United States of America

# Congressional Record

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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. FITZPATRICK).

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*November 3, 2011.*

I hereby appoint the Honorable MICHAEL G. FITZPATRICK 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.

## LONE SURVIVOR OF THE DOUGHBOYS

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

Mr. POE of Texas. Mr. Speaker, as we approach Veterans Day, the day we honor those who served and came back home, I want to talk about a very special veteran.

Frank Buckles, Jr., when he was 16 years of age—some say 15—during the beginning of the great World War I, wanted to join the military and go overseas. Remember they sang that song, those doughboys, when they went overseas, George Cohan's song ''Over There.'' And they wouldn't come back until it was over ''over there.''

The war started. He tried to join the Marines; they wouldn't take him because he was not 18. He tried different recruiters. He finally found an Army recruiter. He says he just told the recruiter a whopper—that he was 21. The recruiter took him, swore him in; and the fastest way he could get to Europe and get into action was to drive an ambulance. This is a photograph of Frank Buckles, Jr., when he served in the great World War I.

After that war was over with, he came back home, although 116,000 Americans did not come back home. Four million of them served in World War I. Frank Buckles, Jr., joined up as a seaman on a merchant ship. He was in the Philippines when World War II started, and he was captured by the Japanese and held in a prisoner of war camp for 3½ years. He was rescued, came back home to America, went to his farm in West Virginia, and he worked on the farm until he was 109 years old.

Frank Buckles, Jr., died this year at the age of 110. He was the last surviving doughboy from America that served in the great World War I. This is a photograph taken shortly before his death this year.

Frank Buckles, Jr., the loan survivor of World War I, a veteran of that great war, came back home. And his wish before he died, Mr. Speaker, was that we would have a permanent memorial for all who served in World War I on the Mall. You see, we have a memorial for Vietnam veterans, we have a memorial for the Korean veterans, the World War II veterans. There is a small memorial for the D.C. troops that served in World War I, but there's no memorial on the Mall for all of the doughboys like Frank Buckles, Jr., that served. And they have all died, Mr. Speaker. And it's our job, it's important for us to have that memorial for them, to allow it to be constructed.

There is one memorial in Kansas City for the World War I doughboys, but we need one here also on the Mall. And it's important that we honor these great Americans because they are the veterans that we honor, that we appreciate, and that we should not forget, although all of them, including the loan survivor, Frank Buckles, Jr., has died. So I hope this House will join me and the gentleman from Missouri, EMANUEL CLEAVER, in passing legislation to authorize this memorial for those World War I doughboys.

Veterans Day is approaching. We are approaching the 100th anniversary of the great World War I. We should remember them, and we can do this by erecting and allowing a memorial to be constructed on the Mall. The veterans are the greatest that we have. We should remember every one of them, those that served and came home, those that served and did not come home, and those that are serving and representing us today.

And that's just the way it is.

## THE WAR AGAINST SPORTS FANS

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

Mr. BLUMENAUER. There is a drama being played out in the divorce and bankruptcy court with the McCourt family and the Los Angeles Dodgers. It's another chapter in the sad war against fans, the very people who make these multibillion-dollar enterprises possible in the first place.

It's an all-too-familiar refrain. No city is exempt from the threat of bankruptcy or being held hostage by an owner threatening to move if their demands are not met. No one, that is, except the fans of the team that is arguably the most successful franchise in



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professional sports, the current Super Bowl champions, currently undefeated—and maybe the strongest team in the NFL this year—the Green Bay Packers.

Packer fans will tell you they're unique: little Green Bay, Wisconsin, with only 104,000 people, a metropolitan area of less than a third of a million, the smallest sports media market in the United States, but arguably the most successful franchise.

Green Bay is special perhaps for another reason: it's the only franchise in all of Major League sports that doesn't have to worry about some billionaire egomaniac running the franchise into the ground or being tired of it and selling it off to another city, or just the community being held hostage by obscene demands for even more revenue, more sacrifice from fans and the community.

You know, that's been the fate. About one city a year since 1950 has had a franchise change, and many others have had the screws put to them. But the Green Bay Packers, are owned by 112,158 shareholders. Each shareholder is given voting rights in the franchise, and no shareholder can hold a controlling stake in the company. The Packers can raise funds for team expenses through prudent decision-making by the board of directors and by offering public shares.

Well, Mr. Speaker, there is something to be said for the approach of the long-term success of the Green Bay Packers; but, sadly, the billionaires who run the NFL and other professional sport franchises have decided otherwise. All Major Leagues, formally or informally, prohibit public ownership. The NFL formally outlawed public ownership in 1961—the same year it instituted a radical revenue-sharing policy—but grandfathered in Green Bay. Major League Baseball outlawed public ownership through an informal resolution passed in the mid-1980s when Joan Kroc sought to donate her baseball team, the Padres, to San Diego.

Well, I think the sad record is that the billionaires are not always so brilliant; but they are long on money, political influence and ego, and they know a sweet deal when they've got it. The franchises to this point have been a ticket to even greater wealth in part because these franchises are part of a cartel that would be illegal in most other industries. Guaranteed massive profits, they're the only show in town. They often can threaten to pick up and move and of course witness some of these egregious stadium deals.

I was just in Cincinnati earlier this week; and people there, whether they're conservative, liberal, Democrats or Republicans, are still holding their heads about being saddled with an egregious contract for a recent new stadium that put all the revenue upside in the pockets of the owner.

George Steinbrenner recently passed away. He was a wealthy man to begin with from a family business, but he became a billionaire based on his Yankee empire and his ability to further enrich himself as a result, in part, of the construction of a brand new Yankee Stadium that not only cost an astronomical sum for the taxpayers of New York, but further inflated the value of his ownership of the Yankees.

□ 1010

There have been critical appraisals that have suggested that it would have been cheaper for New York to simply buy the New York Yankees outright for the value of the team than submit to the outrageous demands from Steinbrenner to keep them there.

Well, the gravy train is fueled by another source of revenue; not only having communities and fans over a barrel, but they have an antitrust exemption that enables them to negotiate lucrative television contracts worth billions of dollars. For instance, the current NFL contract worth $3 billion a year to go with the $6 billion that has been pried out of locals for stadium deals and parking.

Mr. Speaker, I strongly urge my colleagues to look at legislation Congresswoman HAHN and I will be introducing today. Give fans a chance. It's time to do that, to broaden the ownership options, allow democracy and the free enterprise system to work.

## MAKE THE BUDGET PROCESS TRANSPARENT

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

Mr. DOLD. Mr. Speaker, the American taxpayer is facing a struggling economy, skyrocketing debt, and political partisanship here in Washington. While every American family must balance the budget, the Federal Government does not have to do the same.

Additionally, publicly traded companies are required to provide financial statements for their shareholders, whereas the government is not held accountable to the American taxpayer. That is why Representative MIKE QUIGLEY and I are introducing bipartisan legislation that would require the Federal Government to prepare and publish online periodic financial statements that are independently audited and that accurately reflect the government's true financial condition.

In the short time that I've been in Congress, I've focused my efforts on creating an environment that fosters job creation and gets our economy back on track. Part of that effort involves America's fiscal house getting in order, and that is why I've worked to curb out-of-control government spending.

Moving forward, I believe that we must also reform the way our Federal accounting methods are conducted to make the budget process more transparent and accessible to every American so that they, as taxpayers, can truly know how their money is being spent and what our government's true liabilities are. That is why I'm introducing the bipartisan Truth in Government Accounting Act, H.R. 3332.

To protect private-sector shareholders, the Federal Government requires each publicly traded company to file periodic GAAP financial statements that are independently audited and that accurately reflect the company's true financial condition. By contrast, the Federal Government's own accounting practices substantially conceal and confuse the Federal Government's true financial condition, especially with respect to long-term unfunded liabilities and year-over-year spending.

To protect taxpayers as much as the private-sector shareholders, the Federal Government should similarly require each Federal agency to file periodic GAAP financial statements that are independently audited and that accurately reflect the agency's true financial condition. The Truth in Government Accounting Act would require the Federal Government to do so, to make the resulting Federal Government financial statements easily available online, and to require zero-baseline budgeting.

This bill will require all Federal agencies to provide three quarterly and one annual consolidated financial statement, just as the private sector must do, using the fair-value accrual accounting method on all their assets and liabilities, including unfunded entitlement liabilities. These statements will be audited by a single entity, the Government Accountability Office, an independent, nonpartisan agency that reports to the Congress. These audited statements will be put online, in terms of a searchable Web site for all Americans to use and to see easily.

As incredible as it may seem, there's not a simple way for the American public to easily view our national budget with all of its liabilities, current and long term. What exists now is a system where information is scattered between Federal agency and government office Web sites. Our bill creates a simple and accessible Web site that can be a one-stop shop for all information related to our Federal budget, based off of Web sites that we know currently exist, like recovery.gov.

Americans deserve a transparent way to see where their tax dollars go and what they are on the hook for in the future. The bill will require the Congressional Budget Office to use current year spending as a baseline for estimating future mandatory and discretionary changes to determine whether the future legislation would increase or decrease Federal spending. It will be measured against current year spending and not against previously anticipated and hypothetical future year spending.

The American people deserve an open and transparent budgeting process, and the Truth in Government Accounting Act provides just that. By requiring

agencies to provide quarterly financial statements, auditing those financial statements and putting that information on a comprehensive Web site, as well as implementing the zero-based budgeting, we will greatly improve our Federal budget practice and enhance the public's ability to know how their tax dollars are being spent.

We expect and demand that companies conduct their business in a transparent manner. We should expect and demand no less of our Federal Government.

I want to urge my colleagues to cosponsor this legislation. The American taxpayers deserve true accounting of how their money is being spent.

## PUERTO RICO'S ABUSIVE GOVERNMENT PRACTICES

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

Mr. GUTIERREZ. Mr. Speaker, I've come to the floor on several occasions this year to denounce the abuses of the current government in Puerto Rico and discuss where the government has taken actions to suppress dissent and conduct business in secret, cutting the people out of the process of governance.

I've discussed the current regime's push for a dangerous, environmentally risky 92-mile natural gas pipeline known locally as the ''gasoducto''; the violations of civil rights and human rights of workers who protested the firing of up to 30,000 government employees; closing the legislature to the press and the public and conducting their business in secret; the violent treatment of students who opposed a steep fee increase, whose protest was broken up with billy clubs and pepper spray; the civil rights abuses revealed in the devastating report by our own U.S. Department of Justice about the systematic abuses by the Puerto Rican Police Department; and the attempt to destroy the Puerto Rican Bar Association, one of the most important independent organizations of civil society.

And the reaction in official Puerto Rico to my denunciations here in the House is telling as well. The legislature in Puerto Rico, both Houses, controlled by the ruling party, approved a joint resolution condemning me—not condemning the abusive tactics and oppressive practices I denounced, and that the Department of Justice confirmed exists—but condemning me for telling you about them.

Now the effort in Puerto Rico to silence any and all opposition has reached a new low. Incredible as it may sound, according to press reports published in Puerto Rico, the Vatican sent an official to conduct an investigation on allegations of political involvement by the archbishop of San Juan, conducted in secrecy until the press got wind of it this week.

While no names have surfaced on who filed an accusation against the archbishop, or who was in contact with the Vatican, it is telling that the elite of the ruling party has been quick to saturate the airwaves and pages of local newspapers with loud public accusations against the archbishop.

Attacking the archbishop is nothing new for the ruling party in Puerto Rico. They've done it many times in the past.

I'm a strong supporter of the democratic principle of separation of church and state, but as someone who has spent my life working to defend the rights of workers, minorities, working class people and immigrants, I have often been joined by people of faith and, particularly, leaders of the Catholic Church.

Just as here on the mainland, in Puerto Rico there is a broad religious leadership that has joined with the people as they strive to achieve a greater degree of social justice. Among those people is the Archbishop Roberto Gonzalez Nieves of San Juan.

Archbishop Gonzalez Nieves has courageously stepped forward on very important issues in Puerto Rico, such as the struggle to achieve peace on the island of Vieques, the need to protect civil rights and free speech, the freedom of political prisoners, and the just treatment of the poor.

But the one issue that has inflamed the passions of the ruling party against the archbishop has been his clear and firm stance on the need to reform Puerto Rican identity and the existence of a Puerto Rican nation. He has expressed a bold and comprehensive opinion in reference to Puerto Rican nationhood. That quote is, ''Motherland nation and identity are indivisible gifts of God's love.''

He's had the temerity to incorporate the Puerto Rican flag into the Catholic Church, a Puerto Rican church.

□ 1020

Mr. Speaker, this is just another instance where the regime, through any means necessary, seeks to silence all voices of opposition and undermine all independent institutions on the island. Whether they initiated the effort to silence the archbishop or whether they're just cheering it loudly from the sidelines, the current regime in Puerto Rico is repeating its pattern of driving all opposing forces into the wilderness.

Mr. Speaker, I am one voice, and I suspect that the Archbishop Gonzalez Nieves is another that cannot be silenced or driven into the wilderness.

I will be going to Puerto Rico this Friday night and trekking to the mountains of Adjuntas to meet with the good people of Casa Pueblo this Sunday where we will discuss the next steps of the people's opposition to the gasoducto gas pipeline project. Interestingly, the archbishop also expressed serious concerns about the gasoducto and in June participated in a meeting with leaders of the community discussing possible actions they could take in case construction of the pipeline actually begins.

I am sure that the regime's attempts in Puerto Rico to suppress the will of the people and impose upon them politically driven policies, such as the gasoducto, or get the institution of civil society to shut up will not be happy to hear what I have to say next week when I arrive on the island.

## KEYSTONE XL/CANADA OIL SANDS

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

Mr. SHIMKUS. Canadian oil sands transported via pipelines play a major role in supplying the energy needs of southern Illinois. Two weeks ago, I visited the oil sands in Alberta, Canada, and here is exactly what we saw.

On Monday of this week, I visited three facilities also, but before I talk about those three facilities, Daniel Yergin yesterday in The Washington Post said this about the oil sands of Canada: ''Oil sands production in Canada today is 1.5 million barrels per day—more oil than Libya exported before its civil war. Canadian oil sands output could double to 3 million barrels per day by the beginning of the next decade. This increase, along with its other oil output, would make Canada a larger oil producer than Iran—becoming the world's fifth largest, behind Russia, Saudi Arabia, the United States, and China.''

On Monday of this week, I visited three facilities in southern Illinois that utilize Canadian oil sands: Robinson refinery, the Patoka tank farm, and the Wood River refinery.

Pipelines play a vital role in providing the energy needs for our daily lives. There are over 2.5 million miles of pipelines in this country: 175,000 miles of onshore and offshore hazardous liquid pipelines, mostly oil; 321,000 miles of onshore/offshore gas transmission and gathering lines; and 2,066,000 miles of natural gas distribution mains and service pipelines.

Keystone XL would stretch about 1,700 miles. Again, going back to Yergin's article, he says: ''Though large''—he's referring to the Keystone XL pipeline. ''Though large, it would increase the length of the oil pipeline network in the United States by just 1 percent.''

Due to the high volumes of various liquids and gasses that must be transported, pipelines are the feasible mode of transportation. Imagine trying to transport this gas, crude oil on rail, on trucks, in our major waterways. In fact, just today there was a supertanker that was just hijacked by pirates on the high seas. That's the challenge of moving crude oil other than the pipeline system.

We continue to import oil from countries that are not our closest friends. Further blocking of this pipeline development will only increase foreign oil imports from far-off places that are not our neighbors.

This pipeline application is a jobs plan. Five major labor unions have endorsed this project, and there would be 20,000 construction jobs. As refineries expand, there's an estimated 100,000 new jobs as a whole. This Keystone XL pipeline is supported by the AFL–CIO and several other organized labor groups. In fact, they have started to run ads today in support of the pipeline and encouraging the Obama administration to approve it. Canadian oil sands are already creating jobs in my district in southern Illinois.

Caterpillar, which my friend JOE WILSON is going to talk about too—you'll see a larger mock than this. This is one of their major pickup trucks, lightly said. It's about four stories tall. The major place that this goes to is the oil sands in Canada. The tires, themselves, are two stories tall. The Caterpillar 797 is the largest truck they make. It's partially assembled in Decatur, Illinois. The truck is so large, final assembly must be done at the delivery site. The largest concentration of these Caterpillar trucks are in Alberta, Canada. These are manufactured in the good old U.S.A. These are great Midwestern manufacturing jobs that are directly tied to the oil sands development.

At my last stop on Monday to the ConocoPhillips refinery, I just posed this basic question to the reporters who attended the press conference: Would you rather have the oil being refined in Wood River, Illinois, come from Venezuela, Saudi Arabia, the Middle East, or Africa, or would you have that oil rather come from Canada? I think the answer is simple. So this administration must approve the Keystone XL pipeline.

## POVERTY

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

Ms. LEE of California. I rise again today, as I've been doing every week, to sound the alarm on poverty in America. Twelve Members of Congress are or will be participating in the food stamp challenge, which is a nationwide effort to bring attention to the needs of the 45 million Americans who are receiving food benefits under the Supplemental Nutrition Assistance Program, or food stamps. For 1 week, we lived on the food budget of the average food stamp recipient, or $31.50 a week, $4.50 a day, which means I spent on average $1.50 a meal. This is for 1 week.

Let me thank Congresswoman DEBBIE WASSERMAN SCHULTZ, TIM RYAN, JOE COURTNEY, JAN SCHAKOWSKY, DONNA CHRISTENSEN, ALCEE HASTINGS, KEITH ELLISON, JIM MORAN, JACKIE SPEIER, TED DEUTCH, MARCIA FUDGE, and ELEANOR HOLMES NORTON for their participation and their commitment to drawing attention to the struggle of millions of hardworking families to put food on the table during very difficult economic times.

We faced limited food choices, lacked access to fresh and healthy foods, and were repeatedly exposed to unhealthy and inadequate food choices that promote poor health, obesity, and hypertension. But of course, our week will end.

I hope that every Member of Congress will stop for at least a moment and consider the millions of American families who will face these challenges each and every day until they can find a good job with a real living wage.

Now, I'm a former food stamp recipient, and let me tell you that I was deeply thankful for my fellow Americans who were there for me and my children during a difficult time in our lives. The benefits that were extended to us were a critical help and provided a vital bridge over troubled waters when we needed them the most. But we didn't want to stay on food stamps forever, and we got off as soon as we could.

Let me also say that now is not the time to gut these critical human needs programs. We are facing record poverty levels and unacceptably high unemployment rates, and it is simply unconscionable to attempt to balance the budgets on the backs of the most vulnerable and the neediest Americans.

We must create what is being called a circle of protection around these core programs that keep American families from suffering the worst impacts of living in poverty.

But we must do more than just minimize the cuts to programs. We must make bold, targeted investments that will lift those families up and off of food stamps. We must improve and extend programs that create jobs and provide ladders of opportunity for all. We must commit ourselves to removing barriers, and they're many, to opportunity like poverty and hunger so that we can reignite the American Dream.

Mr. Speaker, on January 22, 2008, the House unanimously passed a resolution that I authored which committed Congress to the goal of cutting poverty in America in half in a decade. Now it's time to put that commitment to the test.

□ 1030

An estimated 46 million Americans were living in poverty in 2010; and according to the latest Census figures, the official poverty rate in 2010 is now 15.1 percent.

It is simply unconscionable that the richest and most powerful Nation in the world can allow so many of its fellow Americans to fall to the wayside and be left with little hope and few opportunities to reach the American Dream. It's clear that our policies and programs addressing poverty have not kept pace with the growing needs of millions of Americans. It's time we make the commitment to confront poverty head on, create pathways out of poverty, and provide opportunities for all.

I've introduced H.R. 3300, the Half in Ten Act of 2011. This bill would establish a Federal interagency working group on reducing poverty. The working group will be tasked with developing and implementing a national plan to reduce poverty in half in 10 years. We really should be talking about eliminating poverty.

It would also work to eliminate child poverty, extreme poverty and finally put an end to the historic and ongoing disparity in poverty rates in communities of color. It's simply unacceptable that communities of color continue to face disturbingly high rates of poverty, with 27.4 percent of African Americans and 26.5 percent of Hispanics living in poverty, compared to their white counterparts, who have a poverty rate of just under 10 percent.

It's time to work together to dramatically improve access to opportunities for low-income Americans so that they can climb up the economic ladder and reignite the fire of the American Dream.

We must put partisanship aside to preserve and extend the vital human needs programs that protect our most vulnerable communities. We cannot and we must not seek to balance the budget on the backs of America's poor, her children and an entire generation of young people, who are really now taking to the streets to protest the fact that they are afraid that theirs will be the first generation in America's history to be less well off than the one before.

## JOBS FOR ALBERTA, JOBS FOR AMERICA

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

Mr. WILSON of South Carolina. Two weeks ago, I traveled to Fort McMurray in the province of Alberta, in Canada, with subcommittee chairman JOHN SHIMKUS of Illinois and Congressman BOB LATTA of Ohio of the Energy and Commerce Committee. We were accompanied by the Honorable Cal Dallas, the Minister of Intergovernmental, International and Aboriginal Relations for Alberta. We were welcomed to Edmonton by the Honorable Alison Redford, the newly inaugurated Premier of Alberta.

The purpose of this visit was to see firsthand the development of Canadian oil sands and to fully understand the positive impact this exploration has for the American people. We were briefed on the Keystone pipeline and how this project creates jobs. We saw the environmental stewardship where development is subject to environmental standards that are among the most stringent in the world. The Government of Alberta requires that companies remediate and reclaim 100 percent of the land after the oil has been extracted.

This project will connect a growing supply of Canadian oil with the largest

refining markets in the United States and will significantly reduce America's reliance on oil from overseas as new jobs are created in Canada and America. As oil sands production grows in the next 4 years, the industry is expected to generate 340,000 new jobs. This is in addition to the 110,000 jobs currently provided. There are more than 900 American businesses that supply goods and services for the Canadian oil sands development.

In my home State of South Carolina, oil sands development will add up to $128 million per year to the State's economy, and it will support nearly 2,000 jobs per year. Companies in South Carolina supply equipment, parts and services used in the oil sands projects and pipelines.

In this picture, we are standing in front of a 12-foot-high tire made by Michelin in Lexington County, South Carolina. Each tire is valued at $60,000. The Michelin plants in Lexington currently employ over 500 people in the Earth-mover division. The tire manufacturer also has facilities in the upcountry of our State, with their North American headquarters in Greenville.

