and said to express the administration's support for inclusion of this bill, calling it an innovative bill. They were supporting it, promoting it, totally ignoring the critics and, as a result, they got the bill passed on a straight party-line vote. As a matter of fact, I believe had Senator BROWN from Massachusetts taken office 2 weeks sooner, there would not have been the 60 votes necessary to pass it. There would have only have been 59 and the bill would not be law today.

I thank both Senators for their consistent, steadfast explanation of the financial danger of this legislation and their willingness to continue to carry on that fight. I hope we learned something throughout our whole budgetary and financial process here. We cannot continue to play games with the American people's money. We have to be honest with them—honest about our budget, honest about what things are going to cost, and only then can we get the country on a sound footing.

Mr. THUNE. We have to quit making promises we cannot keep. What we are seeing today in Europe and the meltdown that is occurring in the economies over there is a result of too many promises that were made, too much government debt, governments that have gotten too big, that can no longer be supported by the economy in those countries.

That is where we are headed. That is why we have to start living within our means. We have to quit spending money we don't have, and this was a perfect example of the tendency around here to want to grow government, to have a government answer, a government solution for everything, when this makes matters not better but much worse. It makes it much worse for hardworking taxpayers in this country and for future generations of Americans for whom this would become an enormous liability added already to the $528,000 that every family in this country owes, the mortgage they have on their families already as a result of the unfunded liabilities we have already racked up. We cannot keep making promises we cannot keep.

I hope we can get this repealed, and I appreciate my colleagues' hard work in that regard and look forward to getting an opportunity to get it voted on. I am sorry our request this afternoon to repeal it was rejected, but I hope we will get another opportunity to revisit that and perhaps a vote that will actually put people on the RECORD. I believe there is a majority of Senators who agree with us on this point.

Mr. SESSIONS. I would say a couple of weeks ago the Wall Street Journal, after all of this happened, wrote that ''including this CLASS Act was a special act of fiscal corruption.''

If a private business said: Invest in our company; I have a plan that is going to be sound and it is going to make money in the future, trust me, invest your money with me, vote for me, yet they knew and had evidence in their files and their own employees were saying it was not sound, it was actually going to cost money, I wonder what would happen to them.

Mr. BARRASSO. You would hear about it. This speaks to the problems we have in this body. When they write legislation in the cloak of darkness, behind closed doors, and come in and vote at 1 in the morning and try to jam things through at a time when an administration calls for openness and transparency and then they do this sort of thing with the books in a manipulative way and try to come up with ways to say that it saves money—in any other true, real business, people would go to jail for this sort of behavior, I would assume. Is it wrong? All the way wrong? We have seen other so-called bets that this administration has made which have the American people scratching their head.

Yesterday it was noted that at Fannie Mae and Freddie Mac, bonuses have been paid to 10 of their executives to the tune of over $12 million. I called for the President to cancel those bonuses. The White House is fairly silent on that. Yet when Senator Obama was running for President, he wrote a letter to the Treasury Secretary and said: Make sure no bonuses go to Freddie and Fannie. Now under his administration, $12 million, it was reported yesterday, went to 10 executives. It doesn't seem to be a problem now. The White House said there is nothing they can do about it. Well, why not get the Secretary of the Treasury involved? That is what Candidate Obama did in 2008. It is time for this White House to stand up and do what is right.

Mr. SESSIONS. Let me say a more accurate explanation of how this happened. The Congressional Budget Office scored this as a surplus, indeed, over 10 years. And, as Senator MCCAIN said, the benefits only come out after 5 years and these are people paying in, so the real benefits and payments take place in outer years.

The question is, Is the plan sufficient to be actuarially sound for the distant future when the payouts occur? So what happened was, Mr. Orszag had been CBO Director. He said it was not a gimmick and not a Ponzi scheme. In one sense, he was telling the truth. He was using a window score from the Congressional Budget Office over the first 10 years, when it didn't pay out any benefits and had a surplus, to claim that this was going to make the bill itself financially sound. In a sense, to me, it is these kinds of gimmicks that might keep somebody from being prosecuted and sent to jail if they were a private person.

This ought to end in the Congress. I think the American people are crying out for honesty in budgeting. They want us to be responsible. They want us to tell them the good news but to also tell them the bad news financially that we face.

They know we can't do things we would like to do if we don't have the money. They know we don't have the money to keep taking on new obligations. So I feel as though this is not healthy.

When Secretary Sebelius came along and had to certify that they had a 75-year actuarially sound program, there was no way she could do it. It knocks a gaping hole into the entire scheme, this health care bill.

I think it is a lesson for all of us. On every vote we do, we need to be sure we are honest not only in the short-term window but in the long-term window also.

Mr. THUNE. Too often, the practice around here is focused on the short term, the near term, the gain, to be able to have some sort of political victory at the expense of what is in the best interests of this country and our children and grandchildren. This is a perfect example of that. I appreciate my colleagues being here. This discussion will be continued.

I yield the floor.

Mr. BARRASSO. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. 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. VITTER. Mr. President, I ask unanimous consent that Senator SESSIONS and I have up to 15 minutes for a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

LSU VERSUS ALABAMA

Mr. VITTER. Mr. President, Senator SESSIONS and I come to the floor following a discussion of a lot of important issues on the floor to discuss the most important issue back home for us this week, which is the upcoming regular season national championship game between LSU and Alabama. In the history of the SEC, this is the first ever regular season matchup between a No. 1 and No. 2 team in the SEC. As most folks probably know, LSU and Alabama are both 8 to 0 overall and 5 to 0 in the SEC.

Obviously, I know who is going to win. The Tigers are going to win. They have beaten five ranked opponents this year, three of those away from home, as we are going to have to play Alabama. They have outscored all opponents 314 to 92 this year. Not to get

cocky or anything, but LSU has beaten Alabama 8 out of the last 11 years, including 4 of the last 5 times in Tuscaloosa.

We have a lot of strengths. Our senior quarterback Jarrett Lee leads the SEC in passing efficiency. We have a ferocious defense led by lineman Sam Montgomery and defensive backs Tyrann Mathieu and Mo Claiborne. Tyrann, by the way, is much better known as Honey Badger. This is a prelude to the BCS championship which, by the way, is going to be in January in New Orleans in the Superdome.

So we feel great going into this game, and that is why I was very eager to get with both Senators from Alabama and have a friendly wager which the Senator from Alabama will explain. The loser is going to treat the winners to some great gulf shrimp and other seafood. We feel great about it, so we look forward to it.

As I turn the floor over to Senator SESSIONS, I would just summarize our feelings in Louisiana in a simple way: You all have a great team—maybe one of the best Alabama teams ever—but it doesn't matter who LSU's opponent is because, as we say in Louisiana, the Honey Badger takes what he wants. We are looking forward to doing that on Saturday night.

Mr. SESSIONS. Mr. President, I thank Senator VITTER for those comments. We are going to look forward to being very hospitable to the fabulous LSU fans who will be in Tuscaloosa for the ''Titanic tussle in Tuscaloosa,'' the game of the century, many are calling it, the match of the millennium, between Alabama and LSU. It is always a big game, and it is going to be a big game especially this year.

While we have a minute on the floor and there is no other business being conducted, I just wish to celebrate college football, particularly in the Southeastern Conference. When we go to those games and see the color and the crowd and the enthusiasm and the roar for the home team, it is a thrilling event. It is very special. The fans in Tuscaloosa are very sophisticated. They know this is a big game, one of the biggest games in the history of the University of Alabama, and they know when good plays are good and bad plays are bad. It is going to be exciting. They know LSU is consistently one of the great teams in America.

So Alabama is doing pretty well: Eight and zero, their all-star defense is No. 1 in scoring and No. 1 in total defenses. They also have their No. 1 rushing defense in the country, allowing only 44 yards per game, a historic number that ranks better than Alabama's national championship game in 1992 and the undefeated and untied 1966 team. So it is going to be a special time.

Our university is a great university. The University of Alabama has been growing in strength for years now. It has one of the greatest presidents in America: Dr. Robert D. Witt, who was my high school classmate, and Judy Bonner is the provost there, sister of Congressman JO BONNER. So it is an exciting time in Alabama in general. Academically and otherwise, the University of Alabama is doing great—one of its best years in its history.

I wish to also point out and thank the LSU fans and chefs John Folse and Rick Tramonto, along with Bob Baumhower and Steve Zucker from Alabama, for sponsoring the LouisiBama Gumbo Bowl to benefit tornado victims in Tuscaloosa. That shows true class in both of the schools' fan base. For all the talk going on this week, I hope to see the kind of respect this partnership indicates among all our fans.

While I don't think it will happen, should Les Miles and his team somehow manage to get out of Tuscaloosa with a victory, I would love to treat Senator VITTER and Senator LANDRIEU to some of the finest gulf seafood there is, healthy and straight from the Gulf of Mexico, which my colleague knows is fresher and cleaner and finer than it ever has been, and maybe we could garnish it with some of the best grass that marks the field at Bryant Denny Stadium. I understand Les Miles is a fan. I would also be more than happy to bring my friend, Senator VITTER, an Alabama tie on the Monday after the game, which I think would look good if he were to wear it on the floor of the Senate.

Mr. VITTER. Mr. President, should the unthinkable happen, I will do that. Should the unthinkable happen, I will deliver fresh, healthy gulf seafood to Senator SESSIONS' office as well as Senator SHELBY's. We have been in contact with Senator SHELBY's office and Senator LANDRIEU's office and they are part of this friendly arrangement as well. So we will look forward to that. But, most of all, we will look forward to a great game Saturday night, and we will both look forward to a win Saturday night. One of us will have to be disappointed—we will see who—but it is going to be a great game.

Mr. SESSIONS. I thank Senator VITTER for his friendship and good service in the Senate. We work on so many things together. But college football is special, and I think the game this weekend will be one of the great games in college history. I am so excited about it. I know the fans in both our States, and throughout the country, are excited about it.

Mr. VITTER. Amen.

With that, we yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. 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. MENENDEZ. Mr. President, I came to the floor to speak about a different type of football. It seems to be a political football that some of our colleagues are playing on the question of getting America back to work again. I am amazed at the political posturing we have seen this year.

I know for some of our colleagues on the other side, this election cycle has been driven by tea party economics that demand political purity over good governance. They have said no to just about everything. The problem with no to everything is that no doesn't create a job, no doesn't build an economy, no doesn't create prosperity, no doesn't get America moving again. They have said no to every different venture we have had to try to put America back to work.

Certainly, back in my home State of New Jersey, what I hear from the average citizen is: Senator, help me get back to work. Because I have New Jerseyans who come up to me, sometimes with tears in their eyes, and say: This is the first time in my life I have been unemployed. While that has created a significant economic consequence to them and their family, it has shaken something even more profound, which is that social contract, that promise in America that if I prepare myself, work hard and sacrifice, I get ahead, and my children will do better than I did growing up. That has been shaken to the core by the economic challenges we inherited as a result of the crisis of 2008 and that we have been working out of.

So I have a problem when, every time we come to the floor to offer an opportunity to get those New Jerseyans, to get those Americans back to work, all I hear is no.

They say no, refusing to invest in rebuilding our infrastructure, to creating jobs, to keeping us competitive in a global economy.

They know roads and highways and bridges in their States—in every State—are in critical need of improvement, and yet we have to come here time and time again, day after day, to fight back a politically charged, ideologically fueled opposition that says one thing but does another.

The fact is, even those who oppose this legislation for political reasons know good governance means investing in our future. It means putting Americans back to work. In an economy in which 70 percent of GDP is consumer demand, if there is no job, there is no money, and if there is no money, there is no demand. So in addition to the lives of New Jerseyans and Americans which we could positively affect, this is about our global picture in terms of our economy. It means also keeping us competitive in this global economy.

Let me talk about that global economy for a moment because we are in it. We see what happens in Europe, and we see how we are affected here at home with our markets and whatnot. But let's look at a different place. Let's look at China. Let's look at the competition. According to China's 5-year

plan, they have a range of investment priorities for the future: clean energy technology; biotechnology, including pharmaceutical and vaccine production; high-tech equipment for manufacturing airplanes; a new space program and satellites.

In fact, this week they launched a satellite, the first step toward a Chinese space station by the end of the decade.

China is planning more high-speed rail, next generation powerplants and manufacturing facilities, new nuclear, solar, and wind energy technologies.

The plan calls for building new energy-efficient cars and adding 9,000 kilometers to their highway system, expanding their national high-speed rail system to 45,000 kilometers, and building light rail systems in 21 urban metropolitan areas.

They are planning 6 new heavy material ports, adding 440 new 10,000-ton shipping berths; a second Beijing airport; and 11 regional airports.

This is some pretty stiff competition that will allow Chinese businesses to thrive.

This is the challenge we have. Yes, we have a debt question in our country, and we must meet that challenge. There is no question we should and we can and we must. But by the same token, we need to grow this economy as part of meeting that challenge, an economy that was on the brink of ruin when this administration inherited it, an economy that—I will never forget that famous meeting or infamous meeting in September of 2008 that was called by the Chairman of the Federal Reserve that members of the Banking Committee and others were called to. I remember going to it and listening to him describe a series of financial institutions that were on the verge of bankruptcy and collapse and in doing so would have created systemic risk to the entire country's economy and being on the verge not of the great recession we talked about but a new depression. That is what we have been working out of.

But even in this economy, we have to make investments and build for a competitive future. We invest just 2 percent of our gross domestic product on infrastructure projects. Europe and China invest between 5 and 9 percent, respectively.

The President today called on Congress to up the ante. The American Jobs Act would invest $50 billion in our transportation infrastructure and $10 billion in a national infrastructure bank, putting hundreds of thousands of construction workers back on the job. But it is not just the construction workers. Certainly, we want to get them back to work. It is all the architectural firms, all the engineering firms, all the people who work at those firms who will help build this infrastructure. It is all the suppliers for all the materials that will be needed to do this and everybody who produces those supplies and everybody who transports it and everybody who installs it. So it is an enormous ripple effect in getting our people back to work—hundreds of thousands waiting to work, working for America's future.

Clearly, opposition to the Rebuild America Jobs Act is not about good governance because we have ways and we have offered ways to pay for this fully. It is about politics. It is about playing political games. But it is playing political games with the lives and livelihoods of American families.

While China is planning major investments in retooling for their new economy, we cannot even seem to agree to fix our own roads. It is akin to the story of Nero fiddling while Rome burned, except American families and businesses are the ones who are going to get burned in this story.

The President today released a report that highlights the importance of rebuilding our roads and bridges and railways and airports and has cited important projects around the country. They include over 17,000 jobs in New Jersey that would put people to work making our future brighter.

One of the projects the President's report highlights as an example of success is in New Jersey: the Route 52 causeway bridge replacement between Somers Point and Ocean City in Atlantic and Cape May Counties. This is a critical emergency evacuation route for Ocean City during floods and hurricanes. The new bridge eliminates the need to raise the drawbridge at the old section that is still being replaced. This is a critical $400 million project that is an investment in New Jersey, in our community, in our infrastructure that will upgrade an old bridge to meet today's needs, protect the community, and put people to work.

We can make these investments and still find ways to responsibly reduce the deficit. An investment is not even just about new projects, of course. It is about maintaining the very infrastructure we have already spent money on in the past that we need to preserve for future use.

Thirty-six percent of New Jersey's bridges are structurally deficient or functionally obsolete. Seventy-eight percent of New Jersey's major roads are listed in poor or mediocre condition. Sixty-four percent of New Jersey highways are chronically congested because of a 29-percent increase in vehicle travel on New Jersey's highways from 1990 to 2007. All of that, and we already have $13 billion worth of maintenance projects on hold because we do not have the money to pay for them.

Those are just numbers in one respect, but those numbers are about lives. Because when we have infrastructure—major roads, major highways—that are in bad condition, it means we are sitting more time in traffic and less time being productive at work or having more quality time with our families. It means businesses that have a product they need to get to the marketplace are going over an infrastructure that means it takes more time. It takes longer to get that product to market. It has consequences. It adds to the costs. It creates an uncompetitive set of circumstances. It is about the quality of our lives and our economy at the same time.

That $13 billion is not to add even any capacity to New Jersey's transportation system. It is just to keep the status quo. As I have said for quite some time, as we have attempted, with my colleague, Senator LAUTENBERG, to build a new Trans-Hudson Passenger Rail Tunnel, which is critically needed in that region—and we have learned since September 11 that multiple modes of transportation are incredibly important so that, God forbid, if we have a tragedy again—we learned on that day, when all the bridges were closed and all the tunnels were closed that ferries brought people out of downtown Manhattan to New Jersey, ultimately, to be taken to hospitals—multiple modes of transportation and options are critical for our economy. They are also critical for our security. Yet we cannot even keep up-to-date that which we have, much less create a new Trans-Hudson tunnel that would open the entire region with its economic opportunities. We cannot grow if we are stuck. In that region, as in many regions of the country, we are stuck.

We can begin the long-overdue process of maintaining, rehabilitating, and replacing if we pass this legislation. We can do it if we act together as a nation, as we did in 1956. In 1956, it was a Republican administration that created the Interstate Highway System, and now we cannot seem to get one Republican to vote to maintain that system. In 2011, we cannot get one Republican to vote to help keep us competitive and put Americans back to work.

We need our Republican colleagues in Congress to end the roadblock and fix the roads. They need to vote yes to providing every State with the resources they need to repair and rebuild aging roads and bridges and put people back to work.

Think of the jobs we could create nationwide if we publicly committed to investing enough to keep up and stay competitive with the Chinas of the world. Even if China is able to meet only a fraction of its ambitious goals, it will be far beyond the course we are presently on.

In 1956—I want to go back to that history—under a Republican President, Dwight Eisenhower, Congress passed the Federal Aid Highway Act. It took 35 years, but we committed this Nation to building 46,876 miles of highway—one of the largest public works projects at that time in the Nation's history. Why? Because a young Army officer, Dwight Eisenhower, saw the need.

He drove across the country in an Army convoy that left Washington on July 7, 1919, went to Gettysburg, and took the old Lincoln Highway to San Francisco. On the journey, bridges

cracked and had to be rebuilt, vehicles got stuck in the mud, equipment broke, and they did not arrive on the west coast—they left on July 7—they did not arrive on the west coast until September 6—a 2-month journey that gave birth to the American Interstate Highway System.

Let's not be so shortsighted that we will turn back the clock to the days of the old Lincoln Highway. I understand the need to reduce our deficit, and these provisions I have talked about that I support are paid for. But I do not understand the blind commitment to doing nothing, refusing to invest in our future and create American jobs in the process and calling it good governance.

Good governance is what President Eisenhower did when he signed the Federal Highway Act into law. Now it is up to us to invest in maintaining it. Let's be honest with ourselves about the fact that good governance means investing in our Nation, in our people, in our progress, in our prosperity, in our future. Investing in our infrastructure is an investment in our country and in our future. Let's put today's ideologically driven politics aside and recall the practical Republican politics of President Eisenhower who saw a national need and had the will and the wisdom to put the Nation to work to build it.

So I ask my colleagues: Where is the Grand Old Republican Party that united America behind an interstate highway system and put government and people to work to make it happen?

If we put aside the ideological posturing, if we put aside the suggestion I have heard many times that the major goal is—by some of our Republican colleagues—to make Barack Obama a one-term President and then, ultimately, use both the filibuster to stop progress in the Senate and/or use a constant ''no'' vote to stop progress for the Nation under the guise that is the way President Obama will fail—the problem with that is, that is, at the end of the day, in my mind, not about President Obama failing, that is about the Nation failing at one of the most critical times in our country's history and one of the most critical times in our economy.

If we can put aside the ideological posturing, if we can put aside the political strategy and gamesmanship, if we are honest with ourselves about what good governance means and what it means to American families to invest in creating jobs and keeping us globally competitive so that we can continue to grow that economy and create other jobs for individuals that will help them realize their hopes and dreams and aspirations, that will help them contribute to the Nation, that will create new revenues that will be part of meeting our debt challenge, we would pass this legislation and make it happen. That is the opportunity before the Senate. It is one I hope our colleagues will grasp.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SANCTUARY CITIES

Mr. SESSIONS. Mr. President, earlier today my friend and colleague from Illinois, Senator DURBIN, came to the floor and criticized—wrongly, I believe—my State of Alabama and the State of Arizona for something that I would think we would all want every State and locality to do; that is, cooperate in the enforcement of Federal immigration law.

Alabama and Arizona are undertaking a legitimate effort in attempting to help enforce the laws of the United States when this administration too often has failed to do so. The American people and the rule of law in our country have suffered as a result.

This administration has flatly refused to enforce our national laws—generous immigration laws that they are—despite the fact that there is on the books extensive and a fair code of laws designed to facilitate substantial, legal immigration into our country. Moreover, the Obama administration is systematically going after States that attempt to assist—Arizona, Alabama, now South Carolina, and Indiana next. Even more egregious is that the administration has refused to take any action against States and localities that affirmatively, proactively, and intentionally impede the immigration enforcement in the United States. These jurisdictions include San Francisco County, Santa Clara County, Washington, DC, and perhaps the most egregious example: Cook County, IL, which recently passed an ordinance—passed an ordinance directing local Illinois law enforcement officials to ignore U.S. Immigration and Customs Enforcement detainers.

The detainers are sent to local jails, and they request that officials at those jails detain illegal aliens for an additional 48-hour period, statutorily provided, after that local jurisdiction's business with that immigrant ceases so that an ICE officer may place an alien into Federal custody. This is done on all kinds of crimes throughout the country. People are arrested in Alabama; Georgia has charges against them, and they send a detainer. If someone is arrested in Illinois and the Federal Government has a charge against them, they place a detainer. So when they are finished in that trial or with their sentence, before they are released out on the street, they are turned over to the other jurisdiction. Maybe it is a murder charge. Maybe it is a serious felony charge. This happens every day in America. It is common practice. If it were to cease, law enforcement in this country would be dealt a devastating blow.

Cook County has decided that it gets to decide who gets deported from the country and when, and acting in this way directly undermines Federal law enforcement. When testifying before the Senate Judiciary Committee last week, Department of Homeland Security Secretary Janet Napolitano said, incredibly, that she has had no contact with Cook County and has had no discussions with the Attorney General of the United States on this issue.

So today Senators GRASSLEY, CORNYN, COBURN, and I sent a letter to Secretary Napolitano, and we requested that she and others in the administration consider taking action against Cook County and other local jurisdictions that purposefully and deliberately undermine the laws of the United States and offer sanctuary to illegal aliens who have broken our laws by entering the country illegally. Is there no consequence to that in this country now? If that is so, aren't we, in fact, putting up a sign on our borders that says: Just get by the border and you are home free, nothing will ever happen to you. Isn't that a magnet to more illegal immigration? Isn't that a mixed message to the world? Don't we need to be sending a good and decent message; that is, we believe in immigration. We are a nation of immigrants. We have the most generous immigration laws in the world, but you must comply with them. We can't accept everybody who would like to come whenever they would like to come. We have to ask people to file applications, meet certain qualifications, and come when your time has come to come to America.

That is what law is all about. That is why people want to come to this country, frankly, because in their countries they have no law, and they don't have the opportunity to earn something and be able to keep it.

Since the implementation of this ordinance in Chicago, over 40 suspected illegal aliens arrested on felony charges have been released from Cook County jails. Last week, the Executive Associate Director of Enforcement and Removal Operations at the Federal Department of Immigration and Customs Enforcement, ICE, told my staff that Cook County presents a major problem for immigration enforcement efforts. In fact, he said that Cook County, IL, is the most egregious example of sanctuary city policies and is ''an accident waiting to happen.'' Yet the head of the Department of Homeland Security stands silent, and the Justice Department is too busy prosecuting States that are trying to cooperate and uphold the law of the United States.

Senator DURBIN said that no State is above the law, but it is these sanctuary jurisdictions, such as Cook County, and not States such as Alabama, Arizona, South Carolina, and Indiana that need to remember they are not above the law.

The truth is that this is yet another example of a longtime trend in Chicago

of elected officials placating immigration law breakers while thumbing their noses at Federal law enforcement, jeopardizing public safety, and pretending that what they do is honorable and good and for the taxpayers who elected them. But releasing dangerous criminals is a dangerous thing to do. Releasing dangerous criminals—it could be a person who goes and murders someone, as we have seen time and time again.

The Cook County commission passed this order less than a month after Chicago-based open-borders group National Immigrant Justice Center sued the Department of Homeland Security, challenging the constitutionality of these ICE detainers—things that have been done by every State, city, and county throughout America for decades, hundreds of years—since the founding of our Republic, I suppose. The lawsuit undoubtedly influenced the Cook County commission. They decided they would be open about it in voting in favor of this ordinance. So if one of those illegal aliens arrested on felony charges and released by Cook County commits a crime now, Cook County officials are to blame for it.

We should not release someone when the Federal authorities place a detainer on them. They do not do that very often. They do not do it nearly enough, frankly. So there will be a good reason for sure if they place a detainer on them, and to ignore that is really stunning.

So sanctuary jurisdictions such as Cook County, IL, undermine the ability of law enforcement personnel to enforce the laws that are on the books now and represent a threat to our security. These jurisdictions cannot choose if and when they will turn over illegal aliens charged with a crime and wanted by ICE.

So if we are going to talk about who is and who is not above the law, I suggest that my good friend—and we have worked together on a number of things, some of them criminal justice issues—the Senator from Illinois needs to clean up his own backyard rather than casting unfounded criticisms on States that are taking up a valuable effort to see that our immigration laws actually are enforced, to help end the lawlessness that has caused so much disruption in our country and upset the American people.

The American people are not anti-immigrant. We are a nation of immigrants. The American people are not opposed to people being able to come to our country. The American people do not dislike people who are here. Their anger is basically addressed to those of us in authority who are failing to maintain a lawful system of immigration, one that we can be proud of, one that is consistently enforced throughout the country. I believe that is what we should be striving for in our Nation, and if somebody wants to change the law and allow more people to come or fewer people to come, let's vote on it and have it right here on the floor of the Senate, and maybe we can have some changes.

But, fundamentally, it is the duty of Homeland Security, it is the duty of the Department of Justice to enforce the laws as they exist. They do not get to make the laws and enforce them. It is the duty and responsibility of Cook County to participate with the Federal Government in fulfilling its basic duties, such as honoring detainment. When you do not have that, we have a real problem in our country.

So I would suggest that the Attorney General take a little timeout from his lawsuit against Arizona or Alabama or other States and focus a little bit of his attention on a major jurisdiction such as Cook County that is willfully and deliberately acting to undermine Federal law enforcement.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. 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. HUTCHISON. Mr. President, I rise today to speak on the bill before the Senate—the Rebuild America Jobs Act. The Rebuild America Jobs Act contains a variation of a bill that I cosponsored with Senator KERRY—we call it the BUILD Act. It is the Building and Upgrading Infrastructure for Long-Term Development Act, and so we call it BUILD. But the changes that have been made in the bill that is before us today are untenable, and I cannot support it.

Last March, I introduced the bipartisan BUILD Act along with Senators KERRY, WARNER, and GRAHAM. It puts forward a method of addressing our infrastructure needs that I think is the right way forward. The need and demand for greater infrastructure investment is unprecedented. The American Society of Civil Engineers estimates that a $2.2 trillion investment is needed over the next 5 years to restore our infrastructure to an adequate condition. Ignoring these needs hampers our economic growth, impedes the flow of inter- and intrastate commerce, and slows the development and distribution of domestic energy production. We should consider new, innovative ways of financing our infrastructure. Traditional government mechanisms alone cannot keep pace with our national demand.

Our legislation—Senator KERRY's and mine—creates the American Infrastructure Financing Authority. This would be an independent authority designed to facilitate private investment in critical infrastructure projects. It is designed like a bank, providing loans or loan guarantees for regionally or nationally significant projects in transportation, energy and water sectors.

Let me emphasize that this will not provide grants. Grants will not be given. They will not be allowed. Nationally significant projects or regional projects would be at least $100 million. There is a $25 million category for rural areas, but we are not looking at a stimulus where we go in and provide financing for small projects. This is for dams, for desalination plants, or for an electric grid that isn't working and causing brownouts in major areas.

We are talking about big dollars that are not easily raised in the government sector or the private sector alone because it doesn't make economic sense, unless we put the loans and the loan guarantees together. There is a prohibition against spending more than 50 percent of the project cost, and the other 50 percent has to have come from another source—a private source or a State or local government source.

In addition, there has to be a revenue stream that will have the ability to pay this loan back. We want the loans paid back so that more infrastructure can be built. So we are talking about a revenue stream from, say, water bills, if it is a water desalination plant that is going to provide water for economic development, or if it is a dam that is going to provide electricity, we have electric bills. But we have to have a revenue source. So we have narrowed our legislation so that it will have the ability to pay back the loan. It is going to be something that can work.

In its first 10 years, it is estimated that our BUILD Act would provide $160 billion in financial assistance for major projects like this. So if it would be highways or bridges, there would be a toll that would be necessary for the transportation—something that would have a revenue stream to pay these back but allow them to be built because the private sector is sitting on the sidelines right now.

The bank would not replace our existing Federal funding mechanism, but it would supplement them for the large projects that have a major public benefit. The bank administering this fund would apply sound underwriting principles to assess the risk of a loan or loan guarantee.

The BUILD Act would require an initial appropriation. Senator KERRY and I have committed to identifying a reasonable offset. Additional deficit spending has never been an option for the BUILD Act. So it would be $10 billion that would be taken from a program today and put into this long-term bank so we can match loans and loan guarantees with private funds or State or local funds and do big things, not little things, except in rural areas where there is a $25 million threshold. It is going to be $100 million or more, and no more than 50 percent of it can be from this program.

I appreciate the fact the bill before us incorporates some elements of the BUILD Act and seeks to correct some of the flaws in the previous infrastructure bank proposals that have been put

forward by the administration. However, I think the differences between our BUILD Act and the legislation brought forward by the majority leader take away the bipartisan appeal of the bill.

Let me also say there is in this legislation—in addition to the $10 billion in the long-term plan Senator KERRY and I introduced—a $50 billion stimulus package, which is why I couldn't possibly support this bill. It is another $50 billion stimulus package. I appreciate the need for investment—obviously, that is why I support the BUILD Act—but $50 billion in the bill in addition to the $10 billion bank is more of the same type of stimulus that has not worked. It is more debt. Well, I guess it isn't more debt because they pay for it with a tax, which is even worse. The bill before us has the $50 billion added to it, and it is paid for with a surtax on people who are making more than $1 million a year, and mostly from their businesses. That is why I can't support it. It proposes a permanent tax increase to pay for a temporary spending program. That is bad policy in itself.

Raising taxes on incomes that would harm business owners and job creators is part of the reason people aren't hiring today. The President keeps talking about more taxes on business. On top of the Obama health care plan, it is causing businesses not to hire people, and we have a 9-percent unemployment rate in this country.

So I think it is important we defeat the bill before us and try to come up with something that is more akin to the BUILD Act that Senator KERRY and I have put forward. Data from an August 2011 Treasury report says four out of five people who would be hit by the surtax are business owners—the same people we need to encourage to create jobs.

I think it is going to be essential, if we are going to try to create jobs in our country, that we stop talking about surtaxes on businesses. We have to stop talking about more costs, and we have to stop the overregulation. We have overregulation, the talk of more taxes, and we have the Obama health care plan that is going to have fines and taxes that are coming after the next election when that all comes together. Businesspeople are seeing this and saying: I am going to hold where I am now instead of hiring people and getting our economy jump-started.

So I think job creation should be the key of anything we do in this Congress. It should be our focus. It should be the priority, and that means we should have conditions in the private sector that will create job growth. The bill before us today is simply another $50 billion stimulus plan that we have already seen doesn't work, and it is paid for with a new tax that is going to further stifle business hiring.

Now more than ever we must focus our efforts in this Congress on commonsense measures that will jump-start the economy and make our businesspeople think it is worth hiring. Then we will have a surge in the private sector, which is the sector that can create jobs that will last.

So I am not going to be able to vote for the bill before us, but I would like to urge my colleagues to look at the Kerry-Hutchison bill that offers a long term approach. It is not going to be immediate because it would take up to a year to set up this bill. But we shouldn't be just talking about today. We shouldn't just be talking about something that will jump-start the economy between now and the end of the year. We should also be looking at the long term as well. We should be looking at the long term fiscal situation and how we assure that not only are we trying to jump-start right now but that we are looking forward to the future. That is what a true BUILD Act would do. That is what an infrastructure bank that is put in place with solid principles would do.

The Kerry-Hutchison bill is such a bill. The bill that is before us is not.

I hope we will be able to have a chance for our bill to go through the Finance Committee and to get suggestions from our colleagues on ways to strengthen it. But the bill before us today would hurt our economy, hurt job creation, and that is not the direction we should be going.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Illinois.

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. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I just left a meeting with President Obama at the White House, and we discussed the jobs bill that is pending before the Senate. It is a bill which the President put together and presented to Congress almost 2 months ago. He invited the Republicans at that time to come forward with their ideas, and hoped that we could come up with a bipartisan approach to dealing with the 9-percent-plus unemployment in our country and the 14 million people out of work, not to mention another 10 million who are underemployed and could do better with a better job.

We had a briefing this morning from an economist from labor and business who talked about some of the realities facing America today, and they are daunting: that one out of five men in this country is out of work; that we have seen, since 1969, a 28-percent decline in the purchasing power of working families in America; that we are seeing growth rates which are at least anemic and maybe even worse in terms of the future of our economy.

There are those who are criticizing the President and saying his approach is all wrong. But what those who criticize him offer is nothing. Nothing. There is no Republican plan for creating jobs in this country. It is a litany of complaints that they have had about the Federal Government for decades. For example, they argue there are too many rules and regulations, and that is what is impeding job growth.

I spent 2 straight weeks going across Illinois visiting businesses, large and small, that have done well in this recession. Not a single one has raised that issue. None. I don't think that is a real issue. It is an issue that we should be concerned about when it comes to job creation. It is not an issue for causation.

Secondly, the Republican approach has been, and consistently so, that the most important thing they can do is to protect the income taxes paid by the wealthiest people in America. That is not why I was sent to Congress. I believe my responsibility is to look to the common good and beyond the wealthiest in this country, particularly to help working families who are struggling so much.

The bill that will come up tomorrow will give the Republicans a chance to join us again in part of the jobs bill which they used to support. Some of the elements of that bill are pretty straightforward: $60 billion that will be spent on infrastructure, $50 billion for transportation funding, and another $10 billion for the infrastructure bank. Of that, $27 billion is for highways across America. I will take a big chunk of that in Illinois, and I will bet you will in Colorado. There is plenty to be done out there to alleviate congestion, to make the roads safer. There is another $9 billion for mass transit. We need it desperately. Mass transit, of course, keeps people off the highways, moves them back and forth to work in a most economical way. Our mass transit systems in Illinois and most places could use a shot in the arm with an investment for safety and for reliability. There is $4 billion for high-speed inner city passenger rail corridors. That is working in Illinois, proof positive, almost $1 billion in our State. We got the money, incidentally, that the Republican Governor of Wisconsin said he didn't want. We said we will take it in Illinois and the people in Wisconsin can wave as the train goes by. We are going to put that money into better rail beds, faster service, more reliability.

We broke all records in Amtrak passenger volume a few weeks ago, 30 million passengers, the most ever in any 1 year in Amtrak history. Eighty-two percent of passengers say they are satisfied with the good service of Amtrak. It is an enterprise that has a lot of support in America, and we want it to grow. Unfortunately, the other side has come out against it many times. So the

President has put $2 billion directly into Amtrak. They can use it for new trains, new locomotives, and passenger cars built in America. How about that? Good-paying jobs in our country. There is $3 billion for TIGER and TIFIA grant loan assistance, $2 billion for FAA improvement grants, $1 billion for FAA NextGen air traffic control. And for the record, those of us who fly on airplanes every week think this is long overdue. The air traffic control system in America is based on science that is decades old and goes back to World War II, and it is time to move beyond it. And we can, but we need to invest to make sure that happens. Then there is $10 billion for the national infrastructure bank. That is absolutely critical for us so that we can continue to grow and continue to build.

When I look at this, what it translates into is pretty amazing. It would put people to work upgrading 150,000 miles of road in America, laying or maintaining 4,000 miles of train tracks, restoring 150 miles of runways at airports, and putting in place a NextGeneration air traffic control system to reduce time delays and add safety. The plan includes $27 billion for roads and bridges, $9 billion, as I mentioned, for transit systems, and money for a competitive grant program, $5 billion, $4 billion for construction of high-speed rail. It is no wonder this has been supported not only by the labor unions—they want to put people back to work—but by businesses all across America that have an interest in highway construction.

The national infrastructure bank, of $10 billion, will leverage private and public capital to fund a broad range of infrastructure projects. The bank would be based on a bill introduced by Senators JOHN KERRY and KAY BAILEY HUTCHISON of Texas, which has been endorsed by the U.S. Chamber of Commerce. So if you think these are all Democratic ideas with no business support, one of the central elements here, the infrastructure bank, has the support of the Chamber of Commerce. It builds on legislation offered by Senators ROCKEFELLER and LAUTENBERG, and long-time bank champion Congresswoman ROSA DELAURO.

How do we pay for this? I think that is where the conversation starts falling apart on the floor of the Senate. We pay for it and don't add to the deficit by adding a new income tax surtax on those making over $1 million a year. Listen carefully. Those making over $1 million a year. So you have to already be making $20,000 a week before you pay the first penny in new taxes, and the tax just applies to the additional money over $1 million, and it is 0.7 percent.

I want to apologize, for the record. I think I misstated this earlier when I said that for the first $100 of new income over $1 million, that those who were millionaires would pay 7 cents more in taxes. I misstated it. I missed it by a factor of 10. It turns out to be 70 cents instead of 7 cents. So the burden is 10 times what I suggested.

For every $100 a millionaire earns over $1 million, under this bill to put America to work, they would have to pay 70 cents. The Republicans have said, ''Unacceptable.'' It is unconscionable that we would tax what they call the job creators.

We did a survey, incidentally, and found out that 1 percent of small business owners make $1 million or more—1 percent. For 99 percent of small business owners this is no tax increase, so it is not hurting job creators. It is creating jobs and that is what we need to do, and I cannot believe we are going to see this fail tomorrow again because we do not want millionaires to pay 70 cents out of every $100 more they make beyond $1 million, 70 cents in taxes. I think it is worth a lot more than 70 cents to get America back to work, and I think the sooner we do it, the better.

The Congressional Budget Office released a report that highlights the trend in household income between 1979 and 2007. As I mentioned earlier, American families, working families, have fallen further and further behind. The data showed that the top 1 percent of earners saw a dramatic increase in their share of household income. The remaining 99 percent were relatively unchanged.

The share of aftertax household income for the top 1 percent of the population more than doubled, climbing to 17 percent in 2007 from 8 percent in 1979. For the top 1 percent of household earners, the highest earners in America, average real aftertax household income grew by 275 percent between 1979 and 2000.

What happen to the others? The top quintiles were receiving 53 percent of aftertax household income in 2007, up from 43 percent in 1979. People in the lowest fifth of the population received about 5 percent of aftertax household income—that is 20 percent of the people receiving about 5 percent of aftertax household income in 2007, going down from 7 percent in 1979.

People in the middle? Three-fifths of the population saw their share of aftertax income decline by 2 to 3 percent in those years, 1979 to 2007.

If you wonder why people are sitting in tents in these ''occupy'' areas and why there is a rage across America, it has a lot to do with this. People are working hard, playing by the rules, and falling further and further behind. They are looking up at the top and saying, I don't understand this. Why is it that the bank CEOs are getting multimillion dollar bonuses and the management of my company is getting a dramatic increase, while they tell us we are the most productive workers in the world? It is understandable they want a fair shake, and it starts with putting people to work.

With 14 million people out of work today, getting them jobs where they can start paying taxes instead of drawing benefits is something they want and we should want. It is worth saying to the wealthiest in America, pay your fair share; maybe a little bit more than you did today. If it makes America a stronger nation and the economy stronger, my guess is those folks making over $1 million a year will prosper too. That has been the story of America. I am sure that story will be repeated.

The question tomorrow is whether there will be a single Republican vote to support us. I am not certain. I have to think back. I do not believe we have had one Republican vote supporting the President's jobs bill so far, any aspect of it. We are going to keep trying, and the American people expect us to.

The President spoke today at Key Bridge, right here between Arlington, VA, and DC, a bridge right near where I went to college and crossed hundreds of times. It is a bridge that needs some work and he was making that point, let's put Americans to work right there, creating good American jobs with this jobs bill. The President made a point of noting that while we are talking about passing a jobs bill in the Senate, the House of Representatives is talking about commemorative coins and reaffirming our belief in the phrase ''In God we trust.'' The President said in the speech there is no doubt in his mind that people do trust in God, they just don't trust in the House of Representatives to get the job done here, to pass a jobs bill that will get people back to work.