There are also over 100 large mine haul trucks operating in the oil sands, powered by MTU engines. The engines are produced in Aiken County, South Carolina. By next year, the plant in Graniteville will be producing MTU's largest engine for the haul truck market. When MTU announced last year that Aiken County was to be its home for its new manufacturing facility, the company pledged to invest $45 million and to create 250 new jobs over 4 years. However, last month, plant officials said MTU is already employing 250 people and will achieve its investment goal by the end of this year.

It's very simple. If Canadian families do well, American families do well. For every dollar the U.S. spends on imports from Canada, 90 cents is returned to the American economy, paying for equipment and services. Developing the oil sands is clearly more jobs for Canada and more jobs for America. We all know our country needs to be less dependent on oil from overseas. Canada's oil sands are clearly mutually beneficial to Canada and America and the security of North America.

Very significantly, Canada's enormous deposits of 175.2 billion barrels of proven reserves of oil place it third in the world, and 170 billion of these barrels are in the oil sands. These deposits place Canada as one of the central sources of production growth in the coming decades. It represents about 60 percent of the world's accessible oil, which is right here in our neighborhood. I am grateful that Canada is our largest trading partner and the largest supplier of oil to America. Canada contributes 22 percent of the total oil imports for America's daily use of 19.1 million barrels.

Congress has indicated its support for oil sands. In July, we passed the North American-Made Energy Security Act. This bill urges the President to approve the pipeline. I appreciate jobs for Alberta which produce jobs for America.

## VOTER SUPPRESSION

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

Mr. BUTTERFIELD. Before I start, Mr. Speaker, let me just take a moment to comment about one of the previous speakers this morning, my dear friend, Congresswoman BARBARA LEE from the State of California.

Congresswoman LEE has been an advocate for low-income families for as long as I can remember; and especially since I first came to Congress some 7½ years ago, she has been tenacious on this issue. I just want to publicly thank her for her advocacy. I represent a low-income/low-wealth district in eastern North Carolina. My district is the fourth poorest district in the Nation, so I understand full well the challenges that she has confronted, and I thank her so very much.

Mr. Speaker, I've come to the floor this morning to talk about voter suppression—yes, voter suppression—across the country. Republicans are tightening the restrictions on who can vote and on how Americans can vote. During next year's elections, there will be millions of Americans who will find that since 2008 there are now new barriers that could prevent them from voting.

The number of States with laws requiring voters to show government-issued photo identification has quadrupled. Mr. Speaker, it has quadrupled in the last 4 years. Actually, over the last year, it has quadrupled. In fact, at least 34 States have now introduced legislation that would require voters to show photo identification in order to vote. Seven States—Alabama, Kansas, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin—have already signed photo identification bills into law. Before this legislative session, only two States had ever imposed strict photo identification. Under the guise of eliminating voter fraud, 21 million American citizens, or 11 percent of Americans, could be prevented from voting—all because they do not possess government-issued photo identification.

Republicans are also seeking to put an end to early voting—a hugely popular voting method that is used by millions of Americans. At least nine States have introduced bills to reduce their early voting periods. Four States have tried to reduce absentee voting opportunities, and two States have reversed early reforms. Once again, it has disenfranchised thousands of taxpaying citizens who have past criminal convictions while a number of other States have made it much more difficult for citizens to register to vote. These new restrictions will undoubtedly disenfranchise young voters, minority voters, low-income voters, and voters with disabilities—all of whom, as we know, traditionally vote with the Democratic Party.

In my home State of North Carolina, Republicans have mounted two strong efforts to suppress low-income and African American voters—House bill 351, for example, a voter ID bill which passed our State House and Senate earlier this year. It was vetoed by Governor Beverly Perdue, and we thank her for being strong in vetoing that legislation.

□ 1040

Senate bill 47, which would reduce the early voting period by 1 week, eliminates Sunday voting, and eliminates same-day voter registration. This bill is currently pending now in our legislature.

The right to vote, Mr. Speaker, is protected. It is dearly protected by more constitutional amendments—the 1st Amendment and the 14th Amendment, 15th, 19th, 24th, and even the 26th Amendments—than any other right we enjoy as Americans. We must continue to inform our constituents that their fundamental right in this democracy is being infringed and urge them to fight back against this voter suppression epidemic.

In closing, Mr. Speaker, it is obvious to me that any objective observer who is looking at this will know the real motive of this effort. It is specifically intended to diminish voter participation of some in our society who support progressive movements and who support the Democratic Party.

## HONORING DR. MILTON A. GORDON

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

Mr. ROYCE. Mr. Speaker, I rise before you today to honor Dr. Milton A. Gordon for his distinguished career. Dr. Gordon has served for over two decades as president of California State University, Fullerton.

I first met Milt Gordon more than 20 years ago when he was in his first year as president of my alma mater, Cal State Fullerton. As State senator then and a Member of Congress now, I have met countless community leaders, including university presidents, and I have enjoyed a good working relationship with them. Very few, however, have I come to admire and respect more than Milt Gordon. Very few do I call my very good friend.

Mr. Speaker, Dr. Gordon's impressive achievements and commitment to education were evident long before he became the president of Cal State Fullerton. As our country was undergoing the civil rights movement, Milt Gordon was breaking through longstanding racial barriers. He obtained a bachelor of science in mathematics and secondary education at Xavier University of Louisiana in 1957, a master of arts in mathematics at the University of Detroit in

1960, and lastly, a doctorate degree in mathematics at the Illinois Institute of Technology in 1968. These are significant achievements for anyone, but even more so for someone who had to overcome the discrimination of the time.

It is this experience that has driven Milt Gordon's lifetime commitment to improving access to education for everyone. In his first convocation address at Cal State Fullerton in 1990, Dr. Gordon said, ''By providing access to professional careers for the broadest cross-section of Americans, including women and members of minority and immigrant groups, our university represents a pathway into the American mainstream for individuals and families who otherwise would not have the opportunity to make this step, thus helping to ensure the stability of our free economy and of our Democratic government.''

That was his first commencement address. Well, from that commencement address, I would say that the impressive enrollment and graduation statistics and the many awards and accolades that Milt Gordon has received over the last 20-some years clearly demonstrate that he more than met the challenge of his work.

Today Cal State Fullerton is one of our Nation's largest and most inclusive institutions of higher education. And I assure you, greater quality has been the hallmark of this growth. It is no exaggeration to say that Dr. Gordon has transformed CSUF from being a regional school to being a global one. His vision has provided an enriching environment which allows students to develop intellectual, cultural, and economic curiosities well beyond Orange County, California. The university in the Gordon years has been an unquestioned asset to the region, to the State, the country, and the world.

In closing, as an alumnus and the congressman who represents this university, I have to say that I am sorry to see President Gordon retire. His accomplishments are many, and the university will continue to thrive because of them, but there is only one Milt Gordon. But speaking as a friend, I am pleased for Milt and for his wife, Marge. They have dedicated their lives to education, to Cal State Fullerton, and to their community. To that end, they deserve our deepest gratitude and our most heartfelt wishes for a long and enjoyable retirement after a job very well done.

## HOPE FOR AMERICA'S UNEMPLOYED

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

Mr. RANGEL. Last Christmas the gift that we gave to the unemployed was the shock of their lives, as they thought that the Congress would not extend the unemployment compensation. So this morning, I'm joining with Congressmen STARK, DOGGETT, LEVIN, and CROWLEY to make certain that we don't do that again this year.

The opposition to the extension last year was due to a large number of Republicans truly believing—and voting against the bill—that these people really would rather receive unemployment checks than look for work. Of course it's more than just the salary when you are working. It's the pride and dignity of knowing that you are taking care of your family, you are responsible for putting food on the table, clothing on your children's backs, and all of those things that America has come to believe as just the normal way of life.

With the poverty numbers growing so fast and the unemployment going up so fast, a lot of people are losing hope in terms of finding a job. As a matter of fact, it's oftentimes forgotten that in order to qualify for extended unemployment comp, you have to be qualifying for a job. But because jobs are so scarce and people want to remain with a little bit of dignity and not just automatically increase the rolls of poverty, we ask that this body, in the name of humanity, think about these people as they would think about themselves if suddenly they found themselves without work and without their savings and without health care and without the resources to save their families from disaster.

In addition to that, when we go home next week—and again, we will be home—talk to some of the local vendors. We all recognize that it's small businesses that are really the backbone of our economy, as it's the small businesses that produce the jobs. But one of the problems they're having is, if consumers don't buy, they can't sell, and they cannot continue to hire people, which adds to the vicious cycle of unemployment.

So if those people truly believe that they want to spur the economy, allow these people to be able to buy the goods and services that they would normally buy if they were employed. And for God's sake—since the day before yesterday we made it abundantly clear that we trust in God—so for God's sake, let's get a jobs bill on the floor. Let's put aside our party labels. Let's just put the election aside long enough to be able to get our country back to work. More and more people are not only losing their jobs, but the most important ingredient, I think, that America has: giving hope to people who don't have much.

□ 1050

If we take that away from them, by seeing the solid pillars of our society without work, without the ability to take care of their families, little hope that it gives for those people that have been consistently unemployed as the job market shrinks, and so I do hope that there will come a time, and very, very soon, that there will be no need in this great country for unemployment compensation because we would have been able to have a jobs bill that would include severe cuts in terms of expenditures that we make but also would include putting revenue on the table so that we just don't balance the budget at the expense of those people who have little or no resources.

The United States of America, unfortunately, is becoming one of the countries that have the widest gap between the handful of 1 percent of the people that own almost half of the wealth of this great Nation. That formula doesn't work economically, it doesn't work morally, and it doesn't work spiritually. So we all have to come to the table to save this Nation, whether we are wealthy or whether we hope one day to become middle class and wealthy, because without the country having hope for the future, there's absolutely no hope for the people who are looking for employment to raise their family and to forever protect this great Nation.

## HONORING CHIEF WARRANT OFFICER W5 JOHN CURRIE

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

Mr. COFFMAN of Colorado. Mr. Speaker, as we approach the 236th birthday of the United States Marine Corps, I would like to take the opportunity to honor a marine whom I served with during the first Gulf War.

Chief Warrant Officer W5 John Currie, United States Marine Corps Reserve (Retired), served our Nation with distinction from his first enlistment in 1966 until his retirement in 1999. I met Chief Warrant Officer Currie late in the fall of 1990 when I volunteered to serve with a light armored infantry company that was mobilized for the first gulf war.

From the start, I was deeply impressed by his leadership, the respect his subordinate marines had for him, and by his tactical skill and the courage he demonstrated on the battlefield.

His citation for the Navy Commendation Medal reads: ''Late in the afternoon of 21 February 1991, Chief Warrant Officer W3 Currie decisively led his platoon through enemy indirect fires to occupy a key defensive position opposite significant portions of an Iraqi infantry brigade. Over the next 2 days and nights of combat, his clear reasoning, calm issuance of orders, and effective employment of supporting arms against enemy forces motivated his platoon and the entire company in their efforts to hold the center of the battalion's defenses. Early on the morning of 24 February 1991, he led his platoon to a new position on the division's extreme left flank and initiated a series of aggressive actions against enemy positions which inflicted numerous casualties. Chief Warrant Officer W3 Currie's coolness, poise, and decisive actions inspired and steadied all who observed him, as he successfully gained and maintained control over a

very fluid and chaotic situation caused by the surrender of more than 800 Iraqi soldiers.''

I will never forget Chief Warrant Officer W5 John Currie and all he did not only to lead his men so effectively against the enemy, but in setting such a high standard for all of the officers in the command, to include myself.

Chief Warrant Officer John Currie is a credit to the United States Marine Corps, and it's an honor to reflect on his service to our Nation and to the Marine Corps as we approach the 236th birthday of the Corps.

## SEXUAL ASSAULT IN THE MILITARY

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

Ms. SPEIER. Mr. Speaker, I rise again today with a heavy heart to talk about sexual assault and rape in the military, an epidemic in this country that must be addressed.

As I've said before, the Department of Defense, by its own statistics, has stated that 19,000 servicemembers, women and men, every year are raped by fellow soldiers. I will continue to share these stories until something changes. Survivors can email me at stopmilitaryrape@mail.house.gov if they want to speak out.

Each of these soldiers was raped by another soldier, and each was subjected to a system of justice that protects the perpetrators and punishes the victims. The story I will tell today is the story of Corporal Sarah Albertson. This gets to the rot at the root of the justice system in the military, and that is: a commander, one person, has complete and total discretion in deciding how and if sexual assault and rape are dealt with.

Corporal Albertson served in the Marine Corps from 2003 to 2008. On August 27, 2006, Corporal Albertson was raped by a fellow marine, a man who outranked her. That's right, he outranked her and raped her.

Right after the rape, Corporal Albertson went to her commander to inform him of what had happened. Instead of detaining her alleged assailant, calling in criminal investigators, or sending Corporal Albertson to the hospital to preserve the evidence that would corroborate her story, he told Corporal Albertson that because she had consumed some alcohol, if she reported the rape, she would be charged with inappropriate barracks conduct. She was then told not to discuss her rape with anyone and was also ordered to ''respect'' her rapist and follow his orders because he outranked her. It soon became clear to Corporal Albertson that others knew about what had happened, and her other superiors, acting with the open support of her commander, ostracized and harassed her.

Corporal Albertson sought counseling. The military counselor that Corporal Albertson went to, in no uncertain terms, advised her commander that she should not be forced to interact with her rapist and that Corporal Albertson was suffering from panic attacks due to these interactions. Her commander ignored the professional advice and forced her to interact with her rapist for another 2 years. And when she had panic attacks, she was punished.

This same commander also refused Corporal Albertson's request to change housing. Instead, he forced her to live one floor below her rapist for 2 years. The commander also required her to disclose medications she had been prescribed to counter the trauma. Now, Corporal Albertson never filled those prescriptions; but, nonetheless, by having to disclose those prescriptions, she lost her security clearance.

But what happened to her rapist? Not a thing. In fact, I venture to say he has been promoted, not just once, probably twice, maybe three times. I have become painfully aware that at the rate DOD is working to address this issue, the epidemic of military sexual assault will never end.

Mr. Speaker, this is a national travesty. Congress, the administration, the Department of Defense, all of us, all of us should be ashamed of what is going on in the military.

## SUPPORTING KEYSTONE XL PIPELINE

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

Mr. NUNNELEE. Mr. Speaker, today I rise in support of the Keystone XL pipeline.

Opponents of this pipeline claim it will damage the environment, that it will ship oil from Canada to China, and that increasing the supply of oil will somehow raise gas prices.

□ 1100

The truth is that this pipeline has been through the most thorough environmental review of any pipeline in history, the oil carried by it will go to American markets, and it will help lower energy prices by moving capacity from growing basins in Canada, Montana, North Dakota, Oklahoma, and west Texas that are comparable in volume to nearly half of the U.S. Persian Gulf imports.

The Keystone XL pipeline will also benefit America by increasing the percentage of our energy supply provided by a stable neighbor and ally. More North American oil means less oil from Venezuela and Iran. This pipeline will create 20,000 high-wage construction jobs and 100,000 indirect jobs. Keystone XL will also provide a new and stable supply access to gulf coast refiners, like the one in Pascagoula, Mississippi, who set the price of gasoline and are vulnerable to OPEC and supply disruptions. We in the House are focused on jobs and the economy, and this pipeline is an obvious, direct example of what real stimulus looks like—stimulus that comes from the private economy and produces real value.

The fact of the matter is that Canada is going to develop their resources, and if we do not want their oil, that supply will go elsewhere to our competitors such as China. The Canadians have the supply, and we have the demand. And the Keystone XL pipeline has gone through a rigorous environmental review. There's no reason not to move forward with this vital project. The President needs to get off the campaign trail long enough to get his administration out of the way so that the Keystone XL pipeline can be developed.

## THE HOUSE-PASSED JOBS AGENDA

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

Mr. WOODALL. Mr. Speaker, I appreciate the time this morning. I came down to talk about jobs too, and I brought with me a card that folks may have seen—I know you've seen it, Mr. Speaker—that goes through the House-passed jobs agenda. I try to keep it here in my pocket so I'll be accurate when we talk about all of the good work that is happening in the people's House to promote jobs and promote the economy.

Because the truth is, Mr. Speaker, as you know, we only have two pockets we can dig into. We can dig into the pocket where we talk about government regulations that we are repealing to help job creators, we can dig into the pocket where we talk about government mandates that we're repealing to take the foot of government off the throat of small businesses, or we can dig into the other pocket. And the other pocket is where America's checkbook is. Because it's not my checkbook, as your Congressman. As you know, Mr. Speaker, when I dig into the pocket for the checkbook, I'm digging into your pocket. Every penny that we spend comes out of your pocket.

So we have two choices as we talk about jobs and the economy. Are we going to dig into the pocket of the American taxpayers' checkbook? Or are we going to get the regulatory burden off of America's small businesses? For me, the choice is easy. But the choice hasn't always been easy in this House. Time and time again, this House goes to the American people's checkbook to find solutions for America's problems. And I will tell you that there's no problem in America that taking money out of somebody else's pocket is going to fix.

The challenges in America are going to come when we get government out of the way. I represent, Mr. Speaker, as you know, a wonderful district in Georgia. I go back home and I talk about what's going on in the United States House. I ask folks what they want to happen on the United States House of Representatives floor, and they say, ROB, stop helping. Stop. Just get out of

the way. Stop helping. You don't have the answers, just get out of the way.

If folks go, as you have gone, Mr. Speaker, to jobs.gop.gov, they see this House's effort to get government out of the way. And we've been successful. We were successful in passing the repeal of the President's health care bill's 1099 provision that burdens small businesses, and the President signed that bill. We've been successful in passing three free trade agreements, and the President has signed. As we know, we have manufacturing surpluses with every nation with which we have a free trade agreement.

But the work still has to be done, Mr. Speaker. There are jobs bills languishing in the Senate. We call them the ''forgotten 15''—15 bills that the Senate could pass tomorrow to get government out of the way and get Americans back to work.

Two pockets we have, Mr. Speaker, the American taxpayers' pocket and the pocket that contains the job-killing regulations that we can repeal today. Let's choose correctly, Mr. Speaker—let's get jobs.gop.gov, let's get this agenda done.

## KEYSTONE XL PIPELINE

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

Mr. OLSON. Mr. Speaker, the President recently came before the people's House and asked ''whether, in the face of an ongoing national crisis, we can stop the political circus and actually do something to help the economy.'' Well, Mr. Speaker, House Republicans agree circus time is over. And that's why we have passed 15 jobs bills that remain stuck in the Senate majority leader's inbox.

One of those jobs bills is the Keystone XL pipeline that imports oil from Canada and will create over 340,000—let me say that again—340,000 American jobs by 2015, 27,000 of those jobs in my home State of Texas, while bringing in new revenue, all without costing the taxpayer one single dime.

When the Keystone XL pipeline is fully operational, we will get more oil from Canada than we currently import from Saudi Arabia. Replacing OPEC oil with Canadian oil increases our energy security. And if we increase our energy security, we increase our national security.

If we do not seize this opportunity, China will gladly take the oil from Canada that the Canadians want us to have. While the President tours the Nation promoting a new half-trillion-dollar stimulus plan, approval of the Keystone XL pipeline remains stalled.

Mr. Speaker, the President can jump-start our economy and stop the political circus by approving the Keystone XL pipeline. The ball is in his court.

## YUCCA MOUNTAIN

The SPEAKER pro tempore (Mr. WOODALL). The Chair recognizes the gentleman from South Carolina (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of South Carolina. Mr. Speaker, everyone knows that Washington isn't very popular right now, and a big reason why is that too often our leaders make decisions that lack common sense. When we need to cut spending, Washington finds a way to spend more. When we need to create jobs, Washington piles on new regulations that put Americans out of work. When we spend billions of dollars to create a safe, permanent storage facility for our country's nuclear waste, politics gets in the way, and that facility is shut down.

Like millions of Americans across the country, I'm tired that politics is getting in the way, and I'm looking to bring some common sense back to this Republic.

And as you know, Mr. Speaker, there's no better example of putting politics before country than the case of Yucca Mountain. Yucca Mountain is a multibillion-dollar project that was supposed to be the solution for storing our country's nuclear materials. Ratepayers in States like South Carolina, ratepayers like my constituents, have poured billions of dollars into the development of Yucca Mountain as a nuclear repository.

Mr. Speaker, this administration needs to understand that America runs by the rule of law, and depositing our nuclear waste at Yucca Mountain is the law of the land. This administration does not get to make willy-nilly decisions to benefit supporters without congressional approval. And when Congress spoke, in the National Waste Policy Act, it made Yucca Mountain the law of the land.

I was deeply disappointed when the Presidential candidates were recently asked about Yucca Mountain. I was astonished that these good folks would echo the failed rhetoric of Senator HARRY REID. And I would remind all the Presidential candidates of the Federal Government's promise to construct a long-term storage facility for the legacy weapons materials temporarily being stored in South Carolina. And I would remind them that this is the law of the land. I suspect that many South Carolina voters, including myself, will expect to hear the Presidential candidates' plan to solve this problem during their next visit to the Palmetto State.

□ 1110

But let's talk about the states' rights aspect of this. Where is South Carolina's right to be rid of this waste? This is a federally created problem, the residual waste of our Cold War weapons programs. Whole towns in my district were relocated by the Federal Government to create the Savannah River site. I'm not saying that we don't want the Savannah River site to continue the important nuclear nonproliferation work of the Nation. And I commend NNSA's recent announcement concerning the conversion of some of the plutonium material into mixed oxide fuel for commercial reactors. What I am saying is that the Nation needs to do right by South Carolina and fulfill the promise to take care of the radioactive waste and get it out of our State.

Yucca Mountain is a geologically stable location; it's the right location for the job. It doesn't get much rain, it's in the middle of nowhere; and when it does rain, the arid climate evaporates the water. But let's take, for instance, that it may rain a lot one day. For leakage to happen at Yucca Mountain would require that little bit of water that doesn't evaporate to transpose through a thousand feet of granite-like rock. And then it's going to get to our concrete vault, and inside that concrete vault are stainless steel canisters. So the water erodes and transfers through a thousand feet of granite rock, through the concrete, through the stainless steel, and it comes in contact with radioactive glass, glassified material that it's got to erode. And then the water has to transfer that material through more stainless steel, through more concrete, through another thousand feet of nonporous rock, down to an aquifer that is a closed system.

This is why Yucca Mountain is the right place to do the job. No one thinks that rolling fields next to a river that is a water source for two States, as it is at Savannah River site, is a long-term answer to nuclear waste disposal. The sooner we recognize this, the sooner we can deal with the real problem.

Now the Department of Energy's blue ribbon commission is circulating a draft report on the future of America's nuclear waste, including the nuclear waste currently being temporarily stored at the Savannah River site. The Savannah River site can only be a short-term home for this waste. The best long-term outlook for the waste of this sort is in a deep geological site, hence the need for Yucca Mountain. The waste stored at Savannah River site can be processed for a number of purposes, but ultimately this waste needs to go deep underground.

Mr. Speaker, I urge representative Lee Hamilton and General Brent Scowcroft, the cochairs of the blue ribbon commission, to reconsider their draft report to include Yucca Mountain as the long-term disposal site that Congress mandated.

Americans have already given billions of dollars to the State of Nevada for the construction of a safe, long-term storage site for nuclear material. President Obama and Senator REID shouldn't be able to have it both ways; Nevada must either rebate the billions of dollars already spent on Yucca Mountain or stand out of the way and allow the facility to open for business. It would create jobs in the State of Nevada. South Carolina has unfairly carried the burden for storing nuclear material for decades already. It's time for this waste to move on.

May God continue to bless America.

## GOP JOB-CREATING AGENDA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, when I go home every weekend and talk to my constituents, there are two things that they ask me repeatedly: What can be done about jobs, and what can be done about energy prices?

My constituents understand the colossal failure of the Obama stimulus bill. My constituents understand that government can create jobs only for more government bureaucrats. And those bureaucrats will have to justify their existence by creating more regulations that will kill more private sector jobs.

The liberal Democrats in Congress keep asking for a Republican jobs bill. Well, Mr. Speaker, we have passed at least 15 jobs bills. We have them outlined on this card, as my two colleagues before me talked about, and they are shown on jobs.gop.gov. We've passed at least 15 jobs bills that will help the private sector do exactly what Americans are asking us to do, which is to create jobs through growth in their businesses and allowing new businesses to form.

The liberal elite keep buying into the failed theory that government will create millions of jobs. The reality is that unless we provide the private sector with an environment that is conducive to job creation, jobs will be hard to come by.

Mr. Speaker, I remember the cost of a gallon of gasoline when President Obama was sworn in, it was $1.85. Today, it is at least $3.45, an 86-percent increase—and it was a 100-percent increase until very recently. Republicans have addressed this with legislation that increases American energy production, provides us with energy security, and lowers our dependency on Middle Eastern oil.

Mr. Speaker, Republicans listen to the American people. We are acting to provide business owners and entrepreneurs the tools that they need to create jobs and at the same time reduce the cost of energy. We have advanced legislation that will help our constituents in these two very important ways: by helping businesses and their communities hire people, and by reducing the cost of energy.

But what has happened to legislation that will put Americans to work and lower energy costs? Democrat intransigence. The Senate has had these bills for months now and has failed the American people by refusing to take action. Senate Democrat Majority Leader REID recently said: ''It's very clear that private sector jobs are doing just fine.'' This failure to accept the reality that the job-killing, anti-growth policies of this administration and the liberal elites are the key contributors to the 9.1-percent unemployment rate that continues to be in the United States.

The liberal Democrats keep pushing for what is almost a carbon copy of the failed Obama stimulus that cost the taxpayers almost $1 trillion without having the slightest positive impact on unemployment and the economy. Now President Obama and the liberal elites are asking to do it all over again—more spending, fewer jobs.

The administration wants to continue to pick winners and losers and fund unproven technologies that cost the taxpayers billions with little or no return. One shining example—if that's the way you want to look at it—is the Solyndra fiasco. The administration acted like a venture capital firm and squandered half a billion dollars, leaving the taxpayer holding the bill.

Mr. Speaker, while the liberal elites in the House and Senate keep thinking that the private sector—the job-creating sector—is doing fine, House Republicans will continue to craft and pass legislation to help job creators, to lower energy prices, and to improve the economy. And I encourage Americans to learn about this on their own through jobs.gop.gov.

## CALLING ON THE SENATE TO PASS JOBS BILLS

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

Mr. HERGER. Mr. Speaker, this House has sent numerous jobs bills to the Senate in an effort to get our Nation back to work.

I want to call particular attention to the 3 percent withholding repeal legislation I authored, which passed the House with overwhelming bipartisan support just last week. This legislation will help many small businesses create more jobs, and the Senate should act on it without further delay. The House-passed bill would eliminate a burden on job creators by repealing a tax that requires government agencies to withhold 3 percent of all payments for goods and services.

As someone who comes from a small business background, I can attest that although this provision does not take effect until the end of next year, it hurts job creation now because businesses look several years ahead when they are deciding how to invest. It is not surprising that over 150 businesses, health care, education, and local government groups support passage of this legislation. In addition, over 400 Members of the House of Representatives have voted for it, and President Obama has endorsed it, as well as Representative BLACK's associated cost-saving measure.

Instead of waiting for more stimulus bills that face bipartisan opposition, the Senate should work with the House to pass jobs bills like this one that is supported by both parties.

□ 1120

There are already 15 jobs bills passed by the House that are being delayed unnecessarily, and 3 percent withholding repeal joins those forgotten 15 in waiting in our U.S. Senate and by our Senate colleagues. The House version of this repeal continues to have strong bipartisan support.

The Senate has heard from job creators just as we have about the need for this legislation, and they should work with us in passing commonsense jobs bills, starting with the repeal of the 3 percent withholding tax.

## KEYSTONE XL PIPELINE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. TERRY) for 4 minutes.

Mr. TERRY. Mr. Speaker, I'm the author of one of the bills sitting in the Senate, the ''forgotten 15.'' This is a bill that will instantaneously create 20,000 jobs and spin off a potential 100,000 to 200,000 additional jobs and put us on the path to energy security. I'm talking about the pipeline bill, the Keystone XL pipeline.

Now, that bill was passed on a massive bipartisan vote, 279–174, one of the best bipartisan showings of nonsuspension bills. It was placed on the Senate calendar on July 28. We held a press conference asking the Senate to take it up. We sent a bipartisan letter to the majority leader asking him to place it on the calendar for vote.

This bill just simply set a timeline for the President and State Department to make a decision. Then, it was November 1. We sit here on this day, November 4—I think it's the 4th—and the President just said 2 days ago to a local Omaha TV station anchorman that he'll make a decision in a few months.

Well, I would encourage the Senate to take up this bill; change the date, obviously, maybe to December 1 or December 15 or December 31. But the reality is this permit for this pipeline is 1,142 days old. That's double the record time for any other transcontinental pipeline—double.

Yes, there is a political storm about environmental safety. This trans-Canadian pipeline has been studied more than any other pipeline. The environmental assessments say this is the most secure pipeline ever designed and has little to no impact to the environment of the sand hills of Nebraska and the underlying aquifer.

Now, since all of the studies have shown there's little to no risk to the environment and pipelines remain the safest way to transport oil to our United States refineries, this puts us on a path to energy security. In fact, the 700,000 barrels that come from our friend Canada offset the oil we import from Venezuela. And even the Department of Energy said that this will almost offset all of OPEC oil. I think that secures our Nation.

And did I again—should I mention the 20,000 labor jobs created by this pipeline, the fact that it doesn't impact the fragility, the ecosystem or environment of the sand hills and the aquifer?

Mr. Leader, bring this bill up in the Senate. Let's create these jobs, let's produce our infrastructure, and let's secure America's energy future.

## HOMELESSNESS AMONG OUR VETERANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 4 minutes.

Mr. FITZPATRICK. Mr. Speaker, I rise today, as we approach Veterans Day and we set aside time to recognize our Nation's veterans, also to address the problem of homelessness among those who have served our Nation.

Homelessness is a problem facing many Americans today, but it is particularly acute in the veteran community. While less than 10 percent of the population of the United States are veterans, they comprise 25 percent of the entire homeless population. All told, the Veterans Administration estimates that there are 107,000 homeless veterans nationwide. Among a population that have devoted themselves to the service of our Nation, these numbers are unacceptable.

The National Cemetery at Washington Crossing is located in my congressional district in Bucks County, Pennsylvania, and serves as a final resting place for many veterans. The location of the National Cemetery is in the heart of Pennsylvania's Eighth Congressional District and places the plight of all veterans, homeless or not, preeminently in the collective psyche of my community.

Bucks County takes a solemn measure of pride in guarding both the mortal remains and the honor of veterans from across the Nation. And while Bucks County is honored and proud to provide a final resting place or final home to our Nation's veterans, our Nation must ensure all veterans are honored and sheltered while they are living as well. Today I would like to share one of their stories.

This past Flag Day, I was handed a pouch containing spent shell casings from a memorial service at the National Cemetery. The casings were from the service of U.S. Army Veteran John Griffin, who was buried at the National Cemetery at Washington Crossing earlier this year. John served our Nation in Vietnam from 1968 to 1970. He passed away in February of this year at a nursing home in Pennsylvania, and for some period before John entered the nursing home, he was homeless.

John's service was not attended by any relatives or friends. The National Cemetery holds monthly services for veterans who are laid to rest without the presence of their families. At this service, the flag that draped John's coffin was accepted by a group of women from the community who have undertaken this role to provide a measure of respect and recognition to those who have passed.

Despite numerous inquiries, neither I nor my staff has been able to learn any more about the life, service, or death of John Griffin. We know that John was honorably discharged, but beyond that, his life and his service to our Nation have been lost for the next generation of soldiers who will serve.

In his second inaugural address, President Lincoln, looking at the wounds that needed to be healed as the Civil War drew to a close, charged our Nation ''to care for him who shall have borne the battle.'' This we must do, but we must be ever mindful that homelessness, among veterans or among the population at large, is often a symptom of a deeper problem. Addiction, posttraumatic stress disorder, and strained family relations can collude to leave veterans without shelter. And while these factors may explain homelessness among veterans, they do not excuse us, as a Nation, from remedying it.

I do not know with any certainty what, if any, root causes led to John Griffin's homelessness, but I'm certain that our Nation owed him better. We owed him more than a makeshift camp in a local woods. We must rededicate ourselves to the service of those who have served our Nation.

The story of John Griffin is not rare, but we must work to make it so, because among the men and women who sacrificed and risked their lives in the service of our Nation, one homeless veteran is too many.

## UNEMPLOYMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. CASSIDY) for 2 minutes.

Mr. CASSIDY. Unemployment continues to hover over 9 percent. And when we say unemployment as 9 percent, that is a statistic. But we know that it's just not a statistic; it is a family. It is a family which is less able to provide, less able to have stability because of this unemployment rate.

Now, as it turns out, the unemployment rate is not generally distributed. It turns out it's principally among blue collar workers. Blue collar workers have traditionally been employed in manufacturing, construction, and mining. And this is one of the reasons why I, and many Republicans and many Democrats, so strongly support the Keystone XL project.

Think about it. Because they will extract that oil from the ground, creating jobs there, they are then going to build a pipeline, construction. And to build that pipeline, they have to manufacture steel. We're going to be creating jobs by this one project in the three areas that those who are now unemployed are principally employed in.

Now, this is not done with government subsidies. It does not put the taxpayer at risk. Indeed, it will generate more tax, not by increasing rates, but by increasing income, more tax receipts to help lower our Nation's deficit.

I could go on about the increase in energy security, about how the oil sands actually have a better carbon footprint than some of the oil we are now importing from Venezuela. But the bottom line is we are in a recession of 9 percent. The President has the ability to create 20,000 jobs directly and 100,000 thereafter.

I think because of this and to show the kind of across-the-aisle support for this—this pipeline is supported by the Laborers International Union of North America, the Teamsters, the AFL–CIO, the Pipeline Contractors Association, and other major unions.

□ 1130

Mr. President, please create 20,000 jobs directly, 100,000 jobs indirectly, a total package, targeting those people who are most unemployed now without using a government subsidy and, in fact, by increasing government tax receipts and, in so doing, increase our energy security. Please approve the Keystone XL project.

## 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 31 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 at noon.

## PRAYER

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

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

We pause in Your presence and ask guidance for the men and women of the people's House. Give them wisdom, strength, and love as they face the tasks of the waning weeks of the first session. Help them to be great in heart, genuine in commitment, generous in spirit, and good in mind that the work done may be for the highest welfare of our Nation and of all nations.

Whatever the experiences that come to them and to us all this day, grant that we may meet them with quick confidence and never-ending goodwill. Keep us ever faithful to our duties, committed to doing justice and truth, and loyal to our Nation in its lofty ideals.

Bless us this day and every day, and may all that is done within the people's House be for Your greater honor and glory. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

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

## ANNOUNCEMENT BY THE SPEAKER

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

## TRAFFICKING GRANT

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

Mr. PITTS. Mr. Speaker, earlier this week, The Washington Post uncovered astonishing evidence that political appointees at the Department of Health and Human Services meddled with a grant to help victims of human trafficking. For 5 years, the U.S. Conference of Catholic Bishops has provided these services. Now The Post has revealed that the grant renewal was denied over the objections of career staff and despite the recommendation of an independent review board that rated the Catholic program as the best agency to do the work. In fact, some career staff within HHS refused to sign the documents awarding the new grants. It cannot be a coincidence that the ACLU is suing to force the Catholic bishops to offer abortion services with this grant money.

It is outrageous that the administration appears to be letting the ACLU dictate policy and interfere with a grantee that is doing good work. Victims of trafficking will now face a reduced level of service because of political meddling.

A complaint has been referred to the HHS inspector general. I hope there will be a thorough investigation determining whether religious bigotry played a role in this grand decision.

## THE SUPERCOMMITTEE AND JOBS

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

Mr. HIGGINS. Mr. Speaker, this week the partisan chairs of the previous deficit reduction commissions admonished the supercommittee to ''go big'' with a package that includes a balance of cuts and revenues. Unfortunately, I think they will ''go small,'' and that would be a tragic lost opportunity. It would also be a lost opportunity if the supercommittee's legislation does not include job-creating measures, because the best way to reduce deficits is to create jobs.

Just ten years ago, the debate in this country was over the implications of repaying our debt in its entirety. We had that debate because, under President Clinton, 22 million jobs were created and record deficits were turned into record surpluses.

Mr. Speaker, the supercommittee should be bold and include a major investment in infrastructure. With interest rates at historic lows, it will never be cheaper to finance the massive backlog of improvements that we need to make in order to stay competitive.

Optimistically, economic growth over the next 2 years is not expected to be enough to sustain the current employment levels. That means unemployment will increase unless we act to create jobs.

I urge the supercommittee to do the right thing—go big. The American people need to work, and much work needs to be done.

## POLL SHOWS SMALL BUSINESSES FEAR REGULATIONS

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

Mr. HULTGREN. Mr. Speaker, last week I was astounded to read a new Gallup Poll on small business owners' concerns; and as you can imagine, in an economy like this, they have many concerns. But the issue that they said was the most important concern for small business owners was complying with government regulation.

You know what? I didn't need a Gallup Poll to tell me what I've heard from dozens of small business owners across my district. They feel threatened by the Obama administration's avalanche of needless red tape.

In the House, we've worked hard to cut that red tape, provide a pro-growth, pro-jobs environment here. We've passed more than 15 bills to cut red tape, most of them with bipartisan support. You can see all of them at jobs.gop.gov. Unfortunately, they now languish over in the cul-de-sac at the other end of this building called the ''do-nothing'' Senate.

So I urge the Senate to listen to American small business owners, listen to their concerns. Pass the forgotten 15. Get Washington off the backs of small business and get Americans working again.

## ACT NOW TO PUT AMERICANS BACK TO WORK

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

Ms. TSONGAS. Mr. Speaker, 10 months ago this week, Republicans took control of the House of Representatives. Since then, we have not seen one comprehensive jobs bill to help put Americans back to work. Our GOP-led House must show urgency, where now they show indifference, in helping the millions of workers who have lost their jobs through no fault of their own.

The American Jobs Act will help create those jobs by investing in infrastructure and incentivizing businesses to hire new workers.

I have also proposed a plan to help put people back to work; and many others in this Chamber, both Republican and Democrat, have other great ideas to support job creation. But the majority has thus far refused to allow any such measures to come to the floor for consideration. They are commonsense and traditionally bipartisan steps that we should take today.

People need jobs, they need them now, and Congress must not delay any further.

## DEFENSE CUTS INCREASING UNEMPLOYMENT BY 1 PERCENT

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

Mr. WILSON of South Carolina. Mr. Speaker, Defense Secretary Leon Panetta recently warned Congress that if the deficit reduction process does not succeed, the Department of Defense could be cut by $1 trillion. These cuts will threaten the effectiveness of the world's greatest Armed Forces which provide peace through strength. According to Secretary Panetta, these cuts would increase America's unemployment rate by 1 percent, nearly 1.5 million workers. Drastic cuts will limit advanced equipment that is essential to protect our servicemembers who are defeating terrorists overseas.

For the United States to successfully continue to protect its families, Congress should not further cut the defense budget, which destroys jobs and undermines our manufacturing base. Yesterday in Roll Call, Army Secretary John McHugh, our former colleague, advised, ''We can't break faith with the men and women who fought for us during the past decade.''

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

## VOTER SUPPRESSION

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

Ms. FUDGE. Mr. Speaker, I rise to address the right of every American, and that is the right to vote.

Republicans across this Nation are attempting to suppress certain predetermined populations of eligible voters. In Ohio, they are trying to limit voting by mail, which greatly affects seniors, the disabled, and students.

In 2009, in the county in which I live, Cuyahoga County, we eliminated 26 percent of all of our precincts because of the effectiveness of our vote-by-mail operation. We saved more than $1.2 million on voting machines alone. And with fewer precincts, we save at least $800,000 for each countywide election by having people vote by mail. Yet Republicans passed legislation that would restrict counties from mailing ballots. As a consequence, this year alone, early voting is down by one-third from last year.

With such an efficient vote-by-mail system, why would Republicans seek to eliminate mail ballots or to confuse voters? Why are Republicans pushing policies that seem to have no other objective than to disenfranchise our citizens?

□ 1210

## SENATE NEEDS TO ACT ON FORGOTTEN 15

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

Ms. HAYWORTH. Mr. Speaker, in response to the President's jobs plan, Linda Shevchuk from Carmel, New York, in my own 19th district, sent the following letter to me: ''The government's first priority should be to make sure that existing programs and agencies are operating efficiently and effectively. I can't fathom how the President can ask for more revenue when there is so much waste in our government. Government needs to act more like a business. In order to succeed, a business has to operate efficiently and effectively, be innovative, set a reasonable budget, and operate within that budget.''

Ms. Shevchuk, you're absolutely right. In fact, on our list of the forgotten 15 bills that we need the Senate to act on right away, there is the budget for fiscal year 2012. It has now been 918 days since the American people received a budget for the Federal Government because our Senate has not yet acted.

Please call your Senators across the country—and, Ms. Shevchuk, call our Senators from New York—and ask them to act on the forgotten 15, including the budget for fiscal year 2012, so that we can free our economy, free our hardworking American taxpayers, and get us all back to work.

## WAKE UP, AMERICA

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

Mr. KUCINICH. Mr. Speaker, I spoke yesterday with a very well-known Cleveland talk show host, Mike Trivisonno, who told me he and his listeners, who are many, are concerned that an al Qaeda flag is flying over the courthouse in Benghazi, Libya. It was put there by the same group that we helped to oust the Qadhafi regime.

Trivisonno is right. U.S. soldiers died fighting al Qaeda in Afghanistan, but in Libya we enabled al Qaeda to raise their flag? Will al Qaeda now have access to Libya's oil wealth thanks to the U.S.-led invasion?

Months ago I raised this question about elements of al Qaeda reportedly being involved with so-called rebels. This administration looked the other way. Why? What are we doing?

Our international policies are a diversion from our disastrous domestic policies: 14 million unemployed, millions of small businesses at risk, millions of homes at risk, Social Security at risk.

Wake up, America. The administration just helped elements of al Qaeda knock off one of the world's leading oil producers. Their flag flies over Benghazi. It's time for us to get out of these foreign adventures and start taking care of things here at home.

## SONGWRITERS' TAX LEGISLATION

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

Mrs. BLACKBURN. Mr. Speaker, I rise to speak about legislation I'm introducing dealing with tax options for songwriters and music publishers. The Songwriters Tax Simplification Reauthorization Act reinstates the ability of American music publishers and self-published songwriters to elect to use a 5 year, 20 percent per year amortization schedule. We had this tax option from 2005 to 2010. Inadvertently, it wasn't reauthorized.

Under current law, tax options available to songwriters and publishers are unworkable, obsolete, and cost-prohibitive. This creates a disincentive to new investment at a time when the music industry is under assault from illegal piracy online and as they are fighting to retain and create jobs.

A 16-year-old singer-songwriter named Bonner Black from Hot Rock, Tennessee, came to Washington last month to build support for this idea. Her dream is the American dream—to write songs that inspire and entertain us. We need this legislation to make certain songwriting remains a part of the American dream.

## THE PRESIDENT'S AMERICAN JOBS ACT AND SMALL BUSINESS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak in support of the President's American Jobs Act because America's small businesses need this legislation now to grow and hire new workers. Creating jobs and strengthening the economy is my highest priority, and I strongly urge this Congress to remain focused on these goals because they are the most pressing challenges facing Americans today.

The President's American Jobs Act will cut the payroll tax in half for 98 percent of small businesses. The nonpartisan Congressional Budget Office estimates that cutting of the payroll tax is one of the most effective job-creating measures. In addition, the President's proposal will completely eliminate payroll taxes for businesses that add new workers. This incentive is directly targeted to encourage small businesses to hire new workers.

Mr. Speaker, I urge my colleagues on both sides of the aisle to put partisan politics aside and pass this legislation now because American families and small businesses are in need of jobs now.

## THE FORGOTTEN 15

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

Mr. PENCE. Well, with a national government seemingly incapable of confronting a mountain range of debt and a national media preoccupied with politics, I have to tell you, Mr. Speaker, as I travel across the State of Indiana, one thing is clear: In the city or on the farm, Hoosier families are hurting. Unemployment in the State of Indiana is a heartbreaking 8.9 percent, and Hoosiers want action on jobs.

Now, the President is traveling around the country talking about his legislation. He says that the American people can't wait to take action on jobs, and let me just say, I couldn't agree more. The good news is House Republicans have a plan, and House Republicans have taken action.