That is the challenge we face. That is the challenge America faces, and a bipartisan solution will serve the Nation well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I come to the floor tonight to discuss an issue I have addressed many times in this Chamber over the course of the past few years, and that is the urgent need for this Congress to come together to pass policies that will spur job creation in our country. I know the Presiding Officer, my colleague from Colorado, has done so in powerful ways himself. I want to talk specifically about the Rebuild America Jobs Act, legislation that is pending as I stand here and as you sit here for Senate debate.

We both know that the Rebuild America Jobs Act is one component of President Obama's comprehensive job creation package which he and the American people have been urging us in this Congress to pass. But my colleagues on the other side of the aisle, the Republicans, have uniformly filibustered the President's comprehensive

job creation package, so we are now attempting to debate the package in smaller legislative pieces. This week we are attempting to begin debate on the Rebuild America Jobs Act, which would put hundreds of thousands of Americans back to work rebuilding our crumbling bridges, our roads, and our airports. It is an important bill. It is worthy of this Chamber's debate consideration. It should not be subject to another filibuster that leaves the American people wondering why the heck we cannot charter a path forward that would help create jobs and build our economy.

Before I specifically address what is in the Rebuild America Jobs Act, I thought it would be informative to briefly talk about how our economy got in the rough place it is in today. We are 3 years removed from a near global economic meltdown. If you think about it, in the final year of the Bush administration we lost nearly 4.5 million jobs. That is very significant. Our economy was bleeding over 800,000 jobs a month when President Obama was sworn in. Credit markets were frozen, job losses mounted, and there was real concern that we as a nation risked slipping into another Great Depression. The Presiding Officer remembers all too well, as we all do, the concerns and the dynamics that were present at that point.

Fortunately, President Obama took a leadership role and the Congress worked with him to take steps to avert a catastrophe. But we are left with an enormous hole we are trying to climb out of. Beginning in 2009, we slowed the economic free fall that we passed and we put an end to the great recession—at least on paper. The Presiding Officer knows that. But, as typical of any recession, let alone the great recession, job growth has trailed economic growth.

Under the President's leadership, in the last year and a half, the economy has added nearly 2 million jobs. We are nearly halfway restoring the jobs lost under the Bush recession. Yet with unemployment standing at 9.1 percent nationwide, we still have a long way to go.

As I mentioned at the beginning of my remarks, in order to speed up economic recovery and bring down this stubborn unemployment rate, the President presented to us a few months ago an ambitious job creation package called the American Jobs Act. The bill, which consisted of bipartisan proposals, as we well know, proposals that both parties had supported time and time again, ran into a wall of uncooperative partisanship in this Chamber and was grounded by a Republican filibuster.

Mr. President, you and I both adhere to the concept of bipartisanship, working with the other party, but this kind of obstructionism has become way too common in the modern Senate and it truly is getting in the way of our capacity, our desire to create jobs. I say that in a plain and simple way. It has put in jeopardy our future, frankly. We have to win a global economic race. We have traded the burden of governing—I should say also the responsibility of governing and legislating—for seemingly a set of ideological positions and gamesmanship, and you know and I know Coloradoans are flat out tired of it. They want their elected leaders to lead, to work across the aisle and produce some results that will help working Americans, will help small businesses.

I could not agree more with our citizens at home. I have to say that I think impartial observers would say with regularity, tea party interests in the Congress have taken our economy, have walked our economy, driven our economy to the edge of a cliff with the repeated threats of a government shutdown. If I could use the words of my colleague from Colorado: Can you imagine a city government leader allowing Denver, for example, to forfeit and default on its financial obligations? It would not happen. It feels as though we are creating in this Congress crises out of thin air, to rattle our economic markets.

You do not have to look back to August, to those dark days when the debate over the debt ceiling and then threat of default was an economic crisis completely of this element's own making. Then what followed? What was predicted to follow: Our credit was downgraded and it had economic effects.

I have been meeting with businesspeople this week who can give you example after example. I was a businessman in the private sector. My colleague from Colorado was. We know the Federal Government can only do so much to grow jobs and positively affect the economy. But when you have self-inflicted wounds, such as those that were produced in August, you are going to stifle recovery and you are going to create real business uncertainty in the private sector.

If we were serious about economic recovery, we would stop taking the Federal budget to the brink of disaster at every opportunity. I know there are people in this town who want to score points, but hard-working Americans, hard-working Coloradoans, and our businesses ultimately pay the price for this kind of increased uncertainty. If we were serious about providing businesses, particularly small businesses, with the capital they need, we would look for opportunities to do so.

One of the ways I believe the Senate could help would be to consider and pass a bipartisan piece of legislation that I have introduced now in a series of Congresses that will double the amount of loans credit unions can offer to small businesses.

This would literally help tens of thousands of Americans. It would allow businesspeople to create jobs for hundreds of thousands of Americans and there would be no cost to the American taxpayer. This is a form of lifting a regulation. Credit unions are overly regulated and this simple change in the policy that applies to their access to the small business sector would make a difference.

Instead—and this pains me to say—what I hear from the other side of the aisle, what my Republican colleagues offer are proposals that rely almost entirely on attacking the administration or suggesting that we implement the failed policies that got us into this situation in the past. This is one area where the commonsense rules that protect our consumers and preserve our clean air and our clean water are designated as the problem. There is, frankly, scant evidence to support their regulatory boogeymen. They offer no hard evidence of these claims. I am convinced the constant drumbeat about regulations is more harmful to our country's job creation potential than the alleged effect of the regulations themselves.

In fact, a recent Bloomberg study noted that this administration has issued 5 percent fewer regulations than the Bush administration at the same juncture. Economic data shows that these regulations have a minor effect, if at all, on the economy. I have in hand studies that show the right kinds of regulations, particularly when it comes to protecting the public's health, that actually can create jobs. The Assistant Secretary of Economic Policy at the Department of the Treasury recently wrote: ''None of these data support the claim that regulatory uncertainty is holding back hiring.''

On the contrary, she found that a lack of demand in the market and global financial and economic conditions are the primary culprits for our slow recovery.

This jives with what we hear generally from business leaders who, by large margins, point to a lack of demand and uncertainty in the marketplace as the primary barriers to their businesses, not Federal regulation. What feeds this uncertainty and lack of demand is the constant political threats to send our economy off a cliff and the constant scare campaign that tells Americans to fear the Obama administration.

I am not unsympathetic to the plight of the regulated sectors of our economy. President Obama said it well. He said: ''We should have no more regulation than the health, safety, and security of the American people require,'' and we should make compliance with the ones we do have as easy as possible. I don't want to overstate this, but that is why I have taken steps to eliminate unnecessary Federal redtape, such as easing the cap on how much credit unions can loan to small businesses. But to constantly spread fear about our Government's work to provide oversight and protect clean air and clean water is a further uncertainty and worsen the lack of demand we see in the economy.

To break through this nonsense—and I don't use this word lightly—this ''nonsense'' about the effect regulations are having, President Obama has offered a real path forward based on sound economics and bipartisan ideas. The Rebuild America Jobs Act was introduced yesterday. As I said, it is a part of the President's overall comprehensive approach. I hope we can move to debate this important infrastructure bill.

We are going to have a vote tomorrow morning, I believe, that would allow the Senate to move to actually debating the bill, and it would significantly and immediately boost job creation across the country. We would be able to ensure that we keep our roads and our bridges and other infrastructure safe, while investing in new projects that will stimulate businesses to invest and begin to create new, good-paying, American-based jobs, the type of jobs that cannot be shipped overseas. The American people, without question, overwhelmingly support the ideas in this projobs bill. It is all about investing in the future of hard-working Americans and making sure they have the tools to achieve the American dream.

In Colorado alone, the investments for highway and transit projects in the bill are estimated to support the creation of at least 6,400 local jobs. We would accept those jobs in a minute. We know those people. We know the construction sector is one of the ones languishing in our State. These are trained, committed Coloradans who are dying to improve our State, to improve our infrastructure, to improve our economy. Why is that important beyond our State or beyond our country? We cannot compete if we do not have the infrastructure that allows commercial activity to thrive. That has been one of our competitive advantages for decades. Our competitors are not sitting back and waiting for us. They are investing in their infrastructure now. We don't have to go any further than China, India, Africa, South America. Those countries and continents are investing in their infrastructure.

What was heartening is that recently we have seen a great coalition, one that maybe we could mirror in the Congress, to support the President's proposal. That is the AFL–CIO, the leading labor organization in the United States that speaks for all the various unions across our country, allied with business interests such as the U.S. Chamber of Commerce. These are diverse interests. They are often at loggerheads. They have come together to urge us to pass such a measure that would build America.

The bill will not solve all our infrastructure challenges. It will not respond to every infrastructure opportunity we have. For example, we ought to reauthorize the Federal Aviation Administration. That is another less-than-valiant effort we made this year. As the Presiding Officer knows, we left in August with the FAA not funded and that cost us some economic growth. It put people out of work. Even for a week or two, that was too much time to be out of work. We ought to fully reauthorize the Federal Aviation Administration and in the process upgrade our national system of air travel.

I served in the House. I worked on the NextGen concept, which would upgrade the way in which we direct airplanes to travel across our country using satellite technology. Now we use radar technology. That is a 20th century technology. We need a 21st century technology. So let's pass a full authorization of the Federal Aviation Administration. We ought to pass a robust highway bill. For too long we have not had the full funding and full direction on a robust highway bill. I wish to applaud the bipartisan work that has gone into that. Senators BOXER, INHOFE, and VITTER have taken the first steps on a bipartisan proposal to do just that.

I note that many of my Republican colleagues object to the Rebuild America Jobs Act on the grounds that we would pay for it with additional revenue from those who make annually more than $1 million. I wish to point out that the American people disagree with them. Polls show close to 70 percent of Americans support offsetting the costs of the bill—because we are going to pay for this. We heard that message loudly and clearly; that those who make over $1 million a year could help shoulder more of the burden. I know I talked to people who have done quite well at home in Colorado who are willing to make that kind of investment if they see the return on the investment. The American people are ahead of us on this. They know it is a matter of simple fairness.

If I were in an ideal world—therefore, I am running the show—I would make some changes to the bill to address our broader infrastructure challenges. I would fold in the FAA; I would fold in the highway bill I mentioned. But let's take the first modest step. Let's open the floor of the Senate to debate on the Rebuild America Jobs Act just like the American Jobs Act more generally. We could discuss how to pay for it and what are the best mechanisms. Perhaps there is another way to pay for it, but let's begin the process.

I wish to close by focusing on our home State of Colorado. I return home, as the Chair does, almost every weekend and take the time to hear out my fellow citizens and those who hired me to represent them in the Senate. They will briefly complain about our inability to get things done, as we know, even the simplest things it seems like this year. I know my colleagues have similar experiences. But they quickly move to what they are doing at home and how they are making their lives better. I get energized by their commitment to working in their own communities. The other thing I don't hear much at home is a litmus test as to what political party we are a member of or what their concerns are about who is up for reelection next year. They come together all across our State, in Alamosa and Durango and Grand Junction, Sterling, and the list goes on and on of communities that come together. That isn't to say there isn't disagreement or that the solution comes easy, but they don't deal in the kind of partisan bickering that has become so common here.

I know the Presiding Officer feels that sense of possibility at home. So let's match that sense of possibility. Let's match their energy. We can take some heart from the fact that our economy is beginning to show some signs of improvement.

The Department of Commerce report showed a 2.5-percent growth in Gross Domestic Product. That is welcomed news and signals that we are slowly making progress. I want to underline unemployment remains stubbornly, maddeningly high at 9.1 percent. We must do better. I hope we can start by a minimum voting tomorrow to at least debate the Rebuild America Jobs Act.

Let's end the filibusters, particularly when it comes to starting a debate. Literally, we are not even going to debate this bill. If we were to open the debate tomorrow, in a few days' time, we would have to have an additional cloture vote to end debate on the vote itself. If the minority and my Republican colleagues don't want to move to end debate, they certainly have that option at that time.

Let's keep faith with the description of the Senate, which was one of my motivations for wanting to represent Coloradans here, which is the most deliberative legislative body in the world. If we are the Chamber that many look to for debate, for time spent to understand the best policies for the country, let's keep faith with that. Let's keep faith with our obligations as Senators. So the time for filibusters is over. Let's go to work on behalf of the American people.

I remain optimistic. I think we can bring forth creativity and a sense of cooperation. That is what we see at home. That is what happens in Colorado. That is what happens in all the States that are represented here. That is the American way. Let's bring the American way to the Senate and put Americans back to work.

I thank the Chair for his patience, his interest, his partnership, his service to the State of Colorado and the United States itself.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, November 3, 2011, when the Senate resumes consideration of the motion to proceed to S. 1769, the Rebuild America Jobs Act, it be in order for the Republican leader or his designee to move to proceed to S. 1786; that the motions to proceed be debated concurrently, with the time until 3 p.m. equally divided between the two leaders or their designees prior to votes on the motions to proceed in the following order: Reid motion to proceed to S. 1769 and McConnell or designee motion to proceed to S. 1786; that the motions to proceed each be subject to a 60-affirmative-vote threshold; that if the Reid motion to proceed is agreed to, the vote on the McConnell or designee motion to proceed be delayed until disposition of S. 1769; finally, that the cloture motion with respect to the motion to proceed to S. 1769 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I now ask unanimous consent to move to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DREAM ACT

Mr. DURBIN. Mr. President, what if I came to the floor today and said I have a new law I want to introduce, and here is what it says: If you stop motorists across America, anywhere across America—for speeding, reckless driving, driving under the influence—you can not only arrest that motorist, you can arrest the child in the backseat. You can tell that child in the backseat, maybe 2 years old or 5 years old, you have to pay a price because your parent broke the law. People would laugh me out of the Senate Chamber. That is not right. That is not the way we handle justice in America. You do not impose a penalty on children because of the wrongdoing of their parents.

Keep that in mind for a moment because I want to tell you a story, a story that goes back 10 years in Chicago, IL, when a Korean-American woman called my office in Chicago and said, I have a problem. Actually, I have a good thing to tell you, she said. My daughter, who is graduating from high school, is an accomplished concert pianist. She has gone through the Merit Music Program in Chicago, a wonderful program that allows kids—not from the wealthy families but kids from families of lower income groups—a chance to own musical instruments or take musical lessons and see if they thrive—and they do; 100 percent of them go to college.

Her daughter was one of them, a concert pianist graduating from high school, and her mom said: She has been accepted at the Julliard School of Music in New York. We cannot believe it. She said: I run a dry cleaner and my daughter is going to the best music school in America, and the Manhattan Conservatory of Music has also accepted her. She sat down and she was filling out the application, and she came to the box which said nationality, citizenship, and she said: USA, right? And her mom said: You know, we brought you here when you were 2 years old, from Korea, and we never filed any papers. So I don't know what to call you at this point, I don't know what your legal status is. Your brother and sister were born here and they are American citizens. The mom said, I am a naturalized citizen but we never filed any paperwork for you. I don't know what to tell you. They called my office. We checked the law. Do you know what the law said? The law said that young girl had to leave the city of Chicago and America for 10 years—10 years—and then apply to come back in. You see, her mother did not file the papers, and at age 2 she became undocumented and illegal.

That is not right. It is no more just than to arrest the child in the backseat for the speeding parent. But it was happening right before our eyes. We started looking at it, and said the only way to deal with this is to change the law, and here is what we said. If you came to the United States as a child under the age of 16—as a child; if you finished high school; and if you had no problems, no significant criminal record—we will give you two chances to become a legal person in America. First chance: Enlist in our military. If you are willing to risk your life for this country, you deserve a chance to be a citizen. Second: Finish at least 2 years of college. Not a lot of kids do that, but if you finish 2 years of college we will give you a chance to be legal. We called it the DREAM Act. For 10 years I have been standing on the Senate floor trying to pass the DREAM Act.

Time and again we have had a majority vote here. The last time I think there were 55, if not 53, Senators. But because it is controversial, someone objected and we needed 60 votes and we failed.

When I first introduced this bill, I would stand up in the Hispanic neighborhoods of Chicago and I would talk about it. A lot of people would listen intently. Then I would leave and go outside to my car to leave and, without fail, usually in the dark of night, there would be a young person standing by my car and that person would say to me: Senator DURBIN, I am one of those kids. Can you do something to help me? Can you pass the DREAM Act? Many of them with tears rolling down their cheeks, and they would tell me their stories, how they had no future, no place to go. They couldn't go to college. If they graduated from college, and some of them had, they could not become engineers or doctors or lawyers or what they wanted to be. They were without a country.

Time has changed that approach. These young people no longer stand in tears in the darkness. They filled the galleries last December when we voted on this. They were all over the galleries with caps and gowns like graduates, and signs that said, ''I am a DREAMer.'' They waited and watched, and the bill failed.

It broke my heart, and many of them left in tears. But they are standing up to tell their stories now and some of them are brave enough to stand up and let America know who they are and why they should have a chance. I think they deserve a chance.

Let me tell you right off the bat I have a conflict of interest on this bill. I guess Senators in this time of ethical considerations should confess and make public their conflict of interest. See, my mother was an immigrant to this country. She would have been a DREAMer in her day. She was brought in at the age of 2 from Lithuania 100 years ago. It was only after she was married and had two children that she became a naturalized American citizen. I have a naturalization certificate upstairs in my office. I am very proud of it. She passed on. She saw me sworn into the Senate and passed on a few months after that.

As her son, first-generation American, son of an immigrant, I stand here as a Member of the Senate, a privilege which barely 2,000 Americans have ever had. It says a lot about my family but it says a lot about America that I had my chance; the fact that my mother came here at the age of 2, perhaps under suspicious circumstances, and was given a chance to become an American citizen, raised a family, worked hard, sent her kids to school, and saw one of them actually end up with a full-time government job as a U.S. Senator.

That is why when I hear this debate across America on immigration I wonder who these people are who are talking about how evil and negative it is to have immigrants in our country. I just left an historic ceremony a couple of hours ago. It was at the hall in the new Visitor Center, Emancipation Hall. I could not believe my eyes. It was a special Congressional Gold Medal honoring those Japanese Americans who served in World War II. What astounded me was the number who showed up. These are men who have to be in their eighties and nineties, who came there to be honored with this Congressional Gold Medal, people of Japanese ancestry, whose parents and relatives were often sent to interment camps, and asked for the chance to risk their lives and serve America in World War II and ended up being some of our most heroic warriors.

I looked at that audience and I wondered if some of the critics of immigration would criticize these men and their families, men who had literally risked their lives—some lost their lives—many of whom were seriously injured.

I am honored serving with so many great people in this Senate, but none

more than DANNY INOUYE, who is in my estimation a true American hero, a recipient of the Congressional Medal of Honor for his service in the 442nd, and a man who still comes and leads the Senate as chairman of the Senate Appropriations Committee. Here was a person who was frowned on and even being spit on for being Japanese at a time when Pearl Harbor was still fresh in the minds of many people. But he said: ''Sign me up, hand me a uniform, give me a gun and I will die for this country.'' He risked his life like thousands of others and I am glad this honor was given today. But it is a constant reminder that we are a nation of immigrants, we are a diverse nation, and it is in that diversity we find our strength. We come from so many different corners of the world and we come to America to call it home. These children are in that same position.

When I see the argument being made in Arizona and Alabama, the anti-immigrant argument being made, I am thinking to myself they are ignoring the reality. The reality is the diversity of our Nation is its strength, the fact that we come from so many different places, drawn and driven to this great country for the opportunity it offers. The Arizona law that was passed last year requires police officers to check the immigration status of any individual if they have ''reasonable suspicion'' that he or she may be undocumented. Under this law, any undocumented immigrant can be arrested and charged with a State crime solely on the basis of their immigration status, if they did nothing wrong. It is a crime for a legal immigrant to fail to carry documents proving their legal status at all times in the State of Arizona.

It doesn't sound right to me in this Nation of immigrants. Last year it was Arizona. This year it is Alabama. Arizona Gov. Robert Bentley recently signed H.R. 56, Alabama's immigration law that requires police officers to check immigration status of any individual they suspect is undocumented. Any undocumented immigrant can be arrested and charged with a State crime. Legal immigrants must carry documents proving their legal status at all times.

It is wrong to criminalize people based solely on their immigration status. That is not the way we treat immigrants in our country and that is not the way our criminal justice system should work. It is not right to make criminals of people who go to work each day, cook our food, clean our hotel rooms, and care for our children and parents. It is not right to make criminals of those who worship with us in our churches, synagogues, and mosques, and send their children to school with our own kids.

I think about this and I think about what a blind eye some of the backers of these laws have when they walk into a restaurant in a major city and don't look up and notice who is cooking, who is cleaning the dishes, who is taking care of their parents at the nursing homes, who cut the grass at the golf course. Many of these people are undocumented. We know it but we are not calling for them to leave. They are serving us, right? No, with these laws we are condemning those in similar status.

Here is the reality. Criminalizing immigrants will not help combat illegal immigration. Law enforcement does not have the time or resources to become the immigration office of America. That is why the Arizona Association of Chiefs of Police opposes the Arizona law. It makes it more difficult for them to keep people safe—not easier, more difficult. Immigrants will be much less likely to cooperate with police who can arrest them on the spot.

Alabama's law goes even further. Most contracts with undocumented immigrants are declared null and void, including, for example, rental agreements and child support agreements. Schools have to check the immigration status of every student and parent and report that information to the State. Schools are authorized to report students and parents they believe to be undocumented to the Federal Government.

I am concerned about the use of our schools in enforcing immigration laws. The Supreme Court has made it clear that it is constitutional to provide elementary education to children and not discriminate based on their immigration status. The Education Department of our Federal Government has warned States, including Alabama, not to use education as a device to exclude those students who are otherwise eligible to be taught.

It is good to tell these stories. It is good to speak to these issues. But what I found over the years—and I am sorry it has been years; I wish we had passed this long ago—the best way to tell the story of the DREAM Act is to tell the story of the DREAMers. Let me tell you a couple at this moment.

The first is about Amanda Uruchurtu. Here is Amanda. She is a pretty young woman. She was brought to the United States at the age of 10. She lives in Tuscaloosa, AL. When Amanda first arrived here she did not speak a word of English. She sent me a letter about what it was like, and here is what she said:

> I remember how frustrating it was in school because I had no clue what was going on, but I told myself that all the frustration and fear should be blocked and I should concentrate on learning English. . . . Some made fun of the way I talked but that helped because it made me work even harder and try to assimilate even more. Little by little I worked with my accent to the point that it was hardly noticeable.

There is Amanda. When she started high school she decided she knew what she wanted to do with her life. She wanted to serve in the U.S. military. She was No. 5 in her high school class. She was a member of the National Honor Society and, listen to this, she received the Daughters of the American Revolution award at her high school. Amanda overcame great obstacles and wants to be part of America's future.

She asked, when she wrote to me, if I would tell her story and let those who hear it know that Amanda wants to serve in the U.S. military, but under our law she cannot. She is undocumented. If the DREAM Act passed she would have her chance.

Here is another story, another lovely young lady, Karla Contreras, brought to the United States at the age of 3. Today Karla is 16. She lives in Pelham, AL. She is a sophomore in high school.

She is a leader in the Alabama Dreamers for the Future, an organization of students of similar status, in her State. Her dream? To become an attorney. Her family's considering moving to Washington State because of this new Alabama law, this anti-immigrant law. Here is what Karla wrote to me:

> I have never really lived anywhere besides Alabama. I have been here practically all my life. Alabama is my home.

Karla sent me a powerful essay about the Alabama immigration law. She said:

> All that people want is a better future, a job to maintain them in an average way, a place they can call home with no fear of being kidnapped by a drug dealer, a place where they are not afraid to walk out to their yard. It is so hard for me to see how these things could be a crime in anyone's eye. This law is putting children in fear for their parents. Now tell me who on earth would want to purposely frighten a child.

In 1982, Texas passed a law that allowed elementary schools to refuse entrance to undocumented children. The Supreme Court of the United States of America struck down that law. As a result, millions of children have received an education and millions have become citizens. They are doctors, soldiers, policemen, lawyers, engineers, and businesspeople who make America a better nation. Imagine what would have happened if the Texas law had been allowed to stand. Incidentally, that is exactly what Alabama wants today. Alabama should know—every State should know—that no State is above the law. No State is above the findings of our Supreme Court.

The American people have a right to be frustrated. Congress has repeatedly failed to fix our broken immigration system. The casualties—many are young DREAMers whom I talked about today, and many have been around many years and still live in the shadows and live in fear every single day. We are a better nation than that. We are a nation of immigrants, a nation of justice, and a nation that can find its way to give an opportunity to young people who have attended school every day, stood, put their hand over their heart, and pledged allegiance to the only flag they have ever known. They are asking for a chance to be part of the future of America.

I urge my colleagues on both sides of the aisle to help me pass the DREAM Act.

CRIME VICTIMS' RIGHTS ACT

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Attorney General Holder.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 2, 2011.

Hon. ERIC H. HOLDER, Jr.,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: I am writing to follow up regarding my June 6, 2011 letter to you concerning the Justice Department's implementation of the Crime Victims' Rights Act—an Act that I co-sponsored. I am writing to ask why the Justice Department persists in taking the view that the CVRA does not extend rights to crime victims until the formal filing of criminal charges.

As I explained in my earlier letter to you, Congress intended the CVRA to broadly protect crime victims throughout the criminal justice process—from the investigative phases to the final conclusion of a case. Congress could not have been clearer in its direction that using ''best efforts'' to enforce the CVRA was an obligation of ''[o]fficers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime. . . .'' 18 U.S.C. §3771(c)(1) (emphasis added). Congress also permitted crime victims to assert their rights either in the court in which formal charges had already been filed ''or, if no prosecution is underway, in the district court in the district in which the crime occurred.'' 18 U.S.C. §3771(d)(3) (emphasis added).

As you know, it has now been more than four months since I sent the letter to you explaining this clear point. In those four months, I have not received any response from you. Instead, during that time, on October 1, 2011, you promulgated new Attorney General Guidelines for Victims and Witness Assistance. These Guidelines persist in misconstruing the CVRA so that it does not extend any rights to victims until charges have been filed. Your Guidelines state: ''CVRA rights attach when criminal proceedings are initiated by complaint, information, or indictment.'' Guidelines at 8.

The Guidelines you have promulgated now conflict quite clearly with the CVRA's plain language. This is not simply my view. One court of appeals has addressed the issue of whether the CVRA applies only after charges have been filed. In In re Dean, 527 F.3d 391 (5th Cir. 2008), the Department took the position that crime victims had no right to confer with federal prosecutors until the Department had filed a plea agreement in court. The agreement involved a corporation (BP Products North America) whose illegal actions had resulted in the deaths of fifteen workers in an oil refinery explosion. In rejecting the Department's position that it did not have to confer with victims earlier, the Fifth Circuit held that ''the government should have fashioned a reasonable way to inform the victims of the likelihood of criminal charges and to ascertain the victims' views on the possible details of a plea bargain.'' Id. at 394.

In spite of this binding decision from the U.S. Court of Appeals for the Fifth Circuit, you have now promulgated guidelines that directly conflict with that decision. As a result, it continues to appear to me (as I noted in my earlier letter) that your prosecutors are failing to extend rights to potentially thousands of crime victims within the Fifth Circuit in Louisiana, Mississippi, and Texas.

The Fifth Circuit's decision is hardly an outlier. To the contrary, so far as I have been able to determine, the Fifth Circuit's position is supported by all other court decisions that have decided the issue. For example, in United States v. Rubin, 558 F.Supp.2d 411, 419 (E.D.N.Y. 2008), the court discussed a claim by various movants that they had been victimized by a criminal fraud. The court explained that CVRA can attach before charges are filed:

Quite understandably, movants perceive their victimization as having begun long before the government got around to filing the superseding indictment. They also believe their rights under the CVRA ripened at the moment of actual victimization, or at least at the point when they first contacted the government. Movants rely on a decision from the Southern District of Texas for the notion that CVRA rights apply prior to any prosecution. In United States v. BP Products North America, Inc., the district court reasoned that because §3771(d)(3) provided for the assertion of CVRA rights ''in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred,'' the CVRA clearly provided for ''rights . . . that apply before any prosecution is underway.'' United States v. BP Products North America, Inc., Criminal No. H–07–434, 2008 WL 501321 at *11 (S.D. Tex. Feb. 21, 2008) (emphasis in original), mandamus denied in part, In re Dean, 527 F.3d 391 (5th Cir. 2008). But, assuming that it was within the contemplation and intendment of the CVRA to guarantee certain victim's rights prior to formal commencement of a criminal proceeding, the universe of such rights clearly has its logical limits. For example, the realm of cases in which the CVRA might apply despite no prosecution being ''underway,'' cannot be read to include the victims of uncharged crimes that the government has not even contemplated.

Rubin, 558 F.Supp.2d at 419.

United States v. Okun, 2009 WL 790042 (E.D. Va. 2009), also reached the same conclusion that CVRA rights can apply before charges are filed:

Victims have been permitted to exercise CVRA rights before a determination of the defendant's guilt. See, e.g., United States v. Edwards, 526 F.3d 747, 757–58 (11th Cir. 2008); In re Mikhel, 453 F.3d 1137, 1138–39 (9th Cir. 2006) (per curiam); see also United States v. Rubin, 558 F.Supp.2d 211, 418 (E.D.N.Y. 2008) (anyone the government identifies as harmed by the defendant's conduct is a victim). Furthermore, the Fifth Circuit has noted that victims acquire rights under the CVRA even before prosecution. See In re Dean, 527 F.3d 391, 394 (5th Cir. 2008). This view is supported by the statutory language, which gives the victims rights before the accepting of plea agreements and, therefore, before adjudication of guilt. See 18 U.S.C. §3771(a)(4).

Okun, 2009 WL 790042 at *2.

Also agreeing that at least some CVRA rights apply before charging is In re Peterson, 2010 WL 5108692 (N.D. Ind. 2010). The court acknowledged that some rights in the CVRA do not apply before charges have been filed. But the court also specifically held that ''a victim's 'right to be treated with fairness and with respect for [his or her] dignity and privacy,' 18 U.S.C. §3771(a)(8), may apply before any prosecution is underway and isn't necessarily tied to a 'court proceeding' or 'case,' In re Dean, 527 F.3d 391, 394 (5th Cir. 2008); United States v. BP Products North America, Inc., 2008 WL 501321 (S.D. Tex. 2008).'' Peterson, 2010 WL 5108692 at *2.

The most recent court decision to carefully review the Justice Department's position is Jane Does #1 and #2 v. United States, No. 08–80736–CIV–MARRA/JOHNSON (S.D. Fla. Sept. 26, 2011). In that case, the court flatly rejected the Department's claim that rights attach only after charges are formally filed:

The Court first addresses the threshold issue whether the CVRA attaches before the government brings formal charges against the defendant[.] The Court holds that it does because the statutory language clearly contemplates pre-charge proceedings. For instance, subsections (a)(2) and (a)(3) provide rights that attach to ''any public court proceeding . . . involving the crime.'' Similarly, subsection (b) requires courts to ensure CVRA rights in ''any court proceeding involving an offense against a crime victim.'' Court proceedings involving the crime are not limited to post-complaint or post-indictment proceedings, but can also include initial appearances and bond hearings, both of which can take place before a formal charge. . . .

Subsection (c)(1) requires that ''Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights in subsection (a).'' (Emphasis added). Subsection (c)(1)'s requirement that officials engaged in ''detection [or] investigation'' afford victims the rights enumerated in subsection (a) surely contemplates pre-charge application of the CVRA.

Subsection (d)(3) explains that the CVRA's enumerated rights ''shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred.'' (Emphasis added). If the CVRA's rights may be enforced before a prosecution is underway, then, to avoid a strained reading of the statute, those rights must attach before a complaint or indictment formally charges the defendant with the crime.

Id. at *3–4.

In sum, the plain language of the CVRA—and every reported court decision I have been able to find—all clearly indicate that the CVRA does extend rights to crime victims even before charges are filed. Yet in spite of this, the Justice Department has apparently prepared a new form letter to be sent to victims that specifically tells crime victims that they lack any rights in federal criminal cases before charges have been filed in federal court. As I understand it, this letter will be sent to victims in federal cases around the country (including victims in the Fifth Circuit, the Eastern District of New York, the Eastern District of Virginia, the Northern District of Indiana, and the Southern District of Florida) telling them that they should ''[p]lease understand that these rights only apply to victims of the counts charged in federal court. . . .''

Compounding the confusion is the fact that your own Guidelines make it a matter of policy to confer with victims about plea negotiations even before charges have been filed. The new Attorney General Guidelines for Victims and Witness Assistance specifically state: ''In circumstances where plea negotiations occur before a case has been brought, Department policy is that this should include reasonable consultations prior to filing a charging instrument with the court.'' Guidelines at 41. I can only assume that this new policy has been put in place to avoid the outrageous situations that occurred in the Dean case and the Jane Does case, where prosecutors did not confer with victims before the Government reached final agreements with defendants. But the policy would seem to be a complete dead letter if you

never notify victims that they have a right under the CVRA to confer with the prosecutors.

In light of all this, I am writing to ask you several questions. First, when will you send an answer to the questions I raised in my June 6, 2011 letter? Second, why is the Department failing to follow the CVRA's plain language, as interpreted by these court decisions, and delaying extending crime victims their CVRA rights until after formal charges have been filed? And third, what is the Department doing to implement the Fifth Circuit's binding decision in In re Dean that crime victims can have rights under the CVRA even before criminal charges are filed?

Sincerely,

JON KYL,
United States Senator.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT

CDBG FUNDING

Mr. CONRAD. Mr. President, as the chairman and ranking member of the Transportation-HUD appropriations subcommittee are aware, I, along with Senators HOEVEN, LEAHY, SANDERS, BLUNT, MENENDEZ, LAUTENBERG, GILLIBRAND, BAUCUS and SCOTT BROWN have filed an amendment, Senate amendment No. 839, to add $600 million in supplemental community development block grant, CDBG, funding. We deeply appreciate the inclusion of $400 million in supplemental CDBG funds to aid communities impacted by disasters this year. However, given the magnitude of the damage just in my State of North Dakota from flooding this year, I am deeply concerned that this level of funding will not meet the needs. As many of my colleagues know, the city of Minot, ND, was devastated by a historic flood that impacted more than 4,100 homes and forced the evacuation of 11,000 people. The road to recovery will be long. CDBG offers an important component of the flood recovery effort to assist with buyouts and assistance to homeowners and businesses to repair the damage. My State alone has identified a need of at least $235 million for CDBG funds. We would like to work with the chairman and the ranking member of the subcommittee in conference to make sure there are sufficient resources for CDBG to meet the needs that exist in my State as well as others most impacted by this year's disasters.

Mr. HOEVEN. Mr. President, we have seen flooding of historic proportion in North Dakota this year, and, as you know, other States have also sustained severe damages from hurricanes, tornadoes, wildfires and a range of natural disasters. In Minot, my hometown, friends and neighbors were forced to evacuate their homes and live day-to-day in makeshift accommodations. Some are not yet in temporary FEMA housing as winter approaches. Almost as severe as the impact of the floodwaters, however, is the anxiety of not knowing when and how much help is forthcoming from the federal government. The State of North Dakota, local communities, and the Federal Government are already providing extensive assistance, but uncertainty over housing and infrastructure persists in the aftermath of this disaster. We took an important step forward in the Appropriations Committee 6 weeks ago when we approved $400 million in supplemental CDBG funding, which goes directly to help with housing for people who have lost their homes. We are grateful to the subcommittee for approving that appropriation, but I am here to tell you there is more to be done. We look forward to working with subcommittee Chairwoman MURRAY and Ranking Member COLLINS to ensure that we do all we can to maximize CDBG assistance to those in need, not just in North Dakota, but across the Nation.

Mr. LEAHY. Mr. President, some of the worst damage caused by disasters around the country has been to the houses, mobile homes and apartments where families have built their lives and made their homes. In Vermont, entire mobile home developments were washed away in Hurricane Irene's fury. Where homes once stood, now lies a path of damage, destruction and heartbreak. Our small State's ability to build new homes depends greatly on support from Federal safety net programs, like the $400 million in emergency community development block grant funding that we have worked to include in this bill. While this emergency funding is a first step in addressing the urgent housing needs of States like Vermont that have been struck by natural disasters, we know that much more will be needed to help our decimated towns and communities, and their citizens, get back on their feet. I look forward to working with the chairman and ranking member of the subcommittee to ensure that homeowners, businesses and towns have the assistance they need to begin the long rebuilding process. I have not seen damage and destruction of this magnitude in Vermont in my lifetime. Vermont and other states that were hit by Irene are stretched to the limit right now, and just as the victims of past disasters throughout the country were able to rely on their fellow Americans' help in their time of need, so should Vermonters be able to count on a helping hand when they need it most.

Mrs. MURRAY. Mr. President, I recognize the incredible impact of the disasters in your States and other States across the country this year and agree that CDBG is an effective tool in helping aid recovery efforts. The Senators from North Dakota and the Senator from Vermont have been strong advocates for this badly needed assistance. I pledge to work with them to ensure that communities impacted by this year's disasters have the support they need to recover.

Mr. BLUNT. Mr. President, over the past year, Missouri and the entire country have faced numerous natural disasters that devastated the livelihoods of people in our communities. As we work to rebuild, the scope of these events has placed unusual logistical and financial pressures on rebuilding efforts. Disaster community development block grants provide communities with vital short-term and long-term recovery funds that pick up where FEMA funding leaves off. The $400 million that is included in the transportation; housing and urban development appropriations bill is a step in the right direction. I am thankful for the opportunity to join with Chairman MURRAY, Ranking Member COLLINS and my other colleagues in expressing the importance of these funds for the communities rebuilding after disaster. I look forward to continuing our work together to make sure that disaster community development block grants get the funds necessary to meet disaster needs in Missouri and throughout the country.

Ms. COLLINS. Mr. President, disasters have affected nearly every State this year, and several States were hit particularly hard with devastating tornadoes and historic flooding. CDBG disaster recovery funding is an important tool that has helped States and communities address recovery needs related to infrastructure, housing, and economic development. I recognize that supplemental CDBG funding is important for communities recovering from disasters, and I look forward to working with my colleagues to help communities throughout the Nation.

Mr. CONRAD. Mr. President, I thank the chairman and the ranking member for their support. We look forward to working with them to ensure our communities have the resources necessary to recover from these devastating disasters.

EMERGENCY JUDICIAL RELIEF ACT

Mr. GRASSLEY. Mr. President, I would like to alert my colleagues that I intend to object to any unanimous consent agreement for the consideration of S. 1014, the Emergency Judicial Relief Act of 2011. While the sponsors of the legislation adopted one amendment I offered during debate in the Judiciary Committee, and that amendment improves the legislation, the bill remains deeply flawed and I cannot support it.

I oppose S. 1014 in its current form for a number of reasons, and I will just briefly describe them here. First, I believe strongly that we should analyze critically any expansion of the Federal Government, and first and foremost, determine whether there is a more efficient and cost effective way to allocate taxpayer resources. This is especially true during a time when our Federal debt is at historic levels.

In its current form, this legislation creates 10 new judgeships and converts two judgeships from temporary to permanent. The legislation does not pay

for the increased spending by cutting a corresponding amount of Federal spending. Rather, it raises the filing fees imposed on litigants.

The sponsors of the legislation have argued, based on caseload statistics, that these districts have some of the highest caseloads in the country. That may be true if you believe that the caseload statistics accurately describe how busy a particular district is. I am not arguing, today, that these statistics are necessarily inaccurate, but I would simply note that there have been some questions raised over the years regarding how well those statistics describe the caseloads. Regardless, based on those same statistics, there are other districts that are slow and getting slower.

If we conclude that some districts are disproportionately busy, and therefore conclude that we should increase the number of judgeships in those districts, then it only makes sense to offset the increase in judgeships by reallocating judicial resources away from districts that are slow. For this reason, I offered an amendment in the Judiciary Committee that would have reduced the number of judgeships in other districts by a total of 10. I will not take the time here to go through the statistics in each of the districts where I proposed eliminating judgeships. Suffice it to say, in each district slated for a reduction, the caseloads have decreased over the last 5 years, with the exception of 1 district, where the caseload has remained flat. And, even after you reduce the number of judgeships in these districts, they would still have caseloads that are well below the national average, across all 94 districts. If we are going to add judgeships, I believe this is the most appropriate way to do it.