Since the first of this year, House Republicans have passed no less than 15 different pieces of legislation to create jobs in America. These are commonsense, bipartisan bills that have passed the House of Representatives and are now languishing in the Senate. We call them the forgotten 15. Among the forgotten 15 is legislation to increase domestic energy production, reduce the harmful Federal regulatory burden on jobs, help unemployed veterans, and the rest.

I urge my colleagues in the other body to take action on the forgotten 15. We can't wait. Let's take the measures necessary to put Americans back to work.

## END CHINESE CURRENCY MANIPULATION

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

Mr. CICILLINE. Mr. Speaker, I recently visited two factories in my district in Woonsocket, Rhode Island—a

textile mill, Hanora Spinning; and a producer of personal care products, Diversified Distribution. These businesses had a clear message: They believe in making it in America, but they need an even playing field.

The U.S. has the best workers in the world and makes the best products in the world, but we need policies that allow us to compete and prevent cheating by our global competitors. Rhode Island businesses, American businesses, can't compete with their Chinese counterparts who keep their currency artificially low so their imports are cheaper than U.S. goods.

It's time to end this unfair practice, and I'm calling on the Republican leadership in the House to allow a vote on the Currency Reform for Fair Trade Act. This is a bipartisan bill that could create between 500,000 and 2 million jobs. Ending the cheating by our trading partners, especially the Chinese, we can level the playing field for American manufacturers and create jobs. We must bring H.R. 639 to the floor for a vote now.

## UNESCO AND THE PALESTINIAN AUTHORITY

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

Mr. FLAKE. Mr. Speaker, on Monday, October 31, UNESCO voted to award the Palestinian Authority full membership in its organization. UNESCO made the decision in spite of an existing U.S. law which prohibits U.S. contributions to the United Nations or any associated organization that awards the Palestinian Authority the same standing as full member states.

It defies logic that UNESCO would willingly forgo nearly one-quarter of its budget—the 22 percent that is contributed by the United States each year—in exchange for awarding the PA full member status. This decision is especially troubling considering that it will only diminish the prospects for genuine peace between Israel and the Palestinians, which can only be achieved through direct negotiations between the parties involved and not by fiat.

Nevertheless, UNESCO has made its decision, and the U.S. should stand by existing law and cut off funding for the organization. Anything short of this will send a clear message to other international organizations considering similar action that Congress and the United States does not follow up on what it says. It will also send a message to America's allies, most especially Israel, that the United States cannot be taken at its word. Congress needs to stand by Israel and all of its allies and hold UNESCO accountable for the decision that it made.

□ 1220

## SOCIAL SECURITY

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

Mr. GENE GREEN of Texas. Mr. Speaker and Members, I rise in support of the 54 million retirees, disabled workers, children and spouses in our country who currently receive Social Security. For 75 years, Social Security has served as a promise to the men and women who worked hard all their lives to make this country great that they could look forward to financial security later in their lives.

Social Security was designed to be one leg of a three-legged stool. Unfortunately, the other two legs—savings and pensions—aren't there for many seniors. Only 41 percent of seniors have employer-sponsored pensions. Three out of five senior households have no retirement savings at all, and one in three seniors rely on Social Security for 90 percent or more of their entire income.

The Joint Select Committee on Deficit Reduction should not look at Social Security as a way to pay down our national debt or as a way to offset tax cuts for the most fortunate in our country. Social Security is not in crisis. It presently has a surplus of over $2.6 trillion—enough to pay its obligations in full over the next 25 years.

Social Security needs to be reformed over the long term. These reforms need to be debated in proper order inside the appropriate committees in the House and Senate and not hastily put together. I ask my colleagues to stand together with America's seniors and support a strong, robust Social Security program.

## IN MEMORY OF BYRON DAY TATE, JR.

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

Mr. NUGENT. Mr. Speaker, born September 13, 1921, in Chicago, Illinois, Byron Day Tate, Jr., spent his early years working alongside his brother as a brass and iron molder. On November 14, 1942, Byron answered the call to service and enlisted in the United States Army. While in the service, he saw action with the 1st Army across the European Theater under the command of General Omar Bradley. He joined the D-day invasion force in July of 1944 and saw combat in the Battle of the Bulge.

After returning to Chicago as a decorated and proud Army veteran, he married the love of his life, Mildred, and like so many of our brave World War II heroes, he went on to become part of the greatest generation the world has ever seen.

On October 20, 2011, my uncle Byron Day Tate, Jr., passed away at his home in Macon, Georgia. With his passing, however, I'm reminded that without the hard work and selfless sacrifice and attitude of our World War II veterans, this Nation truly would not be what it is today.

## NO JOBS

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

Mr. PAYNE. Forty-three weeks, Mr. Speaker. For 43 weeks, my Republican colleagues have led the House, and they have failed to pass a single bill to create jobs. Our national unemployment rate has returned to 9.1 percent after declining earlier this year and late last year as a result of the Recovery Act.

Yet my colleagues who ran on the platform of upholding a pledge to America to create jobs and strengthen the economy have failed to do so. Instead of delivering on their promise to the 14 million Americans without jobs, the Republican Congress has decided to take off of work for themselves.

This Republican-led Congress has only been at work for 111 days, leaving 105 days off for recess. With so many of our constituents out of work, Congress should be at work on their behalf, doing its job and creating jobs for Americans and improving America's economy.

That is what my Democratic colleagues and I have tried to do. We have proposed commonsense legislation that would strengthen our economy and create jobs now. And we say that this is what we were sent to Washington to do. We must create jobs now.

## VETERANS OPPORTUNITY TO WORK ACT

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

Mr. BILIRAKIS. Mr. Speaker, I rise today to speak about jobs. Millions of Americans are hurting and in need of work. Our Nation's veterans have been particularly hard hit by the economic downturn. With Veterans Day approaching, it is heartbreaking to see so many of our Nation's heroes suffering. Nearly 1 million veterans are unemployed right now, and their unemployment rate exceeds the rest of the Nation.

We must act now, Mr. Speaker. Here in the House, we have passed the Veterans Opportunity to Work Act. This legislation takes an all-encompassing approach that incorporates education and training, eliminates roadblocks in the system, and helps veterans compete in a 21st-century economy.

Putting our veterans back to work is something we can all agree on, Mr. Speaker; and I encourage the Senate to address this important issue.

## JOBS

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

Mr. MORAN. Mr. Speaker, we can't cut our way to national prosperity. Since President Obama took office, private sector employment has steadily grown; but largely due to misguided priorities of many Republican officeholders, public sector cuts have offset that private sector job gain. In fact, the States that took the most severe hatchet to their State budgets have lost the most jobs and faced a more severe economic downturn. But the States that increased spending in the public sector saw real and steady economic growth since the recession began.

According to a study by the Center for American Progress, that's because there's a corresponding increase in the private sector when we pursue a responsible policy of investment in the public sector. Some States have, in fact, slashed their way into a deeper economic slump. Yes, big cuts in public spending do have an immediate effect on the quality of life; but it's worse if in addition to affecting our quality of life, we are actually making the national employment situation much worse. There's abundant data to support that conclusion.

Mr. Speaker, the fact is that President Obama's jobs bill invests in teachers, cops and firefighters because he knows that that investment will stimulate more private sector capital investment in our communities. That's why it should be passed.

## JOBS

(Mrs. BLACK asked and was given permission to address the House for 1 minute.)

Mrs. BLACK. Mr. Speaker, I'm here today to talk about jobs. People in the Sixth District of Tennessee are hurting. Our State has currently a 9.8 percent unemployment rate, and we have been at over 9 percent unemployment since February of 2009. Many of my counties are well above the Tennessee average. In Overton County, in the eastern part of my district, their unemployment rate is 10.6 percent; and in Marshall County in the southern part of my district, 13.8 percent of our population is out of work.

The President's new slogan on jobs of ''We can't wait'' is an odd choice. Right now, there are 15 House-passed bills sitting on the Senate desk waiting for action. Since day one, I have been working with my colleagues to create certainty in our economy, trying to cut the burdensome red tape and get government out of the way. Throughout our Nation's history, it's been the American entrepreneurial spirit that has pushed us forward.

Put simply, government does not create jobs. American small businessowners create jobs. That's why I'm here today to urge Majority Leader REID and our colleagues in the Senate to pass these 15 jobs that we have created in a bipartisan manner over here in the House. America cannot wait, Mr. REID. Take up our bills.

## BULLYING PREVENTION

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

Ms. JACKSON LEE of Texas. We cannot forget our children, and I ask that this body not close the doors on the Good Samaritan. Let that person in.

I would encourage the support of H.R. 83 that has focused on protecting our children from bullying. I have founded and cochaired the Congressional Children's Caucus with my colleague from Illinois, a bipartisan caucus that wants to remember the children. I encourage my colleagues to sign on to H.R. 83 so that we can have a national statement against bullying and begin to fund the best practices that our communities can work on to protect our children.

And then I want to ensure that the 2.5 million Americans that will lose their unemployment in 2012 are protected. Let's determine that those who have worked not be left in the cold without unemployment benefits.

And as we look forward to Veterans Day, I want to stand publicly and say that I oppose any cuts to veterans benefits by the supercommittee. I stand in support of our veterans and declare that if they gave us a promise and their willingness to sacrifice their life, we must stand in promise to them to never cut their benefits. Let me say to the homeless veterans that I visited, we, too, respect your condition and your service. We will not cut veterans benefits.

□ 1230

## OKLAHOMA CITY: CITY ON A HILL

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

Mr. LANKFORD. As we talk about jobs in America, let's talk about a positive story: Oklahoma City, ranked yesterday as having the number one best employment rate in America among cities of 1 million or more.

In our federal system of government, States and cities compete for excellence, and the result is a terrific city like Oklahoma City.

What made it work? I can tell you what made it work: Great State and local leadership, people who love to work, commonsense regulations locally, business owners who build great businesses, and a great community. In Oklahoma City, you see, we have traditional and new energy production working well side by side, community banks that work through the regulatory maze and do commercial lending. We have reasonable real estate development, trucking and manufacturing for all types of products, a military and civilian workforce who work together, small business owners and employees who love to serve our community, and pro-business, pro-family laws and regulations.

There is something our Nation could learn from a city like Oklahoma City.

## A SALUTE TO PUBLIC EMPLOYEES

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

Mr. ELLISON. Mr. Speaker, my friends on the other side of the aisle are very fond of saying that government doesn't create jobs but only the private sector. But all you've got to do is talk to any small business person on any Main Street in America and ask them, if the police department didn't come out and make sure that they had a safe neighborhood, how would that affect their business? Or you can go to a trucking company and say, you know, if the roads and the bridges and the transportation network of this country were not in place, could you ship products if we didn't have an interstate highway system? They would tell you, obviously the government helps business. Obviously. This is so obvious that we have to state the obvious here on the floor of Congress.

This anti-government, anti-public sector, anti-public employee and worker attitude does not help our country. It sets us back, and it is wrong. And I, for one, want to salute the everyday heros—the cops, the firefighters, the teachers, the people who work on our roads, the people who make sure we have clean water and air to breathe.

Go for it, public employees. We're proud of you.

## HOUSE REPUBLICAN PLAN FOR AMERICA'S JOB CREATORS

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

Mr. DESJARLAIS. If the Obama administration is serious about creating jobs for the American people, they should start by listening to America's job creators.

As part of my Tennessee Job Creators Tour, I've had the opportunity to meet with over 40 businesses. They have a clear message on how Washington can help create jobs: Get government spending under control; create a fair, flatter and simpler Tax Code; and repeal job-killing regulations that hurt their ability to do business and hire more workers.

House Republicans understand the importance of freeing our Nation's business owners from the confidence-killing threat of higher taxes and more regulation so that they can invest, grow, and hire. To accomplish this, we have passed a total of 17 job-creating

bills this year, and they are now stuck in the Senate. Please go to jobs.gop.gov and read the plan.

The Democrats' suggestion that ''poor sales'' are driving unemployment is shortsighted and out of touch, considering the overwhelming consensus among the businesses I have personally visited.

It's time for Senate Democrats and President Obama to follow our lead and pass these 17 bills.

## NOT A PRETTY PICTURE FOR POLICE OFFICERS

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

Mr. PASCRELL. Mr. Speaker, just a few days ago, Bernard Melekian, who is Director of the Justice Department's Office of Community Oriented Policing Services, produced a job loss ratio and report on the police departments throughout the United States of America. Mr. Speaker, it was not a pretty picture. We pat our police officers on the back, say they do a good job, and watch 12,000 of them lose their jobs in the United States of America.

There's one point I want to bring out here, Mr. Speaker, and it's this: If we place so much homeland security responsibilities on our first responders, then how in God's name can we turn our backs when cities and towns and rural areas are in tough financial shape? We will have an opportunity to rectify and right the ship this afternoon.

## CALLING ON SENATE TO PASS JOBS BILL

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

Mr. MULVANEY. Mr. Speaker, last week, unbeknownst to most people because it doesn't get a lot of coverage, we did something in this House that most people in the Nation didn't think we had the capability of doing. We passed, on a bipartisan basis, a bill that will help put people back to work. We passed a bill that made it easier for companies that do business with the Federal Government to get paid, the 3 percent withholding rule. It passed through subcommittee on a bipartisan basis, through committee on a bipartisan basis, and off of the floor of this House on a bipartisan basis. It is actually part of the President's jobs plan—the President directly addresses this 3 percent withholding in his jobs bill—yet it got absolutely no attention. More importantly, it sits today at the Senate with absolutely no activity on it.

This House, Mr. Speaker, has done its job, and we've done our job on a bipartisan basis to pass a bill to put people back to work. But the Senators—most specifically, the Democrat leadership in the Senate—are not doing their job, and I call upon them to do exactly that.

## LET'S WORK TOGETHER TO REBUILD INFRASTRUCTURE

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

Mr. COHEN. Mr. Speaker, jobs is the most important issue this House can deal with. And it's been said in the past that there are two things that are bipartisan: defense budgets and infrastructure budgets, transportation.

Historically, we've gotten together on transportation and we've had a transportation bill and we've developed a great infrastructure that made this country the country that it is. No longer is America the top nation in the globe on infrastructure; it's countries in Asia and other places. We're 15th on the list on infrastructure.

The President's got a jobs bill that will put $50 billion into roads and bridges, infrastructure, and put people to work—25,000 people for $1 billion of investment go to work.

Ray LaHood, a Republican Member of this House when I started, now the Secretary of Transportation, said yesterday that the Republican side—or at least some part of it—is not here to get things done, that they're here only to defeat this President, and they need to pass the bill to put people to work and improve infrastructure.

I agree with Secretary LaHood. Let's work for America together, let's be bipartisan, and let's rebuild our infrastructure.

## REPUBLICANS ARE HOLDING UP JOB CREATION

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

Mr. PALLONE. Mr. Speaker, I want to follow up on my colleague from Tennessee.

I heard my Republican colleague on the other side of the aisle talk about the Senate. Well, the fact of the matter is that the Senate Democrats, on at least two occasions, have tried to bring up the American Jobs Act, the President's job initiative. They even broke it into smaller pieces. But what happens is they vote for it, but they can't get the 60 votes because none of the Republicans will join with them to get over that 60-vote majority rule. So this is being held up by the Republicans.

Here in the House, Speaker BOEHNER has said that he will not post the American Jobs Act. You know, it's been 43 weeks since the Republicans took control of the House and they haven't passed a single jobs bill yet. When the Republicans say, oh, they're passing bills to deregulate, that's not going to create jobs.

I have spent a lot of time in the last few weeks going around my district to some of the Main Streets and talking to small businesses. They like the American Jobs Act because they like the fact that it has the payroll tax reduction. They like the various tax credits if they hire people. But when you ask them about regulation, regulation is not the issue, Mr. Speaker.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. YODER) 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 3, 2011.*

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 3, 2011 at 9:36 a.m.:

That the Senate passed S. 271.
That the Senate passed S. 278.
That the Senate passed S. 535.
That the Senate passed S. 683.
That the Senate passed S. 684.
That the Senate passed S. 808.
That the Senate passed S. 897.
That the Senate passed S. 997.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## MOTION TO INSTRUCT CONFEREES ON H.R. 2112, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate on the disagreeing votes of the two Houses.

The Clerk read the title of the bill.

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

There was no objection.

Mr. DICKS. Mr. Speaker, I have a motion to instruct at the desk.

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

The Clerk read as follows:

Mr. Dicks of Washington moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2112, be instructed to insist on (1) the highest level of funding for the ''Federal Highway Administration—Emergency Relief Program'' account, within the scope of conference and only for activities consistent with the definition of ''disaster relief' included in the Budget Control Act of 2011, and (2) the highest level of funding within the scope of conference for the Community Oriented Policing Services (COPS) programs.

□ 1240

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Washington (Mr. DICKS) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. DICKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the motion to instruct.

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

There was no objection.

Mr. DICKS. Mr. Speaker, I yield myself as much time as I may consume.

The motion instructs conferees to provide funds needed for the Federal Highway Administration to eliminate the backlog of repairs to highways, roads and bridges damaged in natural disasters. The motion also instructs the conferees to fund the Community Oriented Policing Services (COPS) programs.

It is not unusual for Congress to appropriate funds to address the backlog of disaster repairs for highways, bridges and roads. Since 1989, Congress appropriated additional funds to eliminate the emergency relief backlog on 20 separate occasions.

This motion will put nearly 60,000 construction workers to work repairing roads and bridges in 37 States. The Federal Highway Administration needs about $1.76 billion for emergency relief repairs in States that received a Presidential disaster declaration.

I would remind my colleagues that the Budget Control Act reformed the process for determining the total amount available for disaster relief funding. Funding is based on objective criteria. Disasters must be declared, and the total amount cannot exceed the rolling 10-year historical average. If conferees provide the highest level of disaster relief funding within the scope of conference, it will be within that range. The motion instructs conferees to remain consistent with the Budget Control Act. And the act makes clear that if disaster relief funding is within the average, it does not need to be offset.

The motion simply asks the House to honor the agreement on disaster relief reached in the Budget Control Act.

The motion also instructs the conferees to support the highest level of funding for COPS within the scope of conference. The House bill, as reported by the Appropriations Committee back in July, included no funding for the COPS programs. However, the Budget Control Act provides a higher discretionary funding total for FY 2012 than the allocation the committee was working with during the summer. This permits the House to fund some items that were difficult to provide for in July. And the COPS programs should be at the top of the list of things to fix in the CJS bill with a higher allocation.

The House has supported COPS on a bipartisan basis, and it is needed now more than ever. The economic downturn of the last few years is straining the resources of State, local and tribal governments across the country. Public safety agencies have been affected along with nearly everyone else.

According to the COPS office, nearly 12,000 police officers and sheriff's deputies will have been laid off by the end of 2011. Approximately 30,000 law enforcement jobs are unfilled. And an estimated 28,000 officers and deputies faced week-long furloughs in 2010.

We can't fix all the financial pressures facing local law enforcement, but we can do something to help stem the tide. This motion would support the hiring or rehiring of approximately 1,500 police officers in FY 2012.

Mr. Speaker, I urge the House to vote ''yes'' on the motion to instruct, and I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I have no other speakers other than myself at this point; so I reserve the balance of my time.

Mr. DICKS. I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL), who has been a tireless advocate for both the COPS program and our firefighters and for local law enforcement.

Mr. PASCRELL. I thank the gentleman from Washington for yielding.

I want to thank Mr. DICKS for his leadership on this issue. I want to thank Mr. ROGERS for his open-mindedness, as usual, hopefully as we go into this discussion.

As cochair of the House Law Enforcement Caucus, I want to call everyone's attention to one of the glaring differences between the bill the Senate passed earlier this week and the one reported by our own Appropriations Committee: Funding for our local police officers.

The Senate bill contained $232 million for the COPS office, including $200 million for COPS hiring. This bill completely eliminated funding altogether. We're here today to try to rectify that situation.

Mr. Speaker, we know that State and local governments are still slashing their budgets as a result of the recession. In fact, just last week the Department of Justice released a sobering report, ''The Impact of the Economic Downturn on American Police Agencies.'' I think all of our Members should read it. I want to place this as Exhibit A in my presentation today, Mr. Speaker, into the RECORD.

The report revealed that nearly 12,000 law enforcement officers will lose their job this year alone. Another 30,000 positions remain unfilled, and 2011 would produce the first national decline in law enforcement officers in 25 years.

Less cops on the beat means more crime on the streets, plain and simple. It is a very specific aspect of this particular problem. It's not going to get better.

I work very closely with my counterpart, Representative REICHERT, who was a sheriff's officer in Washington State, to cochair the Law Enforcement Caucus. Earlier this year, 115 Members of this body, Republicans and Democrats, supported these programs in a letter to appropriators.

It is just not enough, Mr. Speaker, to pat our police officers on the back. We must support them. The Federal Government has a particular responsibility, specifically, to debate the issue and look at the issue of homeland security. They're the first there, our firefighters. If there's any manmade disaster or act of nature, they show up first before anybody from the Federal Government.

To see the number of police officers being reduced in this country is unconscionable, particularly after 9/11. Our crime is rising specifically in the towns where these police officers have been laid off, furloughed, demoted—and certainly lack the promotions. The Federal Government has some responsibility here.

I would also like to place into the RECORD a very strong statement on the issue of the matter of crime in our cities and in our towns. I will make that Exhibit B.

I think the homeland security issue is a critical issue. But let's bring it back to our own towns. Police departments in the United States now have put on a list of priorities what they're going to respond to and what they cannot respond to.

Listen to these. They've stopped responding to motor vehicle thefts in many towns. They've stopped responding to burglar alarms that go off. They've stopped responding to non-injury motor vehicle accidents. In many towns, the warrant squads—if you don't know what a warrant squad is, then you don't know what police departments do day in and day out. They've minimized, two or three people left to try to find the folks that have perpetuated crimes in our communities.

They've reported decreases in investigations of property crimes. You talk about a response when you call the police department. Wait till you see the response in terms of investigating these particular crimes.

This has all come out under the Justice Department. I'm not making these numbers up. That's why I submit for the RECORD the numbers.

□ 1250

Let me just conclude, Mr. Speaker, in saying this has to be a priority. Protecting the public is our primary priority, and I ask consideration of what the gentleman from Washington is putting forth today.

[From the New York Times, Oct. 21, 2011]

IN HIGH-CRIME AREAS, STILL TOO FEW POLICE

(By Dan Mihalopoulos and Hunter Clauss)

Despite Mayor Rahm Emanuel's highly promoted efforts at concentrating additional

police patrols in the city's most dangerous neighborhoods, many crime-ridden police districts still have fewer officers patrolling their streets than far safer areas of the city have, according to recent data obtained by The Chicago News Cooperative.

The data included officer-assignment data for all 9,400 Chicago police officers, as well as almost 1,000 detectives—information that the city has steadfastly declined to make public.

The analysis found that the distribution of patrol officers among the city's 25 police districts does not correlate to the places where crime rates are highest.

The 5th police district, which includes the Roseland and Pullman neighborhoods on the Far South Side, has 266 patrol officers, four fewer than the 270 officers in the 12th district on the gentrified Near West Side, the data showed.

But the 5th district experienced 1,049 violent crimes in the first eight months of this year, while the 12th district recorded 341 violent incidents during the same period, according to police department records.

Many predominantly black districts on the South and West Sides had more than three or four murders, rapes, armed robberies or assaults for every beat officer assigned to work within their boundaries during that period.

That contrasted drastically with 10 districts, mostly in more affluent sections on the North Side, where there were one or two such crimes for every officer.

Many City Council members and neighborhood activists have long campaigned for a police department reorganization that would put more officers in high-crime neighborhoods. Told of the deployment data analysis, they said the results vindicated their demands.

''It basically validates the need for redeployment and reallocation,'' said Alderman Anthony Beale, whose 9th Ward is largely in the 5th district.

Mr. Beale said this week that he would call for Council hearings on staffing levels in police districts. He said he had unsuccessfully sought deployment statistics from the police for years.

''Putting the most police in the areas with the most crime—it's just that simple,'' said the Rev. Marshall Hatch, whose New Mount Pilgrim Missionary Baptist Church is in a West Side police district with the second-lowest proportion of police officers to violent crimes.

Lt. Maureen Biggane, a spokeswoman for the police department, said officials were in the process of ''right-sizing the department'' and had focused initial redeployment efforts on the highest-crime districts. The debate over how best to deploy police officers has raged for decades, with representatives of more tranquil corners of the city successfully blocking repeated attempts to shift greater resources away from their neighborhoods to the most violent districts.

The topic has become especially heated as City Hall's budget problems have worsened in the past few years. Even after the planned closing of three district stations, the police department would remain by far the largest component of the budget.

Police spending is slated to drop by 4.4 percent in 2012, to about $1.26 billion out of the total city budget of $6.28 billion.

During economic boom times, former Mayor Richard M. Daley promised and delivered expansion of the police ranks. When the city's budget deficits grew, the Daley administration allowed the police force to dwindle.

In 2008, officials reluctantly confirmed that they had been forced to renege on Mr. Daley's vow to hire new officers, and police academy classes ceased training cadets. Retirements and other attrition quickly drove down the count of sworn officers on the payroll.

Since his inauguration in May, Mayor Emanuel and his new police superintendent, Garry McCarthy, have faced reality. In presenting his 2012 budget-proposal, Mr. Emanuel said he would delete more than 1,200 perennially unfilled officer positions from the books ''to end the charade of carrying hundreds of police officer vacancies without actually hiring them.''

While acknowledging that they will have a smaller force than the Daley administration once commanded, Mr. Emanuel and Mr. McCarthy are as leery as Mr. Daley was of moving officers from safe neighborhoods to higher-crime areas. Instead, City Hall's new leaders say they have shifted personnel from the specialized units that Mr. Daley built up and reassigned them as beat officers in districts across Chicago.

Mr. Emanuel said he had transferred more than 1,000 officers ''to beat patrols in our neighborhoods,'' removing them from desk jobs and special units.

''Every police district across our city received additional officers,'' Mr. Emanuel told aldermen in his budget speech on Oct. 12. ''Those districts with the most crime got the biggest increases, as it should be.''

Ms. Biggane, the police spokeswoman, said eight high-crime districts had benefited from the first redeployment wave, involving 500 officers, and other parts of the city have since received additional patrols.

But the Emanuel administration has declined to provide documentation of those moves. The new administration has adhered to longstanding policies of the Daley administration, whose officials denied Freedom of Information Act requests by contending that public disclosure of documents detailing officer deployment levels would compromise security.

The Chicago News Cooperative recently obtained a list of the unit assignments for the 10,300 sworn Chicago police department employees from a police source who requested anonymity because the department leaders have declined to release it.

The records described the unit assignments as of early October and appeared to reflect the vast majority of the recent personnel moves ordered by the Emanuel administration.

Most of the detectives were assigned to one of the department's five area headquarters, while about 2,400 of the police officers were either assigned directly or detailed to specialized units, including the narcotics section and the internal affairs division.

It was impossible to deduce from the data exactly where the officers in specialized units were working. The list also did not include supervisors.

The other 7,000 police officers, representing a majority of the department's sworn members, were each assigned to patrol beats in one of the 25 districts. The number of officers in each district ranged from a low of 191 in the 23rd district to 386 in the 7th district.

A comparison of the beat deployment figures with department statistics for property crimes and violent crimes in each district this year shows:

Four districts—the 25th, 8th, 6th and 4th—had higher ratios of both property crimes and violent crimes per officer than the city-wide average.

The highest ratios of property crimes to beat officer counts were in the 14th, 8th and 25th districts, each of which reported at least 15 property crimes per patrol officer in the year's first eight months.

The lowest proportion of violent crimes to officers was in the 1st district, which covers downtown Chicago, followed by the 19th district on the North Side.

The 4th district, in the city's southeast corner, had the largest gap between staffing level and violence, with 4.05 violent crimes per officer.

The 4th district covers most of the 7th Ward, whose alderman, Sandi Jackson, praised Mr. Emanuel for adding officers to areas of greater need, despite tight budget constraints. But asked about the Chicago News Cooperative findings, Ms. Jackson replied: ''There is absolutely a disparity. We are not where we would want to be ideally.''

Some experts say the reaction of aldermen in apparently underserved districts, though politically astute, would not lead to the wisest policies for fighting crime.

''It is reasonable and rational to expect that there should be more officers in areas with more crime,'' said Arthur Lurigio, a professor of psychology and criminology at Loyola University. ''But there is no evidence that would necessarily be the case.''

Mr. Lurigio said saturating areas with officers often merely pushed criminals to other places that then witnessed a spike in violence.

Still, the city should deploy its police officers based on a formula that would account not only for crime rates but also for average response times to service calls, said Wesley Skogan, professor of political science at Northwestern University's Institute for Policy Research.

''This is Chicago, so everybody wants more and nobody wants to give up officers,'' Mr. Skogan said. ''Emanuel should use his crisis clout and allocate police resources based on workload.''

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THE IMPORTANCE OF COMMUNITY POLICING IN TOUGH FINANCIAL TIMES

Many of the cost saving techniques discussed within this report are directly related to community policing efforts. Community policing is a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime (COPS Office 2009a). The three tenets of community policing—community partnerships, organizational transformation, and problem solving—are of increased importance when facing budget cuts that reduce the number of officers on the streets.

Collaborative partnerships to develop solutions to problems and increase trust in police can be seen in many of the solutions police agencies are using in light of the economic downturn. Specifically, the use of volunteers, partnerships between the police and private agencies, and the use of social media as a means to communicate effectively with the community in order to meet their needs, are all examples of how collaborative partnerships act as a cost-saving tool.

Organizational transformation exists through the alignment of organizational management, structure, personnel, and information systems to support community partnerships and proactive problem solving. From its inception, community policing's goal is one of forging strong relationships between law enforcement and the communities they serve. It aims to redesign the practice of public safety into a collective, collaborative effort (COPS Office 2009a).

The current economic crisis, which has thwarted many police activities, requires police agencies to place a greater emphasis on problem-solving techniques. By engaging in the proactive and systematic examination of identified problems and developing and rigorously evaluating effective responses, they will be able to best use the limited resources that are available to them.

Unfortunately, when agencies are forced to make widespread budget cuts, some have done so by reducing or eliminating some of their community policing programs. In fact, according to the MCCA survey, 39 percent of respondents who have reduced budgets stated that those budgets cuts were made to their community policing efforts (MCCA 2011).

Herein lies one of the major fallacies as it relates to community policing. Community policing should not be viewed as a particular program within a department, but rather as a department-wide philosophy. Programs are typically initiated as a response to a specific problem, in which only a small portion of the organization is involved and once the problem has been addressed the program is dissolved (Trojanowicz and Bucqueroux 1994). Instead, community policing must be understood as a philosophy that promotes the systematic use of partnerships and problem-solving techniques to proactively address the conditions within a community that are cause for public concerns over crime and social disorder issues (Melekian 2011d).

Community policing is an organizational strategy. It can be used to govern the way police services are delivered, recognizing the police officer as an organizer of resources in pursuit of public safety rather than someone designated to perform specific tasks (Trojanowicz and Bucqueroux 1994).

In an article in The Police Chief, COPS Office Director Melekian articulates the importance of the community policing philosophy in the face of the current economic climate. He argues that the downturn in the economy has affected the country in ways that could not have been predicted even 5 years ago. The enhancement of community policing and the myriad of social outreach programs that have been employed by local law enforcement were initially brought about in large measure by the combination of federal grant dollars and readily available local funding sources. That financial foundation is now in serious jeopardy in many local jurisdictions.

Melekian further highlights how some have made the argument that these economic challenges may compel us to abandon community policing because we simply cannot afford it (Melekian 2011d). However, experience has shown that community policing is a more cost-effective way of utilizing available resources than simple traditional policing practices, for a number of reasons. Primarily, community participation in crime-prevention amplifies the amount of available resources, while community partnerships used to address problem solving provides a more efficient distribution of combined police and community resources than simply reactive policing program models (Brown 1989).

THE IMPORTANCE OF COMMUNITY POLICING IN A RECESSION

Concord, Massachusetts—Deputy Police Chief Barry Neal has utilized the proactive approach of community policing to prevent crime and reduce victimization. ''We recognize that we can't solve problems alone, we need to engage the community and work in partnership with them,'' he said. ''It gives us direct daily face-to-face contact between the community and the officers, and also gives us the ability to prevent problems from occurring instead of reacting to them'' (Ball 2009).

Albuquerque, New Mexico—Chief Schultz of Albuquerque is having officers develop partnerships with retailers to address shoplifters and boosters. The Police Department has experienced a 20 percent reduction in their workforce and is developing partnerships with retailers with the goal of sharing information in order to link petty crimes together to prosecute larger and stronger cases and get repeat offenders off the street. In addition, they are offering rewards to housekeepers at hotels to report the accumulation of large amounts of merchandise, which can often be found in hotel rooms (Stelter 2011).

Kansas City, Missouri—''When we talk in Kansas City about 'doing something different,' a mention of community policing usually follows. And surely, the thought of police officers working hand in hand with neighborhood folks is enticing. But successful, citywide community policing would require a culture change for a police department that places more faith in arrest statistics than relationships as a crime-fighting tool. [In looking for a new police chief, Kansas City] believes a chief who finds a way to make it acceptable, indeed desirable, for officers to connect with citizens and help solve problems will be the start of the change that everyone talks about'' (Shelly 2011).

CONCLUSION

In 2008, the entire country was introduced to the largest fiscal crisis since the Great Depression. Many who have worked in the field for decades have never seen an economic situation that has affected law enforcement like the one our country currently faces. As cities and counties across America are experiencing a downturn in local revenues, the effects on public safety budgets have been significant. Americans are faced with a new economic reality, in which they are challenged to develop new and innovative ways to leverage resources and maximize productivity in the face of diminishing financial means. Police agencies have not escaped the effects of shrinking revenues. In fact, the economic challenges facing many Americans are amplified when it comes to public safety.

To compensate for shrinking budgets, many individuals focus on what can be sacrificed from their normal lifestyle in order to offset the reduction in available spending. Families may forego their annual summer vacation, or choose to only shop in discount stores rather than their favorite department stores. However, law enforcement agencies face the more difficult and ever important task of maintaining the same quality of service that they always have provided despite a severe reduction in available resources. Therefore, to successfully deliver the high levels of community protection and emergency responsiveness communities depend on, law enforcement agencies must develop new and innovative techniques to address the needs of their communities in cost-effective and sustainable ways.

The recognition and acceptance of this new economic reality is more important than ever in developing strategic management practices to ensure the effective and efficient delivery of police services. Never before has the law enforcement community experienced such significant cuts to operating budgets and available resources. Rather than continuing to provide services through traditional means in hopes that the economy will return to pre-recession levels, police nationwide are shifting, adapting, and redeveloping the ways in which they do their job—to ensure the highest levels of public safety.

In every corner of the United States, state, local, and tribal police departments are being forced to lay off officers and civilian staff, or modify their operations as a result of budget cuts. Over the last 2 years, many agencies have experienced considerable affects from budget constrictions, including mandatory furloughs and hiring freezes, which have resulted in significant reductions in staffing levels never experienced before. Indeed, American law enforcement is changing, and the effects are likely to last over the next 5 to 10 years, if not longer.

While the exact nature of how these changes will take place is unclear, the data within this report suggest that changes may occur on several fronts. First, there may be greater application of ''force-multiplier'' technologies such as closed-circuit TVs, automated emergency dispatch systems, video teleconferencing equipment, and social media usage. Utilization of technologies such as these has the ability to provide law enforcement agencies with a way to maximize available information while alleviating the need for an immediate response.

Another fundamental alteration that has been seen in delivery of police services as a result of the changing economy is the increased application of non-sworn individuals—both as employees and as volunteers. More and more police agencies have begun to shift some of the responsibilities that have traditionally been performed by sworn staff to civilian personnel as a means to mitigate payroll costs and maintain staffing levels. Further, some agencies have even engaged citizen volunteers to help alleviate the strain on police work loads. Such approaches can provide sworn staff with more time to focus on pressing and time-sensitive issues that can only be successfully managed by a law enforcement officer.

Some agencies have had to drastically change their methods for handling non-emergency situations and administrative duties. Many police agencies are no longer able to dispatch an officer to every call for service. Instead, more often police managers are forced to direct their resources to focus on situations which pose the most threat to public safety. For example, some agencies are no longer able send officers to collect crime reports for cases that don't involve suspects, or dispatch patrol officers to every non-emergency/non-injury service call. The primary focus on law enforcement is protecting the safety of their communities. Therefore, agencies experiencing limited resources must adjust their approach to focus in on situations that are an immediate threat to public safety.

A more drastic change that is being seen as a result of the economic downturn is the increase in the number of agencies combining efforts and resources through consolidation, shared services, and regionalization. When agencies are faced with maintaining services levels with less and less, collaborating or combining agency's efforts often is the only way to maximize available resources, training, and information.

As this report has shown, the recent economic downturn has placed serious constraints on police budgets and severely diminished the availability of resources. As an additional step to help compensate for declining resources, many departments have also begun collecting and disseminating crime data in real-time via new technology. This has allowed for the effective management and strategic deployment of resources to focus on specific problems as they develop. With the increased use of technology and information-sharing policies being institutionalized throughout many police departments nationwide, it has become essential that the collection of national census data relating to law enforcement agencies be collected with the same urgency.

It is crucial for policy makers to create proactive, aggressive, and productive problem-solving strategies based on relevant and current data. However, the delay in the current methods of data collection and dissemination makes it difficult to present an accurate picture of the state of police agencies as things happen. In turn, a true understanding of the challenges confronting law enforcement agencies as seen through comprehensive analysis takes time and resources. It will be important for federal partners to collaborate on a way to collectively participate in data collection efforts in the future that will increase the availability of up-to-date data, and its analysis and dissemination. By

collecting data more frequently and comprehensively, policy makers and government agencies will be able to adjust and realign their strategic goals to provide relevant assistance where law enforcement agencies need it most.

Institutionalization of the community policing philosophy is vital to the ability of law enforcement agencies to succeed and thrive in the current economic climate. Agencies must systematically use partnerships and problem-solving techniques to proactively address the problems that their communities are facing. Development and enhancement of symbiotic relationships between police and the communities they serve is key to ensuring community safety.

It is clear that the challenges facing America as a result of the economic decline that began in 2008 have been significant. Law enforcement communities are facing a new reality in American policing—one that requires a shift in the methods they use to uphold levels of service while dealing with ever shrinking budgets. However, the importance of maintaining and expanding community policing practices during this time of economic hardship is paramount. Research and feedback from the field indicate that community policing is a successful practice in both small and large agencies with significant public safety problems. Thankfully, many of the law enforcement agencies in the United States already practice community policing, and more are coming to recognize the value of community partnerships in this time of limited resources.

Mr. ROGERS of Kentucky. I continue to reserve the balance of my time.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts, the ranking member of the Transportation, HUD Subcommittee, Mr. OLVER.

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

Mr. Speaker, I rise in support of the motion to instruct conferees. This motion would instruct the conferees to provide adequate funding to the Federal Highway Administration's Emergency Relief program in order to eliminate the backlog of repairs needed as a result of hurricanes, earthquakes, floods, and other natural disasters.

Since the Hayden-Cartwright Act of 1934, Congress has repeatedly recognized the need to provide assistance to States when unanticipated disasters occur without conditioning the support on cuts to other programs.

Currently, there is roughly $1.75 billion in emergency relief backlog covering disasters in 37 States. The 2012 year has been an unusually active one for natural disasters, and 33 States have experienced declared disasters totaling $1.4 billion since the beginning of this year alone.

This includes $50 million in repairs that are needed in my State, Massachusetts, due to tornadoes in the spring and damage from Hurricane Irene; $42 million needed by Iowa to repair damage from Missouri River spring floods; and $100 million in Ohio due to severe rainfalls in the early spring.

Mr. Speaker, as we have done 20 times since 1989 during both Republican and Democratic Congresses, we have a responsibility to our neighbors to provide them funding needed to address their emergency relief needs.

Mr. Speaker, the chart I have in my hand references those 20 acts of Congress. I urge my colleagues on both sides of the aisle to support the motion to instruct conferees.

EMERGENCY RELIEF PROGRAM SUPPLEMENTAL APPROPRIATIONS 1989–PRESENT

[Excludes $100 million annual authorization under 23 U.S.C.125]

| Public Law | Date signed | Title | Highway Trust Fund | General Fund | Purpose | Waivers |
|---|---|---|---|---|---|---|
| PL 101–130 | 10/26/1989 | Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance. | $1,000,000,000 | | September 1989 Hurricane Hugo and October 17, 1989 Loma Prieta Earthquake. | Waived 23 U.S.C. 120(f) [now 120(e)] by extending the 100% Federal share from 90 days[1] to 180 days and extending this to all projects (emergency and permanent repairs). Waived the $100 million State cap. |
| PL 102–368 | 9/18/1992 | Supplemental appropriations for Fiscal Year 1992. | $30,000,000 | | Hurricane Andrew, Hurricane Iniki, and Typhoon Omar. | none |
| PL 103–75 | 1/5/1993 | Emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993. | $175,000,000 | | Midwest floods of 1993 and other disasters | none |
| PL 103–211 | 1/25/1994 | Making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes. | $1,665,000,000 | | January 1994 Northridge earthquake in Southern California and other disasters including an additional $315 million for the Loma Prieta Earthquake. | Waived 23 U.S.C. 120(e) by extending the 100% Federal share from 90 days to 180 days and extending this to all projects (emergency and permanent repairs) related to the Northridge earthquake. Waived the $100 million per State cap for the Northridge earthquake. |
| PL 104–134 | 4/26/1996 | Making appropriations for fiscal year 1996 to make a further down payment toward a balanced budget, and for other purposes. | $300,000,000 | | January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States and other disasters. | Waived the $100 million per state cap for the January 1996 flooding in the Mid-Atlantic and Northwest States. |
| PL104–208 | 9/28/1996 | Making Omnibus Consolidated Appropriations for Fiscal Year 1997. | $82,000,000 | | Hurricanes Fran and Hortense and for other disasters. | none |
| PL 105–18 | 6/12/1997 | 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters and for Overseas Peacekeeping Efforts, Including Those in Bosnia.. | $650,000,000 | | For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other natural disasters. | Waived the $100 million per State cap for the December 1996 and January 1987 flooding in the western States. |
| PL 105–174 | 5/1/1998 | 1998 Supplemental Appropriations and Rescissions Act. | $259,000,000 | | For an additional amount for the Emergency Relief Program for emergency expenses resulting from floods and other natural disasters. | Waived the $100 million per State cap for projects resulting from flooding during the fall of 1997 through the winter of 1998 in California |
| PL 106–346 | 10/23/2000 | Department of Transportation and Related Agencies Appropriations, 2001. | $720,000,000 | | For an additional amount for the Emergency Relief Program for emergency expenses resulting from floods and other natural disasters. | none |
| PL 107–117 | 1/10/2002 | Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002. | $100,000,000 | | For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for "Miscellaneous Appropriations," including the operation and construction of ferries and ferry facilities. | none |
| | | | $75,000,000 | | For emergency expenses to respond to the September 11, 2001, terrorist attacks on the United States, for the "Emergency Relief Program,"as authorized by section 125 of title 23, United States Code. | none |
| PL 107–206 | 8/2/2002 | 2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States. | $167,000,000 | | For an additional amount for "Emergency Relief Program," as authorized by 23 U.S.C. 125, for emergency expenses to respond to the September 11, 2001, terrorist attacks on New York City. | Waived 23 U.S.C. 120(e) or projects resulting from the 2001 NYC WTC terrorist attacks by allowing all projects to be eligible at 100% without any time limit. Waived the $100 million per State cap for such projects. |
| | | | $98,000,000 | | For an additional amount for the "Emergency Relief Program," as authorized by section 125 of title 23, United States Code. | none |
| PL 108–324 | 10/13/2004 | Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005. | $1,202,000,000 | | 2004 Hurricanes Charley, Frances, Gaston, Ivan, and Jeanne, as authorized by 23 U.S.C. 125. | Waives the $100 million per State cap for projects arising from Hurricanes Charley, Frances, Ivan, and Jeanne. |
| PL 108–447 | 12/8/2004 | Consolidated Appropriations Act, 2005 | $741,000,000 | | For an additional amount for the "Emergency Relief Program" as authorized under section 125 of title 23, United States Code.. | none |
| PL 109–148 | 12/30/2005 | Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006. | | $2,750,000,000 | Hurricanes Katrina, Rita, and Wilma. | Waived 23 U.S.C. 120(e) for Hurricanes Katrina, Rita, and Wilma. Waived the $100 million per State cap for Hurricanes Dennis, Katrina, Rita or Wilma and for the 2004–2005 winter storms in the State of California. |

EMERGENCY RELIEF PROGRAM SUPPLEMENTAL APPROPRIATIONS 1989–PRESENT—Continued

[Excludes $100 million annual authorization under 23 U.S.C.125]

| Public Law | Date signed | Title | Highway Trust Fund | General Fund | Purpose | Waivers |
|---|---|---|---|---|---|---|
| PL 109–234 | 6/15/2006 | Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006. | | $702,362,500 | For an additional amount as authorized under 23 U.S.C. 125, for expenses identified under "Formal Requests" in the Federal Highway Administration table entitled "Emergency Relief Program Fund" Requests—updated 06/06/06. | Waived the $100 million per State cap for Hurricane Dennis and for the 2004–2005 winter storms in the State of California. |
| PL 110–28 | 5/25/2007 | U.S. Troop Readiness, Veterans' Care,Katrina Recovery, and Iraq Accountability Appropriations Act, 2007. | | $871,022,000 | For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, U.S.C.. | Waived the $100 million per State cap for the 2005–2006 winter storms in the State of California. |
| PL 110–161 | 2/26/2007 | Consolidated Appropriations Act, 2008 | | $195,000,000 | For replacement of I–35W bridge in Minneapolis, Minnesota as authorized in Public Law 110–56.. | PL 110–56 waived 23 U.S.C. 120(e) and lifted the $100 million per State cap for the I–35W bridge replacement. |
| PL110–329 | 9/30/2008 | Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. | | $850,000,000 | For an additional amount as authorized under section 125 of title 23, United States Code.. | PL 110–329 lifted the $100 million per State cap for Hurricanes Gustav and Ike. |
| Total from GF | | | | $5,368,384,500 | | |
| Total from HTF 1989–present. | | | $7,264,000,000 | | | |

[1] The time limit for eligibility of emergency repair work [currently 23 U.S.C. 120(e)] was increased from 90 days to 180 days in 1998 (TEA–21).