The amendment I proposed in committee would also have delayed the effective date for the creation of the new judgeships until after the next Presidential election. Because none of us knows for certain who will be sworn in as President in January 2013, delaying the effective date would remove politics from the debate. Not only would it remove politics from the discussion, but it is consistent with how this issue was handled in the past. For instance, when the chairman of the committee introduced legislation to create additional judgeships during the 110th Congress, this is the approach he embraced.

Finally, I would note that the sponsors of the bill agreed to adopt a separate amendment I offered in the Judiciary Committee that would extend Whistleblower protection to Judicial Branch employees. This is an improvement. My amendment ensures that Judicial Branch employees are not simply left without redress when they face retaliation for blowing the whistle on fraud, waste, abuse, and mismanagement. While I appreciate the bill's sponsors' willingness to adopt my amendment, and I believe it is an improvement, the underlying legislation remains deeply flawed for the reasons I have discussed. Therefore, I must oppose it. I urge my colleagues to do the same.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN BRUCE

• Mr. LEVIN. Mr. President, John Bruce will retire as the associate director for the Support Equipment Product Support Integration Development on December 3, 2011, his 94th birthday. His retirement is particularly noteworthy because John enjoys the distinction of being the oldest and longest-serving employee of the U.S. Army. This momentous occasion will be fittingly marked by a celebration in his honor with his colleagues, family and friends in Warren.

John Bruce began his service in the U.S. Army in 1942 during World War II as a member of the Army Signal Corps. He was stationed in the South Pacific as an intercept operator. After being honorably discharged in 1946, John began his civilian career at the Detroit Arsenal in Warren, MI as a cost/price analyst. In the ensuing decades, Mr. Bruce has held a number of positions of increasing responsibility at the Detroit Arsenal. He was an integral contributor to the reorganization of the Defense Department and helped to consolidate and centralize the Military Services field activities, which later became the Defense Logistics Agency.

John Bruce has dedicated his life to serving our country and has accomplished much in his long and illustrious career. John's accomplishments throughout his career have been publicly recognized through a number of citations and awards, including the 1975 Secretary of the Army Award; 1983 Commanders Award for Exceptional Civilian Service; 1990 Meritorious Civilian Service Award; 1991 Achievement Medal for Superior Civilian Service; and 2002 Department of the Army Decoration for Exceptional Service.

I know my Senate colleagues join me in congratulating John Bruce and honoring his distinguished record of service to our country as he retires on his 94th birthday. John has left a lasting impact on our Nation's security, and he will be deeply missed by his colleagues. I wish him the best as he embarks on the next chapter of his life.•

TRIBUTE TO DR. VIVIAN PINN

• Ms. SNOWE. Mr. President, please allow me to join with family, friends, and colleagues in extending my heartfelt congratulations to Dr. Vivian Pinn on her retirement as Director of the Office of Research on Women's Health at the National Institutes of Health after two decades of exceptional service for women in our Nation.

First and foremost, let me say it has not only been a privilege to work with her over the years to advance women's health policy, but to call her my friend as well. In fact, just this past February, Vivian was in my office where I had the extraordinary honor of receiving the prestigious Women's Health Research Visionary Award. As one of two recipients this year the other being my good friend and colleague, Senator BARBARA MIKULSKI of Maryland, one of the Senate's greatest advocates and indeed voices for women, I can tell you this is an accolade I will cherish forever. And that it was presented to me by such a remarkable woman made the occasion all the more poignant and special.

Indeed, Vivian is as phenomenal as she is inspirational—and her monumental legacy at the National Institutes of Health and across the country will reverberate for generations. Nearly 20 years after she first took the helm of the Office of Research on Women's Health and a career later, it is incredible to see how far we have come due in no small part to her indelible efforts as a legendary and tireless advocate.

Simply put, Vivian paved the way in America for women's health research and continues to be an unrivaled force for the greater good. In addition to her many accomplishments at the Office of Research on Women's Health, her numerous awards and honors—including her induction as a fellow of the American Academy of Arts and Sciences in 1994, the Elizabeth Blackwell award from the American Medical Women's Association, and her election to the Institute of Medicine in 1995, just to name a few—are truly indicative of her selfless and boundless commitment. And we couldn't be more grateful.

The timeline of America's consciousness about women's health fittingly parallels Vivian's unmatched trajectory of public service in medicine. In 1990—with Vivian's help and my strong support in close bipartisan, bicameral collaboration with Representative Pat Schroeder—with whom I cochaired the Congress—Caucus for Women's Issues, Representative Connie Morella who succeeded me as co-chair, Senator BARBARA MIKULSKI—our vital compatriot in the Senate, as well as dedicated patient advocates across the country, the groundbreaking Office of Research on Women's Health was established at the National Institutes of Health, with Vivian as the first full-time director in 1991.

Throughout her tenure, she worked endlessly to ensure that women's health became a priority at the National Institutes of Health, and have helped increase the number of women in leadership roles in research and academic institutions. Working with Vivian, our allies in Congress, leaders at the National Institutes of Health like Dr. Bernadine Healy, the former director who sadly passed away in August, as well as many other stakeholders nationwide, we secured more funding and greater attention to breast cancer, osteoporosis, ovarian and cervical cancer research through groundbreaking

programs like the Women's Health Initiative.

Vivian, you are a trailblazer, a pioneer, a visionary, and frankly, an icon of medicine. You saw what others could not see and led where others would not act, and for that we are forever in your debt. You have my very best wishes and my profound gratitude for all you have achieved for women and the Nation.

Thank you for allowing me to share my thoughts as Vivian embarks on this next chapter in her life.●

RECOGNIZING ISLANDPORT PRESS

● Ms. SNOWE. Mr. President, small businesses are the backbone of America's economy. These small firms, which number over 27 million, endeavor to create jobs and bring a sense of fiscal security into their local communities. That alone is commendable, but what is truly rare among small businesses is the one that seeks to promote their home State's vast historical and cultural heritage, igniting a sense of deep pride in the community and sharing this pride with others. With this rare quality in mind, today I recognize and commend Islandport Press, an independent book publisher, located in the coastal Maine town of Yarmouth.

Eleven years ago, Dean Lunt had a dream of publishing books which detail the historical and cultural riches of Maine and New England. Growing up in Maine, Dean's grandmother encouraged him to write and share, with the rest of the world, the history of their own Long Island, a small island located off the coast of Maine. This inspired Mr. Lunt to write and publish Islandport Press's first book ''Hauling by Hand: The Life and Times of a Maine Island.'' This first book sold 3,000 copies, and inspired Mr. Lunt to continue publishing several books, always with an eye on increasing awareness about this historic region of our country.

In its efforts to continually develop and grow, Islandport Press has expanded into the ever vast literary world, publishing several categories of books that reflect the vast diversity of New England's people and places, and has simultaneously established itself as an award-winning publisher for children's books. In 2010, Islandport Press was honored with its first Moonbeam Children's Book Award, receiving the gold medal award in the category of Picture Book, All Ages, for ''The Fish House Door'' by Robert F. Baldwin and illustrated by Astrid Sheckels. Moonbeam Children's Book Awards honor exemplary children books with the goal of increasing childhood literacy and inspiring life-long reading. There are 38 award categories, ranging from Pictures Books, to Pre-Teen Fiction, to Best Book By A Young Author.

This year, Islandport Press was again honored with three books receiving awards. ''Mercy'' by Sarah Thompson was awarded the silver medal for Young Adult Fiction-Horror/Mystery; ''Farmyard Alphabet'' by Dahlov Ipcar was awarded the bronze medal for Best Board Book; and ''My Cat, Coon Cat'' by Sandy Fuller and Jeannie Brett, was awarded a silver medal in Best Picture Book for Ages 4–8. While these awards are certainly remarkable accomplishments for the individual authors and illustrators, they are also a testament to the keen eye that Dean has for promising and talented authors who offer substantive new literature.

Islandport Press is uniquely dedicated to promoting Maine and New England as part of its mission. Each Moonbeam award is a well-deserved reminder of the hard work and tireless effort of a dream that Dean Lunt had, to share his piece of Maine with the world. I am proud to extend my congratulations to everyone at Islandport Press for their dedication to excellence, and offer my best wishes for their continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:49 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1280. An act to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1002. An act to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 13. Concurrent resolution reaffirming ''In God We Trust'' as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 31. Concurrent resolution directing the Secretary of the Senate to make a correction in the enrollment of S. 1280.

ENROLLED BILL SIGNED

At 12:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 368. An act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

The enrolled bill was subsequently signed by President pro tempore (Mr. INOUYE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1002. An act to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 13. Concurrent resolution reaffirming ''In God We Trust'' as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and ordered placed on the calendar:

S. 1786. A bill to facilitate job creation by reducing regulatory uncertainty, providing for rational evaluation of regulations, providing flexibilities to States and localities, providing for infrastructure spending, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3720. 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 ''Salvage Discount Factors for 2011'' (Rev. Proc. 2011–54) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3721. 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 ''Unpaid Loss Discount Factors for 2011'' (Rev. Proc. 2011–53) received during adjournment of the Senate

in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3722. 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 ''2012 Cost-of-Living Adjustments to the International Revenue Code Tax Tables and Certain Other Tax Items'' (Rev. Proc. 2011–52) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3723. 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 ''Eligibility for Exemption from User Fee Requirement for Employee Plans Determination Letter Applications Filed After January 31, 2011'' (Notice 2011–86) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3724. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding the Treatment of Stock of a Controlled Corporation under Section 355(a)(3)(B)'' ((RIN1545-BH49)(TD 9548)) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3725. 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—November 2011'' (Rev. Rul. 2011–25) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3726. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Deduction for Qualified Film and Television Production Costs'' ((RIN1545-BJ24)(TD 9552)) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3727. 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 ''Disregarded Entities; Excise Taxes and Employment Taxes'' ((RIN1545-BH90)(TD 9553)) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3728. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, certification for the export of firearms, to include technical data, and defense services to the Government of India, Ministry of Home Affairs in the amount of $1,000,000 or more; to the Committee on Foreign Relations.

EC–3729. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom for the manufacture of an integrated network to be used for command and control functionality to support military and civil defense applications for chemical, biological, explosive, and radiological detection equipment; to the Committee on Foreign Relations.

EC–3730. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to Australia to support the manufacture and transfer of the Optus-10 Commercial Communication Satellite in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3731. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to support the Configuration 3 Upgrade and Refurbishment of the Patriot Missile Air Defense Systems and Radar for end-use by the Royal Saudi Air Defense Force in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3732. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance license agreement to include the export of defense articles, including, technical data, and defense services to Singapore to support the integration of Satellite Communication (SATCOM) radios and Helicopter Integrated Electronic Warfare System (HIEWS) equipment for the upgrade of AH-64D Apache helicopters in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3733. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to the Republic of Colombia for the repair, modernization, standardization, follow-on support and performance upgrade of UH-60A helicopters in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3734. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom relating to the Fine Track System Kits in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3735. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture and sales of Distraction Chaff Rounds in the amount of $13,200,000 or more; to the Committee on Foreign Relations.

EC–3736. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of all chemical toilets and their related components; to the Committee on Foreign Relations.

EC–3737. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011–0161—2011–0166); to the Committee on Foreign Relations.

EC–3738. A communication from the Chair of the U.S. Preventive Services Task Force, transmitting, pursuant to law, a report entitled ''First Annual Report to Congress on High-Priority Evidence Gaps for Clinical Preventive Services''; to the Committee on Health, Education, Labor, and Pensions.

EC–3739. A communication from the Chair of the Community Preventive Services Task Force, transmitting, pursuant to law, the Task Force's first Annual Report to Congress; to the Committee on Health, Education, Labor, and Pensions.

EC–3740. A communication from the Director, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Labor Organization Officer and Employee Reports; Final Rule'' (RIN1215-AB74 and RIN1245-AA01) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3741. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Piqua Organic Moderated Reactor in Piqua, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–3742. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Norton Company in Worcester, Massachusetts, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–3743. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Investment Advice—Participants and Beneficiaries'' (RIN1210-AB35) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3744. A communication from the Deputy Administrator, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Nondisplacement of Qualified Workers Under Service Contracts'' (RIN1215-AB69; RIN1235-AA02) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3745. A communication from the Special Master, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''James Zadroga 9/11 Health and Compensation Act of 2010; Final Rule; Correction'' (RIN1105-AB39) received in the Office of the President of the Senate on October 20, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3746. A communication from the Section Chief of the Division of Individual Exemptions, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Prohibited Transaction Exemption Procedures; Employee Benefit Plans'' (RIN1210-AB49) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3747. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting,

pursuant to law, a report relative to the Administration's Fiscal Year 2011 Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Homeland Security and Governmental Affairs.

EC–3748. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''CBP Audit Procedures; Use of Sampling Methods and Offsetting of Overpayments and Over-Declarations'' (RIN1515-AD65) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3749. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–198 ''New Issue Bond Program Tax Exemption Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3750. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–199 ''The Park at LeDroit Designation Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3751. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–200 ''Closing of a Portion of a Public Alley in Square 1027, S.O. 06–5762, Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3752. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–201 ''Health Benefits Plan Grievance Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3753. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–202 ''Child Abuse and Treatment Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3754. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–203 ''Residential Parking Protection Pilot Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3755. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–212 ''Public Sector Workers' Compensation Return to Work Clarifying Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3756. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–209 ''Rita B. Bright Family and Youth Center Designation Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3757. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–210 ''Closing of a Portion of the Public Alley in Square 2905, S.O. 11–4751, Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3758. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–211 ''Martin Luther King, Jr. Drive Designation Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3759. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–213 ''Public Space Permit Fee Waiver Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3760. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–214 ''Green Building Technical Corrections Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3761. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–215 ''Meridian Public Charter School-Harrison Campus Property Tax Exemption Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3762. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3763. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions'' ((RIN9000-AL46)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3764. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Successor Entities to the Netherlands Antilles'' ((RIN9000-AM11)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3765. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Labor Relations Costs'' ((RIN9000-AL39)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3766. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Technical Amendments'' (FAC 2005–54) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3767. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Small Entity Compliance Guide'' (FAC 2005–54) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3768. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–54; Introduction'' (FAC 2005–54) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3769. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Notification of Employee Rights Under the National Labor Relations Act'' ((RIN9000-AL76)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3770. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Certification Requirement and Procurement Prohibition Relating to Iran Sanctions'' ((RIN9000-AL71)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3771. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Small Disadvantaged Business Self-Certification'' ((RIN9000-AL77)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3772. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Sudan Waiver Process'' ((RIN9000-AL65)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3773. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Set-Asides for Small Business'' ((RIN9000-AM12)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3774. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Representation Regarding Export of Sensitive Technology to Iran'' ((RIN9000-AL91)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner for a term expiring June 30, 2016.

*Albert DiClemente, of Delaware, to be a Director of the Amtrak Board of Directors for a term of five years.

*Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2016.

*Coast Guard nomination of Capt. Kurt B. Hinrichs, to be Rear Admiral (Lower Half).

*Coast Guard nominations beginning with Captain Mark E. Butt and ending with Captain Joseph A. Servidio, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nomination of Gregory L. Parsons, to be Lieutenant Commander.

*Coast Guard nominations beginning with Michael B. Bee and ending with James W. Whitley, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

*Coast Guard nominations beginning with Paul Albertson and ending with Michael L. Woolard, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

*Coast Guard nominations beginning with Ricardo M. Alonso and ending with Torrence B. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

*Coast Guard nomination of Kenneth W. Megan, to be Captain.

*Coast Guard nomination of Jennifer A. Ketchum, to be Commander.

*Coast Guard nominations beginning with Alonzo D. Alday and ending with Peter J. Zauner, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MERKLEY (for himself, Mr. ENZI, Mr. BARRASSO, Mr. SCHUMER, Mr. LEVIN, and Ms. SNOWE):

S. 1779. A bill to require the United States Trade Representative to notify the World Trade Organization if any member of the World Trade Organization fails during 2 consecutive years to disclose subsidies under the Agreement on Subsidies and Countervailing Measures, and for other purposes; to the Committee on Finance.

By Mr. HELLER:

S. 1780. A bill to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 1781. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. KERRY, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. AKAKA, Mr. FRANKEN, and Mr. DURBIN):

S. 1782. A bill to provide for the reduction in unintended pregnancy and sexually transmitted infections, including HIV, and the promotion of healthy relationships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 1783. A bill to amend title 46, United States Code, to require the Maritime Administrator, in making determinations regarding the non-availability of qualified United States flag capacity to meet national defense requirements, to identify any actions that could be taken to enable such capacity to meet some or all of those requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HELLER:

S. 1784. A bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL:

S. 1785. A bill to amend the Internal Revenue Code of 1986 to provide work opportunity tax credits for the hiring of long-term unemployed workers; to the Committee on Finance.

By Mr. HATCH:

S. 1786. A bill to facilitate job creation by reducing regulatory uncertainty, providing for rational evaluation of regulations, providing flexibilities to States and localities, providing for infrastructure spending, and for other purposes; placed on the calendar.

By Mr. HARKIN (for himself, Mr. SANDERS, and Mr. BROWN of Ohio):

S. 1787. A bill to amend the Internal Revenue Code of 1986 to impose a tax on certain trading transactions; to the Committee on Finance.

By Mr. REID (for himself and Mr. HELLER):

S. 1788. A bill to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts):

S. 1789. A bill to improve, sustain, and transform the United States Postal Service; to the Committee on Homeland Security and Governmental Affairs.

By Ms. AYOTTE (for herself and Mr. MCCAIN):

S. 1790. A bill to modify the Financial Improvement and Audit Readiness Plan to provide that the full statement of budget resources of the Department of Defense is complete and validated by not later than September 30, 2014; to the Committee on Armed Services.

By Mr. BROWN of Massachusetts:

S. 1791. A bill to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WHITEHOUSE:

S. 1792. A bill to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children; to the Committee on the Judiciary.

By Mr. WHITEHOUSE:

S. 1793. A bill to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENTHAL:

S. 1794. A bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN (for himself, Ms. AYOTTE, Mrs. SHAHEEN, Mr. BEGICH, Mr. MERKLEY, and Mr. HELLER):

S. Res. 309. A resolution supporting the preservation of Internet entrepreneurs and small businesses; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Oregon (Mr. MERKLEY) 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. 431

At the request of Mr. PRYOR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 543

At the request of Mr. WYDEN, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 604

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 687

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. ISAKSON) 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. 720

At the request of Mr. THUNE, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 968

At the request of Mr. LEAHY, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 1106

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1440

At the request of Mr. BENNET, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Nevada (Mr. HELLER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1539

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1571

At the request of Mr. ISAKSON, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 1571, a bill to amend title I of the Elementary and Secondary Education Act of 1965, and for other purposes.

S. 1575

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems.

S. 1616

At the request of Mr. ENZI, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1651

At the request of Mr. SESSIONS, the names of the Senator from Utah (Mr. LEE) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1704

At the request of Ms. AYOTTE, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1704, a bill to amend title 10, United States Code, to modify certain authorities relating to the strategic airlift aircraft force structure of the Air Force.

S. 1707

At the request of Mr. BURR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1731

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1731, a bill to improve the prohibitions on money laundering, and for other purposes.

S. 1762

At the request of Mr. BROWN of Massachusetts, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Nebraska (Mr. JOHANNS), the Senator from Idaho (Mr. RISCH) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1762, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities and to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs.

S. 1769

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 1769, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. HELLER):

S. 1788. A bill to designate the Pine/Forest Range Wilderness area in Humboldt County, Nevada; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Pine Forest Recreation Enhancement Act of 2011.

The entire Nevada congressional delegation has joined together in support of this important legislation for northern Nevada. The Pine Forest Recreation Enhancement Act would designate 26,000 acres of public lands within the Blue Lakes and Alder Creek Wilderness Study Areas, WSAs, as the Pine Forest Range Wilderness Area while releasing 1,1500 acres of existing WSA lands. The bill also directs the

Bureau of Land Management, BLM, to exchange federal lands nearby ranches in Humboldt County for private parcels within the existing WSAs. These exchanges will allow the BLM to more effectively manage the wilderness area and increase the economic opportunities for the adjacent ranches by providing land for agricultural uses.

This bill is the product of a comprehensive local process that took into consideration the concerns of local landowners, sportsmen, conservationists, and other interested parties in Humboldt County. This diverse group of stakeholders came together to develop this compromise proposal through a series of public meetings and field trips. This process was so successful that, for the first time that I can remember, a wilderness proposal was presented to our delegation with almost unanimous support and the Nevada State Legislature passed a joint resolution endorsing the work of the County commission and the Pine Forest Working Group.

Beyond the widespread state and local support, there is no question that the pristine natural lands and wildlife habitat in the Blue Lakes and Alder Creek WSA should receive the strongest level of protection we can provide for public lands. Rising from the confluence of the Great Basin and Owyhee deserts, the Pine Forest Range boasts high alpine lakes surrounded by granite spires that are home to a variety of large trout including our Lahontan Cutthroat trout that is native only to Nevada. The thick forests of aspen and pine that blanket these mountains provide a stronghold for mule deer, pronghorn, and bighorn sheep. The area is also well known by sportsmen across the west for its world class chukar hunting; a favorite fall pastime for many Nevadans.

Protecting these untouched natural lands in Nevada is important to me and to the people of Humboldt County. I want to thank each member of the Humboldt County Commission, Garley Amos, Mike Bell, Tom Fransway, Dan Cassinelli, and Jim French as well as Bill Deese for their work to bring this legislation to fruition. I would also like to express my gratitude to Jim Jeffress from Trout Unlimited, Shaaron Netherton from the Friends of Nevada Wilderness, and the other members of the Pine Forest Range working group for their tireless efforts that have been universally recognized as the gold standard for developing wilderness proposals.

I look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished members of the Senate Energy Committee to move this legislation forward in the near future.

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. 1788

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pine Forest Range Recreation Enhancement Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Addition to national wilderness preservation system.
Sec. 5. Administration.
Sec. 6. Adjacent management.
Sec. 7. Military overflights.
Sec. 8. Native American cultural and religious uses.
Sec. 9. Release of wilderness study areas.
Sec. 10. Wildlife management.
Sec. 11. Wildfire, insect, and disease management.
Sec. 12. Climatological data collection.
Sec. 13. Land exchanges.

SEC. 2. FINDINGS.

Congress finds that—

(1) public land in the Pine Forest Range contains unique and spectacular natural resources, including—

(A) priceless habitat for numerous species of plants and wildlife; and

(B) thousands of acres of land that remain in a natural state;

(2) continued preservation of the public land would benefit the County and the United States by—

(A) ensuring the conservation of ecologically diverse habitat;

(B) protecting prehistoric cultural resources;

(C) conserving primitive recreational resources; and

(D) protecting air and water quality; and

(3) designation of the Pine Forest Range as a wilderness area is supported by the State, units of local governments, and the surrounding communities.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNTY.—The term ''County'' means Humboldt County, Nevada.

(2) MAP.—The term ''Map'' means the map entitled ''Proposed Pine Forest Wilderness Area'' and dated May 4, 2011.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Nevada.

SEC. 4. ADDITION TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) DESIGNATION.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 26,000 acres, as generally depicted on the Map is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Pine Forest Range Wilderness''.

(b) BOUNDARY.—

(1) ROAD ACCESS.—The boundary of any portion of the wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet away from the edge of the road to allow public access.

(2) ROAD ADJUSTMENTS.—The Secretary shall—

(A) reroute the road running through Long Meadow to the west to remove the road from the riparian area;

(B) reroute the road currently running through Rodeo Flat Meadow to the east to remove the road from the riparian area; and

(C) close, except for administrative use, the road along Lower Alder Creek south of Bureau of Land Management road #2083.

(3) RESERVOIR ACCESS.—The boundary of the wilderness area designated by subsection (a) shall be at least 160 feet downstream from the dam at Little Onion Reservoir to allow public access.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the wilderness area designated by subsection (a) with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) WITHDRAWAL.—Subject to valid existing rights, the wilderness area designated by subsection (a) is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 5. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness by this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) LIVESTOCK.—Within the wilderness area designated by this Act, the grazing of livestock in areas administered by the Bureau of Land Management in which grazing is established as of the date of enactment of this Act shall be allowed to continue—

(1) subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary; and

(2) consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101–405.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the area designated as wilderness by this Act that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area.

(d) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as wilderness by this Act is located—

(i) in the semiarid region of the Great Basin; and

(ii) at the headwaters of the streams and rivers on land with respect to which there are few, if any—

(I) actual or proposed water resource facilities located upstream; and

(II) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;

(B) the land designated as wilderness by this Act is generally not suitable for use or development of new water resource facilities; and

(C) because of the unique nature of the land designated as wilderness by this Act, it is possible to provide for proper management and protection of the wilderness and other values of land in ways different from those used in other laws.

(2) PURPOSE.—The purpose of this section is to protect the wilderness values of the land designated as wilderness by this Act by means other than a federally reserved water right.

(3) STATUTORY CONSTRUCTION.—Nothing in this Act—

(A) constitutes an express or implied reservation by the United States of any water or water rights with respect to a wilderness designated by this Act;

(B) affects any water rights in the State (including any water rights held by the United States) in existence on the date of enactment of this Act;

(C) establishes a precedent with regard to any future wilderness designations;

(D) affects the interpretation of, or any designation made under, any other Act; or

(E) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(4) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness area designated by this Act.

(5) NEW PROJECTS.—

(A) DEFINITION OF WATER RESOURCE FACILITY.—

(i) IN GENERAL.—In this paragraph, the term ''water resource facility'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(ii) EXCLUSION.—In this paragraph, the term ''water resource facility'' does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this Act, on or after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within a wilderness area, any portion of which is located in the County.

SEC. 6. ADJACENT MANAGEMENT.

(a) IN GENERAL.—Congress does not intend for the designation of land as wilderness by this Act to create a protective perimeter or buffer zone around the wilderness area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness designated by this Act shall not preclude the conduct of the activities or uses outside the boundary of the wilderness area.

SEC. 7. MILITARY OVERFLIGHTS.

Nothing in this Act restricts or precludes—

(1) low-level overflights of military aircraft over the area designated as wilderness by this Act, including military overflights that can be seen or heard within the wilderness area;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness area.

SEC. 8. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this Act diminishes—

(1) the rights of any Indian tribe; or

(2) tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

SEC. 9. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the Bureau of Land Management land in any portion of the Blue Lakes and Alder Creek wilderness study areas not designated as wilderness by section 4(a) has been adequately studied for wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this Act—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of enactment of this Act; and

(3) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 10. WILDLIFE MANAGEMENT.

(a) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness area designated by this Act.

(b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), management activities to maintain or restore fish and wildlife populations and the habitats to support the populations may be carried out within the wilderness area designated by this Act, if the activities are carried out—

(1) consistent with relevant wilderness management plans; and

(2) in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) appropriate policies, such as those set forth in Appendix B of House Report 101–405, including the occasional and temporary use of motorized vehicles if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values with the minimal impact necessary to reasonably accomplish those tasks.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by section 4(a) if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—The Secretary may designate, by regulation, areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by section 4(a).

(2) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under paragraph (1).

(f) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The State, including a designee of the State, may conduct wildlife management activities in the wilderness area designated by this Act—

(A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State entitled ''Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9'' and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and

(B) subject to all applicable laws (including regulations).

(2) REFERENCES; CLARK COUNTY.—For the purposes of this subsection, any reference to Clark County in the cooperative agreement described in paragraph (1)(A) shall be considered to be a reference to the Pine Forest Range Wilderness.

SEC. 11. WILDFIRE, INSECT, AND DISEASE MANAGEMENT.

(a) IN GENERAL.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the wilderness designated by this Act as may be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of the activities with a State or local agency).

(b) EFFECT.—Nothing in this Act precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment).

SEC. 12. CLIMATOLOGICAL DATA COLLECTION.

If the Secretary determines that hydrologic, meteorologic, or climatological collection devices are appropriate to further the scientific, educational, and conservation purposes of the wilderness area designated by this Act, nothing in this Act precludes the installation and maintenance of the collection devices within the wilderness area.

SEC. 13. LAND EXCHANGES.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means Federal land in the County that—

(A) is not segregated or withdrawn on or after the date of enactment of this Act;

(B) is identified for disposal by the Bureau of Land Management through the Winnemucca Resource Management Plan; and

(C) is determined by the Bureau of Land Management to be appropriate for exchange consistent with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means land identified on the Map as ''non-Federal lands for exchange''.

(b) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—Consistent with applicable law and subject to subsection (c), the Secretary may exchange the Federal land for non-Federal land.

(2) INCORPORATION OF ACQUIRED LAND.—Any non-Federal land or interest in non-Federal land in, or adjoining the boundary of, the Pine Forest Range Wilderness Area that is acquired by the United States shall be added

to, and administered as part of, the Pine Forest Range Wilderness Area.

(c) CONDITIONS.—Each land exchange under subsection (a) shall be subject to—

(1) the condition that the owner of the non-Federal land pay not less than 50 percent of all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances; and

(2) such additional terms and conditions as the Secretary may require.

(d) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section be completed by not later than 5 years after the date of enactment of this Act.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts):

S. 1789. A bill to improve, sustain, and transform the United States Postal Service; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, today Senators COLLINS, CARPER, SCOTT BROWN of Massachusetts, and I are introducing bipartisan, compromise legislation to rescue the United States Postal Service, USPS, from financial ruin and secure its commercial health into the future.

Five years ago, Senators COLLINS and CARPER led Congress in the adoption of postal reform legislation. The speed of the migration to internet communications, combined with the recent economic downturn, means we need to revisit the Postal Service's financial viability again. This year, Senator BROWN and I joined Senators COLLINS and CARPER in proposing the 21st Century Postal Service Act.

The Postal Service needs a fundamental restructuring of the way it meets its obligations to the public, to its customers—including individual and business mailers—and to its employees. If our reform legislation is adopted, we are confident this time USPS, which was founded in the 18th century, will survive and flourish into the 21st.

Too many people still rely on the Postal Service for us to sit back and allow its demise. Despite a 22 percent drop in mail volume in four years, the Postal Service will deliver 167 billion pieces this year. It is the second largest private sector employer in our country after Wal-Mart and has 557,000 career employees. It has 32 thousand post offices, which represents more domestic retail outlets than Wal-Mart, Starbucks and McDonalds combined.

The financial health of the USPS has been deteriorating for years. But the rapid changeover to electronic communications and the recent economic downturn have swept it up into a financial death spiral. In this fiscal year, 2011, the Postal Service first projected a total loss of $8 billion. That was in July. By September, it revised its estimate and now says it will lose $10 billion. Unless major reform is adopted, the Postal Service will run out of money to deliver the mail sometime next summer.

That is why we are introducing this comprehensive legislation to put a number of cost saving measures in place. Let me summarize just a few of the most important provisions.

Of great interest to the American public will be our provision related to 5-day delivery. As you all know, the Postal Service has been pushing to reduce the number of days it delivers mail each week from six to five. USPS believes this will achieve $3 billion in savings.

Communities across the country, however, are deeply concerned about what this would mean for people who rely on Saturday delivery for critical medications or newspapers.

We are mindful of these concerns, so our legislation would bar the Postal Service from moving to 5-day delivery until two years after enactment of our bill and, in the meantime, reduce costs in other ways. The Government Accountability Office would have to verify that sufficient savings cannot be achieved without going to 5-day delivery. USPS also would have to identify customers and communities that might be disproportionately affected by 5-day delivery and develop remedies to address their concerns.

Our bill also recognizes that the Postal Service must continue to decrease the number of its employees. Thus, we authorize USPS to offer buyouts to help it transition to a smaller workforce. To ensure the Postal Service can pay for these buyouts, we direct the Office of Personnel Management to refund to the Postal Service what everyone agrees has been an overpayment by USPS into the Federal Employees Retirement System. Using this money to support buyouts, the Postmaster General believes he may be able to reduce the Postal Service workforce by as many as 100,000 employees over the next three years and save $8 billion a year.

To achieve healthcare savings, we would allow the Postal Service to work with its employee unions and the Office of Personnel Management to try to develop and agree on a new health plan for postal employees. The Postmaster General is confident that he and the postal unions can agree on an approach that could cut healthcare costs significantly, while retaining adequate benefits.

Finally, our bill would help USPS get out from under the onerous weight of its current pre-funding requirements for its retiree health benefits by recalibrating the payments and amortizing them over time. This, too, will provide significant financial relief to the Postal Service.

We know many of our proposals will be controversial. But without taking controversial steps, the Postal Service will not make it. We are pursuing broad changes rather than working around the edges to put the Postal Service back on the road to recovery. The Postmaster General has told us he needs to cut $20 billion from the USPS' annual budget, and we are giving him and his employees the tools to make that happen. The bottom line is we must act quickly to prevent a Postal Service collapse and we must act boldly to secure its future.

The U.S. Postal Service is not an 18th Century relic. It is a great 21st Century national asset. But times are changing rapidly and so too must the Postal Service, if it is to survive.

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. 1789

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 ''21st Century Postal Service Act of 2011''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—POSTAL WORKFORCE MATTERS

Sec. 101. Treatment of surplus contributions to Federal Employees Retirement System.
Sec. 102. Additional service credit.
Sec. 103. Medicare coverage for Postal Service Medicare eligible annuitants.
Sec. 104. Restructuring of payments for retiree health benefits.
Sec. 105. Postal Service Health Benefits Program.
Sec. 106. Arbitration; labor disputes.

TITLE II—POSTAL SERVICES AND OPERATIONS

Sec. 201. Postal facilities.
Sec. 202. Additional Postal Service planning.
Sec. 203. Area and district office structure.
Sec. 204. Retail service standards.
Sec. 205. Conversion of door delivery points.
Sec. 206. Limitations on changes to mail delivery schedule.
Sec. 207. Time limits for consideration of service changes.
Sec. 208. Public procedures for significant changes to mailing specifications.
Sec. 209. Nonpostal products and services.

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

Sec. 301. Short title; references.
Sec. 302. Federal workers compensation reforms for retirement-age employees.
Sec. 303. Augmented compensation for dependents.
Sec. 304. Schedule compensation payments.
Sec. 305. Vocational rehabilitation.
Sec. 306. Reporting requirements.
Sec. 307. Disability management review; independent medical examinations.
Sec. 308. Waiting period.
Sec. 309. Election of benefits.
Sec. 310. Sanction for noncooperation with field nurses.
Sec. 311. Subrogation of continuation of pay.
Sec. 312. Social Security earnings information.
Sec. 313. Amount of compensation.
Sec. 314. Technical and conforming amendments.
Sec. 315. Regulations.

TITLE IV—OTHER MATTERS

Sec. 401. Profitability plan.
Sec. 402. Postal rates.
Sec. 403. Cooperation with State and local governments; intra-Service agreements.
Sec. 404. Shipping of wine and beer.
Sec. 405. Annual report on United States mailing industry.
Sec. 406. Use of negotiated service agreements.
Sec. 407. Contract disputes.
Sec. 408. Contracting provisions.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term ''Commission'' means the Postal Regulatory Commission.

(2) POSTAL SERVICE.—The term ''Postal Service'' means the United States Postal Service.

TITLE I—POSTAL WORKFORCE MATTERS

SEC. 101. TREATMENT OF SURPLUS CONTRIBUTIONS TO FEDERAL EMPLOYEES RETIREMENT SYSTEM.

Section 8423(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5)(A) In this paragraph, the term 'surplus postal contributions' means the amount by which the amount computed under paragraph (1)(B) is less than zero.

''(B) For each fiscal year in which the amount computed under paragraph (1)(B) is less than zero, upon request of the Postmaster General, the Director shall transfer to the United States Postal Service from the Fund an amount equal to the surplus postal contributions for that fiscal year for use in accordance with this paragraph.

''(C) For each of fiscal years 2012, 2013, and 2014, if the amount computed under paragraph (1)(B) is less than zero, a portion of the surplus postal contributions for the fiscal year shall be used by the United States Postal Service for the cost of providing to employees of the United States Postal Service who voluntarily separate from service before October 1, 2014—

''(i) voluntary separation incentive payments (including payments to employees who retire under section 8336(d)(2) or 8414(b)(1)(B) before October 1, 2014) that may not exceed the maximum amount provided under section 3523(b)(3)(B) for any employee; and

''(ii) retirement service credits, as authorized under section 8332(p) or 8411(m).

''(D) Any surplus postal contributions for a fiscal year not expended under subparagraph (C) may be used by the United States Postal Service for the purposes of—

''(i) repaying any obligation issued under section 2005 of title 39; or

''(ii) making required payments to—

''(I) the Employees' Compensation Fund established under section 8147;

''(II) the Postal Service Retiree Health Benefits Fund established under section 8909a;

''(III) the Employees Health Benefits Fund established under section 8909; or

''(IV) the Civil Service Retirement and Disability Fund.''.

SEC. 102. ADDITIONAL SERVICE CREDIT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(p)(1)(A) For an employee of the United States Postal Service who is covered under this subchapter and voluntarily separates from service before October 1, 2014, at the direction of the United States Postal Service, the Office shall add not more than 1 year (as specified by the United States Postal Service) to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this subchapter (except for a disability annuity under section 8337).

''(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

''(2)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

''(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8348(h)(1)(A).''.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(m)(1)(A) For an employee of the United States Postal Service who is covered under this chapter and voluntarily separates from service before October 1, 2014, at the direction of the United States Postal Service, the Office shall add not more than 2 years (as specified by the United States Postal Service) to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this chapter (except for a disability annuity under subchapter V of that chapter).

''(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

''(2)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

''(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8423(b)(1)(B).''.

SEC. 103. MEDICARE COVERAGE FOR POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.

(a) FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.—

(1) IN GENERAL.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8903b the following:

''§ 8903c. Postal Service Medicare eligible annuitants

''(a) DEFINITIONS.—In this section—

''(1) the term 'contract year' means a calendar year in which health benefits plans are administered under this chapter;

''(2) the term 'Medicare part A' means the Medicare program for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.);

''(3) the term 'Medicare part B' means the Medicare program for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.); and

''(4) the term 'Postal Service Medicare eligible annuitant' means an individual who—

''(A) is an annuitant covered under this chapter whose Government contribution is paid by the Postal Service under section 8906(g)(2); and

''(B) is eligible to enroll in Medicare part A and Medicare part B.

''(b) REQUIREMENT OF MEDICARE ENROLLMENT.—

''(1) POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.—

''(A) IMMEDIATE APPLICATION.—An individual who is a Postal Service Medicare eligible annuitant on the date of enactment of the 21st Century Postal Service Act of 2011 may not continue coverage under this chapter, unless that individual enrolls in Medicare part A and Medicare part B during the special enrollment period established under section 1837(m) of the Social Security Act.

''(B) PROSPECTIVE APPLICATION.—An individual who becomes a Postal Service Medicare eligible annuitant after the date of enactment of the 21st Century Postal Service Act of 2011 may not continue coverage under this chapter, unless after becoming eligible for Medicare part A and Medicare part B that individual enrolls in Medicare part A and Medicare part B during the applicable initial enrollment period under section 1837 of the Social Security Act (42 U.S.C. 1395p).

''(2) FAMILY MEMBERS OF POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.—

''(A) FAMILY MEMBER IS MEDICARE ELIGIBLE.—An individual who, on the date of enactment of the 21st Century Postal Service Act of 2011, is a Postal Service Medicare eligible annuitant, is enrolled in self and family coverage under this chapter, and has a member of the family who is eligible to enroll in Medicare part A and Medicare part B, may not continue coverage under this chapter, unless—

''(i) the family member enrolls in Medicare part A and Medicare part B during the special enrollment period established under section 1837(m) of the Social Security Act; or

''(ii) the individual enrolls for self only coverage under this chapter.

''(B) FAMILY MEMBER BECOMES MEDICARE ELIGIBLE.—An individual who, on the date of enactment of the 21st Century Postal Service Act of 2011, is a Postal Service Medicare eligible annuitant, is enrolled in self and family coverage under this chapter, and has a member of the family who becomes eligible to enroll in Medicare part A and Medicare part B after that date, may not continue coverage under this chapter, unless—

''(i) the family member enrolls in Medicare part A and Medicare part B during the applicable initial enrollment period under section 1837 of the Social Security Act (42 U.S.C. 1395p); or

''(ii) the individual enrolls for self only coverage under this chapter.

''(c) ENROLLMENT OPTIONS.—

''(1) ESTABLISHMENT.—For contract years following the date of enactment of the 21st Century Postal Service Act of 2011, the Office shall establish enrollment options for health benefits plans that are open only to Postal Service Medicare eligible annuitants or family members of a Postal Service Medicare eligible annuitants who continue coverage under this chapter in accordance with subsection (b).