Mr. ROGERS of Kentucky. I continue to reserve the balance of my time.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, the ranking member of the Commerce, Justice, Science Subcommittee, Mr. FATTAH.

Mr. FATTAH. I thank the gentleman from Washington State, who's the ranking member on the Appropriations Committee, and I thank our chairman, Chairman ROGERS. I'm very pleased that we are having a motion to instruct and that actually we're moving appropriation bills.

I rise in support of the gentleman from Washington's motion to instruct, particularly in support of additional disaster relief and also the COPS program.

It's critically important that we continue the national declining crime rates, and because of the layoffs or dismissals of over 12,000 police officers and the fact that we have over 30,000 law enforcement jobs that are unfilled today in our country, we see in many cities now a rising level of criminal activity.

I want to mention that in Paterson, New Jersey, we heard from the gentleman who used to be mayor of Paterson that they've had to lay off 125 police officers, a fourth of the police force there, and they've experienced a 15 percent increase in crime. And I think that one could draw a correlation between these two. In Flint, Michigan, the police force has been cut by two-thirds over the last 3 years, and its murder rate is higher than that of Baghdad. Last January, Camden, New Jersey, was cut by 163 officers, 44 percent of the total force.

It's critically important that we understand the direct nexus between the Federal effort which began many years ago to put cops on the street and to assist local officers and the dramatic declines that we've seen for more than a decade now in criminal activity in our country, and I would hope that this motion to instruct would inform all of the conferees how important this is in addition to the disaster relief.

When we call 911, we want to be calling for a police officer, not dialing for a prayer.

So we need real help, and the conferees will have an opportunity to adjust the figures hopefully in line with what we want as an ideal. If we can fund police officers in Iraq and Afghanistan, we can fund them in Flint, Paterson, and in Camden, New Jersey, and in other cities similarly situated.

Mr. ROGERS of Kentucky. Mr. Speaker, does the gentleman have further speakers?

Mr. DICKS. I have one additional speaker, and then I will close very briefly.

I have the right to close, I believe.

The SPEAKER pro tempore. The gentleman is correct.

Mr. DICKS. I yield 2 minutes to the gentleman from Vermont (Mr. WELCH), a very distinguished Member of the Congress and a person whose State has been very hard-hit by disasters, and we're going to do everything we can to work to assist him on this important endeavor.

Mr. WELCH. I thank the gentleman.

Mr. Speaker, on August 28 of this August, Hurricane Irene left a path of destruction from the Carolinas to Vermont. The districts of 55 of our colleagues were hit and hit hard. And that storm did damage without regard to partisan affiliation or income distribution. If you were in the path of that storm, you suffered.

The 55 Members of Congress who were affected by it created the Hurricane Irene Coalition, Republicans and Democrats, and we are united in the single goal of getting the aid to our people back home that they need to get back on their feet.

Hurricane Irene, Mr. Speaker, saved its greatest fury to the end, when it descended upon Vermont. It was the biggest damaging storm that we've had in 100 years. We lost 700 homes of hardworking Vermonters, many of whom had no flood insurance, 260 roads and 30 bridges were impassable, 13 communities were entirely cut off.

The good news was that the Vermont response is extraordinary. People came together. They started a school on the town green in Pittsfield when they were unable to go north or south because the road was cut off. Then when the main artery was reopened so school buses could pass but they couldn't get out on their road, they got their chainsaws out and cut a half-mile path through the woods so the kids could get to school. That's the kind of spirit that we find in our districts, and I'm very proud of Vermont, and all of our colleagues are as well.

Mr. Speaker, I also want to express a statement of gratitude. I've had the opportunity to visit with Mr. ROGERS. I've had the opportunity to visit with Mr. LATHAM, with Mr. OLVER, with Mr. KINGSTON, with Mr. DICKS, with Mr. CANTOR, where they've given me the opportunity to tell them the specific story of Vermont and hear my request that Vermont be treated as Vermonters have treated others.

I rise in support of this motion to instruct so that this Congress can do what it's always done. It's come forward to help people in this country who have been on the bad end of a tough storm.

□ 1300

Mr. ROGERS of Kentucky. Is the gentleman from Washington prepared to close?

Mr. DICKS. Yes, I am prepared to close and to yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

The motion to instruct conferees on the fiscal year 2012 bill will encourage the conferees to consider and support several funding items as they negotiate the final agreement on this three-pack of bills. While I believe that this motion is unnecessary, I am willing to accept the gentleman's motion as it does address some important issues that will be considered by the conferees. As we move forward, I expect the ranking member and myself to work together to negotiate these issues, and therefore, today, I can accept this motion.

First, if approved, this motion would express the House's support for funding for the COPS program within the Department of Justice.

While local law enforcement is primarily a State and local responsibility, there is strong bipartisan support for a variety of Federal programs that help

first responders, including the COPS program for State and local police.

The Commerce/Justice/Science bill has historically included a range of programs to strengthen local law enforcement, including Byrne grants, State Criminal Alien Assistance, Juvenile Accountability, programs to combat violence against women, and COPS programs. COPS has not only supported the hiring and rehiring of new officers, but it has also allowed local police departments to modernize their technology and to address the enforcement and cleanup challenges of the meth epidemic.

However, we must make these funding decisions very carefully to avoid adverse impacts. State and local budgets are often incapable of sustaining new first responder positions when Federal money runs out, and this risk is especially high given the current economic challenges in our local communities.

Second, this motion encourages the conferees to support funding for the Highway Emergency Relief Program, commonly referred to as the ''ER Program.''

This program is authorized, and provides States with funds to repair eligible roads damaged by disasters and catastrophic events. This program was created to rebuild after disasters and get businesses and everyday life back up and running. Unfortunately, in 2011, the total amount of eligible disaster-stricken roads exceeded the level of available ER funds. It's important that we now provide the appropriate level of funding to ensure that States and communities receive the legitimate assistance that they are relying upon.

Mr. Speaker, again, while I don't think this motion is necessary, I will accept it, and I look forward to working with both sides on these important issues in order to come up with a satisfactory solution.

Mr. DICKS. Will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the chairman for his commitment this year to return to regular order. I wish we could have finished all 12 bills, but we at least got six of them done. I just want to thank him and his staff and the staff of the minority for working together in a collegial way.

I think it's important for the American people to know that the Appropriations Committee here is working together on a bipartisan basis. Now, we may have differences on economic theory and everything else, but we are committed to getting these bills passed and bringing as many as we can to the floor. I hope that, next year, we can start a little earlier and get the budget resolution and move these bills. I would love to see us in the second session of this Congress get all 12 bills to the floor where the Members can offer their amendments. I think that still should be our goal and objective.

Mr. ROGERS of Kentucky. I thank the gentleman for those words.

He is exactly right. He and I started out this year both new to our jobs on the committee; but determined, we agreed with each other and committed to each other that we would work together to try to restore the regular order that used to prevail on these appropriations bills, where we had heated debate but collegial debate, realizing that we have to finally come to some agreement on these bills that keep the government going. We don't have the luxury of failing. The gentleman has been a great partner in this work all year long, and I look forward to the rest of the work.

Now, on this year's bills, the 2012 bills that we're working on now, it is my hope and ambition—I know you share this with me—that we finish these bills before the end of this calendar year.

Mr. DICKS. Absolutely, we are determined to do that. I'm glad to see that the other body is actually bringing some of these minibuses to the floor and allowing their Members to have a vote. I think we may have inspired them.

Mr. ROGERS of Kentucky. That would take some doing.

Nevertheless, I agree with you. I'm tickled to death to see the Senate is finally acting. They only passed one bill, up until 2 days ago, of the 12. We've passed six through the House, and have sent them over there without a response until now.

I want to finish the 2012 bills right away so that we can begin work in January on the 2013 bills and so that we'll have plenty of time to do them one by one, which is the regular order and what we all want to see happen. I know that's my goal and ambition, and I know the gentleman shares that.

Mr. DICKS. I concur with what you've said, and I concur with the direction we're going in. I just hope we can do a little better and finish the job next year. It has been done before. It's not impossible. We also have to think about the impact of these bills on the economy and the country. That's very important as well.

Mr. ROGERS of Kentucky. We were sidelined a good part of this year from our regular business with H.R. 1. We inherited a House that had not passed an appropriations bill for fiscal '11, so we spent the first 5 months or so of the year trying to pass a bill to fund that current year, fiscal '11.

Mr. DICKS. Your point is that that's why it's so important to finish these in 2011, before the end of the calendar year, so we don't have to waste time next year in finishing the job.

Mr. ROGERS of Kentucky. Exactly.

Nevertheless, it held us up for 5 months and kept us from doing our chores for fiscal '12. Then came along the debt ceiling increase debate, which took weeks and sucked all of the air out of everything else, so we were prevented on the committee from doing our regular chores.

As the gentleman says, we want to finish these bills for fiscal '12 so that finally, in fiscal '13, we can have a real clean year, taking each bill one by one.

Mr. DICKS. Speaking of a clean year, let's try to get rid of as many of those riders as we can, Mr. Chairman. You know it's the right thing to do.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. By the way, in closing, we're going to conference with the Senate on these three bills this afternoon—as a matter of fact, at 5 o'clock. That's the first time that there has been a House-Senate appropriations conference in years. So, between us and the Senate, we are achieving something almost historic here, and that is going to conference with the Senate, which used to be a routine thing, and we hope to restore that idea.

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

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

The previous question was ordered.

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

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

Mr. DICKS. 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.

□ 1310

## 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. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 453

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points

of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House 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. All points of order against consideration of the bill are waived. 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. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; (2) the further amendment printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Miller of North Carolina or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. YODER). The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Colorado (Mr. POLIS), a brand-new father who today presents himself on the floor as we work together, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. SESSIONS. House Resolution 453 provides for a structured rule for the consideration of H.R. 2930 and H.R. 2940. This rule allows for all seven amendments submitted to the Rules Committee by Democrats and Republicans to be made in order.

Mr. Speaker, I rise today in support of this rule and the underlying bills. H.R. 2930, the Entrepreneur Access to Capital Act, was introduced on September 14, 2011, by my friend, the gentleman from North Carolina, Mr. PAT MCHENRY, and was reported by the Committee on Financial Services by a voice vote last week. The second bill, H.R. 2940, the Access to Capital for Job Creators Act, was introduced by the Republican majority whip, the gentleman from California (Mr. MCCARTHY), and also passed the Committee on Financial Services by a voice vote last week.

Both pieces of legislation have been through regular order. Members from both sides of the aisle have had opportunities to submit perfecting ideas, and those amendments have been carefully considered. Every amendment that was submitted to the Rules Committee was made in order and will be given full and fair consideration today. The chairman of the Rules Committee, the gentleman from California (Mr. DREIER), has once again allowed the House to work its will through an inclusive legislative process.

On December 10, 2009, I stood on the floor, and I argued then against the rule for consideration of the bill known as the Dodd-Frank financial reform bill. It should be noted that I authored two proposals amongst many Republican and Democratic amendments that were all shut out that day. Then-Speaker NANCY PELOSI chose to advance the Dodd-Frank bill without any open process consideration. The result of that legislation has caused great concern in financial markets not just here in the United States, but it has caused financial concern around the world.

Today the Republican House is changing that course in consideration of bills from the Financial Services Committee. Today we are looking at a targeted removal of outdated regulations simply to encourage market access for millions of small businesses and to encourage not only investment but also jobs in America.

For those who are listening to this, you could consider this a jobs creation bill. So I would advance this cause down the street to the White House to encourage the President to know that this is yet another in a line of job-creating, job-saving, jobs-in-America bills that the U.S. House of Representatives is once again considering, and today, on a bipartisan basis, with every single amendment that was submitted to the Rules Committee through an open process on the floor of the House of Representatives, ready for us to move this bill and vote on that today.

□ 1320

Mr. Speaker, our economy has a revenue problem. The administration continues to promote policies that slow economic growth. Republicans believe we must create an environment that encourages investment in small business, really the engine of our national job creators. This underlying bill will do just that. H.R. 2930 would remove restrictions on crowdfunding, allowing companies to pool small investors so that small businesses and entrepreneurs can raise capital equity. Outdated SEC regulations do not allow business owners in search of investments to solicit or to advertise. This legislation is needed and it's being presented on a bipartisan agreement basis.

Yesterday, I met with community bankers from Texas—Scott Heitkamp, the president of Value Bank; John Jay, the president of Roscoe State Bank; and Milton McGee, with the Independent Bankers of Texas, among others, who described to me their inability to raise capital investment, not due to a lack of willing investors, but as a result of burdensome regulations which inhibit or do not allow this. They informed me that the SEC limit on individual investors restricts their ability to raise funds through community participation and local business creation. I was proud to tell them and I will tell them again today, I heard your story and we are here on the floor doing something about that that will be of immediate benefit and health to jobs and job creation in America today on the floor of the House of Representatives in a bipartisan agreement fashion.

H.R. 2940 allows for general solicitation and advertising which would attract private investment. Small, privately held companies will no longer be forced to have an existing relationship with potential investors. However, the legislation requires the SEC to ensure that investors are accredited.

As Congressman JARED POLIS from Colorado, the lead today from the Rules Committee on behalf of the minority, indicated at the Rules Committee meeting yesterday that ''crowdsourcing'' investment through new advertising mediums, such as social media, would allow for access to new pools of available capital. These are exactly the kinds of ideas that are being brought today to the floor for the creation of investment dollars to help jobs in America and to make sure that we are prepared for our future.

Our Nation is in crisis. We cannot wait. And with an unemployment population of over 14 million people, we cannot continue the failed policies of government spending which have brought us to this point. Investment capital for small business continues to sit on the sidelines because of the uncertainty created by burdensome regulations and outdated rules. The underlying bills will foster job creation by simply allowing the private sector to participate in this endeavor.

The future success of our economy rests in the hands of private small business, not government. Unleashing their potential is the sole focus of this Republican majority in the U.S. House of Representatives. The result is an economic environment that promotes growth and generates revenue as well as the creation of jobs in America.

I urge my colleagues to vote for this fair rule that allows consideration of all requested amendments and to vote for the underlying bills.

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

Mr. POLIS. I thank the gentleman from Texas.

I would like to express my appreciation to the leadership of the House for expediting these two important bills and bringing them before the House of Representatives. I rise in support of the underlying bills, the Entrepreneur Access to Capital Act and Access to Capital for Job Creators Act.

Now, while I support the two bills before us, I do wish the rule was an open one. I will be voting against the rule. An open rule would allow the House to work its will in a true democratic process, allowing Members to come down to the floor and freely debate these bills. Unfortunately, in the Rules Committee, we were offered only a structured rule.

Now, both of these bills accomplish something very important in terms of opening up capital markets and helping startups work. Let me discuss briefly how this whole accredited investor concept works.

To be an accredited investor, you simply need to be worth $1 million or have income of $200,000 a year. Now, that's a very rarified strata of the American people.

What does that mean when you're an accredited investor? It means that you can participate in a private equity offering that doesn't need to go through the full SEC process which is cumbersome and costs a lot of money. So, in effect, many venture capital opportunities, funding opportunities for startup companies, are reserved for those who are only worth above a million dollars. They say the easiest way to make a million dollars is to already be worth a million dollars. In fact, people worth more than a million dollars have heretofore had a monopoly on participating in these kinds of opportunities.

Now, what can an average American family, let's say with a net worth of $50,000 or $100,000 do? Well, they can go to Las Vegas and they can bet it all on number 9. They can buy gold, which is being pushed by all these profit organizations, and I think we need a congressional investigation into that. Many of these organizations selling gold sell it for above market value by preying on unsuspecting people who are not accredited investors. They might be worth $50,000 or $100,000.

What you find, by the way, is that this whole concept of tying an accredited investor to net worth has its flaws. Just because somebody has several million dollars doesn't mean they're a sophisticated investor. Meanwhile, there could be somebody who's worth $10,000 who is very sophisticated. It's unfortunate that we have the whole system tied to that.

But what we see before us today are two important chinks in this armor. One is consistent with the current concept of accredited investor but at least opens it up beyond their personal networks, and the other one allows small investors to participate in a more meaningful way.

First, the Entrepreneur Access to Capital Act, crowdfunding. What this means is it provides a new way that companies, startup companies, can raise a limited amount of money, $1 million a year, or $2 million if they have audited financial statements. Now, that's a sizable amount for a company to get off the ground and get started. Many tech companies that you hear of today started with that much money or less. Historically, how did they raise that money? They would go to a venture capitalist. They would go to a wealthy individual. We call that person an angel investor. They'd get a check for $500,000. The investors had to be worth more than a million dollars. Your average American might be worth—might only have $5,000 to invest or $1,000 to invest, was unable to, under law, participate in that offering.

What this does is it opens up an avenue that allows the individual investor to invest up to $10,000 in a startup company. Now, that's a risky investment. They could lose that $5,000. They could lose that $2,000. But you know what? They could go to Las Vegas and they could lose it a lot quicker with a lot less upside.

So this gives every American the opportunity to invest in startup companies, if one of their friends is starting one, if there is some concept they are excited about, and reap the rewards as well. In addition to feeling part of something special, some of these investments, the vast minority, could return 50:1, 100:1 and could help those people acquire wealth, and that's very, very exciting.

The Access to Capital for Job Creators Act also deals with a flaw in how private equity is raised. Currently, you have to know the right people to get into a private equity deal. In fact, a company that's offering private equity is not even allowed to, under SEC regulation, post a prospectus and information on their Web site in an open environment. What this bill does is it creates a safe harbor that allows them not to advertise it in the sense of loudly promoting it and trying to sell shares, but in a sense of simply providing it in a nonpassword-protected way on their Web site to allow people who aren't part of their personal network of elite friends to participate in that private equity offering as well.

The average median household net worth in this country is about $100,000. And previously, all of these investment opportunities have been reserved for people worth over a million dollars. Now, if somebody's family, an American family watching this, or one of my constituents is worth $100,000 or $150,000 or $50,000, it may not make all the sense in the world to invest $5,000 or $10,000 in one startup, but a cap of $10,000 is a reasonable amount. It's their money and their right to do that if that's what they want to do. These bills are consistent with that. And, more importantly, they provide a new financing mechanism for startups in this country. That way, a startup that has broad appeal and a broad network can go to 1,000 people that have $1,000 each rather than one wealthy investor for $1 million. That was previously nearly impossible under current law.

Mr. Speaker, I have here a Statement of Administration Policy, and I'm proud to say that this bill, the Entrepreneur Access to Capital Act, has strong support from the administration: ''This bill will make it easier for entrepreneurs to raise capital and create jobs, and the administration looks forward to continuing to work with Congress to craft legislation that facilitates capital formation.''

□ 1330

I would like to applaud the leadership of the President of the United States in strongly supporting these endeavors. As a former small business owner, I know how important it is to invest in a company's future and how critical resources are for growth. The more avenues that we can provide for financing startup companies or allowing a mom-and-pop company to expand, the better it is for the growth of our economy.

More importantly, these two pieces of legislation before us demonstrate that Democrats and Republicans can work together. We can put aside our partisan differences, we can fast track a commonsense piece of legislation and work towards solutions to spur economic growth.

Now, to be clear, these two bills alone don't do enough to turn our economy around. These measures do little to address what the American people are asking us for, creating jobs in the short term and getting the economy moving. Will they have a positive impact in creating jobs and allowing for financing to flow to new startup operations? Yes, but they are not fundamentally game changers.

These bills will allow average Americans an opportunity to invest in early-stage companies. Now, many of these opportunities won't work out. American investors will lose their money. Other American investors will make money. But, again, it is a very American concept that it is your money to invest as you choose, and the best opportunities shouldn't be reserved for millionaires. We should make them widely available to all Americans.

Democrats on the Financial Services Committee have also been extremely

instrumental in improving these bills to protect business and investors. Democrats have added a critical provision requiring that issuers verify that an investor is actually eligible to purchase the offer in securities, and the change ensures there's a balance between the need to use restrictions on capital formation and protecting investors from fraud and making sure we don't get in the way of State regulation, as well.

There is a fine line; and there are, as I mentioned, some areas where sham investments are being aggressively promoted that are certainly contrary to the spirit, if not the letter, of the law.

Likewise, there are real opportunities that until this bill becomes law those who are worth under $1 million are ineligible from participating in, and as a companion those who might be worth more than $1 million but don't know the right people are unable to participate in private equity offerings. This bill remedies both of those restrictions and will help unleash capital flows to startup corporations. I'm proud to support both bills.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

*Washington, DC, November 2, 2011.*

STATEMENT OF ADMINISTRATION POLICY

H.R. 2930—ENTREPRENEUR ACCESS TO CAPITAL ACT

(Rep. McHenry, R–North Carolina, and 5 cosponsors)

The Administration supports House passage of H.R. 2930. In the President's September 8th Address to a Joint Session of Congress on jobs and the economy, he called for cutting away the red tape that prevents many rapidly growing startup companies from raising needed capital, including through a ''crowdfunding'' exemption from the requirement to register public securities offerings with the Securities and Exchange Commission. This proposal, which would enable greater flexibility in soliciting relatively small equity investments, grew out of the President's Startup America initiative and has been endorsed by the President's Council on Jobs and Competitiveness. H.R. 2930 is broadly consistent with the President's proposal. This bill will make it easier for entrepreneurs to raise capital and create jobs. The Administration looks forward to continuing to work with the Congress to craft legislation that facilitates capital formation and job growth and provides appropriate investor protections.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. DREIER), chairman of the Rules Committee.

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

Mr. DREIER. I want to begin by saying to the very distinguished vice chairman of the Rules Committee, Mr. SESSIONS, the gentleman from Dallas, that I appreciate his energy and effort on the Rules Committee. And I want to say that I think that he's very clearly made the case that we have, through this entire Congress, been focusing on the priority that the American people want us to focus on, and that is job creation and economic growth.

Now, it's a very specious claim that has been made by many that somehow this institution has failed to address the issue of job creation and economic growth. And I appreciate the good words and thoughtful comments on capital formation made by the minority manager of this rule on the floor. My friend from Colorado (Mr. POLIS), who has taken on, and throughout his life has been focused on, the idea of the entrepreneur, taking the entrepreneurial spirit and generating jobs, he understands what it takes. Capital formation is a critical part of that.

The two measures that are going to be made in order under this rule go a long way in this 21st century recognizing that for us to grow the economy and create jobs, we're going to need to ensure that decreasing the regulatory burden that undermines the ability for small businesses to have access to capital as they pursue innovative ideas is something that needs to be addressed. And that's exactly what we're going to be doing.

And I say it's a specious claim, Mr. Speaker, that many people have made that this institution is not taking action. For that reason, I hope very much that with this bipartisan effort that we have here, a bipartisan effort, that we will bring to an end those kinds of statements, mischaracterizing, grossly mischaracterizing the work of the United States House of Representatives.

I believe that it's been inappropriate to make those claims for a long period of time. Why? Because we have made many, many, many efforts over the past several months to put into place policies that can help create jobs. Have they all worked at this point? No. They're all obviously prospective. But if you look at what we've done in the area of encouraging domestic energy production, that's a critically important part of getting the economy going, increasing job opportunities and reducing energy costs for our fellow Americans.

If we look at the notion of trying to ensure that we open up new markets around the world for union and nonunion workers here in the United States of America, we have just, in a bipartisan way, with the support of both Democrats and Republicans, passed measures that will open up markets for us in Colombia, in Panama and in South Korea. I was privileged yesterday to be with the Ambassador from Korea as we marked a celebration, a bipartisan celebration of that effort.

Look at the measure that was passed, again, with huge bipartisan support, dealing with the 3 percent withholding for those contracting with Federal, State, and local governments that we are bringing that to an end. That's something that the President of the United States has asked of us. We passed it out of the House of Representatives. And I have to admit, it's a measure that should easily pass the United States Senate, and I hope that Majority Leader REID does bring that measure up in the Senate. Unfortunately, it hasn't happened so far, but I do think it's something that should pass the Democratic-controlled Senate. It has passed the Republican-controlled House of Representatives with strong bipartisan support.

Just this week we are continuing down that path towards putting into place a structure that will reduce the tax and regulatory burden to create jobs for our fellow Americans.

I think it's also important to note, Mr. Speaker, that one of the things that we need to do since we have seen an 82 percent increase in non-defense discretionary spending for the 4 years leading up to this year, it's important that we decrease the size, scope and reach of government so that those small businessmen and -women who are seeking to create job opportunities are in a climate where that can take place. That's why I say that virtually everything that we have been doing to reverse that course that we were on, with that 82 percent increase in non-defense discretionary spending, everything that we've been trying to do to pare this down, the work that's going on right now of our 12 colleagues who are part of the joint select committee charged with reducing by $1.2 trillion over the next decade the level of spending and we hope—we hope—beyond that $1.2 trillion level.

All of these things, Mr. Speaker, are geared to getting our economy growing so that our fellow Americans will have more job opportunities. And so the message is a clear one. The process that we have is a very good one. I'm happy to say that if you look at the number of amendments that have been considered on the House floor in the first 9 months of this year, we've had 842 amendments considered on the House floor. I'm very pleased that we've been able to have a greater degree of openness and transparency. We've made every single amendment in order. There were many more Democratic amendments made in order than Republican amendments made in order on the two bills that are coming before us.

We have seen, as I said, 842 amendments considered here on the floor in the first 9 months of this year. But, Mr. Speaker, in the entire 111th Congress, that's 2 years, two sessions of Congress, there were a grand total of 787 amendments considered on the House floor. And so I'm very pleased that we have, in a bipartisan way, been able to open up the floor so that Members, regardless of their political party, Democrats and Republicans alike, have been able to have their ideas considered. And that is exactly what is going to happen under this special rule which we are considering at this moment.

So, Mr. Speaker, let me say again, job creation and economic growth is what this is about. The American people are hurting. The people of my State

have an unemployment rate that is well in the double-digits. Part of the area I represent has a 15 percent-plus unemployment rate. We need to do everything that we can to get our economy moving.

I would say to anyone out there, anyone out there who would try to make the claim that the United States Congress, specifically the House of Representatives, is not taking action to create jobs and get our economy growing is just plain wrong and that kind of mischaracterization has got to come to an end.

I look forward, again, to bipartisan support for both this rule, which allows, again, every Democratic and Republican amendment that was submitted to us to be considered on the floor and also the very strong bipartisan support that I know that both of these measures will have as we proceed with debate.

□ 1340

Mr. POLIS. Mr. Speaker, I yield 2 minutes to my colleague on the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentleman for yielding.

Let me, first of all, remind my colleagues that this is not an open process; this is not an open rule. If Members are watching the proceedings on the floor and want to offer an amendment, they are denied that opportunity. Not only that, but that's typical of the way this Congress has been run from the very beginning; promises of openness have not come to pass.

Let me also say that the Republican majority in this House of Representatives has failed, and they have failed miserably, on the issue of jobs. We have talked about everything but jobs.

This week we began our proceedings by debating a bill reaffirming the words ''In God We Trust'' as our national motto. Well, behind me, above the Speaker, in gold, is ''In God We Trust.'' On the back of a dollar bill it says, ''In God We Trust.'' I didn't know there was a problem. We get it. It didn't need reaffirming. It was there. But we spent a day debating that and not debating jobs. There are millions of people in this country without work, and we're debating those kinds of resolutions.

We should bring the President's job bill to the floor. Why can't we bring the President's jobs bill to the floor? It has bipartisan support. All the others had bipartisan support until the President presented it. We were denied that opportunity.

I am going to urge my colleagues to vote ''no'' on the previous question so we can bring up the issue of China's manipulation of its currency. The bills we are debating here today are fine, but they are peanuts compared to the jobs that are lost because of China's manipulation of its currency. But we have not, time and time and time again, been allowed to bring that to the floor. We can't bring the President's jobs bill to the floor.

I have offered multiple times in the Rules Committee an amendment to end U.S. taxpayer subsidies for Big Oil; put that toward deficit reduction or put that toward investment in job creation. Time and time and time again, on party-line votes, we have been denied that right to bring that to the floor. So the Republicans have failed miserably on the issue of jobs.

To come out here and say that jobs have been a priority is laughable, given the stuff that we have debated on this floor. What we should be debating is the President's jobs bill.

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

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

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

Mr. DREIER. Mr. Speaker, will the gentleman yield?

I would say to my friend who just yielded an additional 30 seconds, will the gentleman yield to me?

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

Mr. SESSIONS. Mr. Speaker, thank you very much.

At this time, I would like to extend to the gentleman from California 5 minutes.

Mr. DREIER. I would like to engage in a discussion, if I might, with my friend from Worcester who has just, in response to my quest to recognize that the measure that is before us today that is a job-creating measure will, in fact, Mr. Speaker, enjoy strong bipartisan support—and everyone acknowledges. I mean, all one needs to listen to is the minority floor manager of this measure that this issue is a jobs-creation item.

Mr. MCGOVERN. Will the gentleman yield?

Mr. DREIER. I yield to my friend from Worcester.

Mr. MCGOVERN. I thank the gentleman.

Why won't you allow the President's jobs bill to come to the floor? Why have you denied us the opportunity to have an up-or-down vote on the issue of China's manipulation of its currency? Why, on these issues that will create millions of jobs, can we not get a vote?

Mr. DREIER. Reclaiming my time, Mr. Speaker, I thank my friend for his very thoughtful contribution. Let me respond to his points.

Mr. Speaker, this is the President's jobs bill that we are considering today right here on the House floor. The President stood just over the gentleman's shoulder and addressed a joint session of Congress on the issue of job creation and economic growth and how he wanted his jobs bill brought forward. Do you know what he said to us? He said we needed to pass the Colombia, Panama, and Korean free trade agreements. And guess what? With bipartisan votes, we have embraced and supported that provision of the President's jobs bill.

Mr. MCGOVERN. Will the gentleman yield to me?

Mr. DREIER. I yield to my friend.

Mr. MCGOVERN. I thank the gentleman.

I would urge the gentleman to come with me and talk to some of these unemployed manufacturing workers and say to them that the Colombia free trade agreement somehow——

Mr. DREIER. Mr. Speaker, now I will reclaim my time to say that, since my friend has brought up the issue of Colombia, and we've disagreed on this for a long period of time, there are 40 million consumers in Colombia. And right now there are people who are union workers at Caterpillar and at John Deere and at Whirlpool and other manufacturing companies in the United States who are going to have access to those consumers because of the agreement that we have put into place.

Mr. MCGOVERN. Will the gentleman yield?

Mr. DREIER. I yield to my friend.

Mr. MCGOVERN. The gentleman said the same thing about NAFTA too.

Mr. DREIER. I would like to reclaim my time, if I might, to say to my friend that if one looks at the jobs that have been created in the manufacturing sector of our economy—and I'm very sympathetic to those workers that my friend has just spoken about in his district; but, Mr. Speaker, I think it's important for us to note that the United States of America today is still the number one manufacturing country on the face of the Earth.

It is true that there are other countries that are growing in the manufacturing sector, and it is true that we have lost manufacturing jobs in the United States of America, in large part due to the tax and regulatory burden, things like repatriation and other items which play a role in discouraging economic investment here in the United States, but having said that, we can't forget that the United States still is the number one manufacturer.

So with 96 percent of the world's consumers outside of our border, the idea of saying that we're ignoring the President's request—the President stood here. And I will admit, it's with our encouragement, I encouraged him just days after he was elected, Mr. Speaker, with our encouragement he has supported the idea of opening up these markets in Colombia and Panama and South Korea. And I will say, Mr. Speaker, that as we seek to do that, we have embraced these measures and we're doing them in a bipartisan way.

And so as my friend got up and said we're talking about ''In God We Trust'' rather than talking about jobs, we do have the ability, believe it or not, to walk and chew gum at the same time. But we all know that the top priority is making sure that we get our economy back on track. And, Mr. Speaker, that is exactly what we're doing. That's exactly what we have done for

the past several months. Because in the last Congress, with the passage of things like the stimulus bill that they told us that if we passed the stimulus bill the unemployment rate would not exceed 8 percent, we all know where it is. As I said, in part of my district it's in excess of 15 percent. That has been a failed policy.

We have been putting into place policies, again, working in a bipartisan way, unlike the way the stimulus bill was put into place at the beginning of last year. We have now, I believe, established policies that can play a big role to ensuring that those workers whose hands my friend shook in his district are able to have the kind of potential job opportunity that is necessary.

Mr. MCGOVERN. Will the gentleman yield?

Mr. DREIER. I'm happy, of course, to further yield to my friend, even though he would never yield to me.

Mr. MCGOVERN. Two final thoughts: One, this is not the President's jobs bill. And there are millions of people who are unemployed in this country. I repeat my claim that the Republicans have a lousy record on jobs.

Mr. DREIER. If I could reclaim my time, Mr. Speaker, to say that this is not the President's jobs bill—I will admit, it was at our encouragement—but these are things that he said when he addressed us right here in a joint session of Congress. So it is for that reason that we have been able to come together in a bipartisan way to address these very important issues.

And so I'm happy, Mr. Speaker, to recognize and support bipartisanship when it comes to getting America working again.

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

Mr. POLIS. Very briefly, I yield myself 1 minute to respond before I yield to the gentleman from Michigan.

To be clear, these bills have the potential to create jobs, but there will also be many investors that lose money as a result of these bills. Again, it's their money to lose. These bills are consistent with that. And obviously these bills, in addition to causing job growth in companies, will also cause misery to some people. But it is their money to lose, and it's probably better that they bet it on some startup than they invest it in gold or they take it to Vegas. So at least there's an opportunity to create jobs. Even if the company doesn't go anywhere, that's a job for a year. And it limits the loss to 10 percent of their income. So if somebody makes $80,000, they can only lose $8,000 a year under this. Hopefully that won't put them out of house and home. And it gives them the same opportunities to invest in startup companies that millionaires have had for years. It's a very egalitarian measure.

It is my honor to yield 3 minutes to the ranking member of the Ways and Means Committee, my good friend, the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. I'm glad we're having this debate. This bill isn't basically a jobs bill, and it puts a Halloween mask on it to say that's what it is, basically.

The gentleman from California talks about manufacturing. The President struggled to save the automobile sector, the domestic sector of this country, over the opposition of many Republicans, including who is now apparently the leading nominee for the Republican Presidential nomination.

□ 1350

If we really want to talk about jobs, what we should do is to turn down the previous question on this bill so we can bring up the currency bill. This will put Republicans to the test on a real jobs bill.

The estimate is, by Fred Bergsten, that passage of legislation like this changing the Chinese undervaluation of their currency would create a million jobs.

No one in authority has said this bill will create any jobs. And Paul Krugman, his estimate is 1.5 million jobs.

And you talk about bipartisanship? This currency bill is truly bipartisan. So it will also put to the test whether you believe in bipartisanship when it comes to a real jobs bill. This bill, H.R. 639, now has 230 sponsors, a majority in the House of Representatives, and it has 62 Republicans, and it passed the Senate, a similar, though not identical bill, with strong Republican support.

So this previous question, everyone who votes, will put you to the test. Do you believe in a real jobs bill? It won't destroy the bill on the floor. It will add to it.

And also, do you really want to not only have bipartisan action, but on a currency bill that will really mean hundreds of thousands of jobs to the American people? Not 6 months from now, as this bill before us might bring about a few, but right in the immediate future, tens of thousands.

So I strongly urge that we vote ''no'' on the previous question and free the majority of the Members of this House to act on a bill that they now sponsor. Free us. Take off the bonds.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), chairman of the Insurance, Housing and Community Opportunity Subcommittee.

Mrs. BIGGERT. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of this rule. It is time to act. We cannot afford to wait any longer on regulatory agencies to tweak the rules and regulations, commission further studies, or form another committee.

Since 2008, employment at regulatory agencies is up 13 percent while private-sector jobs have decreased by more than 5 percent. And despite the increased manpower, regulators have been unable to meet deadlines, issue timely rules, or reform unnecessary and outdated regulations.

The cost of starting a business, measured as a percentage of per capita income, has more than doubled since 2007. Even more troubling, according to a new report by the World Bank, the U.S. has fallen to number 13 in terms of ease of starting a business.

To reverse these troublesome trends, it is critical that Congress focus its efforts on eliminating barriers to capital formation. Instead of inhibiting innovation, we must put in place sound policies that harness America's entrepreneurial spirit and spur economic growth.

I am pleased that we are able to join with our friends from the other side of the aisle on today's legislation, which will amend outdated provisions that currently inhibit the ability of small businesses to connect with investors. These bipartisan provisions will allow small businesses to raise essential job-creating capital and reclaim their rightful place as the most vibrant job creators in America.

I want to recognize the gentleman from California and the gentleman from North Carolina for their hard work on these bills, and I encourage all my colleagues to support this rule on the underlying legislation.

Mr. POLIS. Mr. Speaker, again I express appreciation to both majority and minority leaders for expedited action in trying to get to the President's desk these two important measures.

With that, I would like to yield 2 minutes to the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman for yielding.

I think the ranking member of Ways and Means really hit what the point of this is; that this is not against the two bills that are the underlying bills for this rule, but this is about jobs.

And you know, in this body, many times we think about, what does a poll say? What does this poll say?

Well, regardless of what the polls say, when I go home everyone in my congressional district is talking about jobs, is talking about the economy.

I was thrilled to hear that these two bills flew through the process, introduced in September and now we're debating them on the floor. What I can tell you, though, is that the Chinese currency bill, H.R. 639, the currency manipulation bill, was proposed in February of this year.

I've heard comments like ''bipartisan,'' and ''let the House work its will.'' Well, this bill enjoyed tremendous bipartisan support last year, 348–79, with 99 Republicans voting for it. Reintroduced this year. It's interesting; in this body many times we do things and then complain about things that go to the Senate, and it doesn't happen in the Senate.

Well, here's a bill, actually a stronger version of this bill, that passed the Senate 63–35. It's the House, it's the

House leadership, it's the Republican leadership in this House that is denying the Chinese manipulation bill coming to the floor. Let the House work its will. This is about jobs.

As the gentleman from Michigan (Mr. LEVIN) mentioned, estimates are 1 million to 1.5 million jobs, 1.5 percent of GDP. It's something that we should all be passionate about. This is about standing up for the American people. This is about standing up for the American manufacturers.

The Speaker said this could be dangerous. Well, let me tell you something. Ask folks in the tire industry, ask folks in the steel tubing industry who've watched Chinese unfair trade practices put them in jeopardy and put their people out of work. This is something about, you have to stand up, you have to take a stand.

Sixty-two Republicans are cosponsors of this bill. I urge defeat of the previous question. It does not defeat the underlying bill so that we can talk about jobs and this bill, H.R. 639.

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

We're here talking about capital formation. We're here talking about entrepreneurial spirit, catching up with ideas to go to make job creation, and then for the jobs to be here in America.

That's what this bill is about today. It is about a bipartisan attempt, Republicans and Democrats working together, through regular order, to the Rules Committee, all seven amendments—Republicans and Democrats—that were submitted coming to the floor today, and us working these few hours, a chance for, I think, not only Members of Congress to effectively present their ideas and do the will of the people, but for us, perhaps more importantly, to work together to find common ground on important issues that will aid and help Americans have sounder financial footing. That's what this bill's about today.

I know there are other bills that people want to debate and want to bring to the floor. I felt that way for 4 years when the other side was, in fact, in control. But job creation through capital investment, through the formation, is what this bill's about.

I'm very proud of what we're doing here on the floor today.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, it is my honor to yield 1 minute to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman for the time.

Mr. Speaker, I rise today to urge my colleagues to defeat the previous question and get back to the work of really creating jobs in our country.

Every week I go home to Ohio and I meet with countless men and women who are ready to get back to work. They're ready to prove something that we already know—that the American worker is the most productive and innovative in the world.

Right now there are thousands, an estimate of a million Americans, who could be put back to work if we held China accountable for manipulating its currency. By rigging the system and giving the manufacturers, their manufacturers, an unfair advantage, China has placed a roadblock in our road to economic recovery.

The Senate has already taken action. They passed a bill to hold China accountable and give our workers a level playing field on which to compete. If House Republican leaders are really serious about significant actions to create jobs, they can bring this bill to the floor right now, right here today. We can do something big to help people in Ohio and across the country.

I urge defeat of the previous question so that we can bring the currency manipulation bill to the floor and bring jobs back to the United States.

□ 1400

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

Regarding what is on the floor today, it is important that we recognize it is a continuing trend for job growth, job creation on not just a net basis, but on a positive basis without the loss of jobs. The Federal Government creates an average of 4,000 final rules and regulations each year, and that is what inhibits job growth. That's what the prior two Congresses have been about—massive rules and regulations, not the empowerment of the free enterprise system.

We need to remember that what we are here for is to work in the best interest of making a future brighter and better for those who are with us today and those who are behind us for their future. And that's why job creation, investment, and capital formation is important.

I reserve the balance of my time

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I rise in strong support of the motion so that we can amend the rule and provide for the consideration of a bill that will create over 1 million jobs, the Currency Reform for Fair Trade Act. The floor schedule of the House has long been determined by the majority leader. Everybody knows that.

I'd hope that the majority leader would therefore represent what is the majority of our Members, 230 Members who cosponsored the bill—that's not so bad—and schedule it for a vote.

We quite simply can't afford to wait any longer. China's currency manipulation has a devastating impact on manufacturing and other industries across this country. This results in Chinese exports being up to 30 percent cheaper in America. Now you know where the problem is. Now you know what's hurting American industries. Conversely, our exports are being more expensive in China. Estimates vary, but economists believe that this manipulation reduces unemployment by no more than 1 million to 1½ million.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The time of the gentleman has expired.

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

Mr. PASCRELL. We are out of excuses, Mr. Speaker. We really are.

We've got support from both sides of the aisle on this. There are over 14 million people unemployed in America. The bill costs nothing to the taxpayer. This is amazing that we're putting something before the House that won't cost us any money. No taxes. The Senate has already passed the bill—bipartisan, huge numbers, margin. They're 235 bipartisan cosponsors in our institution here. This legislation passed with over 350 votes. No excuses, Mr. Speaker.

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

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentleman.

I'd just like to build on a point that the gentleman from New Jersey was making. We need investments into our economy. This is an opportunity for us to get private investments into our economy. And the gentleman from California was talking about 96 percent of the globe is outside of the United States.

What's happening now with the currency manipulation is China is artificially making their products cheaper so that they can ship them here to the United States, and because of that, our products trying to go into China are more expensive.

Now, we had dozens and dozens and dozens of Republicans vote for this last year at the end of the session. The Senate has passed this. This is a simple measure where we can send a signal to the country and to the world that if we play fairly with China and China plays fairly with us, we all can benefit. And that will drive investment back into the United States and manufacturing.

We had two cases at the International Trade Commission on tires and steel tubing in which China was cheating. The Americans, we put tariffs on these products, we saw job creation come, over $2 billion worth, in the steel tubing industry of investments that have been made since that decision. We've seen tire manufacturers expand in places in northwest Ohio.

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

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

Mr. RYAN of Ohio. So if we level off the playing field with these guys, we can compete. With transportation costs going up, we can compete. We have the productivity. We have the workforce. We just need a level playing field.