''(2) ENROLLMENT REQUIREMENT.—Any Postal Service Medicare eligible annuitant or family member of a Postal Service Medicare eligible annuitant who continues coverage under this chapter in accordance with subsection (b) may only enroll in 1 of the enrollment options established under paragraph (1).

''(3) VALUE OF COVERAGE.—The Office shall ensure that the aggregate actuarial value of coverage under the enrollment options established under this subsection, in combination with the value of coverage under Medicare part A and Medicare part B, shall be not less than the actuarial value of the most closely corresponding enrollment options available under section 8905.

''(4) ENROLLMENT OPTIONS.—

''(A) IN GENERAL.—The enrollment options established under paragraph (1) shall include—

''(i) an individual option, for Postal Service Medicare eligible annuitants subject to subsection (b)(1);

''(ii) a self and family option, for Postal Service Medicare eligible annuitants subject to subsection (b)(1) and family members of Postal Service Medicare eligible annuitants subject to subsection (b)(2); and

''(iii) a self and family option, for Postal Service Medicare eligible annuitants subject to subsection (b)(1) and family members of Postal Service Medicare eligible annuitants, including family members not subject to subsection (b)(2).

''(B) SPECIFIC SUB-OPTIONS.—The Office may establish more specific enrollment options within the types of options described under subparagraph (A).

''(5) REDUCED PREMIUMS TO ACCOUNT FOR MEDICARE COORDINATION.—In determining the premiums for the enrollment options under paragraph (4), the Office shall—

''(A) establish a separate claims pool for individuals eligible for coverage under those options; and

''(B) ensure that—

''(i) the premiums are reduced from the premiums otherwise established under this chapter to directly reflect the full cost savings to the health benefits plans due to the complete coordination of benefits with Medicare part A and Medicare part B for Postal Service Medicare eligible annuitants or family members of Postal Service Medicare eligible annuitants who continue coverage under this chapter; and

''(ii) the cost savings described under clause (i) result solely in the reduction of—

''(I) the premiums paid by the Postal Service Medicare eligible annuitant; and

''(II) the Government contributions paid by the Postal Service.

''(d) CONVERSION OF ENROLLMENT.—

''(1) IN GENERAL.—For any individual who enrolls in Medicare part A and Medicare part B in accordance with subsection (b) other than during the special enrollment period established under section 1837(m) of the Social Security Act, coverage under this chapter shall be converted to coverage under the applicable enrollment option established under subsection (c) upon enrollment in Medicare part A and Medicare part B.

''(2) NOTIFICATION.—The Office shall provide reasonable advance notice to any Postal Service Medicare eligible annuitant or family member of any Postal Service Medicare eligible annuitant that such annuitant or family member will become subject to conversion of enrollment under paragraph (1).

''(e) POSTAL SERVICE CONSULTATION.—The Office shall establish the enrollment options and premiums under this section in consultation with the Postal Service.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8903b the following:

''8903c. Postal Service Medicare eligible annuitants.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to contract years beginning 6 months following the date of enactment of this Act.

(b) SPECIAL ENROLLMENT PERIOD FOR POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.—

(1) SPECIAL ENROLLMENT PERIOD.—

(A) IN GENERAL.—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

''(m)(1) In the case of any individual who is a Postal Service Medicare eligible annuitant (as defined in section 8903c(a) of title 5, United States Code) at the time the individual is entitled to part A under section 226(b) or section 226A and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period, there shall be a special enrollment period described in paragraph (2).

''(2) The special enrollment period described in this paragraph, with respect to an individual is the 6-month period, beginning on the first day of the month which includes the date of enactment of the 21st Century Postal Service Act of 2011.

''(3) In the case of an individual who enrolls during the special enrollment period provided under paragraph (1), the coverage period under this part shall begin on the first day of the month in which the individual enrolls.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to elections made with respect to initial enrollment periods that end after the date of enactment of the 21st Century Postal Service Act of 2011.

(2) WAIVER OF INCREASE OF PREMIUM.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by striking ''(i)(4) or (l)'' and inserting ''(i)(4), (l), or (m)''.

SEC. 104. RESTRUCTURING OF PAYMENTS FOR RETIREE HEALTH BENEFITS.

(a) CONTRIBUTIONS.—Section 8906(g)(2)(A) of title 5, United States Code, is amended by striking ''through September 30, 2016, be paid by the United States Postal Service, and thereafter shall'' and inserting ''after the date of enactment of the 21st Century Postal Service Act of 2011''.

(b) POSTAL SERVICE RETIREE HEALTH BENEFITS FUND.—Section 8909a of title 5, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2)(B)—

(i) by striking ''2017'' and inserting ''2012''; and

(ii) by inserting after ''later, of'' the following: ''80 percent of''; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iii), by adding ''and'' at the end;

(II) in clause (iv), by striking the semicolon at the end and inserting a period; and

(III) by striking clauses (v) through (x); and

(ii) in subparagraph (B), by striking ''2017'' and inserting ''2012''; and

(2) by adding at the end the following:

''(e) Subsections (a) through (d) shall be subject to section 105 of the 21st Century Postal Service Act of 2011.''.

SEC. 105. POSTAL SERVICE HEALTH BENEFITS PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''covered employee'' means an employee of the Postal Service who is represented by a bargaining representative recognized under section 1203 of title 39, United States Code;

(2) the term ''Federal Employee Health Benefits Program'' means the health benefits program under chapter 89 of title 5, United States Code; and

(3) the term ''Postal Service Health Benefits Program'' means the health benefits program that may be agreed to under subsection (b)(1).

(b) COLLECTIVE BARGAINING.—

(1) IN GENERAL.—Consistent with section 1005(f) of title 39, United States Code, the Postal Service may negotiate jointly with all bargaining representatives recognized under section 1203 of title 39, United States Code, and enter into a joint collective bargaining agreement with those bargaining representatives to establish the Postal Service Health Benefits Program that satisfies the conditions under subsection (c). The Postal Service and the bargaining representatives shall negotiate in consultation with the Director of the Office of Personnel Management.

(2) ARBITRATION LIMITATION.—Notwithstanding chapter 12 of title 39, United States Code, there shall not be arbitration of any dispute in the negotiations under this subsection.

(3) TIME LIMITATION.—The authority under this subsection shall extend until September 30, 2012.

(c) POSTAL SERVICE HEALTH BENEFITS PROGRAM.—The Postal Service Health Benefits Program—

(1) shall—

(A) be available for participation by all covered employees;

(B) provide adequate and appropriate health benefits;

(C) be administered by the Postmaster General; and

(D) provide for transition of coverage under the Federal Employee Health Benefits Program of covered employees to coverage under the Postal Service Health Benefits Program on January 1, 2013;

(2) may provide dental benefits; and

(3) may provide vision benefits.

(d) AGREEMENT AND IMPLEMENTATION.—If a joint agreement is reached under subsection (b)—

(1) the Postal Service shall implement the Postal Service Health Benefits Program;

(2) the Postal Service Health Benefits Program shall constitute an agreement between the collective bargaining representatives and the Postal Service for purposes of section 1005(f) of title 39, United States Code; and

(3) covered employees may not participate as employees in the Federal Employees Health Benefits Program.

(e) GOVERNMENT PLAN.—The Postal Service Health Benefits Program shall be a government plan as that term is defined under section 3(32) of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)).

(f) REPORT.—Not later than June 30, 2013, the Postal Service shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives that—

(1) reports on the implementation of this section; and

(2) requests any additional statutory authority that the Postal Service determines is necessary to carry out the purposes of this section.

SEC. 106. ARBITRATION; LABOR DISPUTES.

Section 1207(c)(2) of title 39, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking the last sentence and inserting ''The arbitration board shall render a decision not later than 45 days after the date of its appointment.''; and

(3) by adding at the end the following:

''(B) In rendering a decision under this paragraph, the arbitration board shall consider such relevant factors as—

''(i) the financial condition of the Postal Service;

''(ii) the requirements relating to pay and compensation comparability under section 1003(a); and

''(iii) the policies of this title.''.

TITLE II—POSTAL SERVICES AND OPERATIONS

SEC. 201. POSTAL FACILITIES.

Section 404 of title 39, United States Code, is amended by adding after subsection (e) the following:

''(f) CLOSING OR CONSOLIDATION OF CERTAIN POSTAL FACILITIES.—

''(1) POSTAL FACILITY.—In this subsection, the term 'postal facility' does not include—

''(A) any post office, station, or branch; or

''(B) any facility used only for administrative functions.

''(2) AREA MAIL PROCESSING STUDY.—

''(A) NEW AREA MAIL PROCESSING STUDIES.—After the date of enactment of this subsection, before making a determination under subsection (a)(3) as to the necessity for the closing or consolidation of any postal facility, the Postal Service shall—

''(i) conduct an area mail processing study relating to that postal facility that includes a plan to reduce the capacity of the postal facility, but not close the postal facility;

''(ii) publish the study on the Postal Service website; and

''(iii) publish a notice that the study is complete and available to the public, including on the Postal Service website.

''(B) COMPLETED OR ONGOING AREA MAIL PROCESSING STUDIES.—

''(i) IN GENERAL.—In the case of a postal facility described in clause (ii), the Postal Service shall—

''(I) consider a plan to reduce the capacity of the postal facility, but not close the post facility; and

''(II) publish the results of the consideration under subclause (I) with or as an amendment to the area mail processing study relating to the postal facility.

''(ii) POSTAL FACILITIES.—A postal facility described in this clause is a postal facility for which, on or before the date of enactment of this subsection—

''(I) an area mail processing study that does not include a plan to reduce the capacity of the postal facility, but not close the facility, has been completed or is in progress; and

''(II) a determination as to the necessity for the closing or consolidation of the postal facility has not been made.

''(3) NOTICE; PUBLIC COMMENT; AND PUBLIC HEARING.—If the Postal Service makes a determination under subsection (a)(3) to close or consolidate a postal facility, the Postal Service shall—

''(A) provide notice of the determination to—

''(i) Congress; and

''(ii) the Postal Regulatory Commission;

''(B) provide adequate public notice of the intention of the Postal Service to close or consolidate the postal facility;

''(C) ensure that interested persons have an opportunity to submit public comments during a 45-day period after the notice of intention is provided under subparagraph (B);

''(D) before that 45-day period provide for public notice of that opportunity by—

''(i) publication on the Postal Service website;

''(ii) posting at the affected postal facility; and

''(iii) advertising the date and location of the public community meeting under subparagraph (E); and

''(E) during the 45-day period described under subparagraph (C), conduct a public community meeting that provides an opportunity for public comments to be submitted verbally or in writing.

''(4) FURTHER CONSIDERATIONS.—Not earlier than 30 days after the end of the 45-day period for public comment under paragraph (3), the Postal Service, in making a determination whether or not to close or consolidate a postal facility, shall consider—

''(A) the views presented by interested persons solicited under paragraph (3);

''(B) the effect of the closing or consolidation on the affected community, including any disproportionate impact the closure or consolidation may have on a State, region, or locality;

''(C) the effect of the closing or consolidation on the travel times and distances for affected customers to access services under the proposed closing or consolidation;

''(D) the effect of the closing or consolidation on delivery times for all classes of mail;

''(E) any characteristics of certain geographical areas, such as remoteness, broadband internet availability, and weather-related obstacles to using alternative facilities, that may result in the closing or consolidation having a unique effect; and

''(F) any other factor the Postal Service determines is necessary.

''(5) JUSTIFICATION STATEMENT.—Before the date on which the Postal Service closes or consolidates a postal facility, the Postal Service shall post on the Postal Service website a closure or consolidation justification statement that includes—

''(A) a response to all public comments received with respect to the considerations described under paragraph (4);

''(B) a description of the considerations made by the Postal Service under paragraph (4); and

''(C) the actions that will be taken by the Postal Service to mitigate any negative effects identified under paragraph (4).

''(6) CLOSING OR CONSOLIDATION OF POSTAL FACILITIES.—

''(A) IN GENERAL.—Not earlier than the 15 days after posting and publishing the final determination and the justification statement under paragraph (6) with respect to a postal facility, the Postal Service may close or consolidate the postal facility.

''(B) ALTERNATIVE INTAKE OF MAIL.—If the Postal Service closes or consolidates a postal facility under subparagraph (A), the Postal Service shall make reasonable efforts to ensure continued mail receipt from customers of the closed or consolidated postal facility at the same location or at another appropriate location in close geographic proximity to the closed or consolidated postal facility.

''(7) POSTAL SERVICE WEBSITE.—For purposes of any notice required to be published on the Postal Service website under this subsection, the Postal Service shall ensure that the Postal Service website—

''(A) is updated routinely; and

''(B) provides any person, at the option of the person, the opportunity to receive relevant updates by electronic mail.''.

SEC. 202. ADDITIONAL POSTAL SERVICE PLANNING.

Section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note) is amended—

(1) in paragraph (8), by striking the period at the end and inserting ''; and'';

(2) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively, and adjusting the margins accordingly;

(3) in the matter preceding subparagraph (A), as so redesignated, by striking ''shall include'' and inserting the following: ''shall—

''(1) include''; and

(4) by adding at the end the following:

''(2) where possible, provide for an improvement in customer access to postal services;

''(3) consider the impact of any decisions by the Postal Service relating to the implementation of the plan on small communities and rural areas; and

''(4) ensure that—

''(A) small communities and rural areas continue to receive regular and effective access to retail postal services after implementation of the plan; and

''(B) the Postal Service solicits community input in accordance with applicable provisions of Federal law.''.

SEC. 203. AREA AND DISTRICT OFFICE STRUCTURE.

(a) PLAN REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Governmental Reform of the House of Representatives—

(1) a comprehensive strategic plan to govern decisions relating to area and district office structure that considers efficiency, costs, redundancies, mail volume, technological advancements, operational considerations, and other issues that may be relevant to establishing an effective area and district office structure; and

(2) a 10-year plan, including a timetable, that provides for consolidation of area and district offices wherever the Postal Service determines a consolidation would—

(A) be cost-effective; and

(B) not substantially and adversely affect the operations of the Postal Service.

(b) CONSOLIDATION.—Beginning not later than 1 year after the date of enactment of this Act, the Postal Service shall, consistent with the plans required under subsection (a)—

(1) consolidate district offices that are located within 50 miles of each other;

(2) consolidate area and district offices that have less than the mean mail volume and number of work hours for all area and district offices; and

(3) relocate area offices to headquarters.

(c) UPDATES.—The Postal Service shall update the plans required under subsection (a) not less frequently than once every 5 years.

SEC. 204. RETAIL SERVICE STANDARDS.

(a) ESTABLISHMENT OF SERVICE STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall exercise its authority under section 3691 of title 39, United States Code, to establish service standards for market-dominant products in order to guarantee customers of the Postal Service regular and effective access to retail postal services nationwide (including in territories and possessions of the United States) on a reasonable basis.

(b) CONTENTS.—The service standards established under subsection (a) shall—

(1) be consistent with—

(A) the obligations of the Postal Service under section 101(b) of title 39, United States Code; and

(B) the contents of the plan developed under section 302 of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note), as amended by section 202 of this Act; and

(2) take into account factors including—

(A) geography, including the establishment of standards for the proximity of retail postal services to postal customers, including a consideration of the reasonable maximum time a postal customer should expect to travel to access a postal retail location;

(B) population, including population density, demographic factors such as the age and disability status of individuals in the area to be served by a location providing postal retail services, and other factors that may impact the ability of postal customers, including businesses, to travel to a postal retail location;

(C) the feasibility of offering retail access to postal services in addition to post offices, as described in section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note); and

(D) the requirement that the Postal Service serve remote areas and communities with transportation challenges, including communities in which the effects of inclement weather or other natural conditions might obstruct or otherwise impede access to retail postal services.

SEC. 205. CONVERSION OF DOOR DELIVERY POINTS.

(a) IN GENERAL.—Subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3692. Conversion of door delivery points

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) CENTRALIZED DELIVERY POINT.—The term 'centralized delivery point' means a group or cluster of mail receptacles at 1 delivery point that is within reasonable proximity of the street address associated with the delivery point.

''(2) CURBLINE DELIVERY POINT.—The term 'curbline delivery point' means a delivery point that is—

''(A) adjacent to the street address associated with the delivery point; and

''(B) accessible by vehicle on a street that is not a private driveway.

''(3) DOOR DELIVERY POINT.—The term 'door delivery point' means a delivery point at a door of the structure at a street address.

''(4) SIDEWALK DELIVERY POINT.—The term 'sidewalk delivery point' means a delivery point on a sidewalk adjacent to the street address associated with the delivery point.

''(b) CONVERSION.—Except as provided in subsection (c), not later than September 30, 2015, in accordance with standards established by the Postal Service, the Postal Service may, where feasible, convert door delivery points to—

''(1) curbline delivery points;

''(2) sidewalk delivery points; or

''(3) centralized delivery points.

''(c) EXCEPTIONS.—

''(1) CONTINUED DOOR DELIVERY.—The Postal Service may allow for the continuation of door delivery due to—

''(A) a physical hardship of a customer;

''(B) weather, in a geographic area where snow removal efforts could obstruct access to mailboxes near a road;

''(C) circumstances in an urban area that preclude efficient use of curbside delivery points;

''(D) other exceptional circumstances, as determined in accordance with regulations issued by the Postal Service; or

''(E) other circumstances in which the Postal Service determines that alternatives to door delivery would not be practical or cost effective.

''(2) NEW DOOR DELIVERY POINTS.—The Postal Service may provide door delivery to a new delivery point in a delivery area that received door delivery on the day before the date of enactment of this section, if the delivery point is established before the delivery area is converted from door delivery under subsection (b).

''(d) SOLICITATION OF COMMENTS.—The Postal Service shall establish procedures to solicit, consider, and respond to input from individuals affected by a conversion under this section.

''(e) REVIEW.—Subchapter V of this chapter shall not apply with respect to any action taken by the Postal Service under this section.

''(f) REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2015, the Postal Service shall submit to Congress and the Inspector General of the Postal Service a report on the implementation of this section during the preceding fiscal year that—

''(1) includes the number of door delivery points—

''(A) that existed at the end of the fiscal year preceding the preceding fiscal year;

''(B) that existed at the end of the preceding fiscal year;

''(C) that, during the preceding fiscal year, converted to—

''(i) curbline delivery points or sidewalk delivery points;

''(ii) centralized delivery points; and

''(iii) any other type of delivery point; and

''(D) for which door delivery was continued under subsection (c)(1);

''(2) estimates the cost savings from the conversions from door delivery that occurred during the preceding fiscal year;

''(3) describes the progress of the Postal Service toward achieving the requirements under subsection (b); and

''(4) provides such additional information as the Postal Service considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

''3692. Conversion of door delivery points.''.

SEC. 206. LIMITATIONS ON CHANGES TO MAIL DELIVERY SCHEDULE.

(a) LIMITATION ON CHANGE IN SCHEDULE.—Notwithstanding any other provision of law—

(1) the Postal Service may not establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal Service under section 3691 of title 39, United States Code, earlier than the date that is 24 months after the date of enactment of this Act; and

(2) on or after the date that is 24 months after the date of enactment of this Act, the Postal Service may establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal Service under section 3691 of title 39, United States Code, only in accordance with the requirements and limitations under this section.

(b) PRECONDITIONS.—If the Postal Service intends to establish a change in delivery schedule under subsection (a)(2), the Postal Service shall—

(1) identify customers and communities for whom the change may have a disproportionate, negative impact, including the customers identified as ''particularly affected'' in the Advisory Opinion on Elimination of Saturday Delivery issued by the Commission on March 24, 2011;

(2) develop, to the maximum extent possible, measures to ameliorate any disproportionate, negative impact the change would have on customers and communities identified under paragraph (1), including, where appropriate, providing or expanding access to mailboxes for periodical mailers on days on which the Postal Service does not provide delivery;

(3) implement measures to increase revenue and reduce costs, including the measures authorized under the amendments made by sections 101, 102, 103, 104, 204, and 208 of this Act;

(4) evaluate whether any increase in revenue or reduction in costs resulting from the measures implemented under paragraph (3) are sufficient to allow the Postal Service, without implementing a change in delivery schedule under subsection (a), to—

(A) become profitable by fiscal year 2015; and

(B) achieve long-term financial solvency; and

(5) not earlier than 15 months after the date of enactment of this Act and not later than 9 months before the effective date proposed by the Postal Service for the change, submit a report on the steps the Postal Service has taken to carry out this subsection to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Comptroller General of the United States; and

(C) the Commission.

(c) REVIEW.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 3 months after the date on which the Postal Service submits a report under subsection (b)(5), the Comptroller General shall submit to the Commission and to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that contains findings relating to each of the following:

(A) Whether the Postal Service has adequately complied with subsection (b)(3), taking into consideration the statutory authority of and limitations on the Postal Service.

(B) The accuracy of any statement by the Postal Service that the measures implemented under subsection (b)(3) have increased revenues or reduced costs, and the accuracy of any projection by the Postal Service relating to increased revenue or reduced costs resulting from the measures implemented under subsection (b)(3).

(C) The adequacy and methodological soundness of any evaluation conducted by the Postal Service under subsection (b)(4) that led the Postal Service to assert the necessity of a change in delivery schedule under subsection (a)(2).

(D) Whether, based on an analysis of the measures implemented by the Postal Service to increase revenues and reduce costs, projections of increased revenue and cost savings, and the details of the profitability plan required under section 401, a change in delivery schedule is necessary to allow the Postal Service to—

(i) become profitable by fiscal year 2015; and

(ii) achieve long-term financial solvency.

(2) POSTAL REGULATORY COMMISSION.—

(A) REQUEST.—Not later than 6 months before the proposed effective date of a change in delivery schedule under subsection (a), the Postal Service shall submit to the Commission a request for an advisory opinion relating to the change.

(B) ADVISORY OPINION.—

(i) IN GENERAL.—The Commission shall—

(I) issue an advisory opinion with respect to a request under subparagraph (A), in accordance with the time limits for the issuance of advisory opinions under section 3661(b)(2) of title 39, United States Code, as amended by this Act; and

(II) submit the advisory opinion to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(ii) REQUIRED DETERMINATIONS.—An advisory opinion under clause (i) shall determine—

(I) whether the measures developed under subsection (b)(2) ameliorate any disproportionate, negative impact that a change in schedule may have on customers and communities identified under subsection (b)(1); and

(II) based on the report submitted by the Comptroller General under paragraph (1)—

(aa) whether the Postal Service has implemented measures to reduce operating losses as required under subsection (b)(3);

(bb) whether the implementation of the measures described in item (aa) has increased revenues or reduced costs, or is projected to further increase revenues or reduce costs in the future; and

(cc) whether a change in schedule under subsection (a)(2) is necessary to allow the Postal Service to—

(AA) become profitable by fiscal year 2015; and

(BB) achieve long-term financial solvency.

(3) PROHIBITION ON IMPLEMENTATION OF CHANGE IN SCHEDULE.—The Postal Service may not implement a change in delivery schedule under subsection (a)(2)—

(A) before the date on which the Comptroller General submits the report required under paragraph (1); and

(B) unless the Commission determines under paragraph (2)(B)(ii)(II)(cc) that the Comptroller General has concluded that the change is necessary to allow the Postal Service to become profitable by fiscal year 2015 and to achieve long-term financial solvency, without regard to whether the Commission determines that the change is advisable.

(d) ADDITIONAL LIMITATIONS.—

(1) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) authorize the reduction, or require an increase, in delivery frequency for any route for which the Postal Service provided delivery on fewer than 6 days per week on the date of enactment of this Act;

(B) authorize any change in—

(i) the days and times that postal retail service or any mail acceptance is available; or

(ii) the locations at which postal retail service or mail acceptance occurs;

(C) authorize any change in the frequency of delivery to a post office box;

(D) prohibit the collection or delivery of a competitive mail product on a weekend or a recognized Federal holiday; or

(E) prohibit the Postal Service from exercising its authority to make changes to processing or retail networks.

(2) PROHIBITION ON CONSECUTIVE DAYS WITHOUT MAIL DELIVERY.—The Postal Service shall ensure that, under any change in schedule under subsection (a)(2), at no time shall there be more than 2 consecutive days without mail delivery to street addresses, including recognized Federal holidays.

SEC. 207. TIME LIMITS FOR CONSIDERATION OF SERVICE CHANGES.

Section 3661 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

''(b) PROPOSED CHANGES FOR MARKET-DOMINANT PRODUCTS.—

''(1) SUBMISSION OF PROPOSAL.—If the Postal Service determines that there should be a change in the nature of postal services relating to market-dominant products that will generally affect service on a nationwide or substantially nationwide basis, the Postal Service shall submit a proposal to the Postal Regulatory Commission requesting an advisory opinion on the change.

''(2) ADVISORY OPINION.—Upon receipt of a proposal under paragraph (1), the Postal Regulatory Commission shall—

''(A) provide an opportunity for public comment on the proposal; and

''(B) issue an advisory opinion not later than—

''(i) 90 days after the date on which the Postal Regulatory Commission receives the proposal; or

''(ii) a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives the proposal, determine jointly.

''(3) RESPONSE TO OPINION.—The Postal Service shall submit to the President and to Congress a response to the advisory opinion issued under paragraph (2), including any recommendations contained therein.

''(4) ACTION ON PROPOSAL.—The Postal Service may take action regarding a proposal submitted under paragraph (1)—

''(A) on or after the date that is 30 days after the date on which the Postal Service submits the response required under paragraph (3);

''(B) on or after a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives a proposal under paragraph (2), determine jointly; or

''(C) after the date described in paragraph (2)(B), if—

''(i) the Postal Regulatory Commission fails to issue an advisory opinion on or before the date described in paragraph (2)(B); and

''(ii) the action is not otherwise prohibited under Federal law.

''(5) MODIFICATION OF TIMELINE.—At any time, the Postal Service and the Postal Regulatory Commission may jointly redetermine a date determined under paragraph (2)(B)(ii) or (4)(B).''.

SEC. 208. PUBLIC PROCEDURES FOR SIGNIFICANT CHANGES TO MAILING SPECIFICATIONS.

(a) NOTICE AND OPPORTUNITY FOR COMMENT REQUIRED.—Effective on the date on which the Postal Service issues a final rule under subsection (c), before making a change to mailing specifications that could pose a significant burden to the customers of the Postal Service and that is not reviewed by the Commission, the Postal Service shall—

(1) publish a notice of the proposed change to the specification in the Federal Register;

(2) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days;

(3) after considering any comments submitted under paragraph (2) and making any modifications to the proposed change that the Postal Service determines are necessary, publish—

(A) the final change to the specification in the Federal Register;

(B) responses to any comments submitted under paragraph (2); and

(C) an analysis of the financial impact that the proposed change would have on—

(i) the Postal Service; and

(ii) the customers of the Postal Service that would be affected by the proposed change; and

(4) establish an effective date for the change to mailing specifications that is not earlier than 30 days after the date on which the Postal Service publishes the final change under paragraph (3).

(b) EXCEPTION FOR GOOD CAUSE.—If the Postal Service determines that there is an urgent and compelling need for a change to a mailing specification described in subsection (a) in order to avoid demonstrable harm to the operations of the Postal Service or to the public interest, the Postal Service may—

(1) change the mailing specifications by—

(A) issuing an interim final rule that—

(i) includes a finding by the Postal Service that there is good cause for the interim final rule;

(ii) provides an opportunity for the submission of written comments on the interim final rule for a period of not less than 30 days; and

(iii) establishes an effective date for the interim final rule that is not earlier than 30 days after the date on which the interim final rule is issued; and

(B) publishing in the Federal Register a response to any comments submitted under subparagraph (A)(ii); and

(2) waive the requirement under paragraph (1)(A)(iii) or subsection (a)(4).

(c) RULES RELATING TO NOTICE AND COMMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Postal Service shall issue rules governing the provision of notice and opportunity for comment for changes in mailing specifications under subsection (a).

(2) RULES.—In issuing the rules required under paragraph (1), the Postal Service shall—

(A) publish a notice of proposed rulemaking in the Federal Register that includes proposed definitions of the terms ''mailing specifications'' and ''significant burden'';

(B) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days; and

(C) publish—

(i) the rule in final form in the Federal Register; and

(ii) responses to the comments submitted under subparagraph (B).

SEC. 209. NONPOSTAL PRODUCTS AND SERVICES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (5) the following:

''(6) after the date of enactment of the 21st Century Postal Service Act of 2011, and except as provided in subsection (e), to provide other services that are not postal services, after the Postal Regulatory Commission—

''(A) makes a determination that the provision of such services—

''(i) uses the processing, transportation, delivery, retail network, or technology of the Postal Service;

''(ii) is consistent with the public interest and a demonstrated or potential public demand for—

''(I) the Postal Service to provide the services instead of another entity providing the services; or

''(II) the Postal Service to provide the services in addition to another entity providing the services;

''(iii) would not create unfair competition with the private sector; and

''(iv) has the potential to improve the net financial position of the Postal Service, based on a market analysis provided to the Postal Regulatory Commission by the Postal Service; and

''(B) for services that the Postal Regulatory Commission determines meet the criteria under subparagraph (A), classifies each such service as a market-dominant product, competitive product, experimental product, or new product, as required under chapter 36 of title 39, United States Code;''; and

(2) in subsection (e)(2), by striking ''Nothing'' and all that follows through ''except that the'' and inserting ''The''.

(b) MARKET ANALYSIS.—During the 5-year period beginning on the date of enactment of this Act, the Postal Service shall submit a copy of any market analysis provided to the Commission under section 404(a)(6)(A)(iv) of title 39, United States Code, as amended by this section, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

SEC. 301. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the ''Workers' Compensation Reform Act of 2011''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

SEC. 302. FEDERAL WORKERS COMPENSATION REFORMS FOR RETIREMENT-AGE EMPLOYEES.

(a) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

(1) DEFINITIONS.—Section 8101 is amended

(A) in paragraph (18), by striking ''and'' at the end;

(B) in paragraph (19), by striking ''and'' at the end;

(C) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(21) 'retirement age' has the meaning given that term under section 216(l)(1) of the Social Security Act (42 U.S.C. 416(l)(1));

''(22) 'covered claim for total disability' means a claim for a period of total disability that commenced before the date of enactment of the Workers' Compensation Reform Act of 2011;

''(23) 'covered claim for partial disability' means a claim for a period of partial disability that commenced before the date of enactment of the Workers' Compensation Reform Act of 2011; and

''(24) 'individual who has an exempt disability condition' means an individual—

''(A) who—

''(i) is eligible to receive continuous periodic compensation for total disability under section 8105 on the date of enactment of the Workers' Compensation Reform Act of 2011; and

''(ii) meets the criteria under 8105(c);

''(B) who, on the date of enactment of the Workers' Compensation Reform Act of 2011—

''(i) is eligible to receive continuous periodic compensation for total disability under section 8105; and

''(ii) has sustained a currently irreversible severe mental or physical disability for which the Secretary of Labor has authorized, for at least the 1 year period ending on the date of enactment of the Workers' Compensation Reform Act of 2011, constant in-home care or custodial care, such as in placement in a nursing home; or

''(C) who is eligible to receive continuous periodic compensation for total disability under section 8105—

''(i) for not less than the 3-year period ending on the date of enactment of the Workers' Compensation Reform Act of 2011; or

''(ii) if the individual became eligible to receive continuous periodic compensation for total disability under section 8105 during the period beginning on the date that is 3 years before the date of enactment of the Workers' Compensation Reform Act of 2011 and ending on such date of enactment, for not less than the 3-year period beginning on the date on which the individual became eligible.''.

(2) TOTAL DISABILITY.—Section 8105 is amended—

(A) in subsection (a), by striking ''If'' and inserting ''IN GENERAL.—Subject to subsection (b), if'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for total disability for an employee who has attained retirement age shall be 50 percent of the monthly pay of the employee.

''(2) EXCEPTIONS.—

''(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE OR HAVE AN EXEMPT DISABILITY CONDITION.—Paragraph (1) shall not apply to a covered claim for total disability by an employee if the employee—

''(i) on the date of enactment of the Workers' Compensation Reform Act of 2011, has attained retirement age; or

''(ii) is an individual who has an exempt disability condition.

''(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total disability provided under subsection (a) until the later of—

''(i) the date on which the employee attains retirement age; and

''(ii) the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2011.''.

(3) PARTIAL DISABILITY.—Section 8106 is amended—

(A) in subsection (a), by striking ''If'' and inserting ''IN GENERAL.—Subject to subsection (b), if'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.

''(2) EXCEPTIONS.—

''(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE.—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if, on the date of enactment of the Workers' Compensation Reform Act of 2011, the employee has attained retirement age.

''(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for partial disability by an employee who is not an employee described in subparagraph (A), the employee shall receive basic compensation for partial disability in accordance with subsection (a) until the later of—

''(i) the date on which the employee attains retirement age; and

''(ii) the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2011.''.

SEC. 303. AUGMENTED COMPENSATION FOR DEPENDENTS.

(a) IN GENERAL.—Section 8110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) TERMINATION OF AUGMENTED COMPENSATION.—

''(1) IN GENERAL.—Subject to paragraph (2), augmented compensation for dependants under subsection (c) shall not be provided.

''(2) EXCEPTIONS.—

''(A) TOTAL DISABILITY.—For a covered claim for total disability by an employee—

''(i) the employee shall receive augmented compensation under subsection (c) if the employee is an individual who has an exempt disability condition; and

''(ii) the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2011 if the employee is not an employee described in clause (i).

''(B) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2011.

''(C) PERMANENT DISABILITY COMPENSATED BY A SCHEDULE.—For a claim for a permanent disability described in section 8107(a) by an employee that commenced before the date of enactment of the Workers' Compensation Reform Act of 2011, the employee shall receive augmented compensation under subsection (c).''.

(b) MAXIMUM AND MINIMUM MONTHLY PAYMENTS.—Section 8112 is amended—

(1) in subsection (a)—

(A) by inserting ''subsections (b) and (c) and'' before ''section 8138'';

(B) by striking ''including augmented compensation under section 8110 of this title but''; and

(C) by striking ''75 percent'' each place it appears and inserting ''66 ⅔ percent'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) EXCEPTIONS.—

''(1) COVERED DISABILITY CONDITION.—For a covered claim for total disability by an employee, if the employee is an individual who has an exempt disability condition—

''(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

''(B) subsection (a) shall be applied by substituting '75 percent' for '66 ⅔ percent' each place it appears.

''(2) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2011—

''(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

''(B) subsection (a) shall be applied by substituting '75 percent' for '66 ⅔ percent' each place it appears.''; and

(4) in subsection (c), as redesignated by paragraph (2), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)''.

(c) DEATH BENEFITS GENERALLY.—Section 8133 is amended—

(1) in subsections (a) and (e), by striking ''75 percent'' each place it appears and inserting ''66 ⅔ percent (except as provided in subsection (g))''; and

(2) by adding at the end the following:

''(g) If the death occurred before the date of enactment of the Workers' Compensation Reform Act of 2011, subsections (a) and (e) shall be applied by substituting '75 percent' for '66 ⅔ percent' each place it appears.''.

(d) DEATH BENEFITS FOR CIVIL AIR PATROL VOLUNTEERS.—Section 8141 is amended—

(1) in subsection (b)(2)(B) by striking ''75 percent'' and inserting ''66 ⅔ percent (except as provided in subsection (c))'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) If the death occurred before the date of enactment of the Workers' Compensation Reform Act of 2011, subsection (b)(2)(B) shall be applied by substituting '75 percent' for '66 ⅔ percent'.''.

SEC. 304. SCHEDULE COMPENSATION PAYMENTS.

Section 8107 is amended—

(1) in subsection (a), by striking ''at the rate of 66 2/3 percent of his monthly pay'' and inserting ''at the rate specified under subsection (d)''; and

(2) by adding at the end the following:

''(d) RATE FOR COMPENSATION.—

''(1) ANNUAL SALARY.—

''(A) IN GENERAL.—Except as provided in paragraph (2), the rate under subsection (a) shall be the rate of 66 ⅔ percent of the annual salary level established under subparagraph (B), in a lump sum equal to the

present value (as calculated under subparagraph (C)) of the amount of compensation payable under the schedule.

''(B) ESTABLISHMENT.—

''(i) IN GENERAL.—The Secretary of Labor shall establish an annual salary for purposes of subparagraph (A) in the amount the Secretary determines will result in the aggregate cost of payments made under this section being equal to what would have been the aggregate cost of payments under this section if the amendments made by section 304(a) of the Workers' Compensation Reform Act of 2011 had not been enacted.

''(ii) COST OF LIVING ADJUSTMENT.—The annual salary established under clause (i) shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.

''(C) PRESENT VALUE.—The Secretary of Labor shall calculate the present value for purposes of subparagraph (A) using a rate of interest equal to the average market yield for outstanding marketable obligations of the United States with a maturity of 2 years on the first business day of the month in which the compensation is paid or, in the event that such marketable obligations are not being issued on such date, at an equivalent rate selected by the Secretary of Labor, true discount compounded annually.

''(2) CERTAIN INJURIES.—For an injury that occurred before the date of enactment of the Workers' Compensation Reform Act of 2011, the rate under subsection (a) shall be 66 ⅔ percent of the employee's monthly pay.

''(e) SIMULTANEOUS RECEIPT.—

''(1) TOTAL DISABILITY.—An employee who receives compensation for total disability under section 8105 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for total disability after the later of—

''(A) the date on which the basic compensation for total disability of the employee becomes 50 percent of the monthly pay of the employee under section 8105(b); or

''(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(A)(ii), if the employee receives such compensation.

''(2) PARTIAL DISABILITY.—An employee who receives benefits for partial disability under section 8106 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for partial disability after the later of—

''(A) the date on which the basic compensation for partial disability of the employee becomes 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability under section 8106(b); or

''(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(B), if the employee receives such compensation.''.

SEC. 305. VOCATIONAL REHABILITATION.

(a) IN GENERAL.—Section 8104 is amended—

(1) in subsection (a)—

(A) by striking ''(a) The Secretary of Labor may'' and all that follows through ''undergo vocational rehabilitation.'' and inserting the following:

''(a) IN GENERAL.—

''(1) DIRECTION.—Except as provided in paragraph (2), not earlier than the date that is 6 months after the date on which an individual eligible for wage-loss compensation under section 8105 or 8106 is injured, or by such other date as the Secretary of Labor determines it would be reasonable under the circumstances for the individual to begin vocational rehabilitation, and if vocational rehabilitation may enable the individual to become capable of more gainful employment, the Secretary of Labor shall direct the individual to participate in developing a comprehensive return to work plan and to undergo vocational rehabilitation at a location a reasonable distance from the residence of the individual.'';

(B) by striking ''the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29'' and inserting ''the Secretary of Education in carrying out the purposes of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)'';

(C) by striking ''under section 32(b)(1) of title 29'' and inserting ''under section 5 of the Rehabilitation Act of 1973 (29 U.S.C. 704)''; and

(D) by adding at the end the following:

''(2) EXCEPTION.—The Secretary of Labor may not direct an individual who has attained retirement age to participate in developing a comprehensive return to work plan or to undergo vocational rehabilitation.'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) CONTENTS OF RETURN TO WORK PLAN.—A return to work plan developed under subsection (a)—

''(1) shall—

''(A) set forth specific measures designed to increase the wage-earning capacity of an individual;

''(B) take into account the prior training and education of the individual and the training, educational, and employment opportunities reasonably available to the individual; and

''(C) provide that any employment undertaken by the individual under the return to work plan be at a location a reasonable distance from the residence of the individual;

''(2) may provide that the Secretary will pay out of amounts in the Employees' Compensation Fund reasonable expenses of vocational rehabilitation (which may include tuition, books, training fees, supplies, equipment, and child or dependent care) during the course of the plan; and

''(3) may not be for a period of more than 2 years, unless the Secretary finds good cause to grant an extension, which may be for not more than 2 years.'';

(4) in subsection (c), as so redesignated—

(A) by inserting ''COMPENSATION.—'' before ''Notwithstanding''; and

(B) by striking '', other than employment undertaken pursuant to such rehabilitation''; and

(5) by adding at the end the following:

''(d) ASSISTED REEMPLOYMENT AGREEMENTS.—

''(1) IN GENERAL.—The Secretary may enter into an assisted reemployment agreement with an agency or instrumentality of any branch of the Federal Government or a State or local government or a private employer that employs an individual eligible for wage-loss compensation under section 8105 or 8106 to enable the individual to return to productive employment.

''(2) CONTENTS.—An assisted reemployment agreement under paragraph (1)—

''(A) may provide that the Secretary will use amounts in the Employees' Compensation Fund to reimburse an employer in an amount equal to not more than 100 percent of the compensation the individual would otherwise receive under section 8105 or 8106; and

''(B) may not be for a period of more than 3 years.

''(e) LIST.—To facilitate the hiring of individuals eligible for wage-loss compensation under section 8105 or 8106, the Secretary shall provide a list of such individuals to the Office of Personnel Management, which the Office of Personnel Management shall provide to all agencies and instrumentalities of the Federal Government.''.

(b) TERMINATION OF VOCATIONAL REHABILITATION REQUIREMENT AFTER RETIREMENT AGE.—Section 8113(b) is amended by adding at the end the following: ''An individual who has attained retirement age may not be required to undergo vocational rehabilitation.''.

(c) MANDATORY BENEFIT REDUCTION FOR NONCOMPLIANCE.—Section 8113(b) is amended by striking ''may reduce'' and inserting ''shall reduce''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter III of chapter 15 of title 31, United States Code, is amended by adding at the end the following:

''§ 1538. Authorization for assisted reemployment

''Funds may be transferred from the Employees' Compensation Fund established under section 8147 of title 5 to the applicable appropriations account for an agency or instrumentality of any branch of the Federal Government for the purposes of reimbursing the agency or instrumentality in accordance with an assisted reemployment agreement entered into under section 8104 of title 5.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 15 of title 31, United States Code, is amended by inserting after the item relating to section 1537 the following:

''1538. Authorization for assisted reemployment.''.

SEC. 306. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Chapter 81 is amended by inserting after section 8106 the following:

''§ 8106a. Reporting requirements

''(a) DEFINITION.—In this section, the term 'employee receiving compensation' means an employee who—

''(1) is paid compensation under section 8105 or 8106; and

''(2) has not attained retirement age.

''(b) AUTHORITY.—The Secretary of Labor shall require an employee receiving compensation to report the earnings of the employee receiving compensation from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies.

''(c) CONTENTS.—An employee receiving compensation shall include in a report required under subsection (a) the value of housing, board, lodging, and other advantages which are part of the earnings of the employee receiving compensation in employment or self-employment and the value of which can be estimated.

''(d) FAILURE TO REPORT AND FALSE REPORTS.—

''(1) IN GENERAL.—An employee receiving compensation who fails to make an affidavit or other report required under subsection (b) or who knowingly omits or understates any part of the earnings of the employee in such an affidavit or other report shall forfeit the right to compensation with respect to any period for which the report was required.

''(2) FORFEITED COMPENSATION.—Compensation forfeited under this subsection, if already paid to the employee receiving compensation, shall be recovered by a deduction from the compensation payable to the employee or otherwise recovered under section 8129, unless recovery is waived under that section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 81 is amended by inserting after the item relating to section 8106 the following:

''8106a. Reporting requirements.''.

SEC. 307. DISABILITY MANAGEMENT REVIEW; INDEPENDENT MEDICAL EXAMINATIONS.

Section 8123 is amended by adding at the end the following:

''(e) DISABILITY MANAGEMENT REVIEW.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered employee' means an employee who is in continuous receipt of compensation for total disability under section 8105 for a period of not less than 6 months; and

''(B) the term 'disability management review process' means the disability management review process established under paragraph (2)(A).

''(2) ESTABLISHMENT.—The Secretary of Labor shall—

''(A) establish a disability management review process for the purpose of certifying and monitoring the disability status and extent of injury of each covered employee; and

''(B) promulgate regulations for the administration of the disability management review process.

''(3) PHYSICAL EXAMINATIONS REQUIRED.—Under the disability management review process, the Secretary of Labor shall periodically require covered employees to submit to physical examinations under subsection (a) by physicians selected by the Secretary. A physician conducting a physical examination of a covered employee shall submit to the Secretary a report regarding the nature and extent of the injury to and disability of the covered employee.

''(4) FREQUENCY.—

''(A) IN GENERAL.—The regulations promulgated under paragraph (2)(B) shall specify the process and criteria for determining when and how frequently a physical examination should be conducted for a covered employee.

''(B) MINIMUM FREQUENCY.—

''(i) INITIAL.—An initial physical examination shall be conducted not more than a brief period after the date on which a covered employee has been in continuous receipt of compensation for total disability under section 8015 for 6 months.

''(ii) SUBSEQUENT EXAMINATIONS.—After the initial physical examination, physical examinations of a covered employee shall be conducted not less than once every 3 years.

''(5) EMPLOYING AGENCY OR INSTRUMENTALITY REQUESTS.—

''(A) IN GENERAL.—The agency or instrumentality employing an employee who has made a claim for compensation for total disability under section 8105 may at any time submit a request for the Secretary of Labor to promptly require the employee to submit to a physical examination under this subsection.

''(B) REQUESTING OFFICER.—A request under subparagraph (A) shall be made on behalf of an agency or instrumentality by—

''(i) the head of the agency or instrumentality;

''(ii) the Chief Human Capital Officer of the agency or instrumentality; or

''(iii) if the agency or instrumentality does not have a Chief Human Capital Officer, an officer with responsibilities similar to those of a Chief Human Capital Officer designated by the head of the agency or instrumentality to make requests under this paragraph.

''(C) INFORMATION.—A request under subparagraph (A) shall be in writing and accompanied by—

''(i) a certification by the officer making the request that the officer has reviewed the relevant material in the employee's file;

''(ii) an explanation of why the officer has determined, based on the materials in the file and other information known to the officer, that requiring a physical examination of the employee under this subsection is necessary; and

''(iii) copies of the materials relating to the employee that are relevant to the officer's determination and request, unless the agency or instrumentality has a reasonable basis for not providing the materials.

''(D) EXAMINATION.—If the Secretary of Labor receives a request under this paragraph before an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall promptly require the physical examination of the employee. A physical examination under this subparagraph shall satisfy the requirement under paragraph (4)(B)(i) that an initial physical examination be conducted.

''(E) AFTER INITIAL EXAMINATION.—

''(i) IN GENERAL.—If the Secretary of Labor receives a request under this paragraph after an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall—

''(I) review the request and the information, explanation, and other materials submitted with the request; and

''(II) determine whether to require the physical examination of the employee who is the subject of the request.

''(ii) NOT GRANTED.—If the Secretary determines not to grant a request described in clause (i), the Secretary shall promptly notify the officer who made the request and provide an explanation of the reasons why the request was denied.''.

SEC. 308. WAITING PERIOD.

(a) IN GENERAL.—Section 8117 is amended—

(1) in the section heading, by striking ''**Time of accrual of right**'' and inserting ''**Waiting period**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''An employee'' and all that follows through ''is not entitled'' and inserting ''IN GENERAL.—An employee is not entitled to continuation of pay within the meaning of section 8118 for the first 3 days of temporary disability or, if section 8118 does not apply, is not entitled'';

(B) in paragraph (1), by adding ''or'' at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2); and

(3) in subsection (b)—

(A) by striking ''A Postal Service'' the first place it appears and all that follows through ''A Postal Service'' the second place it appears and inserting ''USE OF LEAVE.—An'';

(B) by striking ''that 3-day period'' and inserting ''the first 3 days of temporary disability''; and

(C) by striking ''or is followed by permanent disability''.

(b) CONTINUATION OF PAY.—Section 8118 is amended—

(1) in the section heading, by striking ''**; election to use annual or sick leave**'';

(2) in subsection (b)(1), by striking ''section 8117(b)'' and inserting ''section 8117'';

(3) by striking subsection (c); and

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 81 is amended by striking the items relating to sections 8117 and 8118 and inserting the following:

''8117. Waiting period.

''8118. Continuation of pay.''.

SEC. 309. ELECTION OF BENEFITS.

(a) IN GENERAL.—Section 8116 is amended by adding at the end the following:

''(e) RETIREMENT BENEFITS.—

''(1) IN GENERAL.—An individual entitled to compensation benefits payable under this subchapter and under chapter 83 or 84 or any other retirement system for employees of the Government, for the same period, shall elect which benefits the individual will receive.

''(2) ELECTION.—

''(A) DEADLINE.—An individual shall make an election under paragraph (1) in accordance with such deadlines as the Secretary of Labor shall establish.

''(B) REVOCABILITY.—An election under paragraph (1) shall be revocable, notwithstanding any other provision of law, except for any period during which an individual—

''(i) was qualified for benefits payable under both this subchapter and under a retirement system described in paragraph (1); and

''(ii) was paid benefits under the retirement system after having been notified of eligibility for benefits under this subchapter.

''(3) INFORMED CHOICE.—The Secretary of Labor shall provide information, and shall ensure that information is provided, to an individual described in paragraph (1) about the benefits available to the individual under this subchapter or under chapter 83 or 84 or any other retirement system referred to in paragraph (1) the individual may elect to receive.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Sections 8337(f)(3) and 8464a(a)(3) are each amended by striking ''Paragraphs'' and inserting ''Except as provided under chapter 81, paragraphs''.

SEC. 310. SANCTION FOR NONCOOPERATION WITH FIELD NURSES.

Section 8123, as amended by section 307, is amended by adding at the end the following:

''(f) FIELD NURSES.—

''(1) DEFINITION.—In this subsection, the term 'field nurse' means a registered nurse that assists the Secretary in the medical management of disability claims under this subchapter and provides claimants with assistance in coordinating medical care.

''(2) AUTHORIZATION.—The Secretary may use field nurses to coordinate medical services and vocational rehabilitation programs for injured employees under this subchapter. If an employee refuses to cooperate with a field nurse or obstructs a field nurse in the performance of duties under this subchapter, the right to compensation under this subchapter shall be suspended until the refusal or obstruction stops.''.

SEC. 311. SUBROGATION OF CONTINUATION OF PAY.

(a) IN GENERAL.—Section 8131 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''continuation of pay or'' before ''compensation''; and

(2) in subsection (b), by inserting ''continuation of pay'' before compensation; and

(3) in subsection (c)—

(A) by inserting ''continuation of pay or'' before ''compensation already paid''; and

(B) by inserting ''continuation of pay or'' before ''compensation payable''.

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 is amended—

(1) in the first sentence—

(A) by inserting ''continuation of pay or'' before ''compensation is payable'';

(B) by inserting ''continuation of pay or'' before ''compensation from the United States'';

(C) by striking ''by him or in his behalf'' and inserting ''by the beneficiary or on behalf of the beneficiary'';

(D) by inserting ''continuation of pay and'' before ''compensation paid by the United States''; and

(E) by striking ''compensation payable to him'' and inserting ''continuation of pay or compensation payable to the beneficiary'';

(2) in the second sentence, by striking ''his designee'' and inserting ''the designee of the beneficiary''; and

(3) in the fourth sentence, by striking ''If compensation'' and all that follows through ''payable to him by the United States'' and inserting ''If continuation of pay or compensation has not been paid to the beneficiary, the money or property shall be credited against continuation of pay or compensation payable to the beneficiary by the United States''.

SEC. 312. SOCIAL SECURITY EARNINGS INFORMATION.

Section 8116, as amended by section 308, is amended by adding at the end the following:

''(f) EARNINGS INFORMATION.—Notwithstanding section 552a or any other provision of Federal or State law, the Social Security Administration shall make available to the Secretary of Labor, upon written request, the Social Security earnings information of a living or deceased employee who may have sustained an injury or died as a result of an injury that is the subject of a claim under this subchapter required by the Secretary of Labor to carry out this subchapter.''.

SEC. 313. AMOUNT OF COMPENSATION.

(a) INJURIES TO FACE, HEAD, AND NECK.—Section 8107(c)(21) is amended—

(1) by striking ''not to exceed $3,500'' and inserting ''in proportion to the severity of the disfigurement, not to exceed $50,000,''; and

(2) by adding at the end the following: ''The maximum amount of compensation under this paragraph shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.''.

(b) FUNERAL EXPENSES.—Section 8134(a) is amended—

(1) by striking ''$800'' and inserting ''$6,000''; and

(2) by adding at the end the following: ''The maximum amount of compensation under this subsection shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.''.

(c) APPLICATION.—The amendments made by this section shall apply to injuries or deaths, respectively, occurring on or after the date of enactment of this Act.

SEC. 314. TECHNICAL AND CONFORMING AMENDMENTS.

Chapter 81 is amended—

(1) in section 8101(1)(D), by inserting ''for an injury that occurred before the effective date of section 204(e) of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93–198; 87 Stat. 783; 5 U.S.C. 8101 note)'' before the semicolon;

(2) in section 8139, by inserting ''under this subchapter'' after ''Compensation awarded'';

(3) in section 8148(a), by striking ''section 8106'' and inserting ''section 8106a'';

SEC. 315. REGULATIONS.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations (which may include interim final regulations) to carry out this title.

(b) CONTENTS.—The regulations promulgated under subsection (a) shall include, for purposes of the amendments made by sections 302 and 303, clarification of—

(1) what is a claim; and

(2) what is the date on which a period of disability, for which a claim is made, commences.

TITLE IV—OTHER MATTERS

SEC. 401. PROFITABILITY PLAN.

(a) PLAN REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Comptroller General of the United States, and the Commission a plan describing, in detail, the actions the Postal Service will take to—

(1) become profitable by fiscal year 2015; and

(2) achieve long-term financial solvency.

(b) CONSIDERATIONS.—The plan required under subsection (a) shall take into consideration—

(1) the legal authority of the Postal Service;

(2) the changes in the legal authority and responsibilities of the Postal Service under this Act;

(3) any cost savings that the Postal Service anticipates will be achieved through negotiations with employees of the Postal Service; and

(4) projected changes in mail volume.

(c) UPDATES.—The Postal Service shall update the plan required under subsection (a) not less frequently than quarterly, until the last quarter of fiscal year 2015.

SEC. 402. POSTAL RATES.

(a) COMMISSION STUDY.—

(1) IN GENERAL.—Not earlier than 2 years after the date of enactment of this Act, the Commission shall commence a study to determine—

(A) whether and to what extent any market-dominant classes, products, or types of mail services do not bear the direct and indirect costs attributable to those classes, products, or types of mail service; and

(B) the impact of any excess mail processing, transportation, or delivery capacity of the Postal Service on the direct and indirect costs attributable to any class that bears less than 100 percent of the costs attributable to the class, as determined under subparagraph (A).

(2) REQUIREMENTS.—The Commission shall conduct the study under paragraph (1) in a manner that protects confidential and proprietary business information.

(3) HEARING.—Before completing the study under paragraph (1), the Commission shall hold a public hearing, on the record, in order to better inform the conclusions of the study. The Postal Service, postal customers, and other interested persons may participate in the hearing under this paragraph.

(4) COMPLETION.—Not later than 6 months after the date on which the Commission commences the study under subsection (a), the Commission shall complete the study.

(b) ANNUAL UPDATES REQUIRED.—Not later than 1 year after the date of completion of the study under subsection (a), and annually thereafter, the Commission shall—

(1) determine whether any class of mail bears less than 100 percent of the direct and indirect costs attributable to the class, product, or type of mail service, in the same manner as under subsection (a)(1)(A);

(2) for any class of mail for which the Commission makes a determination under paragraph (1), update the study under subsection (a); and

(3) include the study updated under paragraph (2) in the annual written determination of the Commission under section 3653 of title 39, United States Code.

(c) POSTAL RATES.—

(1) DEFINITION.—In this subsection, the term ''loss-making'', as used with respect to a class of mail, means a class of mail that bears less than 100 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

(2) IN GENERAL.—Not later than 1 year after the date on which the study under subsection (a) is completed, and annually thereafter, the Postal Service shall establish postal rates for each loss-making class of mail.

(3) CONSIDERATIONS.—The Postal Service may establish postal rates under paragraph (2) in a manner that ensures, to the extent practicable, that a class of mail described in paragraph (2) is not loss-making by—

(A) using the authority to increase rates under section 3622(d)(1)(A) of title 39, United States Code;

(B) exhausting any unused rate adjustment authority, as defined in section 3622(d)(2)(C) of title 39, United States Code, subject to paragraph (4); and

(C) maximizing incentives to reduce costs and increase efficiency with regard to the processing, transportation, and delivery of such mail by the Postal Service.

(4) UNUSED RATE ADJUSTMENT AUTHORITY.—Section 3622(d)(2)(C) of title 39, United States Code, shall be applied by annually increasing by 2 percentage points any unused rate adjustment authority for a class of mail that bears less than 90 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

SEC. 403. COOPERATION WITH STATE AND LOCAL GOVERNMENTS; INTRA-SERVICE AGREEMENTS.

(a) COOPERATION WITH STATE AND LOCAL GOVERNMENTS.—Section 411 of title 39, United States Code, is amended, in the first sentence by striking ''and the Government Printing Office'' inserting '', the Government Printing Office, and agencies and other units of State and local governments''.

(b) INTRA-SERVICE AGREEMENTS.—Section 411 of title 39, United States Code, as amended by subsection (a), is amended—

(1) in the section heading, by adding at the end the following: ''**and within the Postal Service**'';

(2) in the second sentence, by striking ''section'' and inserting ''subsection'';

(3) by striking ''Executive agencies'' and inserting the following:

''(a) COOPERATION WITH STATE AND LOCAL GOVERNMENTS.—Executive agencies''; and

(4) by adding at the end the following:

''(b) COOPERATION WITHIN THE POSTAL SERVICE.—The Office of the Inspector General and other components of the Postal Service may enter into agreements to furnish to each other property, both real and personal, and personal and nonpersonal services. The furnishing of property and services under this subsection shall be under such terms and conditions, including reimbursability, as the Inspector General and the head of the component concerned shall deem appropriate.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by

striking the item relating to section 411 and inserting the following:

''411. Cooperation with other Government agencies and within the Postal Service.''.

SEC. 404. SHIPPING OF WINE AND BEER.

(a) MAILABILITY.—

(1) NONMAILABLE ARTICLES.—Section 1716(f) of title 18, United States Code, is amended by striking ''mails'' and inserting ''mails, except to the extent that the mailing is allowable under section 3001(p) of title 39''.

(2) APPLICATION OF LAWS.—Section 1161 of title 18, United States Code, is amended, by inserting '', and, with respect to the mailing of wine or malt beverages (as those terms are defined in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211)), is in conformity with section 3001(p) of title 39'' after ''Register''.

(b) REGULATIONS.—Section 3001 of title 39, United States Code, is amended by adding at the end the following:

''(p)(1) In this subsection, the terms 'wine' and 'malt beverage' have the same meanings as in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211).

''(2) Wine or malt beverages shall be considered mailable if mailed—

''(A) by a licensed winery or brewery, in accordance with applicable regulations under paragraph (3); and

''(B) in accordance with the law of the State, territory, or district of the United States where the addressee or duly authorized agent takes delivery.

''(3) The Postal Service shall prescribe such regulations as may be necessary to carry out this subsection, including regulations providing that—

''(A) the mailing shall be by a means established by the Postal Service to ensure direct delivery to the addressee or a duly authorized agent;

''(B) the addressee (and any duly authorized agent) shall be an individual at least 21 years of age;

''(C) the individual who takes delivery, whether the addressee or a duly authorized agent, shall present a valid, government-issued photo identification at the time of delivery;

''(D) the wine or malt beverages may not be for resale or other commercial purpose; and

''(E) the winery or brewery involved shall—

''(i) certify in writing to the satisfaction of the Postal Service, through a registration process administered by the Postal Service, that the mailing is not in violation of any provision of this subsection or regulation prescribed under this subsection; and

''(ii) provide any other information or affirmation that the Postal Service may require, including with respect to the prepayment of State alcohol beverage taxes.

''(4) For purposes of this subsection—

''(A) a winery shall be considered to be licensed if it holds an appropriate basic permit issued—

''(i) under the Federal Alcohol Administration Act; and

''(ii) under the law of the State in which the winery is located; and

''(B) a brewery shall be considered to be licensed if—

''(i) it possesses a notice of registration and bond approved by the Alcohol and Tobacco Tax and Trade Bureau of the Department of the Treasury; and

''(ii) it is licensed to manufacture and sell malt beverages in the State in which the brewery is located.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the date on which the Postal Service issues regulations under section 3001(p) of title 39, United States Code, as amended by this section; and

(2) 120 days after the date of enactment of this Act.

SEC. 405. ANNUAL REPORT ON UNITED STATES MAILING INDUSTRY.

(a) IN GENERAL.—Chapter 24 of title 39, United States Code, is amended by adding at the end the following:

''§ 2403. Annual report on the fiscal stability of the United States mailing industry

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Postal Regulatory Commission shall submit a report on the fiscal stability of the United States mailing industry with respect to the preceding fiscal year to—

''(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Oversight and Government Reform of the House of Representatives.

''(b) ASSISTANCE.—The United States Postal Service and any Federal agency involved in oversight or data collection regarding industry sectors relevant to the report under subsection (a) shall provide any assistance to the Postal Regulatory Commission that the Postal Regulatory Commission determines is necessary in the preparation of a report under subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 24 of title 39, United States Code, is amended by adding at the end the following:

''2403. Annual report on the fiscal stability of the United States mailing industry.''.

SEC. 406. USE OF NEGOTIATED SERVICE AGREEMENTS.

Section 3622 of title 39, United States Code, is amended—

(1) in subsection (c)(10)(A)—

(A) in the matter preceding clause (i), by striking ''either'' and inserting ''will'';

(B) in clause (i), by striking ''or'' at the end;

(C) in clause (ii), by striking ''and'' at the end and inserting ''or''; and

(D) by adding at the end the following:

''(iii) preserve mail volume and revenue; and''; and

(2) by adding at the end the following:

''(g) COORDINATION.—The Postal Service and the Postal Regulatory Commission shall coordinate actions to identify methods to increase the use of negotiated service agreements for market-dominant products by the Postal Service consistent with subsection (c)(10).''.

SEC. 407. CONTRACT DISPUTES.

Section 7101(8) of title 41, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) the United States Postal Service and the Postal Regulatory Commission.''.

SEC. 408. CONTRACTING PROVISIONS.

(a) IN GENERAL.—Part I of title 39, United States Code, is amended by adding at the end the following:

''CHAPTER 7—CONTRACTING PROVISIONS

''Sec.

''701. Definitions.

''702. Advocate for competition.

''703. Delegation of contracting authority.

''704. Posting of noncompetitive purchase requests for noncompetitive contracts.

''705. Review of ethical issues.

''706. Ethical restrictions on participation in certain contracting activity.

''§ 701. Definitions

''In this chapter—

''(1) the term 'contracting officer' means an employee of a covered postal entity who has authority to enter into a postal contract;

''(2) the term 'covered postal entity' means—

''(A) the United States Postal Service; or

''(B) the Postal Regulatory Commission;

''(3) the term 'head of a covered postal entity' means—

''(A) in the case of the United States Postal Service, the Postmaster General; or

''(B) in the case of the Postal Regulatory Commission, the Chairman of the Postal Regulatory Commission;

''(4) the term 'postal contract' means any contract (including any agreement or memorandum of understanding) entered into by a covered postal entity for the procurement of goods or services; and

''(5) the term 'senior procurement executive' means the senior procurement executive of a covered postal entity.

''§ 702. Advocate for competition

''(a) ESTABLISHMENT AND DESIGNATION.—

''(1) There is established in each covered postal entity an advocate for competition.

''(2) The head of each covered postal entity shall designate for the covered postal entity 1 or more officers or employees (other than the senior procurement executive) to serve as the advocate for competition.

''(b) RESPONSIBILITIES.—The advocate for competition of each covered postal entity shall—

''(1) be responsible for promoting competition to the maximum extent practicable consistent with obtaining best value by promoting the acquisition of commercial items and challenging barriers to competition;

''(2) review the procurement activities of the covered postal entity; and

''(3) prepare and transmit to the head of each covered postal entity, the senior procurement executive of each covered postal entity, the Board of Governors of the United States Postal Service, and Congress, an annual report describing—

''(A) the activities of the advocate under this section;

''(B) initiatives required to promote competition;

''(C) barriers to competition that remain; and

''(D) the number of waivers made by each covered postal entity under section 704(c).

''§ 703. Delegation of contracting authority

''(a) IN GENERAL.—

''(1) POLICY.—Not later than 60 days after the date of enactment of the 21st Century Postal Service Act of 2011, the head of each covered postal entity shall issue a policy on contracting officer delegations of authority for the covered postal entity.

''(2) CONTENTS.—The policy issued under paragraph (1) shall require that—

''(A) notwithstanding any delegation of authority with respect to postal contracts, the ultimate responsibility and accountability for the award and administration of postal contracts resides with the senior procurement executive; and

''(B) a contracting officer shall maintain an awareness of and engagement in the activities being performed on postal contracts of which that officer has cognizance, notwithstanding any delegation of authority that may have been executed.

''(b) POSTING OF DELEGATIONS.—

''(1) IN GENERAL.—The head of each covered postal entity shall make any delegation of authority for postal contracts outside the functional contracting unit readily available and accessible on the website of the covered postal entity.

''(2) EFFECTIVE DATE.—This paragraph shall apply to any delegation of authority made on or after 30 days after the date of enactment of the 21st Century Postal Service Act of 2011.

''§ 704. Posting of noncompetitive purchase requests for noncompetitive contracts

''(a) POSTING REQUIRED.—

''(1) POSTAL REGULATORY COMMISSION.—The Postal Regulatory Commission shall make the noncompetitive purchase request for any noncompetitive award, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Regulatory Commission—

''(A) not later than 14 days after the date of the award of the noncompetitive contract; or

''(B) not later than 30 days after the date of the award of the noncompetitive contract, if the basis for the award was a compelling business interest.

''(2) UNITED STATES POSTAL SERVICE.—The United States Postal Service shall make the noncompetitive purchase request for any noncompetitive award of a postal contract valued at $250,000 or more, including the rationale supporting the noncompetitive award, publicly available on the website of the United States Postal Service—

''(A) not later than 14 days after the date of the award; or

''(B) not later than 30 days after the date of the award, if the basis for the award was a compelling business interest.

''(3) ADJUSTMENTS TO THE POSTING THRESHOLD FOR THE UNITED STATES POSTAL SERVICE.—

''(A) REVIEW AND DETERMINATION.—Not later than January 31 of each year, the United States Postal Service shall—

''(i) review the $250,000 threshold established under paragraph (2); and

''(ii) based on any change in the Consumer Price Index for all-urban consumers of the Department of Labor, determine whether an adjustment to the threshold shall be made.

''(B) AMOUNT OF ADJUSTMENTS.—An adjustment under subparagraph (A) shall be made in increments of $5,000. If the United States Postal Service determines that a change in the Consumer Price Index for a year would require an adjustment in an amount that is less than $5,000, the United States Postal Service may not make an adjustment to the threshold for the year.

''(4) EFFECTIVE DATE.—This subsection shall apply to any noncompetitive contract awarded on or after the date that is 90 days after the date of enactment of the 21st Century Postal Service Act of 2011.

''(b) PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—Subject to paragraph (2), the information required to be made publicly available by a covered postal entity under subsection (a) shall be readily accessible on the website of the covered postal entity.

''(2) PROTECTION OF PROPRIETARY INFORMATION.—A covered postal entity shall—

''(A) carefully screen any description of the rationale supporting a noncompetitive award required to be made publicly available under subsection (a) to determine whether the description includes proprietary data (including any reference or citation to the proprietary data) or security-related information; and

''(B) remove any proprietary data or security-related information before making publicly available a description of the rational supporting a noncompetitive award.

''(c) WAIVERS.—

''(1) WAIVER PERMITTED.—If a covered postal entity determines that making a noncompetitive purchase request publicly available would risk placing the United States Postal Service at a competitive disadvantage relative to a private sector competitor, the senior procurement executive, in consultation with the advocate for competition of the covered postal entity, may waive the requirements under subsection (a).

''(2) FORM AND CONTENT OF WAIVER.—

''(A) FORM.—A waiver under paragraph (1) shall be in the form of a written determination placed in the file of the contract to which the noncompetitive purchase agreement relates.

''(B) CONTENT.—A waiver under paragraph (1) shall include—

''(i) a description of the risk associated with making the noncompetitive purchase request publicly available; and

''(ii) a statement that redaction of sensitive information in the noncompetitive purchase request would not be sufficient to protect the United States Postal Service from being placed at a competitive disadvantage relative to a private sector competitor.

''(3) DELEGATION OF WAIVER AUTHORITY.—A covered postal entity may not delegate the authority to approve a waiver under paragraph (1) to any employee having less authority than the senior procurement executive.

''§ 705. Review of ethical issues

''If a contracting officer identifies any ethical issues relating to a proposed contract and submits those issues and that proposed contract to the designated ethics official for the covered postal entity before the awarding of that contract, that ethics official shall—

''(1) review the proposed contract; and

''(2) advise the contracting officer on the appropriate resolution of ethical issues.

''§ 706. Ethical restrictions on participation in certain contracting activity

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered employee' means—

''(A) a contracting officer; or

''(B) any employee of a covered postal entity whose decisionmaking affects a postal contract as determined by regulations prescribed by the head of a covered postal entity;

''(2) the term 'covered relationship' means a covered relationship described in section 2635.502(b)(1) of title 5, Code of Federal Regulations, or any successor thereto; and

''(3) the term 'final conviction' means a conviction, whether entered on a verdict or plea, including a plea of nolo contendere, for which a sentence has been imposed.

''(b) IN GENERAL.—

''(1) REGULATIONS.—The head of each covered postal entity shall prescribe regulations that—

''(A) require a covered employee to include in the file of any noncompetitive purchase request for a noncompetitive postal contract a written certification that—

''(i) discloses any covered relationship of the covered employee; and

''(ii) the covered employee will not take any action with respect to the noncompetitive purchase request that affects the financial interests of a friend, relative, or person with whom the covered employee is affiliated in a nongovernmental capacity, or otherwise gives rise to an appearance of the use of public office for private gain, as described in section 2635.702 of title 5, Code of Federal Regulations, or any successor thereto;

''(B) require a contracting officer to consult with the ethics counsel for the covered postal entity regarding any disclosure made by a covered employee under subparagraph (A)(i), to determine whether participation by the covered employee in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the 'Standards of Ethical Conduct for Employees of the Executive Branch');

''(C) require the ethics counsel for a covered postal entity to review any disclosure made by a contracting officer under subparagraph (A)(i) to determine whether participation by the contracting officer in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the 'Standards of Ethical Conduct for Employees of the Executive Branch'), or any successor thereto;

''(D) under subsections (d) and (e) of section 2635.50 of title 5, Code of Federal Regulations, or any successor thereto, require the ethics counsel for a covered postal entity to—

''(i) authorize a covered employee that makes a disclosure under subparagraph (A)(i) to participate in the noncompetitive postal contract; or

''(ii) disqualify a covered employee that makes a disclosure under subparagraph (A)(i) from participating in the noncompetitive postal contract;

''(E) require a contractor to timely disclose to the contracting officer in a bid, solicitation, award, or performance of a postal contract any conflict of interest with a covered employee; and

''(F) include authority for the head of the covered postal entity to a grant a waiver or otherwise mitigate any organizational or personal conflict of interest, if the head of the covered postal entity determines that the waiver or mitigation is in the best interests of the Postal Service.

''(2) POSTING OF WAIVERS.—Not later than 30 days after the head of a covered postal entity grants a waiver described in paragraph (1)(F), the head of the covered postal entity shall make the waiver publicly available on the website of the covered postal entity.

''(c) CONTRACT VOIDANCE AND RECOVERY.—

''(1) UNLAWFUL CONDUCT.—In any case in which there is a final conviction for a violation of any provision of chapter 11 of title 18 relating to a postal contract, the head of a covered postal entity may—

''(A) void that contract; and

''(B) recover the amounts expended and property transferred by the covered postal entity under that contract.

''(2) OBTAINING OR DISCLOSING PROCUREMENT INFORMATION.—

''(A) IN GENERAL.—In any case where a contractor under a postal contract fails to timely disclose a conflict of interest to the appropriate contracting officer as required under the regulations promulgated under subsection (b)(1)(D), the head of a covered postal entity may—

''(i) void that contract; and

''(ii) recover the amounts expended and property transferred by the covered postal entity under that contract.

''(B) CONVICTION OR ADMINISTRATIVE DETERMINATION.—A case described under subparagraph (A) is any case in which—

''(i) there is a final conviction for an offense punishable under section 27(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)); or

''(ii) the head of a covered postal entity determines, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under section 27(e) of that Act.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 39, United States Code, is amended by adding at the end the following:

''7. Contracting Provisions ..... 701''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 309—SUPPORTING THE PRESERVATION OF INTERNET ENTREPRENEURS AND SMALL BUSINESSES

Mr. WYDEN (for himself, Ms. AYOTTE, Mrs. SHAHEEN, Mr. BEGICH, Mr. MERKLEY, and Mr. HELLER) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 309

Whereas the United States enjoys a strong Internet retail market, which, for the past decade, has provided consumers in the United States with the opportunity to purchase quality products and services at competitive prices;

Whereas the free Internet marketplace has enabled a large number of small retailers and entrepreneurs across the Nation to establish and strengthen businesses on various e-commerce platforms and therefore protect and create jobs, increase consumer choice, create competition in the retail industry, and provide quality goods and services at reasonable and often discounted prices;

Whereas any Federal legislation that would upset the free and fair Internet marketplace and allow State governments to impose new, onerous and burdensome sales tax-collecting schemes on out-of-State, Internet-enabled small businesses would adversely impact hundreds of thousands of jobs, reduce consumer choice, and impede the growth and development of interstate commerce; and

Whereas at a time when national unemployment numbers are high and businesses across the country are struggling to keep their doors open, the Federal Government should promote pro-growth and pro-business policies instead of enacting legislation that extracts additional taxes from our Nation's Internet-enabled businesses: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should not enact any legislation that would grant State governments the authority to impose any new burdensome or unfair tax collecting requirements on small Internet businesses and entrepreneurs, which would ultimately hurt the economy of, and consumers in, the United States.

Mr. WYDEN. Mr. President, I am pleased today to be joined by Senators AYOTTE, BEGICH, HELLER, MERKLEY, and SHAHEEN to submit a simple but important bipartisan resolution. Our resolution simply expresses a sense of the Senate that the government should not sack small online businesses with any new tax collecting mandates that would hurt their competitiveness, hurt economic recovery, hurt competition, and harm consumers.

The Internet is transforming the way that commerce is conducted. It is leveling the playing field so that the marketplace—whether for goods and services or for ideas—is less and less dominated by the big and by the powerful. The Internet is democratizing information, speech, and making it easier to exchange ideas as well as goods and services.

The legal regime that the United States currently has in place, which facilitates e-commerce, must be protected. Our Constitution and laws such as the Internet Tax Freedom Act and section 230 of the Communications Decency Act, which I championed and protect e-commerce platforms from litigation and small e-commerce businesses from being crushed by layers and layers of state and local taxes, are the pillars that support America's e-commerce platforms and online entrepreneurs' ability to compete.

Everyone in this body recognizes that small businesses are the engines of our economy. They are responsible for the bulk of innovation and job creation in this country—job creation that is so desperately needed right now. In this difficult economic period, however, many State and local governments are facing budgetary shortfalls. It is a difficult challenge that I am sure all of my colleagues recognize, but State budget gaps should not be filled by imposing new tax collecting mandates on the very types of businesses that we rely on to innovate and create the new jobs of tomorrow. But that is what some people are suggesting that Congress allow. I am opposed to that right now, especially given the economic challenges that we face.

Let me give just one example of why we shouldn't upset the legal regime that is currently working to foster innovation, encourage e-commerce and interstate economic activity and which supports jobs. Without the regime that we have in place, a small online retailer, whether it is someone that is selling new merchandise or used merchandise, would be responsible for collecting sales tax for up to 15,000 different sales tax jurisdictions. That is just not a reasonable thing to expect. That is not a reasonable thing to expect particularly, say, from a stay-at-home parent who sells household goods online to supplement the family's income. Or a college student who buys and sells used merchandise online to help finance the increasingly higher costs of attending college. We don't want to saddle online entrepreneurs like these with new tax collecting responsibilities that will, in effect, put them right out of business.

I look forward to working with my Senate colleagues to build support for this resolution and to ensure that we keep the policies in place that enable small businesses, including online businesses, to have a policy environment that allows them to innovate and create good American jobs.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to S. 1014, a bill to provide for additional Federal district judgeships, dated November 2, 2011.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Monday, November 14, 2011, at 10 a.m., in 7th Floor Courtroom of the Robert C. Byrd Federal Courthouse, 300 Virginia Street, East Charleston, WV 25301.

The purpose of the hearing is to examine Marcellus Shale Gas development and production in West Virginia.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Abigail_Campbell @energy.senate.gov.

For further information, please contact Allyson Anderson at (202) 224– 7143 or Abigail Campbell at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 2, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BEGICH. 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 November 2, 2011, at 9:30 a.m. to conduct a hearing entitled ''Ten Years After 9/11: The Next Wave in Aviation Security.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 2, 2011, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 2, 2011, at 9:30 a.m., to hold a European Affairs subcommittee hearing entitled, ''The European Debt Crisis: Strategic Implications for the Transatlantic Alliance.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND ORGANIZATIONS, HUMAN RIGHTS, DEMOCRACY, AND GLOBAL WOMEN'S ISSUES

and

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 2, 2011, at 2:30 p.m., to hold a joint hearing of the Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues, and the Subcommittee on Near Eastern and South and Central Asian Affairs entitled, ''Women and the Arab Spring.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BEGICH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on November 2, 2011, at 2:00 p.m. in room G–50 of the Dirksen Senate office building to conduct a hearing entitled ''Ensuring Quality and Oversight in Assisted Living.''.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that floor privileges be extended for the balance of the day to my intern, India Wade.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Julia Feinberg and Adam Newman of my staff be granted the privilege of the floor for the duration of today's proceedings on the motion to proceed to S. 1769.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Grove:									
Uzbekistan	Som		224.00						224.00
United States	Dollar				6,380.00				6,380.00
Mary Katherine Fitzpatrick:									
Russia	Ruble		1,534.00						1,534.00
Georgia	Lari		645.70						645.70
Ukraine	Hryvnia		581.53						581.53
United States	Dollar				12,641.20				12,641.20
Erik Fatemi:									
Cambodia	Riel		991.55						991.55
India	Rupee		2,422.00						2,422.00
United States	Dollar				10,690.00				10,690.00
Adrienne Hallett:									
Cambodia	Riel		814.55						814.55
India	Rupee		2,422.00						2,422.00
United States	Dollar				10,690.00				10,690.00
Laura Friedel:									
Cambodia	Riel		901.55						901.55
India	Rupee		2,162.00						2,162.00
United States	Dollar				10,690.50				10,690.50
Sara Love Swaney:									
Cambodia	Riel		891.55						891.55
India	Rupee		2,102.00						2,102.00
United States	Dollar				10,690.50				10,690.50
Janet Stormes:									
Japan	Yen		10.00		39.00				49.00
South Korea	Won		492.00		62.00				554.00
China	Yuan Renminbi		858.00						858.00
Taiwan	Dollar		295.50						295.00
Philippines	Peso		570.00						570.00
United States	Dollar				6,681.00		35.00		6,716.00
Senator Barbara Mikulski:									
France	Euro		2,513.89		405.43				2,919.32
United States	Dollar				11,722.00				11,722.00
Gabrielle Batkin:									
France	Euro		2,513.89		405.43				2,919.32
United States	Dollar				11,722.00				11,722.00
Julia Frifield:									
France	Euro		1,524.91		89.90				1,614.81
United States	Dollar				11,722.00				11,722.00
Paul Grove:									
Egypt	Pound		92.00						92.00
Israel	Shekel		438.00						438.00
Malta	Euro		226.00						226.00
United States	Dollar				4,354.65				4,354.65
Senator Mark Kirk:									
Malta	Euro		146.01						146.01
Total			25,372.63		108,985.61		35.00		134,393.24

DANIEL INOUYE,
Chairman, Committee on Appropriations, Oct. 11, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lindsey Graham:									
United States	Dollar				9,300.40				9,300.40
Afghanistan	Dollar		68.00						68.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sergio Sarkany:									
United States	Dollar				9,300.40				9,300.40
Afghanistan	Dollar		76.17						76.17
Senator John McCain:									
United States	Dollar				9,300.40				9,300.40
Afghanistan	Dollar		68.00						68.00
Senator Mark Begich:									
Croatia	Dollar		124.00						124.00
David Ramseur:									
Croatia	Dollar		854.00						854.00
Senator Joseph I. Lieberman:									
United States	Dollar				9,300.00				9,300.00
Turkey	Lira		4.80						4.80
Afghanistan	Dollar		87.00						87.00
Vance F. Serchuk:									
United States	Dollar				9,300.00				9,300.00
Afghanistan	Dollar		156.00						156.00
Turkey	Lira		200.00						200.00
Michael J. Kuiken:									
United States	Dollar				13,578.00				13,578.00
Algeria	Dinar		201.00						201.00
Italy	Euro		99.00						99.00
Tunisia	Dinar		343.00						343.00
Mauritania	Ouguiya		213.00						213.00
Michael J. Noblet:									
United States	Dollar				13,653.00				13,653.00
Algeria	Dinar		196.00						196.00
Italy	Euro		91.00						91.00
Tunisia	Dinal		363.00						363.00
Maruitania	Ouguiya		264.00						264.00
Margaret Goodlander:									
United States	Dollar				9,410.00				9,410.00
Turkey	Lira		200.00				14.00		214.00
Afghanistan	Dollar		156.00				69.00		225.00
Daniel A. Lerner:									
United States	Dollar				12,641.20				12,641.20
Russia	Ruble		1,099.00						1,099.00
Georgia	Lari		575.70						575.70
Ukraine	Hryvnia		383.53						383.53
Chad Kreikemeier:									
United States	Dollar				11,674.00				11,674.00
Afghanistan	Dollar		13.00						13.00
Pakistan	Dollar		25.65						25.65
Senator Jeanne Shaheen:									
United States	Dollar				11,674.00				11,674.00
Pakistan	Dollar		15.65						15.65
Senator John McCain:									
United States	Dollar				6,981.00				6,981.00
United Arab Emirates	Dollar		102.69						102.69
Pakistan	Dollar		146.72						146.72
India	Dollar		159.37						159.37
Senator Lindsey Graham:									
United States	Dollar				11,607.55				11,607.55
United Arab Emirates	Dollar		790.00						790.00
Christian D. Brose:									
United States	Dollar				9,300.40				9,300.40
Turkey	Dollar		167.00						167.00
Afghanistan	Dollar		78.00						78.00
United States	Dollar				10,198.98				10,198.98
United Arab Emirates	Dollar		167.00						167.00
Pakistan	Dollar		131.00						131.00
India	Dollar		506.00						506.00
William K. Sutey:									
United States	Dollar				10,210.46				10,210.46
Germany	Euro		923.42						923.42
Italy	Euro		485.56						485.56
William G.P. Monahan:									
United States	Dollar				11,841.90				11,841.90
Afghanistan	Dollar		10.00						10.00
Pakistan	Dollar		236.65						236.65
Senator Richard Blumenthal:									
United States	Dollar				11,416.05				11,416.05
Pakistan	Dollar		745.18				25.06		770.24
Ethan Saxon:									
United States	Dollar				11,176.05				11,176.05
Pakistan	Dollar		745.18				36.79		781.97
Senator Lindsey Graham:									
Malta	Dollar		210.14						210.14
Richard D. DeBobes:									
United States	Dollar				11,841.90				11,841.90
Pakistan	Dollar		236.65						236.65
Senator Carl Levin:									
United States	Dollar				10,367.90				10,367.90
Pakistan	Dollar		236.65						236.65
Christian D. Brose:									
Malta	Dollar		266.00						266.00
Senator John McCain:									
Malta	Dollar		254.64						254.64
Total			12,474.35		224,073.59		144.85		236,692.79

CARL LEVIN,
Chairman, Committee on Armed Services, Oct. 4, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Michael F. Bennet:									
Pakistan	Rupee		711.32						711.32

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				12,279.30				12,279.30
Mr. Layth Elhassani:									
Pakistan	Rupee		714.42						714.42
United States	Dollar				13,108.30				13,108.30
Total			1,425.74		25,387.60				26,813.34

TIM JOHNSON,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Oct. 26, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Merkley:									
United States	Dollar				11,841.90				11,841.90
Afghanistan	Dollar		10.00						10.00
Pakistan	Dollar		236.45						236.45
Michael Zamore:									
United States	Dollar				11,841.90				11,841.90
Afghanistan	Dollar		10.00						10.00
Pakistan	Dollar		236.45						236.45
Total			492.90		23,683.80				24,176.70

KENT CONRAD,
Chairman, Committee on the Budget, Oct. 12, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert King:									
United States	Dollar				1,789.50				1,789.50
United Kingdom	Pound		1,590.00						1,590.00
Total			1,590.00		1,789.50				3,379.50

JOHN D. ROCKEFELLER, III,
Chairman, Committee on Commerce, Science, and Transportation,
Oct. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JULY 1 to SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rory Murphy:									
Canada	Dollar		989.75						989.75
United States	Dollar				1,424.72				1,424.72
Tony Clapsis:									
Canada	Dollar		884.06						884.06
United States	Dollar				2,765.62				2,765.62
Brianne Dugan:									
Canada	Dollar		865.33						865.33
United States	Dollar				1,043.35				1,043.35
Total			2,739.14		5,233.69				7,972.83

MAX BAUCUS,
Chairman, Committee on Finance, Oct. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED 1ST QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Brazil	Real		1,298.08						1,298.08
Amber Cottle:									
Brazil	Real		1,298.08						1,298.08
Chelsea Thomas:									
Brazil	Real		1,298.08						1,298.08
Gabriel Adler:									
Brazil	Real		1,298.08						1,298.08
Scott Mulhauser:									
Brazil	Real		1,298.08						1,298.08

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED 1ST QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Smart:									
Brazil	Real		1,298.08						1,298.08
John Lewis:									
Brazil	Real		1,298.08						1,298.08
Kate Downen:									
Brazil	Real		645.44						645.44
Delegation Expenses:									
Brazil	Real						973.57		973.57
Total			9,732.00				973.57		10,705.57

MAX BAUCUS,
Chairman, Committee on Finance, Aug. 5, 2011.

* Delegation expenses include hotel expenses for security.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert Casey:									
Pakistan	Rupee		712.14						712.14
Afghanistan	Dollar		23.08						23.08
United States	Dollar				11,885.40				11,885.40
Senator John Kerry:									
United Arab Emirates	Dirham		1,169.51						1,169.51
United States	Dollar				11,708.50				11,708.50
Senator John Kerry:									
United Kingdom	Dollar		1,775.13						1,775.13
United States	Dollar				11,600.59				11,600.59
Senator Marco Rubio:									
Malta	Euro		778.64						778.64
Senator Jim Webb:									
Thailand	Baht		698.89						698.89
Singapore	Dollar		395.00						395.00
Indonesia	Rupiah		600.00						600.00
Vietnam	Dong		1,307.57						1,307.57
United States	Dollar				16,330.70				16,330.70
Fulton Armstrong:									
Nicaragua	Cordoba		789.00						789.00
United States	Dollar				539.10				539.10
Jonah Blank:									
India	Rupee		980.00						980.00
Sri Lanka	Rupee		978.00						978.00
United States	Dollar				7,892.20				7,892.20
David Bonine:									
Thailand	Baht		640.38						640.38
Singapore	Dollar		370.00						370.00
Indonesia	Rupiah		544.98						544.98
Vietnam	Dong		1,227.57						1,227.57
United States	Dollar				16,330.70				16,330.70
Steven Feldstein:									
Ethiopia	Birr		1,589.08						1,589.08
Rwanda	Franc		397.08						397.08
United States	Dollar				8,518.72				8,518.72
Paul Foldi:									
Guatemala	Quetzal		400.82						400.82
United States	Dollar				907.60				907.60
Douglas Frantz:									
United Arab Emirates	Dirham		464.74						464.74
United States	Dollar				11,708.50				11,708.50
Chad Kreikemeier:									
India	Rupee		515.00						515.00
United States	Dollar				9,064.80				9,064.80
Frank Lowenstein:									
United Arab Emirates	Dirham		445.74						445.74
United States	Dollar				11,708.50				11,708.50
Emily Mendrala:									
Guatemala	Quetzal		507.82						507.82
United States	Dollar				907.60				907.60
Damian Murphy:									
Pakistan	Rupee		721.07						721.07
Afghanistan	Dollar		23.00						23.00
United States	Dollar				12,279.30				12,279.30
John Schwenk:									
Serbia	Dinar		1,194.00						1,194.00
United States	Dollar				4,938.60				4,938.60
Shannon Smith:									
Cote d'Ivoire	CFA		264.00						264.00
United States	Dollar				6,440.00				6,440.00
Shannon Smith:									
Ethiopia	Birr		618.00						618.00
United States	Dollar				5,672.00				5,672.00
Halie Soifer:									
Kenya	Shilling		870.00						870.00
Ethiopia	Birr		400.00						400.00
United States	Dollar				9,816.92				9,816.92
Mark String:									
Ukraine	Hrivna		1,275.97						1,275.97
Moldova	Lei		751.79						751.79
United States	Dollar				9,911.20				9,911.20
Atman Trivedi:									
Thailand	Baht		208.00						208.00
Burma	Rupee		1,889.14						1,889.14
China	Renminbi		1,180.18						1,180.18
United States	Dollar				5,298.20				5,298.20
Debbie Yamada:									
Serbia	Dinar		1,205.54						1,205.54

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			27,910.86		173,459.13				201,369.99

JOHN KERRY,
Chairman, Committee on Foreign Relations, Oct. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jeffrey Greene:									
United States	Dollar				741.18				741.18
Canada	Dollar		333.00						333.00
Vance Serchuk:									
United States	Dollar				4,530.98				4,530.98
United Arab Emirates	Dirham		457.25						457.25
Pakistan	Rupee		305.00						305.00
India	Rupee		1,553.92						1,553.92
Jeffrey Greene:									
United States	Dollar				3,582.90				3,582.90
Estonia	Kroon		706.08						706.08
Georgia	Lari		894.00						894.00
Matthew Grote:									
United States	Dollar				3,582.90				3,582.90
Estonia	Kroon		706.08						706.08
Georgia	Lari		894.00						894.00
Delegation Expenses:									
Georgia	Lari						556.54		556.54
Total			5,849.33		12,437.96		556.54		18,843.83

JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
Oct. 14, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sheldon Whitehouse:									
United States	Dollar				12,026.30				12,026.30
Pakistan	Rupee		965.14						965.14
Afghanistan	Afghani		91.08						91.08
Lacy Dwyer:									
United States	Dollar				12,026.30				12,026.30
Pakistan	Rupee		965.14						965.14
Afghanistan	Afghani		91.08						91.08
Delegation Expenses:									
Pakistan	Rupee						1,215.60		1,215.60
Marian Grove:									
United States	Dollar				907.60				907.60
Guatemala	Quetzal		539.35						539.35
Delegation Expenses:									
Guatemala	Quetzal						1,132.20		1,132.20
Total			2,651.79		24,960.20		2,347.80		29,959.79

PATRICK LEAHY,
Chairman, Committee on the Judiciary, Oct. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mary L. Landrieu:									
Guatemala	Quetzal		1,163.20						1,163.20
United States	Dollar				2,109.60				2,109.60
Alston Walker:									
United States	Dollar				907.60				907.60
Guatemala	Quetzal		1,163.20						1,163.20
Delegation Expenses									
Guatemala	Quetzal						2,264.40		2,264.40
Total			2,326.40		3,017.20		2,264.40		7,608.00

MARY LANDRIEU,
Chairman, Committee on Small Business and Entrepreneurship,
Oct. 17, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jacqueline Russell:			2,350.90						2,350.90
	Dollar				11,869.90				11,869.90
Kathleen Rice:			2,420.90						2,420.90
	Dollar				11,869.90				11,869.90
James Smythers:			2,010.14						2,010.14
	Dollar				11,869.90				11,869.90
Andrew Kerr:			6,299.00						6,299.00
	Dollar				12,012.50				12,012.50
Ryan Tully:			6,256.00						6,256.00
	Dollar				12,021.50				12,021.50
Christian Cook:			1,592.00						1,592.00
	Dollar				9,695.00				9,695.00
Paul Matulic:			472.00						472.00
	Dollar				9,957.10				9,957.10
Martha Scott Poindexter:			472.00						472.00
	Dollar				9,957.10				9,957.10
Randall Bookout:			660.00						660.00
	Dollar				9,957.10				9,957.10
Hayden Milberg:			472.00						472.00
	Dollar				9,957.10				9,957.10
Richard Girven:			3,857.98						3,857.98
	Dollar				14,116.66				14,116.66
Andrew Kerr:			3,598.98						3,598.98
	Dollar				13,972.96				13,972.96
Jeffrey Howard:			2,960.98						2,960.98
	Dollar				14,116.66				14,116.66
Andrew Grotto:			4,170.98						4,170.98
	Dollar				14,116.66				14,116.66
Senator Ron Wyden:			4,637.00						4,637.00
	Dollar				10,014.80				10,014.80
John Dickas:			4,455.00						4,455.00
	Dollar				10,014.80				10,014.80
Total			46,685.86		185,519.64				232,205.50

DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, Oct. 25, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Fred Turner:									
Denmark	Krone		1,308.00						1,308.00
United States	Dollar				3,031.80				3,031.80
Alex Johnson:									
Austria	Euro		6,170.99						6,170.99
Total			7,478.99		3,031.80				10,510.79

BENJAMIN CARDIN,
Co-Chairman, Commission on Security and Cooperation in Europe,
July 27, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Benjamin L. Cardin:									
Serbia	Dinar		1,182.21						1,182.21
Senator Jeanne Shaheen:									
Serbia	Dinar		1,123.00						1,123.00
Fred Turner:									
Serbia	Dinar		1,307.00						1,307.00
Austria	Euro		756.00						756.00
United States	Dollar				2,898.40				2,989.40
India	Rupee		2,215.20						2,215.20
United States	Dollar				8,382.50				8,382.50
Total			6,583.41		11,280.90				17,864.31

BENJAMIN CARDIN,
Chairman, Commission on Security and Cooperation in Europe,
Oct. 17, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas Hawkins:									
United States	Dollar				11,864.60				11,864.60
Jordan	Dinar		360.00				55.20		415.20

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			360.00		11,864.60		55.20		12,279.80

MITCH McCONNELL,
Republican Leader, Oct. 11, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rene Hanna:									
United States	Dollar				1,098.70				1,098.70
Honduras	Lempira		253.00						253.00
Guatemala	Quetzal		578.00						578.00
Eric Jacobstein:									
United States	Dollar				1,098.70				1,098.70
Honduras	Lempira		201.00						201.00
Guatemala	Quetzal		532.00						532.00
Total			1,564.00		2,197.40				3,761.40

DIANNE FEINSTEIN,
Chairman, Senate Caucus on International Narcotics Control,
Oct. 18, 2011.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 353, 356; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote, without intervening action or debate, on the nominations in the order listed, with 2 minutes for debate equally divided in the usual form between the votes; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following items en bloc: Calendar No. 130, S. 271; Calendar No. 131, S. 278; Calendar No. 139, S. 535; Calendar No. 140, S. 683; Calendar No. 141, S. 684; Calendar No. 142, S. 808; Calendar No. 143, S. 897; and Calendar No. 145, S. 997.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that any committee-reported amendments relative to these bills be agreed to en bloc, where applicable; that the bills be read a third time and passed, as amended, if amended, en bloc; that the motions to reconsider be laid upon the table for each of these measures, with no intervening action or debate, and any statements relating to the measures be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

WALLOWA FOREST SERVICE COMPOUND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 271) to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 271

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 ''Wallowa Forest Service Compound Conveyance Act''.

SEC. 2. CONVEYANCE TO CITY OF WALLOWA, OREGON.

(a) DEFINITIONS.—In this Act:

(1) CITY.—The term ''City'' means the city of Wallowa, Oregon.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) WALLOWA FOREST SERVICE COMPOUND.—The term ''Wallowa Forest Service Compound'' means the approximately 1.11 acres of National Forest System land that—

(A) was donated by the City to the Forest Service on March 18, 1936; and

(B) is located at 602 First Street, Wallowa, Oregon.

(b) CONVEYANCE.—On the request of the City submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act and subject to the provisions of this Act, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Wallowa Forest Service Compound.

(c) CONDITIONS.—The conveyance under subsection (b) shall be—

(1) by quitclaim deed;

(2) for no consideration; and

(3) subject to—

(A) valid existing rights; and

(B) such terms and conditions as the Secretary may require.

(d) USE OF WALLOWA FOREST SERVICE COMPOUND.—As a condition of the conveyance under subsection (b), the City shall—

(1) use the Wallowa Forest Service Compound as a historical and cultural interpretation and education center;

(2) ensure that the Wallowa Forest Service Compound is managed by a nonprofit entity; **[**and**]**

(3) agree to manage the Wallowa Forest Service Compound with due consideration and protection for the historic values of the Wallowa Forest Service **[**Compound**]**. *Compound; and*

(4) pay the reasonable administrative costs associated with the conveyance.

(e) REVERSION.—In the quitclaim deed to the City, the Secretary shall provide that the Wallowa Forest Service Compound shall revert to the Secretary, at the election of the Secretary, if any of the conditions under subsection (c) or (d) are violated.

The committee-reported amendments were agreed to.

The bill (S. 271), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT OF 2011

The bill (S. 278) to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other

purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 278

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 ''Sugar Loaf Fire Protection District Land Exchange Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term ''District'' means the Sugar Loaf Fire Protection District of Boulder, Colorado.

(2) FEDERAL LAND.—The term ''Federal land'' means—

(A) the parcel of approximately 1.52 acres of land in the National Forest that is generally depicted on the map numbered 1, entitled ''Sugarloaf Fire Protection District Proposed Land Exchange'', and dated November 12, 2009; and

(B) the parcel of approximately 3.56 acres of land in the National Forest that is generally depicted on the map numbered 2, entitled ''Sugarloaf Fire Protection District Proposed Land Exchange'', and dated November 12, 2009.

(3) NATIONAL FOREST.—The term ''National Forest'' means the Arapaho-Roosevelt National Forests located in the State of Colorado.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of approximately 5.17 acres of non-Federal land in unincorporated Boulder County, Colorado, that is generally depicted on the map numbered 3, entitled ''Sugarloaf Fire Protection District Proposed Land Exchange'', and dated November 12, 2009.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—Subject to the provisions of this Act, if the District offers to convey to the Secretary all right, title, and interest of the District in and to the non-Federal land, and the offer is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the District all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (a), except that—

(1) the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; and

(2) as a condition of the land exchange under subsection (a), the District shall—

(A) pay each cost relating to any land surveys and appraisals of the Federal land and non-Federal land; and

(B) enter into an agreement with the Secretary that allocates any other administrative costs between the Secretary and the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to—

(1) valid existing rights; and

(2) any terms and conditions that the Secretary may require.

(d) TIME FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.

(e) AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.—

(1) IN GENERAL.—In accordance with paragraph (2), if the land exchange under subsection (a) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary may offer to sell to the District the Federal land.

(2) VALUE OF FEDERAL LAND.—The Secretary may offer to sell to the District the Federal land for the fair market value of the Federal land.

(f) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a) any amount received by the Secretary as the result of—

(A) any cash equalization payment made under subsection (b); and

(B) any sale carried out under subsection (e).

(2) USE OF PROCEEDS.—Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land in the National Forest.

(g) MANAGEMENT AND STATUS OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under this section shall be—

(1) added to, and administered as part of, the National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest.

(h) REVOCATION OF ORDERS; WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public order withdrawing the Federal land from entry, appropriation, or disposal under the public land laws is revoked to the extent necessary to permit the conveyance of the Federal land to the District.

(2) WITHDRAWAL.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn until the date of the conveyance of the Federal land to the District.

FORT PULASKI NATIONAL MONUMENT LEASE AUTHORIZATION ACT

The bill (S. 535) to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 535

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 ''Fort Pulaski National Monument Lease Authorization Act''.

SEC. 2. LEASE AUTHORIZATION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may lease to the Savannah Bar Pilots Association, or a successor organization, no more than 30,000 square feet of land and improvements within Fort Pulaski National Monument (referred to in this section as the ''Monument'') at the location on Cockspur Island that has been used continuously by the Savannah Bar Pilots Association since 1940.

(b) RENTAL FEE AND PROCEEDS.—

(1) RENTAL FEE.—For the lease authorized by this Act, the Secretary shall require a rental fee based on fair market value adjusted, as the Secretary deems appropriate, for amounts to be expended by the lessee for property preservation, maintenance, or repair and related expenses.

(2) PROCEEDS.—Disposition of the proceeds from the rental fee required pursuant to paragraph (1) shall be made in accordance with section 3(k)(5) of Public Law 91–383 (16 U.S.C. 1a–2(k)(5)).

(c) TERMS AND CONDITIONS.—A lease entered into under this section—

(1) shall be for a term of no more than 10 years and, at the Secretary's discretion, for successive terms of no more than 10 years at a time; and

(2) shall include any terms and conditions the Secretary determines to be necessary to protect the resources of the Monument and the public interest.

(d) EXEMPTION FROM APPLICABLE LAW.—Except as provided in section 2(b)(2) of this Act, the lease authorized by this Act shall not be subject to section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) or section 321 of Act of June 30, 1932 (40 U.S.C. 1302).

BOX ELDER UTAH LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 683) to provide for the conveyance of certain parcels of land to the town of Mantua, Utah, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 683

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 ''Box Elder Utah Land Conveyance Act''.

SEC. 2. CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Box Elder Utah Land Conveyance Act'' and dated **[**July 14, 2008**]** *June 23, 2011*.

[(2) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the parcels of National Forest System land that—

[(A) are located in—

[(i) sec. 27, T. 9 N., R. 1 W., Salt Lake meridian; and

[(ii) the Wasatch-Cache National Forest in Box Elder County, Utah;

[(B) consist of approximately 31.5 acres; and

[(C) are depicted on the map as parcels A, B, and C.**]**

(2) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the approximately 31.5 acres of National Forest System land in Box Elder County, Utah, that is generally depicted on the map as parcels A, B, and C.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) TOWN.—The term ''Town'' means the town of Mantua, Utah.

(b) CONVEYANCE.—**[**As soon as practicable after the**]** *On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the* date of enactment of this Act, the Secretary shall convey to the Town, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to the National Forest System land.

(c) SURVEY; *COSTS*.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) **[**Cost.—The Town shall pay each cost arising from a survey described in paragraph (1).**]**

(2) COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the quitclaim deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary, if the National Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

The committee-reported amendments were agreed to.

The bill (S. 683), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 683

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 ''Box Elder Utah Land Conveyance Act''.

SEC. 2. CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Box Elder Utah Land Conveyance Act'' and dated June 23, 2011.

(2) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the approximately 31.5 acres of National Forest System land in Box Elder County, Utah, that is generally depicted on the map as parcels A, B, and C.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) TOWN.—The term ''Town'' means the town of Mantua, Utah.

(b) CONVEYANCE.—On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the Town, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to the National Forest System land.

(c) SURVEY; COSTS.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the quitclaim deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary, if the National Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

ALTA, UTAH, CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 684) to provide for the conveyance of certain parcels of land to the town of Alta, Utah, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 684

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

SECTION 1. CONVEYANCE.

(a) DEFINITIONS.—In this Act:

(1) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the parcels of National Forest System land that—

(A) are located—

(i) in sec. 5, T. 3 S., R. 3 E., Salt Lake meridian;

(ii) in, and adjacent to, parcels of land subject to special use permit SLC102708, the authority of which expires on December 30, 2026;

(iii) in the Wasatch-Cache National Forest in Salt Lake County, Utah; and

(iv) in the incorporated boundary of the town of Alta, Utah; and

(B) consist of approximately 2 acres (including appurtenances).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) TOWN.—The term ''Town'' means the town of Alta, Utah.

(b) CONVEYANCE.—**[**As soon as practicable after the**]** *On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the* date of enactment of this Act, the Secretary shall convey to the Town, without consideration, all right, title, and interest of the United States in and to the National Forest System land.

(c) SURVEY COSTS.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) MAXIMUM AREA.—The acreage of the National Forest System land determined under paragraph (1) may not exceed 2 acres.

[(3) COST.—The Town shall pay each cost arising from a survey described in paragraph (1).**]**

(3) *Costs.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.*

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary based on the best interests of the United States, if the National Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

The committee-reported amendments were agreed to.

The bill (S. 684), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

UNITED STATES AND THE UINTAH WATER CONSERVANCY DISTRICT PAYMENT ACT

The bill (S. 808) to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 808

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

SECTION 1. PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND THE UINTAH WATER CONSERVANCY DISTRICT.

The Secretary of the Interior shall allow for prepayment of the repayment contract no. 6–05–01–00143 between the United States and the Uintah Water Conservancy District dated June 3, 1976, and supplemented and amended on November 1, 1985, and on December 30, 1992, providing for repayment of municipal and industrial water delivery facilities for which repayment is provided pursuant to such contract, under terms and conditions similar to those used in implementing section 210 of the Central Utah Project Completion Act (Public Law 102–575), as amended. The prepayment—

(1) shall result in the United States recovering the net present value of all repayment streams that would have been payable to the United States if this Act was not in effect;

(2) may be provided in several installments to reflect substantial completion of the delivery facilities being prepaid, and any increase in the repayment obligation resulting from delivery of water in addition to the water being delivered under this contract as of the date of enactment of this Act;

(3) shall be adjusted to conform to a final cost allocation including costs incurred by the Bureau of Reclamation, but unallocated as of the date of the enactment of this Act that are allocable to the water delivered under this contract;

(4) may not be adjusted on the basis of the type of prepayment financing used by the District; and

(5) shall be made such that total repayment is made not later than September 30, 2022.

SURFACE MINING CONTROL AND RECLAMATION AMENDMENT ACT

The bill (S. 897) to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects and acid mine remediation programs, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 897

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

SECTION 1. ABANDONED MINE RECLAMATION.

(a) RECLAMATION FEE.—Section 402(g)(6)(A) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(6)(A)) is amended by inserting ''and section 411(h)(1)'' after ''paragraphs (1) and (5)''.

(b) FILLING VOIDS AND SEALING TUNNELS.—Section 409(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1239(b)) is amended by inserting ''and section 411(h)(1)'' after ''section 402(g)''.

(c) USE OF FUNDS.—Section 411(h)(1)(D)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)(1)(D)(ii)) is amended by striking ''section 403'' and inserting ''section 402(g)(6), 403, or 409''.

EAST BENCH IRRIGATION DISTRICT WATER CONTRACT EXTENSION ACT

The bill (S. 997) to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 997

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 ''East Bench Irrigation District Water Contract Extension Act''.

SEC. 2. AUTHORITY TO EXTEND WATER CONTRACT.

The Secretary of the Interior may extend the contract for water services between the United States and the East Bench Irrigation District, numbered 14–06–600–3593, until the earlier of—

(1) the date that is 4 years after the date on which the contract would have expired if this Act had not been enacted; or

(2) the date on which a new long-term contract is executed by the parties to the contract.

MEASURE PLACED ON THE CALENDAR—S. 1786

Mr. REID. Mr. President, I ask unanimous consent that S. 1786 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, NOVEMBER 3, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Thursday, November 3, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 1769, the Rebuild America Jobs Act, with the time until 3 p.m. equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be up to two rollcall votes at approximately 3 p.m. tomorrow. The first vote will be on the Reid motion to proceed, and if that is unsuccessful, then there will be a vote on the McConnell motion to proceed. Also, as indicated a few minutes ago, we are going to have two votes on judicial nominations tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. 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 6:52 p.m., adjourned until Thursday, November 3, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

ANDREW DAVID HURWITZ, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE MARY M. SCHROEDER, RETIRING.

KRISTINE GERHARD BAKER, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS, VICE JAMES M. MOODY, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. HESTERMAN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. HYTEN

EXTENSIONS OF REMARKS

REAFFIRMING "IN GOD WE TRUST" AS THE OFFICIAL MOTTO OF THE UNITED STATES

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 2011

Mr. HOLT. Mr. Speaker, I am troubled and disappointed that this duplicative and needless resolution reaffirming "In God We Trust" as the official motto of the United States is being considered today. It is a solution in search of a problem and it comes at the cost of addressing the jobs crisis in our country. With 25 million people out of work, job creation must be our top priority and we should be working every day to help get Americans back to work.

Does anyone seriously believe that "In God We Trust" has come under attack? It is my experience that the American people do not need to be told to respect the symbols of our nation and our national motto. They already do.

Some have raised questions about whether the national motto violates the First Amendment protections against the establishment of religion. Supreme Court Justice Brennan answered those concerns when he said, "The truth is that we have simply interwoven the motto so deeply into the fabric of our civil polity that its present use may well not present that type of involvement which the First Amendment prohibits."

Finally, one of my constituents wrote to remind me prior to 1956 "E pluribus unum" or "Out of many, one" was the de facto motto of the United States. I can't help but wonder whether it wouldn't be a better motto again today. As we face great challenges, we should always remember that we are all in this together.

PAYING TRIBUTE TO DOMESTIC VIOLENCE AWARENESS MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. RANGEL. Mr. Speaker, as October comes to a close, I rise today to celebrate what was Domestic Violence Awareness Month as well as bring attention to the one of many serious issues mainly women and children in our society are struggling with domestic violence. In the United States, every nine seconds a woman is assaulted or beaten by stalkers or her partner. And believe it or not, domestic violence is the leading cause of injury for women in America. According to a study, victims of domestic violence are more than rapes, muggings and car accidents combined. It really is difficult to see that even in this great Nation of ours such unfortunate events can take place. We, as a nation, must take collective action to make the case that violence is not the solution and it never is acceptable.

Each year, ten million children in this country have witnessed various forms of violence within the household. This, itself, I believe, is unfortunate. The result of these acts has weakened women's voice and positioned children in a situation where they have to grow up without parents.

There is no doubt that domestic violence creates viral impacts for our society. Each year, the Federal government injects hundreds of million of dollars fighting against the cause by creating support programs. In a smaller scale, many have suffered physically and emotionally. In addition, victims would be forced out of work due to injuries; this further positions them in a more economical disadvantage. Women in this country and around the world deserve more respect. They are the important element in our society. In fact, they are the mothers of our Nation's future. This epidemic must be stopped.

Many of us know that violence against women has existed for a very long time in our history. When the settlers set foot in America, they adopted an old English common law, which authorized a husband to use force upon his wife, for correction purposes. Not until 1871, that we began to see women's liberation movements, which ultimately abrogated men's legal right from committing violence on his spouse, at least in Alabama. It became a nationwide concern in 1970 when the issue was put under magnifying lens, while grassroots movements began to grow. Prior to the movement in 1970s, domestic violence was not considered a public issue, since violence mainly took place in one's private property. At the time, the government had taken measures to ensure victim's access to care and support. Though not until a decade later that legislations were proposed as an attempt to take on the issue. In 1994, two legislations were enacted as an effort to respond to this ongoing problem, the Family Violence Prevention and Service Act and the Violence Against Women Act. In 2006, the Congress reauthorized VAWA 2005 and Department of Justice Reauthorization Act 2005. These legislations have created new programs to assist and ensure the safety, well-being of survivors and victims. I am also pleased to see that the President has been showing strong support for this campaign. For FY2011, President Obama requests $649 million dollars for violence against women programs. As of last year, there are 1,920 shelters to house and assist victims, nation-wide. Our Nation has come a long way on this issue and we still have many more unmet challenges to face. Brighter days are ahead of us.

I would like to take this moment to recognize all my colleagues in the House of Representatives, government agencies in the great State of New York, local non-profit organizations such as Greater New York City Chapter of The Links, Dominican Women's Development Center, Safe Horizon 100 Black Women, and many others in my Congressional District who have shown tremendous dedication and enthusiasm to fight domestic violence, whether it is to seek for more protection or to ensure that support programs continued to be funded.

Mr. Speaker, in my very own district a not-for-profit organization, We All Really Matter or W.A.R.M., is leading the community to reach out to battered women who have just been released from the shelters. On the 27th of October, W.A.R.M. will be holding its Second Annual Domestic Violence Panel to present positive faces of women who have been abused. This event will be a great resource for the community to learn more about domestic violence as well as allowing victims the break the silence.

We must continue to do all we can to eradicate violence in every household in America. I strongly urge victims to speak up and reach out to your local community about the issue. Do not allow shame and fear to silence you. The best way to solve a problem is to confront it, not to shy away from it. You are the voice of change in our community. Our commitment is to ensure that there will be no more victims. We all really matter and we all deserve to live in a community where there is no place for violence.

A MAN ON THE GROUND IN SUDAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. WOLF. Mr. Speaker, I submit New York Times columnist Nicholas Kristof's recent piece highlighting the courageous work of Ryan Boyette in the Nuba Mountains of Sudan.

I had the privilege of meeting with Ryan when he was recently in town. At a time when few outside groups or media have access to the region, he has been an eye-witness to some of the atrocities presently occurring in that country.

Ryan has issued a compelling clarion call to action. Will we answer the call?

[From the New York Times, Oct. 22, 2011]

THE MAN WHO STAYED BEHIND

(By Nicholas D. Kristof)

In the last few months, as you and I have been fretting about the economy or moaning about the weather, Ryan Boyette has been living in a mud-wall hut and dodging bombs in his underwear.

Some humanitarian catastrophes—Congo, Somalia, Sudan—linger because the killing unfolds without witnesses. So Ryan, a 30-year-old from Florida, has made the perilous decision to bear witness to atrocities in the Nuba Mountains of Sudan, secretly staying behind when other foreigners were evacuated.

I met Ryan a few years ago in Sudan, and even then he was a compelling figure who spoke the local languages of Otoro and Sudanese Arabic. An evangelical Christian deeply

motivated by his faith, Ryan moved to the Nuba Mountains in 2003 and worked for Samaritan's Purse, an aid group led by the Rev. Franklin Graham.

Early this year, Ryan married a local woman, Jazira, a health worker—and 6,000 joyous Nubans celebrated at the wedding, along with Ryan's parents, who flew in from Florida.

It was clear that war was brewing in the Nuba Mountains. The region had sided with South Sudan in the country's long civil war, but now South Sudan was separating while the Nuba Mountains would remain in the north. The people—mostly Muslim but with a large Christian minority—supported a local rebel army left over from the civil war.

In June, fighting erupted. The Sudanese government moved in to destroy the rebel army and depopulate areas that supported it. Aid organizations pulled out their workers. Ryan decided that he could not flee, so when Samaritan's Purse ordered him to evacuate, he resigned and stayed behind.

''A lot of people tried to convince me to leave,'' Ryan remembers. ''But this is where my wife is from, this is where I've lived for eight years. It's hard to get on a plane and say, 'Bye, I hope to see you when this ends.' ''

Ryan organized a network of 15 people to gather information and take photos and videos, documenting atrocities. He used a solar-powered laptop and a satellite phone to transmit them to the West, typically to the Enough Project, a Washington-based anti-genocide organization. He also supplied eyewitness interviews that helped the Enough Project and the Harvard Humanitarian Initiative find evidence of atrocities, including eight mass graves, on satellite images. And he helped journalists understand what was going on.

''He's irreplaceable,'' said Jonathan Hutson of the Enough Project. ''There's no substitute for someone on the ground.''

Ryan tried to keep his presence in the region a secret, at least from the Sudanese government, for fear that it might seek to eliminate a witness. Once, a bombing seemed to target his hut, but he heard the plane approaching and ran out in his skivvies and took cover; the bombs missed, and he was unhurt.

After the first few weeks, the killings on the ground abated. But the government has continued the bombings.

''It's terrifying when they bomb,'' Ryan told me. ''You don't feel safe at any time of day or night.''

The bombs typically miss and have killed fewer than 200 people, he says, but they prevent people from farming their fields. Several hundred thousand people have been driven from their homes in the surrounding state of South Kordofan, Ryan says, and a famine may be looming.

''It's not a good time to have kids,'' Ryan quoted Jazira as telling him. ''If we have kids, they'll just starve.''

Frustrated by the lack of attention for the Nubans' plight, Ryan decided to return to the United States this month and tell his story. He couldn't get a visa for Jazira in time—obtaining an American visa for a spouse is a long and complex process—so she is in a refugee camp for 15,000 Nubans in South Sudan, struggling to address health needs there. Meanwhile, in Washington, Ryan has testified before Congress and met with White House officials.

Soon, he'll go back, rejoining Jazira and sneaking back with her into the Nuba Mountains. It'll be more dangerous than ever now that he has gone public, but he is determined to give voice to the voiceless—and Nubans will do everything to protect him.

In a world where leaders often pretend not to notice mass atrocities, for fear that they might be called Upon to do something, I find Ryan an inspiration. His eyewitness accounts make it more difficult for the world to neglect a humanitarian crisis in the Nuba Mountains—even if he does need to brush up on his tech skills.

I asked Ryan if he planned to use Twitter.

''Twitter?'' he asked. ''I've been in the bush for nine years, so I don't know how to use it.'' But he's planning to learn.

TRIBUTE TO SPC. JOSEPH B. DELOACH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to honor one of South Carolina's heroic sons, U.S. Army Specialist Joseph B. DeLoach, from Ruffin, South Carolina. In 2010, Specialist DeLoach was injured by an RPG while in Kunar Province, Afghanistan. He was serving as a cavalry scout with the 1–32 Cavalry Squadron, 101st Airborne (Air Assault), out of Fort Campbell, Kentucky.

The following poem, composed by Mr. Bert Caswell, an appreciated Capitol tour guide, is a testament to this true American hero.

OUT IN FRONT

All in times for war!
There, are but all of those who so insure!
With Scouts Out in front, you must believe!
For way out up ahead, there are all of those fine soul who have died and bled!
As all out there on the very edge of death, they so live . . .
All for Country Tis of Thee, so much they give!
Scouts Out, Heroes who no doubt . . . may not be coming home!
Gathering Intel, melding into the battle zone . . . knowing so very well, death lies close!
As they may be gone for days and days, for only our Lord God so knows where are they!
All to help win all those wars! Airborne!
As to new heights Blake, your fine heart has soared!
For when they sign you up on that line,
You know for sure that you so live on all borrowed time!
Realizing, on each new day . . . you but live on, someone else's prayers!
All for love of Country Tis of Thee, they cheat death we see!
Out of RECON, all by themselves as they must be!
As their magnificient souls go so far beyond!
Oh Yea Blake, Rambo aint got nothing on you . . . as into that darkness disappearing, your gone!
The ones who so lead the way, and for all of them and their fine families we now so pray!
Way out up ahead, as into that darkness all by themselves as they've so led!
Give Blake some C4 and DEC CORD, and he will blow up anything all for . . .
All for that old red, white and blue!
For he's a true Son of the South . . . through and through!
Scouts out!
Bad to the bone, as Blake that's you . . . the title that you now so own!
As an American Hero so tried and true, but The Best That South Carolina Can So Do!
In Seven months in Iraq, you were involved in six exploded IED's attacks!
And then on that fateful day, after recovering from his injuries re upping so bravely!
In Afghanistan, with your name on it . . . you met an RPG that your sight so ripped!
Right on the very edge of death, four times . . .
As your Brothers in Arms rushing in . . . your so blessed!
As an Angel on the Battlefield, named SPC Resmondo . . . so brought you back from death!
As you magnificient warrior, so lost your sight . . .
And yet you see far much more clearer than any of us tonight!
As you'd do it all again, All Out in Front . . .
As so magnficiently, bringing to all your light!
Scouts Out, are some of our nation finest men . . . who are Devout!
As it's only upon themselves, they they must so count!
As this strong South Carolina son, was raised by his fine mom and dad . . .
To be such the one!
But, there's even more greatness still to come . . . all in Blake's three young sons!
Ethan, Bryson, and Joey Jr., are but Blake's greatest of all loves!
Now, Blake is ''Out in Front'' all in his recovery, as he's on the hunt!
Because, Scouts fight, and they don't run!
A quiet calmness all in his heart has so begun!
And if ever I have a son, I wish he could be like this one!
Whose, life speaks volumes . . . all because of what he's so said and done!
As one day up in Heaven, one again, Blake you will be Out in Front!
For all you've done, and you will see our Lord my son!

HONORING LT. COLONEL THOMAS PLOURDE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize Lt. Colonel Thomas Plourde of Lewiston, Maine. Plourde was a member of the 100th Battalion, 442nd Japanese American Combat Team in World War II, all of whom will be receiving Congressional Gold Medals today.

The 442nd Combat Team was comprised almost entirely of Japanese Americans, men who volunteered to fight tyranny and oppression abroad even while their families were interred in camps at home. For its size and length of service, it was the most decorated unit in the entire history of the United States military. In the course of their service, the 442nd earned 9,486 Purple Hearts, eight Presidential Unit Citations, and 21 Medals of Honor. These brave men fought with unparalleled skill and valor winning tremendous victories for the allies in Europe. Their heroism cannot be overstated.

At just 23 years old at the time of his enlistment, Thomas Plourde would serve as a 1st Lieutenant before rising to become a company commander for the 442nd. Following a decisive victory in the allied push to liberate Italy, Lieutenant Plourde led a task force that secured the capture of 33 German officers and over

300 soldiers in the city of Alessandria. For his actions, he was awarded a division citation and accepted the key to Alessandria on behalf of his battalion. Subsequently Plourde would receive a field promotion to the rank of Captain, a Bronze Star, a Purple Heart, and a Distinguished Unit Badge for his heroism. Citing his effectiveness under fire and his personal concern for the men under his command, Plourde's commanding officer Major Mitsuyoshi Fukuda wrote that he had "won the highest respect from both the men and the officers within the 100th Battalion."

Today, Thomas Plourde's daughter, Janet Barrett, will accept the Congressional Gold Medal on behalf of her father for his courageous service in the war. The Congressional Gold Medal is the highest civilian award in the United States. The decoration is awarded to an individual who performs an outstanding deed or act of service for the security, prosperity, and national interest of the country. Mainers have a long tradition of service in the armed forces. I am proud of Lt. Colonel Plourde's place in that history. His remarkable leadership and heroism in the face of unspeakable evil will never be forgotten.

Mr. Speaker, please join me in honoring Lt. Colonel Thomas Plourde of Lewiston, Maine, for his distinguished service to this country.

PENNY FOOLISH

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to talk about common cents.

Currently it costs more than a penny for the U.S. Mint to make a one cent coin and more than a nickel to make the five cent piece. This problem is currently being examined at the request of the U.S. Mint.

Over the next two years, a Pennsylvania company has been contracted by the Mint to conduct research and development for more economical alternative metallic materials for the production of all circulating coins.

As this study begins, I would like to submit into the Record one possible solution, offered by David L. Ganz, a friend of mine, a member of the Board of Freeholders of Bergen County, N.J., and a former president of the American Numismatic Association.

In an op-ed in the Sunday New York Times from August 21, 2011, Mr. Ganz took on the issue of the penny and proposes a specific solution, which I hope that the study will review along with other alternatives.

[From New York Times, Aug. 20, 2011]

PENNY FOOLISH

(By David L. Ganz)

In this time of fiscal strain, Americans can find some savings by simply looking in their purses and pockets.

Because of increases in commodity prices, it now costs more than one cent to make a penny and more than five cents to make a nickel. The United States Mint, sensitive to the risks of changing the composition and feel of our coinage, has been reluctant to revise the composition of these two coins.

But that is precisely what the Mint—which last year produced 4 billion pennies and 490 million nickels—should do.

While eliminating the penny has been debated for decades, it is not a realistic option; the penny has tremendous symbolic value and removing it would have the effect of raising prices—particularly for people of modest means, who use currency the most—because retailers would round up. Reducing the size of the coins is impractical because of the cost of recalibrating vending machines and the need to ensure that the coin is not interchangeable with any foreign coin.

Changing the composition of the penny by using less costly materials is the only feasible alternative. The Mint, part of the Treasury Department, has changed the size or composition of the cent more than a dozen times since 1793. Two of the most recent alterations were the switch to zinc-coated steel in 1943, caused by the wartime shortage of copper, and the switch to zinc with copper plating in 1982, a response to rising commodity prices.

Past debates have brought forth a variety of unconventional suggestions: plastic (used as sales-tax tokens—representing fractions of a cent—in the 1930s, but cheap-looking), industrial porcelain (Germany and Thailand tried this, but it breaks easily); and vulcanite rubber (used as currency in Guatemala early in the last century, but too exotic for American tastes).

Metallic alloys are probably the best choice for a new-composition penny and nickel. The precise choice needs to reflect four values: cost effectiveness, security of supply, aesthetic acceptability and minimal disruption to vending machines. (Pennies are not commonly accepted by machines, but are sometimes inserted anyway; a penny of a different composition could cause machines to jam.)

In a 1976 study of the penny, the Research Triangle Institute rejected chromium, tin, titanium, copper-aluminum-nickel-zinc derivatives and zinc mixtures. At current prices, none of these would be cost-effective. In practical terms, that leaves two basic metallic groups: an aluminum alloy, which is better, heavier and stronger than the pure aluminum cent proposed in the 1970s, but still expensive, and steel, which is the clear favorite for affordability and security, but poses technical challenges.

The best approach is to meld the two. Aluminized steel is ideal because it is available coiled—squeezed by rollers and then put into a lasso-like form that can be fed directly into a coining press. It would work for the penny and the nickel—and the dime, if it is ever threatened.

Let's use a new aluminized-steel alloy that allows the Mint to produce an affordable penny. Ideally, this would be accompanied by a redesign, and a collector's-edition one-cent coin made of gold and silver. This would complement the success the Mint has had with the state quarters program and with collectors' coins made of precious metals.

Contrary to the song, pennies do not come from heaven. Ours come from the Mint, which must supply them now and in the future. Let's reintroduce the penny as a coin that matters, and put its production on a sounder financial footing.

HONORING PATRICK HYLAND ON HIS DISTINGUISHED CAREER AS EXECUTIVE DIRECTOR OF THE NORTHEAST PUBLIC POWER ASSOCIATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. MARKEY. Mr. Speaker, I rise today to pay tribute to Mr. Patrick Hyland, who, for more than 22 years, has served with distinction as executive director of the Northeast Public Power Association.

Under Pat Hyland's leadership, the Northeast Public Power Association has been the leading voice for 79 consumer-owned utilities that provide energy to more than two million citizens in the six New England states of Massachusetts, Maine, New Hampshire, Vermont, Connecticut and Rhode Island.

Over the years, Pat Hyland has worked closely with Members of the New England delegation, from both sides of the aisle, to advance the interest of NEPPA consumers in New England. Under the leadership of their local elected energy boards, NEPPA utilities are responsible for providing reliable electric services at affordable prices throughout the region.

Pat Hyland is well known throughout the New England Congressional delegation for his integrity and forthrightness. He has played a pivotal role in advocating on behalf of NEPPA utilities that deliver vital electricity, and in some cases water services, on a non-profit, publicly-accountable basis to consumers in small and large communities throughout New England.

To highlight just two of his successes, Pat has effectively spearheaded legislative efforts to increase awareness of impacts to consumers in New England—who are also our constituents—of wholesale and retail competition, including the creation of Regional Transmission Organizations (RTOs), and energy capacity markets and the implementation of key transmission rate policies.

Throughout his career, Pat Hyland has been actively involved in federal energy policy. He was a key resource to me during the debate over the amendment that I successfully offered to provide for open transmission access when Congress enacted the Energy Policy Act of 1992; he was a voice of caution regarding the need to ensure appropriate consumer and investor protections in the event of a repeal of the Public Utility Holding Company Act in the Energy Policy Act of 2005; and he was a leader in the effort to obtain comparable renewable incentives for the customers of consumer-owned utilities.

He has also taken the lead to increase consumer awareness about the impact of wholesale and retail competition and operations of Regional Transmission Organizations.

My personal and professional respect and admiration for Pat runs deep, and I wish him happiness and good health in his retirement. The wise counsel, calm determination, and good Irish sense-of-humor, which he has provided to me and others in Congress for many years on behalf of NEPPA, will be sorely missed.

I am told that one of the highlights of Pat's life was to meet the legendary Celtics basketball player Bob Cousey. I understand that, because over the last 20 years Pat Hyland has been New England's public power "point guard": taking control of the game, mastering it with wizardry and elegance, and dazzling fans.

And so I wish today, Mr. Speaker to say to Pat, thank you for your service. We will miss you and we wish you well.

A TRIBUTE TO MR. WILLIAM ''BILL'' GOODWIN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Bill Goodwin in recognition of his 75th birthday this Wednesday, November 2nd.

Bill Goodwin served as a page in the United States House of Representatives during the 83rd Congress. Sponsored by former Michigan Representative George Dondero, he began his time as a bench page in January of 1953 at the age of 15 in an effort to support his widowed mother and four siblings back home. Bill was quickly moved to work in the Democratic Cloakroom where he answered calls, organized the transportation of documents and later guarded lobby doors and access to the House floor. Additionally, he participated in the page glee club, sang for page graduations, and was even asked by members of Congress to sing the Lord's Prayer on the Floor while the House was in recess.

Most notably, Bill can be remembered for his valiant efforts during the 1954 Puerto Rican shootings in the House Chamber where he assisted in carrying stretchers from the House floor. In a widely popularized photograph of the events, he can be recognized carrying a stretcher bearing Representative Alvin Bentley down the House steps.

In 1955, Bill graduated from the Capitol Page School and returned to Michigan to finish his studies. He entered Wayne State University as a veterinarian student, but left two years later to return home to support his family. He worked as a technician at National Cash Register for several years, and left the company to begin his own cash register business.

An avid entrepreneur, Bill later delved into the hovercraft business, where he secured several patents for the vehicle over the years. Ever the businessman, Bill currently operates his own landscaping business and enjoys taking part in activities such as hunting, and singing in the church choir.

Bill Goodwin's contributions to his family, the State of Michigan, and this House of Representatives have been truly remarkable. On behalf of the Fourth Congressional District of Michigan, I am honored today to recognize Bill Goodwin in celebration of his 75th birthday. I hope the year to come will bring him health, happiness, and special times with family and friends.

HONORING STORIED GAY RIGHTS LEADER FRANKLIN KAMENY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. MORAN. Mr. Speaker, I rise to introduce a recent editorial by Nick Benton, editor and publisher of the Falls Church News Press. His editorial, which appeared on October 19, 2011, reads as follows:

It was by a remarkable and gracious coincidence that the first weekend after the passing of our gay movement's greatest pioneer, Franklin Kameny, the Martin Luther King Jr. Memorial was dedicated on the National Mall.

The ceremony included a viewing of the entirety of Dr. King's 17-minute ''I Have a Dream'' speech delivered on the steps of the Lincoln Memorial to 300,000 in the ''Great March on Washington'' of August 28, 1963, the year of the 100th anniversary of Lincoln's signing of the Emancipation Proclamation.

Seven of the handful of original gay members of the Mattachine Society of Washington, led by Kameny, attended that historic rally and heard that speech. It was with its echoes ringing in their ears that in 1965, Kameny and a tiny cadre of fellow homosexuals carried out the first-ever organized picket line demanding homosexual equality held at the White House gates.

In his 1963 speech, Dr. King welcomed the racially-diverse makeup of the rally. ''Many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. They have come to realize that their freedom is inextricably bound to our freedom,'' he intoned.

''We hold these truths to be self-evident: that all men are created equal,'' Dr. King declared. ''I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.''

That speech directly inspired the rise of our modern gay movement, led by Kameny (May 21, 1925–October 11, 2011), Lilli Vincenz, Barbara Gittings and a handful of others, as chronicled in the film documentary, ''Gay Pioneers'' (2004), produced by the Philadelphia Equality Forum.

Frank Kameny, I am proud to say, was my friend in recent years. He was arguably the single most seminal influence in the history of our movement, so claimed at a Rainbow History Project forum last week. Kameny was scheduled to speak at that forum before his untimely death at age 86 just two days before.

His was the strident, compelling force that led the effort against the 1950s McCarthyite anti-homosexual witch hunts in the government (David K. Johnson, ''The Lavender Scare, The Cold War Persecution of Gays and Lesbians in the Federal Government,'' 2004).

He organized picket lines when no one else was doing it and carried on a relentless, lifelong fight for equality. He ran for public office and railed loudly against injustice in an era when no one, except in rarefied circles of literary or artistic elites, dared publicly declare their homosexuality.

His crowning achievement was his relentless, eventually successful campaign to get the American Psychiatric Association to remove homosexuality from its list of mental disorders in 1973. That signal achievement changed the public perception of homosexuality, laying the groundwork for growing public acceptance and affirmation since.

Kameny invented the slogan, ''Gay is Good,'' far more controversial in its time than it seems now. I defended it then against objections of dedicated gay friends who considered it too radical.

When I first met Frank, I was a young gay activist in 1970 in San Francisco. Dr. King's speech permeating the national ethos, I'd made two life-changing decisions, entering seminary in 1966 and joining Kameny and his San Francisco counterparts prior to Stonewall in early 1969 to ''come out'' and join the struggle for gay, and human, liberation.

Our fight, I wrote in the editorial for the first Gay Sunshine newspaper, ''should harken to a greater cause, the cause of human liberation, of which homosexual liberation is just one aspect.''

Regrettably, about that same time, the onslaught of the right wing, socially-engineered anarcho-hedonist counterculture hijacked our movement, dashing Dr. King's appeal to the ''content of character'' in the process. We've had to live, and die, with the consequences of that since.

I reconnected with Frank in recent years, while his contributions became more recognized and appreciated. A milestone came when the many picket signs, leaflets, speeches and photographs he'd kept from his earliest activist days were formally received as a special collection at the Smithsonian Institution. He was honored at the White House by President Obama, and a photo of him and me with Vice President Biden hangs in my office.

Along with another other early activist and mutual friend, Lilli Vincenz, and her long-time partner Nancy Davis, I hosted Frank as my guest at the national dinner of the Human Rights Campaign in 2005, and often invited him to lunches at The Palm restaurant in downtown D.C.

Those many lunches were not only to enjoy his company, but to provide opportunities for my friends, especially younger ones, gay and otherwise, to meet and appreciate this genuine hero of our movement. Recently, of this ''Gay Science'' project, Kameny smiled and quipped, ''I think we wind up in the same place.'' I concurred.

TO RECOGNIZE 18TH ANNUAL YOM HASHOAH-HOLOCAUST COMMEMORATION PROGRAM FOR THE STATEN ISLAND JEWISH COMMUNITY

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. GRIMM. Mr. Speaker, I rise today to recognize the incredible sacrifice made by the victims of the Holocaust. On the 27th Day of Nissan, Jews around the world stood in respect and memoriam to honor the senseless slaughter of so many. On Staten Island, the 18th annual Yom Hashoah-Holocaust Commemoration Program for the Staten Island Jewish Community was held at Temple Israel Reform Congregation, Randall Manor. Holocaust survivor Inge Auerbacher—a woman of remarkable bravery—gave the keynote address.

While humanity vowed never to repeat the atrocities committed during the Holocaust, we must recognize that genocide continues in places like Darfur and Rwanda. With the memory of the Holocaust permanently in our minds, we must maintain an intense focus on the present and future to put an end to these unconscionable crimes.

HONORING THE WASHINGTON STATE'S NISEI VETERANS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. McDERMOTT. Mr. Speaker, I rise today to recognize the Japanese-American veterans who served so courageously during World War II in the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the

Military Intelligence Service. In recognition of their extraordinary service, they are being honored with the Congressional Gold Medal.

I am especially proud to join 26 veterans, six widows of veterans, and more than 320 family members who are here today to attend the award ceremony on behalf of Washington State's Nisei Veterans Committee. We come together to acknowledge and to thank the Nisei veterans and their families for their sacrifice and their patriotism.

As an Honorary Nisei Veteran, I have had the opportunity to talk to many of these veterans, their children, and their grandchildren as we remember the soldiers and their proud, fearless service to our country, which is all the more exemplary given that some of their families were held in U.S. internment camps solely because of their race.

Mr. Speaker, the Nisei Veterans have helped to enrich the Seattle community and strengthen our country. Their service and legacy are an inspiration to us all. I am privileged to be a part of the ceremony in Emancipation Hall at the Capitol Visitor Center.

HONORING WORTHINGTON WHITTREDGE AND THE HUDSON RIVER SCHOOL OF PAINTING

HON. DAVID N. CICILLINE

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. CICILLINE. Mr. Speaker, I rise today to draw my colleagues' attention to a recent change nearby at the Capitol Visitors Center. Two paintings by Albert Bierstadt, ''Discovery of the Hudson River'' and ''Entrance into Monterey,'' are now on public display in the CVC. These paintings capture the beauty of the American landscape, and, as part of the Hudson River School of Painting, symbolize an important time period in our country's history that impacted culture, recreation, and conservation in the United States.

The Hudson River School was comprised of painters who created detailed landscapes of the American wilderness. One of these men, Worthington Whittredge, is connected to my district. His work ''Sakonnet Point, Rhode Island'' captures the calm and color of our country's smallest state. His paintings of my district's coastline reflect his studies with other American artists and European influences. This vibrant landscape is very emblematic of many of the School's ideals.

Whittredge, like many Hudson River School painters, garnered acclaim and traveled widely both abroad and throughout the United States. However, his works of the American West are not of mountainous scenes, but of the plains. One of these works, ''Crossing the River Platte,'' resides in the White House Art Collection and has been displayed in the Roosevelt Room.

As part of the first indigenous American schools of painting, the School's painters used small brush strokes to create highly detailed paintings that accurately portrayed the landscapes around them. This technique contributed to one of the School's most important legacies.

Another way the Hudson River School influenced American history and culture is through the creation of several National Parks. Many of Whittredge's contemporaries, like Bierstadt, helped support environmental conservation. Primarily through the artists' travels to the American West, and also to other parts of the United States, we can still see the dramatic landscapes they captured on canvas of Yellowstone, Yosemite, Zion, and Acadia National Parks, among others. These landscapes were also later used to help our predecessors create the National Park Service in 1916.

Another legacy of the Hudson River School of Painting is the Metropolitan Museum of Art in New York City. Many of the School's painters, like Whittredge, spent considerable time traveling in the grand capitals of Europe and were inspired by the cultural and artistic scenes. Together with local businessmen, lawyers, and educators, they formed the Met in 1870. Several of the School's painters served as trustees or as members of the executive committee. Today, many of their works, including some by Whittredge, hang in the Met.

Mr. Speaker, it is clear that Worthington Whittredge and the Hudson River School of Painting made significant contributions to American art, culture, and conservation that have spanned three centuries.

ROCKY MOUNTAIN ARSENAL RESTORATION ADVISORY BOARD

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize the members of the Rocky Mountain Arsenal Restoration Advisory Board in Colorado, who are dissolving as a board this month after more than 17 years of service to the nation.

As the primary community advisory board for the U.S. Army at the Rocky Mountain Arsenal, the members have ensured that the community was informed and involved during each phase of the design, remediation and transformation of this environmental cleanup site into a premier urban national wildlife refuge. Given the importance of the task and the many years of work it required, their dedication deserves our recognition and thanks.

Their work is particularly remarkable because of the unique role the site has played in the history and defense of our nation. The U.S. Army built the Rocky Mountain Arsenal following the attacks on Pearl Harbor to manufacture chemical weapons as a deterrent against the Axis Powers. After the war, the U.S. Army leased some of the facilities to Shell Chemical Co., which manufactured agricultural chemicals at the site. As the decades unfolded, the Rocky Mountain Arsenal played critical roles in allowing our nation to win the Cold War, put men into space and complete a historic demilitarization program.

These achievements came at a price, however. Although the U.S. Army and Shell used accepted waste disposal methods of the time, some contamination of the structures, soil and groundwater occurred. The communities of Brighton, Commerce City and Denver, which surround the Rocky Mountain Arsenal and are represented on the Restoration Advisory Board, help forged consensus around the environmental restoration and future use of the site.

Together with representatives from the U.S. Army, Shell Oil Co., U.S. Fish and Wildlife Service, Environmental Protection Agency, Colorado Department of Public Health and Environment and Tri-County Health Department, these citizens held more than 130 public meetings. They reviewed countless technical documents, shared community questions and perspectives and served as liaisons with the larger community to ensure public concerns were addressed throughout the environmental restoration program.

They also provided critical support for the future use of the site as a national wildlife refuge once remedial actions were complete. Today, the Rocky Mountain Arsenal National Wildlife Refuge encompasses more than 15,000 acres and offers habitat to more than 330 wildlife species, including American bald eagles and wild bison. Just as importantly, the refuge offers exhibits to educate visitors about the historic use and legacy of the site.

Now that the environmental restoration and transformation of the Rocky Mountain Arsenal is complete and the board has completed its oversight role, the Restoration Advisory Board has decided to dissolve. Please join me in thanking the members for their service and in congratulating them on a job well done.

IN RECOGNITION OF SHILOH COMMUNITY FELLOWSHIP UNITED HOLY CHURCH OF AMERICA'S 75TH ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Shiloh Community Fellowship United Holy Church of America (UHCA) as members of the congregation gather to celebrate its 75th Anniversary. Since its humble beginnings in 1920, the organization has grown structurally and in membership, while continuing to provide outstanding spiritual leadership to members of the community. This organization's service and dedication is highly deserving of this body's recognition.

Shiloh Community Fellowship began hosting church services at the home of the late Reverend Henry Jeffers in 1920. The steady increase in membership later encouraged and supported the decision to relocate the organization to Dewitt Avenue in Asbury Park, New Jersey. In 1938, the late Bishop H.L. Fisher brought the church into fellowship with United Holy Church of America (UHCA), a title which the organization retains today. Throughout its tenure, Shiloh Community Fellowship UHCA was governed by various administrations. In 1976, Reverend Sarah Wright assumed leadership on behalf of her ill husband, Rev. Thomas Wright, and became the first female to serve at Shiloh Community Fellowship. In 1987, the Board of Trustees unanimously agreed to build a new church at 142 Dewitt Avenue in Asbury Park to better serve constituents and members of the congregation. The dedication service of the new building was held on May 22, 2004 under the direction of Elder Felton Miller. In October 2008, Reverend Mark E. White, Sr. was appointed to minister various services at Shiloh Community Fellowship and was later installed as the new

Pastor on February 13, 2010. To this day, he continues to provide insightful leadership and spiritual guidance to the members of the community.

Mr. Speaker, once again, please join me in celebrating the Shiloh Community Fellowship United Holy Church of America's 75th Anniversary. The organization continues to provide outstanding spiritual guidance and solace for members of the Asbury Park community.

IMMIGRATION AND LOCAL LEGISLATIVE REFORM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. RANGEL. Mr. Speaker, I rise to express my growing concern on the current state of our Nation's immigration reform. On October 2nd, I had the privilege of attending a press conference at the Church of the Ascension. I was joined by many of my constituents, my colleague Congressman LUIS GUTIERREZ of Illinois, State Senator Adriano Espaillat, members of New York City Council, local city officials, and numerous immigration rights advocates to discuss immigration reform and a landmark bill that will change the way the City of New York Department of Corrections works with the federal immigration authorities and to reduce unnecessary immigrant deportations in New York City.

Mr. Speaker, we all live in a nation built by immigrants. When our great grandparents first arrived, they had hope to escape from religious persecution or perhaps economic and political repression; they had hope to work hard so they can build strong families and make a decent living with respect and dignity. The United States of America is known to be a country where anyone with good moral standing, courage, endurance and the desire to do the right thing can achieve and live the American Dream. The least we can all do for one another is to pave way, not to inflict pain.

Upon their arrival, those newcomers had never been given legitimacy to help grow this Nation. They were very well welcomed, simply because this vast Nation desperately needed builders. Those people worked hard, sacrificed to strengthen the agriculture, infrastructures and all other things our generation relies on. Present day immigrants are still important to our national economy. In a time when our national economy is in peril, losing this part of our community would cause industries to collapse.

The United States would not be the same without our ancestors, who were, in fact, the product of immigrants. They have contributed enormously to the standing of our economy and will continue to do the same in the future. I believe that it only is fair to treat them with justice and fairness. We certainly do not want to look back in 20 or 30 years and have our grandchildren ask: how could we be so cruel? America can not be known as a place where Federal agencies simply disregard local people and laws in order to detain, deport immigrants, separate families and loved ones.

Folks, who are in the custody of local New York authorities, have been, in the last two or three years, subjected to be detained, questioned and can potentially be deported by ICE. Mr. Speaker, some of these folks had no prior conviction. They post no threat to our society. Thus, deserve a second chance. Ultimately, we may have an honest and extensive debate on whether or not we would like to use amnesty or banishment as a method to fix our own problem, but it is imperative that the procedure is done with respect to the law and basic human rights.

I would like to praise my colleague, Congressman LUIS GUTIERREZ, New York City Council Speaker Christine Quinn, Council Member Melissa Mark-Viverito, Council Member Danny Dromm, Council Member Ydanis Rodriguez and Make the Road NY Organization for their enormous efforts to bring to the attention this issue. I would also like to praise the New York City Council for taking a bold action to limit the Immigration and Custom Enforcement's authority over New York City Department of Correction. We certainly can not allow agency such as ICE to detain and deport people without the appropriate legal basis. The introduction of Int.656–2011 certainly is a stepping stone to a true, effective reform.

I would like to take this moment to show my sincere appreciation for Pastor John P. Duffell for allowing the use of the site to advocate the reform. This is truly a humanitarian concern and Churches through out the country should not shy away from helping those who are in need. I encourage more mosques, synagogues, churches throughout this country to teach and advocate local people about immigration reforms. People incline to think that religion and politics should not mix and that religious institutions should stay away from this matter. Though this isn't so. This matter is not about politics; it's not about winning or losing; it's about people who just want to work hard and live well. We want to treat and praise them like we have to our ancestors.

Finally, I encourage all my colleagues to consider immigration reform as a serious concern and that we can no longer neglect to establish a legislative reform that is fair, effective and serve the best of the whole. Deporting people, tearing families apart, build a wall to keep people out is not real reform; it is a temporary solution to a problem. We need a sensible immigration policy which will allow the best, the brightest and those who are willing to work hard to continue the great chapter of our Nation's history. Mr. Speaker, America is strong because people come from all over the world with the intent to achieve the American Dream. The will of the people, as history have shown, have strive our nation to success from every corner.

RECOGNIZING THE IMPORTANCE OF SCHOOL LIBRARIES

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Ms. WOOLSEY. Mr. Speaker, I rise to recognize the importance of school libraries, which are changing to better address the needs of students in the 21st century. School libraries are an important part of our educational system and help prepare students for college and a good career.

Teacher librarians teach students how to conduct good research, how to be critical users of the information they find, and how to avoid plagiarism. They also play an important role teaching online research skills and raising awareness of cyber safety issues.

Mr. Speaker, I know how important school libraries are to the students in my district and across the nation. Please join me in recognizing the invaluable contributions that teacher librarians and school libraries make to our education system.

THE INTRODUCTION OF A BILL, THE VET SUCCESS ENHANCEMENT ACT OF 2011

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to introduce a bill the Vet Success Enhancement Act of 2011.

This bill renews and extends the solemn promise we have made to our veterans. It will allow our wounded warriors a greater chance to prepare for, find and keep suitable jobs through apprenticeships, vocational counseling and general career services.

Currently, many veterans miss their window of opportunity to enroll in the VetSuccess program. Many veteran service organizations have come before the Committee on Veterans Affairs and testified that the current cut-off period does not adequately provide disabled veterans sufficient time to enroll in the program.

Therefore, I am introducing this legislation to extend the eligibility period by 3 years. It is my hope that this additional time will allow our disabled veterans the time they need to complete training that allows them to reenter the workforce.

Disabled veterans have paid a steep price in their service to our country. The least we can do is fix a legislative technicality which would ensure that our service men and women are able to benefit from this important program that allows them to return to productive civilian life.

Mr. Speaker, it is our duty to ensure that our wounded warriors are given the opportunity to succeed here at home. I strongly believe that participation in the VetSuccess program can help put veterans on a meaningful path to success. I urge our colleagues to join me in supporting our veterans.

DESTINY BEAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Destiny Bean for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Destiny Bean is a 8th grader at Oberon Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Destiny Bean is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels

strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Destiny Bean for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. BECERRA. Mr. Speaker, on October 26th I was unavoidably detained and missed rollcall vote No. 812. If present, I would have voted "yea" on rollcall vote No. 812.

U.F. STUDENT BODY GOVERNMENT ISRAELI-PALESTINIAN RESOLUTION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. STEARNS. Mr. Speaker, I rise today to recognize the University of Florida's Student Body Government, and to submit for the record their resolution supporting the U.S. commitment to a negotiated settlement of Palestinian conflict through direct Israeli-Palestinian negotiations.

The University of Florida Student Government was established in 1909, and represents the interests of the student body. As representatives for the students of the University of Florida, this student government body has put forth Resolution 2011–138, which calls for the continuation of peaceful negotiations between Israel and the Palestinian Authority, and to oppose any attempt seeking a unilateral declaration of statehood from the United Nations.

The students of the University of Florida hereby resolve:

RESOLUTION SUPPORTING THE U.S. COMMITMENT TO A NEGOTIATED SETTLEMENT OF PALESTINIAN CONFLICT THROUGH DIRECT ISRAELI-PALESTINIAN NEGOTIATIONS, AND CALLING UPON THE UNITED STATES TO OPPOSE UNILATERAL PALESTINIAN EFFORTS OF DECLARING INDEPENDENCE IN THE UNITED NATIONS.

Whereas, a true and lasting peace between Israel and the Palestinian people can only be achieved through direct negotiations between two legitimate parties and the acceptance of Israel's right to exist; and

Whereas, direct negotiations between two legitimate parties to ensure an agreement that acknowledges both historical territorial claims to land while also taking into account the current demographic and security realities; and

Whereas, Hamas, an organization responsible for the death of hundreds of Israeli and American civilians, has been designated by the United States State Department as a Foreign Terrorist Organization and is in control of the Gaza strip; and

Whereas, Hamas has held merger talks with the Palestinian Authority and continues to forcefully reject the possibility of peace with Israel, and

Whereas, refusing to come to the table and negotiate despite President Obama's direct request for a meeting following the Israeli nine month settlement freeze, the Palestinian Authority is preventing any constructive dialogue from taking place that could eventually lead to the formation of a Palestinian state; and

Whereas, the Palestinian Authority attempting to gain full membership at the United Nations through a unilateral declaration of statehood is counterproductive to the peace process; and

Whereas, a poll done by the Palestinian Center for Public Opinion showed that eighty-three percent of Palestinians cited job creation as the most pressing issue, with only four percent citing UN recognition of Palestinian statehood as the most important; and

Whereas, of that same poll only forty percent of Palestinians think that the UN vote will actually help to bring about an independent Palestinian state; and

Whereas, the United States passed H. Res 268 and S. Bill 185 calling on the Administration to block the Palestinian Authority's efforts at the United Nations, and to cut foreign aid to the Palestinian Authority in the event of a unilateral declaration, and

Whereas, the Obama administration has publicly criticized the Palestinian Authority's push for an unsustainable unilateral declaration, then be it

Resolved That the University of Florida Student Senate, on behalf of the students of the University of Florida, join our elected officials in support of a peaceful, two-state solution through direct negotiations between the Palestinians and Israelis; and be it further

Resolved That the students of the University of Florida support a halt to any efforts for a unilateral declaration of statehood at the United Nations and that the Palestinian Authority terminates its association with Hamas, so that it may be considered a legitimate partner for peace.

RECOGNIZING U.S. ARMY 1ST LT. ASHLEY I. WHITE STUMPF

HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. RENACCI. Mr. Speaker, I rise today to recognize U.S. Army 1st Lt. Ashley I. White Stumpf—a member of the North Carolina National Guard's 230th Brigade Support Battalion, 30th Heavy Brigade Combat Team. She was attached to a Joint Special Operations Task Force in Afghanistan when she and two Army Rangers were killed as enemy forces attacked her unit with an improvised explosive device.

Ashley was commissioned in the U.S. Army as a Medical Service Corps Officer after receiving a commission from Kent State University in 2009. After completing both the medical services officer basic course at Fort Sam Houston, Texas, and the U.S. Army basic airborne course at Fort Benning, Georgia, she volunteered to become a member of a new tactical force called Cultural Support Teams.

Cultural Support Teams highlight the importance and necessity of women on the battlefield today. Their primary task is to engage the female population in ways that would be culturally inappropriate if performed by a male service member. As a member of only the second class of women to enter this program, Ashley was a trail-blazer. Cultural Support Team members assist in a variety of functions in Afghanistan, including medical programs, searches and seizures, humanitarian assistance, and civil-military operations. In support of these special Special Operations units, Ashley exposed herself to danger on a regular basis and has now become the first casualty in what the Army says is a new and vital wartime attempt to gain the trust of Afghan women. She will be remembered for her sacrifice for years to come.

Ashley's awards and decorations are many and include the Parachutist Badge, the Ohio Faithful Service Ribbon, the Armed Forces Reserve Medal, the Army Reserve Achievement Medal, and the National Defense Service Medal. She will be posthumously awarded the Bronze Star, the Purple Heart, the Meritorious Service Medal, the Afghanistan Campaign Medal, and the Combat Action Badge.

Lt. Col. David Hodne stated it well when he said, "Ashley was an incredibly talented officer and teammate who lost her life while committed to making a difference in our effort in Afghanistan. She demonstrated a level of quiet courage that set the example for others to follow, and we will never forget her sacrifice. Her family is in our thoughts and prayers."

A native of Alliance, Ohio, Ms. White Stumpf is survived by her husband Cpt. Jason Stumpf of Raeford, N.C., her parents Robert and Deborah White, twin sister Brittney and brother Josh, all of Alliance. Loved by friends, family and citizens across this nation, Ashley will remain a shining example of selfless sacrifice.

I honor Ashley's life, her service, and her memory. She will surely be missed by many, but she—along with all of our fallen heroes—will not be forgotten.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. AKIN. Mr. Speaker, on rollcall No. 816 and 817, I was delayed and unable to vote. Had I been present, I would have voted "aye" on both.

DEAN ROGERS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dean Rogers for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Dean Rogers is a 8th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Dean Rogers is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Dean Rogers for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING THE WORLD WAR II VETERANS OF ILLINOIS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. QUIGLEY. Mr. Speaker, I rise to honor the World War II veterans who are traveling to Washington, D.C. today with Honor Flight Chicago, a program who provides as many World War II veterans as possible the opportunity to see the World War II Memorial here in Washington, D.C., a memorial that was built to honor their courage and service.

The American Veteran is one of our greatest treasures. The Soldiers, Airmen, Sailors, Marines, and Coast Guardsmen traveling here today answered our nation's call to service during one of its greatest times of need. From the European Campaign to the Pacific Asian Theatre to the African Theater, these brave Americans risked life and limb, gave service and sacrificed much, all while embodying what it is to be a hero. We owe them more gratitude than can ever be expressed.

I welcome these brave veterans to Washington and to their memorial. I am proud to submit the names of these men and women for all to see, hear, and recognize, and I call on my colleagues to rise and join me in expressing gratitude.

Marvin Leroy Abramson, Louis Alejandre, Earl Allen, Robert Arvidson, Thomas Atchison, Julio A. Battistoni, Birgie Dean Bergeson, Charles S. Bergh, Earl F. Bishop, Stanley J. Biskup, Ralph Blattner, Marjorie H. Bobzin, William J. Bolt, Lloyd Bowman, Seymour Brodsky, Edward V. Bucaro, Norman E. Burbury, Julius Burrell, Anthony Candice, Wiliam J. Christian, Vernon Ciske, Guy Colletti, Irving Covitt, Louis Czyzewski, Robert K. Dean, Walter J. Dobosz, Edward L. Effertz, Vincent J. Fiduccia, Arthur E. Fossland, Paul J. Gerjol, Wilbert Gerrish, Louis Guthmann, Arthur J. Habel, Gerald Hastings, Roscoe Hastings, Edward C. Hausknecht Jr., Albert R. Heminger, Edward J. Heywood, William R. Higgins, Gerald Hulslander, Diderick M. Iversen, Robert Jenkins, Alfred Jordi Jr., Francis Kaduk, Albert Komar, John Kotowski, Robert Bernhardt Krueger, Walter C. Kuhn, Herbert J. Lustig, George Mahony, James E. McShane, William Merrill, Harold Milling, Edwin John Misniak, Charles W. Moffett, Aldo J. Mob, Mary C. Nolan, Fulton Nolen Sr., Joseph R. Pacholski, Jerome Pierce, Joseph P. Pomykala, Frank N. Popp, Frederick Popper, Richard Priske, Robert Prorok, Eugene G. Qualizza, John Radke, Fred V. Randazzo, Kenneth L. Rapalee, Raymond F. Reece, William G. Rieker, John L. Ritchie, Eugene V. Rodarte, Shirley Marie Roeing, Richard Sven Roeing, Sam A. Scardino, Louis C. Seno, Vincent James Serio, Lawrence Smith, Samuel Stookal, Edward Sulkowski, Clarence F. Talentowski, Herbert L. Tatroe, Hilbert 0. Teske, George H. Thompson, Gilbert T. Vinzani, George H. Vozari, Barbara Q. Watson, Harold E. Weir, Franklin C. Wellhausen, John P. Whitbroad, Richard Wolff, Berlin W. Wyman, Elmo R. Younger, Michael Yurchak, Leonard F. Zaehler, Walter Ziolkowski.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is $14,971,1831,021,178.32.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $4,333,405,274,884.52 since then. This debt and its interest payments we are passing to our children and all future Americans.

SALUTING THE BETTER BUSINESS BUREAU OF MIDDLE TENNESSEE

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. COOPER. Mr. Speaker, today I rise to salute the Better Business Bureau of Middle Tennessee. An organization dedicated to consumer protection, business standards, and community involvement, the Bureau has seen record growth and become a pillar in our great city of Nashville.

In October of 1961, the Bureau opened its doors with 510 members. During the 1960s, it handled nearly 80,000 service requests. After 5 decades of expansion and growth, the Better Business Bureau of Middle Tennessee now has 5,000 members. In 2011, the Bureau will top 3 million requests with 98 percent of all services delivered via the Internet.

The Better Business Bureau of Middle Tennessee has a solid reputation for both helping the consumer and raising the standards of business. The Bureau continually encourages businesses to strive for the highest and most ethical standards in commerce. Local businesses aspire to be recipients of the highly coveted "Torch Award for Marketplace Ethics."

Although its primary focus is to direct consumers to businesses they can trust, the Better Business Bureau of Middle Tennessee has become a community partner and a good corporate citizen. The Bureau has invested in higher education awarding scholarships to deserving high schools students through the "Students of Integrity" program and partners with many other nonprofits in community events throughout the area.

And so, Mr. Speaker, it is my privilege today to salute the Better Business Bureau of Middle Tennessee for its 50 years of dedicated service to our citizens and our community, and for promoting higher ethical standards in business.

RECOGNIZING JUDGE RICARDO M. URBINA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing Judge Ricardo M. Urbina, the first Latino appointed to the bench in the District of Columbia. President Ronald Reagan nominated Judge Urbina for the Superior Court of the District of Columbia in 1981, and President Bill Clinton nominated him for the U.S. District Court for the District of Columbia in 1994. Both before and after these path-breaking judicial appointments, Judge Urbina has been recognized by his peers, his city, and many organizations for his many contributions to the law and to society.

Judge Urbina began establishing his reputation with his broad experience as an attorney in the Public Defender Service for the District of Columbia, in private practice specializing in commercial litigation, and as an associate professor at Howard University School of Law. Among Judge Urbina's achievements while on the bench was his leadership of efforts by the bar and community organizations to create the Superior Court's Office of Interpreter Services, which for the first time institutionalized the practice of providing court interpreters for non-English speakers and the hearing-impaired.

The District of Columbia and its residents are particularly grateful for Judge Urbina's attention to our youth and for his work in developing the next generation of legal achievers by exposing D.C. high school students to the court system, as well as by teaching law while on the bench. Throughout his career, Judge Urbina has been invested in improving both the law that serves our community and the community where the law is observed.

Judge Urbina has now taken senior status on the U.S. District Court for the District of Columbia, but he will continue to serve the city, the court, and the law in a multifaceted life and career that has been characterized by dedication and wisdom. Judge Urbina's career in the law has special meaning today particularly for Latinos, the fastest growing community in our country. The judge's roots in our Latino community make him a history-making role model particularly for a community that had no presence on either our local or federal courts before he paved the way on both. Yet, because of Judge Urbina's professionalism, excellence, character, and many contributions to the law and to the community, he has set a high bar as a lawyer, judge and distinguished citizen not only for lawyers, but for all who aspire to achieve in our city.

Mr. Speaker, I ask the House of Representatives to join me in honoring Judge Ricardo M. Urbina for his accomplishments on the courts on which he has served and for his contribution to the law and to the residents of the District of Columbia.

PERSONAL EXPLANATION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. LATTA. Mr. Speaker, on Tuesday, November 1, 2011, I missed a series of votes due to a mechanical failure of a United Airlines plane, and the unavailability of a replacement, at Cleveland Hopkins Airport. If I had been present, I would have voted ''aye'' on rollcall No. 816 and ''aye'' on rollcall No. 817.

HONORING CRYSTAL GLOBE AWARD WINNER FRANKIE FESKO

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with sincere admiration that I recognize the Asian American Medical Association, which is hosting its 35th Annual Gala on Saturday, November 5, 2011, at the Avalon Manor in Merrillville, Indiana. Each year, the Asian American Medical Association pays tribute to prominent, outstanding citizens and organizations for their contributions to the community. In recognition of their efforts, these honorees are awarded the prestigious Crystal Globe Award at this annual banquet.

The Asian American Medical Association has always been a great asset to Northwest Indiana. Its members have selflessly dedicated themselves to providing quality medical services to the residents of Indiana's First Congressional District and have always demonstrated exemplary service through their many cultural, scholastic, and charitable endeavors.

At this year's Annual Gala, the Asian American Medical Association will present the Crystal Globe Award to one of Northwest Indiana's finest citizens, Frankie Fesko. For her outstanding accomplishments and charitable contributions to numerous organizations, she is worthy of such an honor.

Frankie graduated from Illiana Christian High School and continued her education, earning a bachelor's degree from Depauw University and a master's degree from Purdue University. Frankie then spent many years as a teacher for the School City of Hammond and the School Town of Munster. She also worked as a Supervising Teacher at Purdue University Calumet in Hammond.

Frankie has been a true inspiration when it comes to community service, devoting much of her time and efforts to serving so many in need throughout Northwest Indiana. Her amazing compassion and generosity led her to become involved in many charitable organizations throughout the years. Frankie has chaired many events including: the Perennial Ball, which is a fundraiser for the Community Cancer Research Foundation, the Share and Love annual luncheon fundraiser for the Cancer Resource Center in Munster, and Briarfest, which benefits a different organization every year and has supported the National Kidney Foundation, Hospice of the Calumet Area, the Humane Society, Campagna Academy, and the Boy Scouts of America. Additionally, Frankie serves as a board member for many charitable organizations including: the Munster Medical Research Foundation, the Community Cancer Research Foundation, and the Legacy Foundation. Frankie serves as Chairwoman of the Board for the Community Foundation of Northwest Indiana, which is a non-profit organization that works to improve the health and quality of life for people in Northwest Indiana. The businesses that the foundation operates include three non-profit hospitals in Northwest Indiana: Community Hospital in Munster, Saint Catherine Hospital in East Chicago, and Saint Mary Medical Center in Hobart. The foundation has also been instrumental in the development of The Center for Visual and Performing Arts, the creation and operation of the Community Cancer Research Centre Foundation, and the donation of land to create the Edward P. Robinson Community Veterans Memorial and Hartsfield Village Retirement Community in Munster. For her exceptional dedication and passionate support to so many charitable endeavors, Frankie was awarded the very first Community Leader Award at the Northwest Indiana's Most Influential Women of the Year Awards Banquet in June 2011.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending the Asian American Medical Association, as well as this year's Crystal Globe Award recipient, Frankie Fesko, for their outstanding contributions to their communities and beyond. Their unwavering commitment to improving the quality of life for the people of Northwest Indiana and throughout the United States is truly inspirational. For these reasons, the Asian American Medical Association, its members, and Frankie Fesko are to be recognized, and I am proud to serve as their representative in Washington, DC.

DILAN RAMOS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dilan Ramos for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Dilan Ramos is an 11th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Dilan Ramos is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Dilan Ramos for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING THE MEMORY OF JOHN J. NALBONE, SR.

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. HIGGINS. Mr. Speaker, today I rise to honor a longtime leader in the field of aviation—the late John J. Nalbone Sr. Mr. Nalbone dedicated his life to the field of aviation and was tireless in his efforts to make the skies accessible to many of his friends, family and neighbors in his hometown of Dunkirk, NY.

Mr. Nalbone was fascinated with flying since boyhood, and shortly after graduating from Jamestown High School he went off to Leroy, NY where he was chosen to undergo early government training in the field of modern aviation. This training became essential part of America's defense system as the United States entered World War II in 1941. At this time John was assigned to the 54th Flight Training attachment at Dorr Field in Acadia, FL where he was the primary instructor for Sherman Biplanes until the end of the war.

After the war, John and his wife relocated back to Western New York, where he became a civilian flight instructor and was able to open his own flight school at Werle Field, a small grass strip equipped only with runway lights. John soon realized that through instruction, pilot exams, and rebuilding of aircrafts he could continue to pursue his love for flying while providing a modest lifestyle for himself and his family.

By 1960, Mr. Nalbone became the manager of the Dunkirk Airport while still maintaining his own airfield, instruction school and building several of his own aircraft including a Steen Skybolt, and a Grumman Tiger which he flew into his mid 80's.

During his lifetime, John was the recipient of numerous aviation awards including the FAA's Lifetime Achievement Award in both 1996, and 2003. Mr. Nalbone was also awarded the prestigious Charles Taylor Mechanics Award, which is presented to aviators with 50 or more years of service in the aviation industry.

Mr. Nalbone passed away at the age of 93. He is survived by his three children and six grandchildren. Clearly, Mr. Nalbone passed his love of aviation along to his family. I have dealt very often with his son Lou, who currently serves as President of Dunkirk Aviation, and who remains Chautauqua County's most tireless advocate for aviation in New York's Southern Tier.

Mr. Speaker, it is my honor to ask you and our colleagues to extend the sympathies of the House to the family of John J. Nalbone Sr., to recognize his contributions to our military and to his community, and for his commitment to the United States of America, and to Western New York.

RECOGNIZING RICHARD G. LANDIS

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. McCLINTOCK. Mr. Speaker, I rise today in recognition of Richard Landis of Lake Wildwood, California. Mr. Landis grew up in

Marysville and Yuba City. He and his wife, Beth, met while attending the University of La Verne. They have three grown children.

Dick Landis began his long legacy of contributing to his community by serving our country as an aviator in the U.S. Army Air Corps. He had a distinguished military service record, having flown the P-38 and the P-51 in two and a half combat tours in the European theater.

After graduating from La Verne and leaving military service, Dick went on to have a very successful business career, eventually rising to be Chairman and CEO of the Del Monte Corporation, as well as serving on the boards of several other corporations. During his tenure in the private sector Dick was known for his active involvement in the communities in which his firms did business. He was named California Manufacturer of the Year in 1981 and given the Good Scout Award as well as the Silver Beaver Award in 1975 by the San Francisco Bay Area Council of the Boy Scouts of America, of which he was Executive Board Chairman.

In the 1980s, Landis retired to Lake Wildwood. In Nevada County, Mr. Landis has been a very enthusiastic supporter, member of the Board and major donor to Music in the Mountains, Penn Valley Rotary becoming a Paul Harris Fellow many times over and having received Rotary Foundation's Major Donor Recognition, supporting and advising Nevada County Habitat for Humanity, along with several other non-profit organizations. He has authored two books on business and personal ethics, one of which is aimed at encouraging youth to be active members of their communities throughout their lifetimes.

This weekend, the Rotary Club of Penn Valley, California will host a dinner in Dick's honor to thank him for his many years of support for his community and to raise funds to endow the Dick Landis Music in the Mountains Rotary Scholarship through the new Penn Valley Rotary Foundation. The group is right to honor Mr. Landis, and I am proud to rise today in recognition of his fine example of how a citizen can contribute to his community and country.

INTRODUCTION OF A BILL TO AMEND TITLE 38, UNITED STATES CODE, TO EXTEND THE DEPARTMENT OF VETERANS AFFAIRS DEMONSTRATION PROJECTS ON ADJUSTABLE RATE MORTGAGES AND HYBRID ADJUSTABLE RATE MORTGAGES

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to introduce a bill to amend title 38, United States Code, to extend the Department of Veterans Affairs demonstration projects on adjustable rate mortgages and hybrid adjustable rate mortgages.

My bill would ensure we continue to provide affordable mortgages for our veterans, who put their lives on the line protecting our freedom. This VA-backed mortgage program is currently set to expire next year.

In contrast to traditional Adjustable Rate Mortgages (ARMs), VA-guaranteed ARMs limit the annual interest rate adjustment to a maximum increase or decrease of one percent. Over the life of the loan, the interest rate is limited to a maximum increase of five percent. For VA-backed hybrid ARMs, the interest rate adjustment is limited to two percent each year, with a maximum increase of six percent over the life of the loan.

Compared to a conventional mortgage, VA-backed ARMs and hybrid ARMs make it easier for veterans to obtain affordable financing. If interest rates drop, veterans can save thousands of dollars in mortgage payments. This legislation would make mortgages more affordable and would play an important role in combating veteran homelessness.

The Department of Veterans Affairs estimates that over 100,000 veterans are homeless, while 1.5 million veterans are considered "at risk" of homelessness due to poverty and substandard housing arrangements. These mortgage extensions encourage veterans to pursue the American Dream of homeownership and ensure that they are not living on the streets due to the volatility and exposure of traditional mortgages.

Mr. Speaker, one of the most overarching public policy goals of the Congress and our country is to take care of our veterans. I strongly believe that providing affordable mortgage rates is a key component in our effort to meet this goal. I urge our colleagues to join me in supporting this successful and necessary program.

EXPRESSING SUPPORT FOR THE "OCCUPY WALL STREET" MOVEMENT, THE VOICE OF THE 99% AND A VISION OF DEMOCRACY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 2011

Mr. RANGEL. Mr. Speaker, today I rise in support of the Occupy Wall Street Movement and to bring the voices of the long-oppressed 99% back to the Representatives who are supposed to represent them.

Truly, when I think of the vision of democracy today, instead of our gridlocked Congress, where we can hardly speak to each other because of deeply polarized political differences, I look to the Occupy Wall Street groups burgeoning across the country.

They took to heart the value of the freedoms of speech and assembly consecrated in the Bill of Rights, and put them to practice. They are convening in open air town halls to give voice to the voiceless and organize as a unit. Here in Congress, every vote comes with a fight. After it is all said and done, the disagreement remains and the bitterness deepens. Out there in the General Assemblies of these "Occupation" sites, decisions are made by consensus. Who has it figured out better?

Some are quick to dismiss the protesters as a bunch of kids who do not know what they are doing. I beg to differ.

Yes, the Occupy Wall Street groups have no established leadership team. But that is very much by choice. And in many ways, these eclectic gatherings are so much stronger as a collective of equals. Each individual, from child to senior, has taken initiative to help in a way best suited to his or her interests and abilities. They have voluntarily taken up posts to welcome newcomers, to offer legal advice, to provide medical relief, to cook, to clean, to entertain, and to be sure, to discuss policy, from sustainability to electoral reform.

And yes, these General Assemblies do not have a bill of solutions to present for deliberation on the floors of Congress to rectify the problems facing our country. But they have deliberately chosen not to present a list of demands as an organizational strategy. In the second issue of the New York occupation newspaper, cleverly named the "Occupied Wall Street Journal", they declared: "No List of Demands. We are speaking to each other and listening. This occupation is first about participation."

And they are right. All they need to know is that they are discontent with the status quo in this country and are willing to do something about it. This is what democracy is all about. If the people do not express their point of view, how are their voices supposed to be represented?

The fact is that the people have been trying to communicate their grievances—through phone calls, letters, petitions, national conferences, and other traditional methods of organizing—yet we, their elected representatives, have failed to produce legislation to adequately address their needs. Now they are mad as hell, and I do not blame them. In fact, I thank them for containing their anger and organizing in a non-violent manner.

My colleagues, it is our sworn duty to listen to our constituents and represent their views. Why are we not honoring the position of the 99%? Why do attacks on the 99% persist? What more do the American people have to do to get its Congress to wake up and actually deliver the systematic changes that are necessary to lift this country out of its fiscal recession and spiritual depression? The American Dream needs to be revived with some real changes before it withers away like the millions upon millions of dreams deferred.

Americans have been suffering long before these market crashes, bubble bursts, and quagmire wars. This movement is not about ephemeral concerns and will not be mollified by superficial fixes. The problems highlighted by Occupy Wall Street contingents around the country are deeply entrenched structural issues and we must address them earnestly and develop permanent, holistic solutions. We can no longer afford to patch one sleeve with the other. It is abundantly clear that a total make-over is needed.

The process will be difficult, but we must undertake the challenge. We cannot simply bicker on and watch more than a quarter of our children grow up in poverty. We cannot simply hype up the promises of higher education and abandon our students when they are locked down with debt. We cannot simply wait for the "market god" to do its wonders and leave our families to suffer as the prices go up and real wages go down. It is not only our job to rectify these wrongs, it is our moral obligation.

I call on all my colleagues to listen to the voices of the people and act. Let us collaborate in good faith and reaffirm that this is a government of the people, by the people, and for the people. The American public is sick and tired of waiting. It is time to get to work.

Once more I urge spiritual leaders all across the country to take an active role in this movement. Every faith tradition affirms the value of social justice. This is the time to fight for a more perfect nation, one that would more closely embody the ideals upheld in our holy books. I ask all faith leaders to encourage their congregants to contact their elected officials and make sure that their views are faithfully represented.

Lastly, I would like to remind all the leaders of the world that this movement is not stopping at Wall Street, in New York, or even within the bounds of the United States. More than 1,500 cities around the globe committed to launching united campaigns for global change on October 15, 2011. The ''Occupation'' is poised to continue, growing persistently as more and more people step out and speak up. Never forget that the power of government is derived from the consent of the governed. Their will and support are the foundations on which our nations were built. Listen to the 99%, preserve peace, and ensure justice to all.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 3, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 4

10 a.m.

Joint Economic Committee

To hold hearings to examine the unemployment situation for October 2011.

210, Cannon Building

NOVEMBER 8

9:30 a.m.

Armed Services

To hold hearings to examine the Committee's investigation into counterfeit electronic parts in the Department of Defense supply chain.

SD–G50

10 a.m.

Energy and Natural Resources

To hold hearings to examine market developments for United States natural gas, including the approval process and potential for liquefied natural gas exports.

SD–366

Finance

To hold hearings to examine unemployment insurance, focusing on the path back to work.

SD–215

Foreign Relations

To hold hearings to examine the nominations of Roberta S. Jacobson, of Maryland, to be Assistant Secretary for Western Hemisphere Affairs, Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador, and Adam E. Namm, of New York, to be Ambassador to the Republic of Ecuador, all of the Department of State.

SD–419

Health, Education, Labor, and Pensions

To hold hearings to examine beyond No Child Left Behind (NCLB), focusing on views on the Elementary and Secondary Education Reauthorization Act.

SD–106

Judiciary

To hold an oversight hearing to examine the Department of Justice.

SD–226

2 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Nancy Maria Ware, to be Director of the Court Services and Offender Supervision Agency for the District of Columbia, Michael A. Hughes, to be United States Marshal for the Superior Court of the District of Columbia, Department of Justice, and Danya Ariel Dayson, Peter Arno Krauthamer, and John Francis McCabe, all to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

NOVEMBER 9

10 a.m.

Homeland Security and Governmental Affairs

Business meeting to consider pending calendar business.

SD–342

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine securing our nation's transportation system, focusing on oversight of Transportation Security Administration's current efforts.

SR–253

Foreign Relations

Near Eastern and South and Central Asian Affairs Subcommittee

To hold hearings to examine United States policy in Syria.

SD–419

Judiciary

Privacy, Technology and the Law Subcommittee

To hold hearings to examine health and privacy, focusing on protecting health information in a digital world.

SD–226

NOVEMBER 10

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Roslyn Ann Mazer, of Maryland, to be Inspector General, Department of Homeland Security.

SD–342

Veterans' Affairs

To hold hearings to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care.

SR–418

2:15 p.m.

Indian Affairs

To hold hearings to examine S. 1192, to supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes, S. 872, to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is considered to be held in trust and to provide for the conduct of certain activities on the land, and S. 1763, to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior.

SD–628

NOVEMBER 15

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Jon D. Leibowitz, of Maryland, and Maureen K. Ohlhausen, of Virginia, both to be a Federal Trade Commissioner.

SR–253

NOVEMBER 17

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the future of internet gaming, focusing on what's at stake for tribes.

SD–628

DECEMBER 6

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Express Scripts/Medco merger.

SD–226

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7013–S7092

Measures Introduced: Sixteen bills and one resolution were introduced, as follows: S. 1779–1794, and S. Res. 309. **Page S7066**

Measures Passed:

Wallowa Forest Service Compound Conveyance Act: Senate passed S. 271, to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, after agreeing to the committee amendments. **Page S7089**

Sugar Loaf Fire Protection District Land Exchange Act: Senate passed S. 278, to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado. **Pages S7089–90**

Fort Pulaski National Monument Lease Authorization Act: Senate passed S. 535, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument. **Page S7090**

Box Elder Utah Land Conveyance Act: Senate passed S. 683, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah, after agreeing to the committee amendments. **Pages S7090–91**

Utah Land Conveyance Act: Senate passed S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah, after agreeing to the committee amendments. **Page S7091**

Uintah Water Conservancy District: Senate passed S. 808, to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District. **Page S7091**

Surface Mining Control and Reclamation Act: Senate passed S. 897, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects and acid mine remediation programs. **Pages S7091–92**

East Bench Irrigation District Water Contract Extension Act: Senate passed S. 997, to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District. **Page S7092**

Measures Considered:

Rebuild America Jobs Act—Agreement: Senate continued consideration of the motion to proceed to consideration of S. 1769, to put workers back on the job while rebuilding and modernizing America. **Pages S7021–58**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 10 a.m., on Thursday, November 3, 2011; that when Senate resumes consideration of the motion to proceed to consideration of the bill, that it be in order for the Republican Leader, or his designee, to move to proceed to S. 1786, to facilitate job creation by reducing regulatory uncertainty, providing for rational evaluation of regulations, providing flexibilities to States and localities, providing for infrastructure spending; that the motions to proceed be debated concurrently with the time until 3 p.m. equally divided between the two Leaders, or their designees, prior to votes on the motions to proceed in the following order: Reid motion to proceed to consideration of S. 1769; and McConnell, or designee, motion to proceed to consideration of S. 1786; that the motions to proceed each be subject to a 60 affirmative vote threshold; that if the Reid motion to proceed is agreed to, the vote on the McConnell, or designee, motion to proceed be delayed until disposition of S. 1769; and that the cloture motion with respect to the motion to proceed to consideration of S. 1769 be vitiated. **Page S7058**

Long-term Surface Transportation Extension Act—Agreement: A unanimous-consent agreement was reached providing that S. 1786, to facilitate job creation by reducing regulatory uncertainty, providing for rational evaluation of regulations, providing flexibilities to States and localities, providing for infrastructure spending, be placed on the calendar. **Page S7063**

Skavdahl and Andrews Nominations—Agreement: A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, after consultation with the Republican Leader, Senate begin consideration of the nominations of Scott Wesley Skavdahl, of Wyoming, to be United States District Judge for the District of Wyoming, and Richard G. Andrews, of Delaware, to be United States District Judge for the District of Delaware; that there be one hour for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote, without intervening action or debate, on confirmation of the nominations in the order listed; with two minutes for debate equally divided in the usual form between the votes; and that no further motions be in order to any of the nominations. **Page S7089**

Nominations Received: Senate received the following nominations:

Andrew David Hurwitz, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

Kristine Gerhard Baker, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

2 Air Force nominations in the rank of general. **Page S7092**

Messages from the House: **Page S7063**

Measures Referred: **Page S7063**

Measures Placed on the Calendar: **Pages S7063, S7092**

Executive Communications: **Pages S7063–65**

Executive Reports of Committees: **Pages S7065–66**

Additional Cosponsors: **Pages S7066–67**

Statements on Introduced Bills/Resolutions: **Pages S7067–82**

Additional Statements: **Pages S7062–63**

Notices of Intent: **Page S7082**

Notices of Hearings/Meetings: **Page S7082**

Authorities for Committees to Meet: **Pages S7082–83**

Privileges of the Floor: **Page S7083**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:52 p.m., until 10:00 a.m. on Thursday, November 3, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7092.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 1119, to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, with an amendment in the nature of a substitute;

S. 1307, to authorize the Secretary of Commerce to convey real property, including improvements, of the National Oceanic and Atmospheric Administration in Ketchikan, Alaska;

S. 1401, to conserve wild Pacific salmon, with an amendment in the nature of a substitute;

S. 1430, to authorize certain maritime programs of the Department of Transportation, with an amendment in the nature of a substitute;

S. 1657, to amend the provisions of law relating to sport fish restoration and recreational boating safety;

S. 1665, to authorize appropriations for the Coast Guard for fiscal years 2012 and 2013, with an amendment in the nature of a substitute;

S. 1701, to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, with an amendment in the nature of a substitute;

S. 1759, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition; and

The nominations of Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner, Albert DiClemente, of Delaware, to be a Director of the Amtrak Board of Directors, and Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board, and a promotion list in the U.S. Coast Guard.

EUROPEAN DEBT CRISIS

Committee on Foreign Relations: Subcommittee on European Affairs concluded a hearing to examine the European debt crisis, focusing on strategic implications for the transatlantic alliance, after receiving testimony from Jacob Funk Kirkegaard, Peterson Institute for International Economics, Bruce Stokes, German Marshall Fund of the United States, Desmond Lachman, American Enterprise Institute, and David F. Gordon, Eurasia Group, all of Washington, D.C.

WOMEN AND THE ARAB SPRING

Committee on Foreign Relations: Subcommittee on International Operations and Organizations, Human Rights, Democracy and Global Women's Issues with

the Subcommittee on Near Eastern and South and Central Asian Affairs concluded a joint hearing to examine women and the Arab Spring, after receiving testimony from Melanne Verveer, Ambassador-at-Large for Global Women's Issues, and Tamara Cofman Wittes, Deputy Assistant Secretary for Near East Affairs, and Deputy Special Coordinator for Middle East Transitions, both of the Department of State; Manal Omar, United States Institute of Peace (USIP), and Sandra L. Bunn-Livingstone, Freedom, both of Washington, D.C.; and Mahnaz Afkhami, Women's Learning Partnership, Bethesda, Maryland.

AVIATION SECURITY TEN YEARS AFTER 9/11

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine ten years after 9/11, focusing on the next wave in aviation security, after receiving testimony from John Pistole, Administrator, Transportation Security Administration, Department of Homeland Security; Roger Dow, U.S. Travel Association, and Kenneth J. Dunlap, International Air Transport Association, both of Washington, D.C.; and Charles M. Barclay, American Association of Airport Executives, Alexandria, Virginia.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit, who was introduced by Senator Feinstein, and Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas, and David Campos Guaderrama, to be United States District Judge for the Western District of Texas, who were both introduced by Senators Hutchison and Cornyn, after the nominees testified and answered questions in their own behalf.

ASSISTED LIVING

Special Committee on Aging: Committee concluded a hearing to examine ensuring quality and oversight in assisted living, after receiving testimony from Barbara Coulter Edwards, Director, Disabled and Elderly Health Programs Group, Center for Medicaid, CHIP, and Survey and Certification, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Martha A. Roherty, National Association of States United for Aging and Disabilities, and Stephen J. Maag, LeadingAge, both of Washington, D.C.; Larry Polivka, Florida State University, Tallahassee; Robert Jenkens, NCB Capital Impact, Arlington, Virginia; and Alfredo Navas, Cutler Bay, Florida.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 26 public bills, H.R. 3306–3331 were introduced.

Pages H7255–56

Additional Cosponsors: **Pages H7257–58**

Report Filed: A report was filed today as follows:

H. Res. 453, providing for consideration of the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes, and providing for consideration of the bill (H.R. 2940) to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D. (H. Rept. 112–265). **Pages H7249, H7255**

Speaker: Read a letter from the Speaker wherein he appointed Representative Paulsen to act as Speaker pro tempore for today. **Page H7211**

Recess: The House recessed at 11:23 a.m. and reconvened at 12 noon. **Page H7220**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Civilian Service Recognition Act of 2011: H.R. 2061, amended, to authorize the presentation of a United States flag at the funeral of Federal civilian employees who are killed while performing official duties or because of their status as a Federal employee, by a ⅔ yea-and-nay vote of 425 yeas with none voting "nay", Roll No. 818;

Pages H7223–26, H7234–35

Agreed to amend the title so as to read: "To authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment.".

Page H7235

Amending the securities laws to establish certain thresholds for shareholder registration: H.R.

1965, amended, to amend the securities laws to establish certain thresholds for shareholder registration, by a ⅔ yea-and-nay vote of 420 yeas to 2 nays, Roll No. 819; **Pages H7226–29, H7235–36**

Small Company Capital Formation Act of 2011: H.R. 1070, amended, to amend the Securities Act of 1933 to authorize the Securities and Exchange Commission to exempt a certain class of securities from such Act, by a ⅔ yea-and-nay vote of 421 yeas to 1 nay, Roll No. 820; and **Pages H7229–32, H7236**

Agreed to amend the title so as to read: "To amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.". **Page H7236**

Veterans' Compensation Cost-of-Living Adjustment Act of 2011: S. 894, to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. **Pages H7232–34**

Congressional-Executive Commission on the People's Republic of China—Appointment: The Chair announced the Speaker's appointment of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China: Representatives Wolf, Manzullo, and Royce. **Page H7236**

Recess: The House recessed at 5:27 p.m. and reconvened at 6:32 p.m. **Page H7254**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H7220.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H7234–35, H7235–36, H7236. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:33 p.m.

Committee Meetings

DEFENSE SEQUESTRATION

Committee on Armed Services: Full Committee held a hearing entitled "The Future of the Military Services and Consequences of Defense Sequestration." Testimony was heard from General Raymond T. Odierno, USA, Chief of Staff of the Army; Admiral Jonathan W. Greenert, USN, Chief of Naval Operations; General Norton A. Schwartz, USAF, Chief of Staff of the Air Force; and General James F. Amos, USMC, Commandant of the Marine Corps.

COMBAT AVIATION PROGRAMS

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on Fiscal Year 2012 Combat Aviation Programs Update. Testimony was heard from Vice Admiral W. Mark Skinner, USN, Principal Military Deputy to the Assistant Secretary of the Navy (Research, Development, and Acquisition), U.S. Navy; Lieutenant General Terry G. Robling, USMC, Deputy Commandant of the Marine Corps for Aviation, U.S. Marine Corps; Rear Admiral Kenneth E. Floyd, USN, Director of the Air Warfare Division, U.S. Navy; Lieutenant General Herbert J. (Hawk) Carlisle, USAF, Deputy Chief of Staff for Operations, Plans and Requirements, U.S. Air Force; and Major General Jay H. Lindell, USAF, Director, Global Power Programs, Office of the Assistant Secretary (Acquisition), U.S. Air Force.

U.S. NUCLEAR WEAPONS

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing on the Current Status and Future Direction for U.S. Nuclear Weapons Policy and Posture. Testimony was heard from James N. Miller, Principal Deputy Under Secretary of Defense for Policy, Department of Defense; General C. Robert Kehler, USAF, Commander, U.S. Strategic Command; Ellen O. Tauscher, Under Secretary for Arms Control and International Security, Department of State; and Thomas P. D'Agostino, Administrator, National Nuclear Security Administration, Department of Energy.

HEALTH LAW MANDATES

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Do New Health Law Mandates Threaten Conscience Rights and Access to Care?" Testimony was heard from public witnesses.

CONSUMER FINANCIAL PROTECTION BUREAU

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled "The Consumer Financial Protection Bureau: The First 100 Days." Testimony was heard from Raj Date, Special Advisor to the Secretary of the Treasury, Consumer Financial Protection Bureau.

HUD HOME PROGRAM

Committee on Financial Services: Subcommittee on Insurance, Housing and Community Opportunity; and the Subcommittee on Oversight and Investigations held a joint hearing entitled "Fraud in the HUD HOME Program." Testimony was heard from John P. McCarty, Acting Deputy Inspector General, Office of the Inspector General, Department of Housing and Urban Development; Kenneth Donohue,

former Inspector General, Department of Housing and Urban Development; James M. Beaudette, Deputy Director, Departmental Enforcement Center, Department of Housing and Urban Development; and public witnesses.

ZIMBABWE

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, and Human Rights held a hearing entitled ''U.S. Policy Towards Zimbabwe.'' Testimony was heard from Johnnie Carson, Assistant Secretary of State, Bureau of African Affairs, Department of State; Sharon Cromer, Senior Deputy Assistant Administrator, Bureau for Africa, U.S. Agency for International Development; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Full Committee held a markup of the following: H.R. 1905, to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes; and H.R. 2105, to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes. Both bills were ordered reported, as amended.

EFFORTS TO TRANSFER AMERICA'S LEADING EDGE SCIENCE TO CHINA

Committee on Foreign Affairs: Subcommittee on Oversight and Investigations held a hearing entitled ''Efforts to Transfer America's Leading Edge Science to China.'' Testimony was heard from Rep. Wolf; Thomas Armstrong, Managing Associate General Counsel, Government Accountability Office; John Holdren, Director, Office of Science and Technology Policy; Charles Bolden, Jr., Administrator, National Aeronautics and Space Administration; and public witnesses.

DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing entitled ''The U.S. Department of Justice Office of Justice Programs.'' Testimony was heard from Laurie Robinson, Assistant Attorney General, Office of Justice Programs.

LEGISLATIVE MEASURES

Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement held a hearing on H.R. 2121, the ''China Democracy Promotion Act of 2011.'' Testimony was heard from Rep. Smith of New Jersey; Ruth Wasem, Congressional Research Service, Library of Congress; and public witnesses.

DEPARTMENT OF HOMELAND SECURITY

Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement held a meeting to consider authorizing the Chairman to issue a subpoena to the Department of Homeland Security. The Chairman was authorized to issue a subpoena.

BOEMRE

Committee on Natural Resources: Full Committee held a hearing entitled ''BOEMRE/U.S. Coast Guard Joint Investigation Team Report.'' Testimony was heard from Captain Hung Nguyen, Co-Chair of the Joint Investigation Team, U.S. Coast Guard; David Dykes, Co-Chair of the Joint Investigation Team, former BOEMRE Staff; Vice Admiral Brian M. Salerno, Deputy Commandant for Operations, U.S. Coast Guard; Michael Bromwich, Director, Bureau of Safety and Environmental Enforcement; and public witnesses.

NORTH AMERICAN OFFSHORE ENERGY

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held a hearing entitled ''North American Offshore Energy: Mexico and Canada Boundary Treaties and New Drilling by Cuba and Bahamas.'' Testimony was heard from Michael Bromwich, Director, Bureau of Safety and Environmental Enforcement; Vice Admiral Brian Salerno, Deputy Commandant for Operations, U.S. Coast Guard; and public witnesses.

TRAFFICKING VICTIMS PROTECTION ACT

Committee on Oversight and Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform held a hearing entitled ''Are Government Contractors Exploiting Workers Overseas? Examining Enforcement of the Trafficking Victims Protection Act.'' Testimony was heard from Liana Wyler, Senior Analyst, Congressional Research Service; Kenneth P. Moorefield, Deputy Inspector General for Special Plans and Operations, Department of Defense; Michael P. Howard, Chief Operation Officer, Army and Air Force Exchange Service; Evelyn R. Klemstine, Assistant Inspector General for Audits, Department of State; Linda Dixon, Combating Trafficking in Persons Program Manager, Department of Defense; and public witnesses.

GREEN ENERGY

Committee on Oversight and Government Reform: Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending held a hearing entitled ''The Green Energy Debacle: Where Has All the Taxpayer Money Gone?'' Testimony was heard from Gregory H. Friedman, Inspector General, Office of Inspector General, Department of Energy; Elliot P.

Lewis, Assistant Inspector General for Audit, Office of Inspector General, Department of Energy; and public witnesses.

AMERICA'S INNOVATION CHALLENGE

Committee on Oversight and Government Reform: Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs held a hearing entitled ''America's Innovation Challenge: What Obstacles do Entrepreneurs Face?'' Testimony was heard from public witnesses.

ENTREPRENEUR ACCESS TO CAPITAL ACT; AND ACCESS TO CAPITAL FOR JOB CREATORS ACT

Committee on Rules: Full Committee held a hearing on H.R. 2930, the ''Entrepreneur Access to Capital Act''; and H.R. 2940, the ''Access to Capital for Job Creators Act''. The Committee granted, by voice vote a structured rule for H.R. 2930. The rule provides 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 the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as original text for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those further amendments to H.R. 2930 printed in part A of 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 part A of the Rules Committee report. The rule provides one motion to recommit with or without instructions.

The resolution further provides for consideration of H.R. 2940 under a structured rule and provides one hour of 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 the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as adopted, and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule makes in order the further amendment printed in part B of the Rules Committee report, if offered by Representative Miller of North Carolina or his designee, which shall be considered as read and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in part B of the Rules Committee report. Finally, the rule provides one motion to recommit with or without instructions. On H.R. 2930 testimony was heard from the following: Rep. McHenry; Rep. Fincher; and Rep. Perlmutter. On H.R. 2940 testimony was heard from the following: Rep. McHenry and Rep. Perlmutter.

FOSTERING U.S. INNOVATION

Committee on Science, Space, and Technology: Subcommittee on Technology and Innovation held a hearing entitled ''Creating and Growing New Businesses: Fostering U.S. Innovation.'' Testimony was heard from public witnesses.

MOTOR FUEL STANDARDS

Committee on Science, Space, and Technology: Subcommittee on Energy and Environment held a hearing entitled ''Conflicts and Unintended Consequences of Motor Fuel Standards.'' Testimony was heard from Margo Oge, Director, Office of Transportation and Air Quality, Environmental Protection Agency; and public witnesses.

DOMESTIC ENERGY PRODUCTION

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing entitled ''Assuring the Safety of Domestic Energy Production: Lessons Learned from the Deepwater Horizon Oil Spill.'' Testimony was heard from Rear Admiral Paul Zukunft, Assistant Commandant for Marine Safety, Security and Stewardship, United States Coast Guard; Vice Admiral Roger Rufe, USCG (Retired), Chairman, Incident Specific Preparedness Review, Deepwater Horizon Oil Spill; Stephen Caldwell, Director, Homeland Security and Justice Issues, Government Accountability Office; and public witnesses.

Joint Meetings

HUMAN TRAFFICKING AND TRANSNATIONAL ORGANIZED CRIME

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine human trafficking and Transnational Organized Crime, focusing on assessing trends and combat strategies, including the evolving nature of Transnational Organized Crime, the role of major international organized

crime groups and smaller organized criminal syndicates in human trafficking, identified trends, and strategies to combat these organizations and prevent the trafficking of human beings, including H.R. 2830, to authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, after receiving testimony from Greg D. Andres, Acting Deputy Assistant Attorney General, Criminal Division, Department of Justice; Piero Bonadeo, United Nations Office on Drugs and Crime (UNODC), New York, New York; and Martina E. Vandenberg, The Freedom Network USA, Washington, D.C.

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 3, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine empowering and protecting servicemembers, their families and veterans in the consumer financial marketplace, 10 a.m., SD–538.

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine speculation and compliance with the ''Dodd-Frank Act'', 9 a.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 598, to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage, S. 75, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act, and the nominations of Stephanie Dawn Thacker, of West Virginia, to be United States Circuit Judge for the Fourth Circuit, Michael Walter Fitzgerald, to be United States District Judge for the Central District of California, Ronnie Abrams, to be United States District Judge for the Southern District of New York, Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia, Miranda Du, of Nevada, to be United States District Judge for the District of Nevada, Susie Morgan, to be United States District Judge for the Eastern District of Louisiana, and Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, Subcommittee on Conservation, Energy, and Forestry, hearing to review the Implementation of Phase II of the Chesapeake Bay TMDL Watershed Implementation Plans and their impacts on rural communities, 10 a.m., 1300 Longworth.

Committee on Armed Services, Subcommittee on Emerging Threats and Capabilities, hearing on Institutionalizing Irregular Warfare Capabilities, 10 a.m., 2112 Rayburn.

Subcommittee on Seapower and Projection Forces; and the Subcommittee on Readiness, joint hearing on a Day Without Seapower and Projection Forces, 11:30 a.m., 2218 Rayburn.

Committee on Education and the Workforce, Subcommittee on Workforce Protections, hearing entitled ''Examining Regulatory and Enforcement Actions Under the Fair Labor Standards Act.'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, business meeting, 9 a.m., 2123 Rayburn.

Subcommittee on Energy and Power, markup of H.R. 1633, the ''Farm Dust Regulation Prevention Act of 2011.'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing on legislation regarding the ''Private Mortgage Market Investment Act.'' 10 a.m., 2128 Rayburn.

Subcommittee on Insurance, Housing and Community Opportunity, hearing entitled ''The Obama Administration's Rental Assistance Demonstration Proposal.'' 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, hearing entitled ''Congressional-Executive Commission on China: 2011 Annual Report.'' 10 a.m., 2172 Rayburn.

Subcommittee on the Middle East and South Asia, hearing entitled ''2014 and Beyond: U.S. Policy toward Afghanistan and Pakistan, Part I.'' 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Transportation Security, hearing entitled ''TSA Reform: Exploring Innovations in Technology Procurement to Stimulate Job Growth, Part III.'' 2 p.m., 311 Cannon.

Committee on House Administration, Subcommittee on Elections, hearing entitled ''Federal Election Commission: Reviewing Policies, Processes and Procedures.'' 10 a.m., 1310 Longworth.

Committee on the Judiciary, Full Committee, markup of the following: H.R. 1254, the ''Synthetic Drug Control Act of 2011''; H.R. 3010, the ''Regulatory Accountability Act of 2011''; and H.R. 2369, to amend title 36, United States Code, to provide for an additional power for the American Legion under its Federal charter. 1 p.m., 214 Rayburn.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs, hearing entitled ''Florida Everglades Restoration: What are the Priorities?'' 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on the following: H.R. 1980, the ''Gold Star Mothers National Monument Act of 2011''; H.R. 2070, the ''World War II Memorial Prayer Act of 2011''; H.R. 2621, the ''Chimney Rock National Monument Establishment Act''; and H.R. 3155, the ''Northern Arizona Mining Continuity Act of 2011''. 10 a.m., 1334 Longworth.

Subcommittee on Indian and Alaska Native Affairs, hearing on the following: H.R. 205, the ''HEARTH Act

of 2011''; and H.R. 2362, the ''Indian Tribal Trade and Investment Demonstration Project Act of 2011''. 2 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, Full Committee, markup of the following: H.R. 3029, the ''Reducing the Size of the Federal Government Through Attrition Act of 2011''; H.R. 3262, the ''Government Results Transparency Act''; H.R. 3237, the ''SOAR Technical Corrections Act''; H.R. 2297, to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes; H.R. 3289, the ''Whistleblower Protection Enhancement Act of 2011''; H.R. 298, to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the ''Army Specialist Matthew Troy Morris Post Office Building.''; H.R. 2079, to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the ''John J. Cook Post Office.''; H.R. 2158, to designate the facility of the United States Postal Service located at 14901 Adelfa Drive in La Mirada, California, as the ''Wayne Grisham Post Office.''; H.R. 2415, to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the ''Trooper Joshua D. Miller Post Office Building.''; H.R. 2422, to designate the facility of the United States Postal Service located at 45 Bay Street, Suite 2, in Staten Island, New York, as the ''Sergeant Angel Mendez Post Office.''; H.R. 2660, to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the ''Tomball Veterans Post Office.''; H.R. 2767, to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the ''William T. Trant Post Office Building.''; H.R. 3004, to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the ''Private First Class Alejandro R. Ruiz Post Office Building.''; H.R. 3220, to designate the facility of the United States Postal Service located at 170 Evergreen Square SW in Pine City, Minnesota, as the ''Master Sergeant Daniel L. Fedder Post Office.''; H.R. 3246, to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building.''; H.R. 3247, to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building.''; H.R. 3248, to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building.''; and S. 1412, to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the ''Officer John Maguire Post Office.'' 9:30 a.m., 2154 Rayburn.

Committee on Rules, Full Committee, hearing on H.R. 2838, the ''Coast Guard and Marine Transportation Act of 2011.'' 4 p.m., H–312 Capitol.

Committee on Science, Space, and Technology, Subcommittee on Research and Science Education, hearing entitled ''STEM In Action: Transferring Knowledge from the Workplace to the Classroom.'' 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Economic Growth, Tax and Capital Access, hearing entitled ''Pro-Growth Tax Policy: Why Small Businesses Need Individual Tax Reform.'' 10 a.m., 2360 Rayburn.

Next Meeting of the SENATE

10 a.m., Thursday, November 3

Senate Chamber

Program for Thursday: Senate will continue consideration of the motion to proceed to consideration of S. 1769, Rebuild America Jobs Act, and begin consideration of the motion to proceed to consideration of S. 1786, Long-Term Surface Transportation Extension Act. At approximately 3 p.m., Senate will vote on the motion to proceed to consideration of S. 1769, and if that is unsuccessful, Senate will vote on the motion to proceed to consideration of S. 1786.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, November 3

House Chamber

Program for Thursday: Consideration of H.R. 2940—Access to Capital for Job Creators Act (Subject to a Rule). Begin consideration of H.R. 2930—Entrepreneur Access to Capital Act (Subject to a Rule).

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