So I ask, Mr. Speaker, that this Congress, this House of Representatives, brings this bill up and let's make some progress with China and set the tone and reclaim the mantle for manufacturing here in the United States.

Mr. SESSIONS. Mr. Speaker, I would like to advise the gentleman from Colorado that I have no additional speakers other than myself, and I reserve the balance of my time to close.

Mr. POLIS. I thank the gentleman. I believe we are on our last speaker.

I would like to yield 1½ minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank my friend for yielding.

More than 3 weeks ago, the Senate passed bipartisan legislation to address China currency manipulation. Since then, the Census Bureau reported that the U.S. trade deficit with China set a new record at $28.96 billion in August. But House leadership still refuses to bring to the floor bipartisan legislation that would withdraw on the yuan's illegal undervaluation. The consequences of China's unchecked currency manipulation will only get worse.

China is literally robbing us of our factories, of our manufacturing jobs; and we aren't doing a thing about it. Addressing China's currency manipulation would create at least 1 million jobs without costing the American taxpayers a penny. That is why Congress has to bring the Currency Reform for Fair Trade Act to the floor immediately. And that's what we're trying to do here today.

I urge my colleagues to vote ''no'' on the previous question and ''yes'' on getting tough on China.

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

Congress has an opportunity today to unleash investors in American business for the benefit of capital formation in America for American companies and jobs.

Additionally, we have an opportunity because we have worked so well together. There is joint agreement to ensure the safety and soundness of financial institutions in the United States with this legislation. Reforms to company-investor relations are long overdue, long overdue that would reform the industry to make them better, stronger—to add jobs, may I add.

Congress should be doing everything we can do to help economic growth and development, to jump-start the free enterprise system and put Americans back to work. That happens through capital formation. Growing our economy and slowing Federal spending will be the best way to get this government back and the economy back on track and getting out of the rising debt and deficit that is facing this great Nation.

The underlying bills provide necessary steps today for doing just that.

So I applaud my colleagues, Mr. MCHENRY and Mr. MCCARTHY, for introducing the bills that we're discussing here today. In particular, I'm proud of my committee, the committee I've served on for 14 years, the Rules Committee, under the leadership of the gentleman from California, DAVE DREIER, for making sure that this bill—the power for investment, capital formation, jobs—also included ideas, ideas from both sides of the aisle, which equally, if submitted, were given not only consideration but the green light to come to the floor today to make sure that what we did, we did together; to make sure that we speak with a voice that's very powerful about the need for us to ensure that America's greatest days lie in our future through the free enterprise system.

I'm proud of what we have done here today.

□ 1410

I reserve the balance of my time.

Mr. POLIS. I will inform the gentleman from Texas that one additional speaker has emerged.

I would be honored to yield 1½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I agree with the gentleman from Texas that we ought to be doing everything we can for American workers. The time has come for this House to vote on the Currency Reform for Fair Trade Act.

My friends across the aisle need to stop standing in the way of American jobs. It's time to act. We've been discussing this issue with the Government of China for more than 8 years, and this Republican majority has done not one blessed thing. American manufacturers should not be forced to compete against a 28 percent discount on imports from China due to China's predatory currency practices. This legislation will give meaningful relief to U.S. companies and workers who are hurt by China's currency manipulation.

This is a bipartisan measure. Amazing. The same bill passed the House last year with an overwhelming vote, including with a strong majority of Republicans. Now, of course, that was last year. The majority of the House this year, 230 Members, have cosponsored this bill, including 62 Republicans. A similar bill passed the Senate by a large bipartisan vote. American workers expect every one of us on both sides of the aisle to fight against China's predatory trade practices and to fight for American workers.

The question you have to ask yourself, Mr. Speaker, is: How long are we going to have to wait for a jobs bill to come from the Republican side? It seems like it may never happen until after the election of 2012.

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

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

The bills before us do something for people of all economic classes in the country—they help working families and the poor; they're good for the middle class; and they're good for millionaires. Let me talk about each group and how it helps.

First, millionaires. It gives millionaires more ways to lose their money. Isn't that exciting?

Previously, again, you not only had to be a millionaire, but you had to be a millionaire with the right connections to be networked to a company that's doing a private equity offering. Otherwise, you weren't allowed to find out about it. This will put all millionaires on an equal footing and will give them the opportunity to examine prospectuses on company sites, have them presented to them under the Access to Capital for Job Creators Act, allow them to squander their money on startups, and to, of course, occasionally reap a reward as they hope to do.

Again, this money that's invested will then create jobs. It will help fund the companies and get them off the ground, giving millionaires many more ways to lose their money through investing in risky startup companies.

What does this do for the middle class? Again, it gives the middle class more ways to risk their money and lose their money as well.

Previously, with a middle class family, the average net worth in this country was about $100,000. They were unable to invest in a startup company. They were not accredited investors. They couldn't lose their money that way. They could go to Las Vegas. They could bet it all on number six. They could lose it all there. They could respond to a full-page ad in a paper and buy gold with all their money. That doesn't create any jobs. But no. They couldn't invest it in their neighbor's startup company. This bill remedies that.

It limits their losses, and allows them to invest 10 percent of their income. If they make $80,000 a year, they can invest $8,000 in a risky startup company. Again, nine out of 10 of these are going to go out of business—they'll lose their money—and maybe one out of 10 will make a lot of money; but this allows middle class families the same opportunities that millionaires have always had to lose their money.

What does it do for working families and the American poor? Access to capital.

What if you have an idea? What if you don't have any net worth, but you have a great idea? You need to raise $100,000, $300,000—the proverbial ''better mousetrap.'' Do you know what? You might not know any fancy venture capitalists, and you might not know a lot of people with money. But do you know what this bill allows you to do? It allows you to put that idea up on the Internet and raise money from small investors across the country—legally. There is no legal way to do that until this bill passes. There is no legal way for somebody without access to capital to raise capital in small tranches without incurring SEC oversight and having to hire lots of lawyers.

This effectively allows working American families to raise money for their ideas by crowdsourcing, or raising money over the Internet, from that newly enfranchised middle class that now has the ability to lose their money

in new ways and from the millionaires, who have always been able to lose their money but only if they knew the right people. So these bills allow new avenues for growth capital for startup companies.

Again, to be clear, most of these companies aren't going to work out. That's the nature of capitalism. Most of them are going to go out of business. They might employ three people for a year, and 2 years down the road, they'll be a footnote. But do you know what? Some of them are going to work out. We could see the next Google, the next Yahoo!, the next Microsoft. Many of these companies started as garage companies, funded by proverbial friends and family. The next great American success story can be funded by crowdsourcing. It can have thousands of investors from middle class families across the country, earning millions of dollars on their investments and limiting their losses to 10 percent of their incomes.

I am proud to support these two bills and am appreciative of the majority and minority staffs for expediting their passage and improving them in committee and through the amendment process. It's time we get back to work for the American people.

I again call on the Speaker and my Republican colleagues to put aside partisanship and give us more bills like these and more bills that can contribute to robust job growth and to do something for all American families regardless of their economic worth.

Mr. Speaker, I oppose the previous question; and I ask unanimous consent to insert the text of the aforementioned amendment to the rule in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. POLIS. Again, I would like to point out that I will be opposing the previous question on the underlying issue. I don't necessarily agree with what some of my colleagues have said with regard to China, and I voted consistently with that in the last Congress and have in this Congress; but I do believe that the House should be able to work its will on this important matter to the American people and with regard to international relations.

There are bigger fish to fry than giving millionaires more ways to lose their money, than giving middle class families more ways to lose money and giving working families access to more capital; but these are important steps forward for capitalism, for capital growth and capital formation, and to create the next generation of great American companies that will lift us from this recession and carry forward the torch of American progress across the world.

I am honored to support both underlying bills and hope that they move to immediate passage in the Senate as well.

I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, it's a rare day when members of the Rules Committee from opposing parties have a chance to do so well with each other on the floor.

Once again, I'd like to congratulate the gentleman from Colorado on being a new father. We celebrated this with the pictures at the Rules Committee just yesterday.

I encourage a ''yes'' vote on the rule.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 453

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

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 639) to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to a fundamentally undervalued currency of any foreign country. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

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

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 453, if ordered, and the motion to instruct on H.R. 2112.

The vote was taken by electronic device, and there were—yeas 241, nays 184, not voting 8, as follows:

[Roll No. 821]

YEAS—241

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

NAYS—184

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

NOT VOTING—8

Austria
Bachmann
Bilirakis
Giffords
Hirono
Larson (CT)
Murphy (CT)
Ruppersberger

□ 1444

Ms. McCOLLUM, Mr. HOYER, and Ms. PINGREE of Maine changed their vote from ''yea'' to ''nay.''

Ms. RICHARDSON, Mr. GINGREY of Georgia, and Mrs. McMORRIS RODGERS changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

## MOTION TO INSTRUCT CONFEREES ON H.R. 2112, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2112 offered by the gentleman from Washington (Mr. DICKS) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 160, not voting 8, as follows:

[Roll No. 822]

YEAS—265

Ackerman
Aderholt
Alexander
Altmire
Andrews
Baca
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Burgess
Burton (IN)
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Gingrey (GA)
Gonzalez
Gosar
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (PA)
Nadler
Napolitano
Neal
Noem
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Richmond
Rivera
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (WA)
Speier
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Wittman
Womack
Woolsey
Yarmuth

NAYS—160

Adams
Akin
Amash
Amodei
Bachus
Bartlett
Barton (TX)
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buerkle
Camp
Campbell
Canseco
Cantor
Carter
Cassidy
Chabot
Chaffetz
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
DesJarlais
Doggett
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffith (VA)
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline
Labrador
Lamborn
Landry
Latta
Lewis (CA)
Long
Luetkemeyer
Lummis
Mack
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Thornberry
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Austria
Bachmann
Bilirakis
Butterfield
Giffords
Hirono
Murphy (CT)
Ruppersberger

□ 1452

Messrs. NUNES and FLEMING changed their vote from ''yea'' to ''nay.''

Messrs. FRANK of Massachusetts and McDERMOTT changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 2112:

Messrs. ROGERS of Kentucky, YOUNG of Florida, LEWIS of California, WOLF, KINGSTON, LATHAM, ADERHOLT, Mrs. EMERSON, Messrs. CULBERSON, CARTER, BONNER, LATOURETTE, DICKS, Ms. DELAURO, Messrs. OLVER, PASTOR of Arizona, PRICE of North Carolina, FARR, FATTAH, and SCHIFF.

There was no objection.

ACCESS TO CAPITAL FOR JOB CREATORS ACT

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2940 and to insert extraneous material therein.

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

There was no objection.

Mr. BACHUS. Mr. Speaker, pursuant to the rule just adopted, I call up 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 453, the amendment in the nature of a substitute recommended by the Committee on Financial Services printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2940

*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 ''Access to Capital for Job Creators Act''.*

***SEC. 2. MODIFICATION OF EXEMPTION.***

*(a) REMOVAL OF RESTRICTION.—Section 4(2) of the Securities Act of 1933 (15 U.S.C. 77d(2)) is amended by adding before the period the following: '', whether or not such transactions involve general solicitation or general advertising''.*

*(b) MODIFICATION OF RULES.—Not later than 90 days after the date of the enactment of this Act, the Securities and Exchange Commission shall revise its rules issued in section 230.506 of title 17, Code of Federal Regulations, to provide that the prohibition against general solicitation or general advertising contained in section 230.502(c) of such title shall not apply to offers and sales of securities made pursuant to section 230.506, provided that all purchasers of the securities are accredited investors. Such rules shall require the issuer to take reasonable steps to verify that purchasers of the securities are accredited investors, using such methods as determined by the Commission.*

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of House Report 112–265, if offered by the gentleman from North Carolina (Mr. MILLER) or his designee, which shall be considered read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from Alabama (Mr. BACHUS) and the gentlewoman from California (Ms. WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama.

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

I rise today in strong support of H.R. 2940, the Access to Capital for Job Creators Act.

Throughout this week, the House is considering several jobs bills that are sponsored by members of the Financial Services Committee and that have recently been approved by the committee. They have been sponsored by both Republicans and Democrats. Yesterday, we passed two of those bills overwhelmingly, and today we will consider the other two.

Presently, we're considering H.R. 2940, which was introduced by Mr. MCCARTHY, a member of the committee and of leadership. What this bill does is create jobs. It gives entrepreneurs the ability to raise capital, and that capital translates into jobs.

The President, in his State of the Union, called on the Congress to create ways, additional ways, alternative ways for entrepreneurs to raise capital. He also called on Congress to address burdensome regulations and restrictions imposed on American businesses that create American jobs, and that's what brings us on the floor today.

I received a letter last week from EMANUEL CLEAVER, a member of our committee who voted in favor of all four of these bills in committee. And this is what he said—and this is, I think, what we're doing today: ''As we attempt to breach the divide in Congress, I want to share an insightful civility story.

''Two young boys went to a neighborhood park to have some play time before their respective mothers called them in for dinner. But upon arriving, a controversy ensued. One boy said, 'let's play on the seesaw.' 'No,' the other replied, 'I want to play catch.' One boy got on the seesaw, but because no one sat on the other end, he never got off the ground. The other boy threw the ball, but no one threw it back. That sounds a lot like the two sides in Congress: Both sides have come to Congress for the same purpose but with different priorities.

''As representatives of the people of the greatest Nation on Earth, we must be willing to alter one preference in order to acquire another, often resulting in accommodation of both.'' It was signed by my colleague, EMANUEL CLEAVER, a Member of Congress from Missouri.

□ 1500

That's why we're here today. We're here today to set aside our differences and do what the American people have asked us to do, and that's create jobs. I can't think of a better way to create jobs, particularly for small and middle-sized businesses, than the legislation of the gentleman from California (Mr. MCCARTHY), and I'm happy to report that the Democratic members of Financial Services overwhelmingly agreed with us.

Yesterday the job numbers came out, and it showed that while large corporations actually lost 1,000 jobs last month, small- and medium-sized businesses created 107,000 or 108,000 jobs. They did that despite what was described as ''restrictions.'' The greatest restriction was the lack of capital.

There are two ways to obtain funds needed to hire new employees. One is to go to the bank and borrow it. Anyone on the Financial Services Committee will tell you that when entrepreneurs go to the bank to get a loan for their business, they're often told, I'm sorry, it's too risky.

There is an alternative to loans. And we all know loans can be hard to come by for new businesses and for small businesses who create almost all the innovation and new jobs in our country. The other way is to attract capital, people willing to invest and have the opportunity to share in the profits and share in the growth of that company but, at the same time, willing to take the risk.

That's what the gentleman from California's bill does, in a nutshell. It makes it easiest for people to invest in companies.

We've often said that in America one of the dreams—and we've had a difficult time with this recently—is homeownership. Another is to either own a business or invest in a business that does well.

How many of us have thought, I wish we had invested in Apple. I wish we had invested in Google. I wish we'd gotten in on the ground floor.

The gentleman from California's bill allows investors to get in on the ground floor without having to spend $200,000 or $300,000 to the Securities Exchange Commission, and put their money that they have earned, not the government, to work.

And let me say this: when it comes to investing our money, I'll trust individual investors every time over the government.

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

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

I rise today in support of H.R. 2940, the Access to Capital for Job Creators Act.

Before I begin my remarks, I would like to thank Chairman BACHUS, Chairman GARRETT, Congressman MCCARTHY, and Ranking Member FRANK for their assistance and support with this bill. We were able to work in a bipartisan manner on this bill in our committee, passing it on a voice vote.

H.R. 2940 amends the Securities Act of 1933 to remove the prohibition on general solicitation or general advertising for offers of securities made under rule 506 of regulation D, if those securities are only sold to accredited investors. In other words, investors will be able to advertise their private, unregistered securities offerings if those securities are only sold to accredited investors.

As you know, accredited investors are individuals, companies, or organizations that generally have the sophistication needed to make complex financial decisions. These folks are thought to need less protection than average retail investors.

Because this lifting of the ban on general solicitation and advertising would only apply when securities were sold to accredited investors, I am sympathetic to the goals of the gentleman from California's bill.

The current ban on general advertising has been interpreted to mean that companies can only raise capital from investors with whom they have had a preexisting relationship. This requirement would hamper their ability to obtain capital and it's, therefore, appropriate to modernize this provision.

However, during the hearing on this bill in September, the North American Securities Administrators Association and others noted that one problem with the original bill was that it would be difficult to limit the sale of these securities to only accredited investors when issuers advertise to everyone, particularly since accredited investors were able to self-certify their status.

An amendment I offered in subcommittee, which was accepted, directs the SEC to write rules requiring issuers to verify that purchasers are accredited investors. I think this will substantially improve the potential fraud issues identified by the State regulators.

Given this improvement, I'd like to offer my support for this legislation. This bill will make it just a bit easier for some companies to raise funds in the private market, enabling them to grow their businesses.

But make no mistake. I believe that we still need to pass the American Jobs Act in order to truly get people back to work in this Nation. In addition to this small change to enable capital formation, we need to keep teachers, police officers and firefighters on the job, extend unemployment insurance for laid-off workers, and revitalize neighborhoods devastated by foreclosures. A truly comprehensive approach is needed to get Americans working again. And I hope my colleagues are willing to work with me on passing the American Jobs Act.

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

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such time as I may consume.

I first want to start by thanking the gentlelady from California for her work on this legislation and her amendment making the bill better.

Mr. Speaker, as many know on this floor, I started, before I was in Congress, as a small business owner. At the age of 20, I took some savings I had, some luck within a lottery, and some investments in the market and I took a risk. I went out and opened a deli. I didn't put a lot of thought into the name, so I named it after myself.

But as I took that risk, as many people across this country do, you find the challenges of a small business. Fortunately, I was successful, able to hire people, able to work through; and at the end of 2 years, I now had enough money to pay my way through college.

But when I think back to those days of the risk I took, I wonder if in today's environments could I do the same. Unfortunately, the answer is, no, I could not. I cringe at the thought today of the regulations and the challenges a small business faced.

When I look at what small businesses do to this economy, they represent 99.7 percent of all employers. When you analyze the growth of America, if you just want to take from the beginning of the last recession, 2001, the end of it to the beginning of this one in 2007, and you look at that time in America when we had job growth, when you think about who created that growth, well, small businesses added 7 million jobs. Large corporations cut 1 million jobs during that same time.

Today, when we look at the market, we're at our all-time low in the last 16 years for new small businesses entering. And all statistics tells us we will not grow unless small businesses grow.

Unfortunately, the entrance to market has become too great. The regulations have been too tough, and the access to capital has been too hard to get.

So just with that story I tell you of starting my own small business when it became successful, before I sold it I actually looked to expand. I had dreams of putting five new delis throughout my town. I even started negotiating on a new lease.

But to raise that extra capital, when, one, a bank had turned me down, because of the regulations by the Federal Government, I could only talk to those people I already had a relationship with. Well, I came from a side of town that didn't have great wealth. I didn't know people with money.

□ 1510

So for me to be able to talk to them, I'd have to hire an attorney, file with the SEC all things that I did not have the time to do as a small business, even to talk to somebody about the idea. So I ended up selling.

Well, that law was based in 1933. This country has moved forward, and this Congress should move forward as well. That's why today that's exactly what this bill will do. It will allow the small business to unshackle the capital which it needs. It will allow the individual to talk to those who are accredited, and it has the protections to do that. But the idea could actually gain the capital. And you have to think, when you're in a small business, sometimes this capital is better than going to a bank. It's what you negotiate.

The cash flow is very important in a small business. A bank makes you pay monthly. The investment of an individual allows you to have growth. It also allows Americans to invest in America. It is a win-win all the way around. It is involving in a place that allows small business to grow.

I will tell you that the strength from the amendment from MAXINE WATERS, and the adoption in the committee, requires insurers to verify that purchasers are in fact SEC accredited. And I thank you for that amendment.

This was approved in the Financial Services Committee by a bipartisan vote. This is another example of an issue where we can find common ground, work on both sides of the aisle, work with this President, but more importantly, let America start working again.

Mr. Speaker, I urge all of my colleagues to support this commonsense legislation, and I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the remaining time on the bill.

There was no objection.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank my good friend and the ranking member on the subcommittee, the gentlewoman from California, for her leadership on this bill and her amendment and her efforts to make a good product an even better one. And I thank our ranking member, Mr. FRANK, for all of his leadership on Dodd-Frank and in the committee now, and also Chairman BACHUS, Chairman GARRETT, and Representative MCCARTHY.

This was a bipartisan effort. So in a Congress that everyone says we're not working together, this is one example where we work together in the best sense of the word to bring this bill to the floor.

I rise in strong support of the Access to Capital for Job Creators Act because I believe that it will help businesses in our country raise money they need to create jobs and help our economy recover.

This was an important bill for businesses across our country, but it is particularly important to New York City. New York City is the home of many innovators, innovation. Entrepreneurs come there from across the country, and this bill will help them raise money and grow the American Dream and help them go up that ladder of success in providing jobs and helping our economy.

Under our current system, companies seeking to raise capital by selling shares are barred from many types of advertising and solicitations. In effect, our current system tells businesses: Go out and create jobs, but don't tell people who might want to invest in your company or invest in your idea or invest in America, don't tell them anything.

So this message is contradictory at best and patently unfair at worst, and it is bad for businesses at a time when we are asking businesses across this country to lead our economic recovery and to create jobs.

This bill before us today would end this contradiction by removing the restrictions on general solicitation and advertising for certain private securities offerings. It will help companies attract potential investors and raise the capital that they need to be successful. This bill accomplishes this task in a balanced way.

During the committee markup and work on this bill, we incorporated numerous ideas from both sides of the aisle, including a provision requiring that issuers verify that an investor is actually eligible to purchase the offered securities. The Waters amendment made sure that the investors were credible and accredited.

Today, as it stands, investors only self-certify that they have a million in assets or make $200,000 a year to qualify to purchase the private security. Now, with this bill, we will have additional safeguards in place to make sure that investors are qualified and that these financial transactions are safer.

I support this bill today. I urge my colleagues to join in supporting it. And I feel that this is really an investment in the American Dream.

I hope that we can likewise work together to pass the American Jobs Act in a bipartisan way. We are not going to cut our way to prosperity. We need to invest and grow our economy. This bill helps us to do that. The American Jobs Act does, too. I hope our colleagues will join us in supporting that important job-creator initiative also.

So this is a vote for the American Dream. I'm proud to support it.

Mr. MCCARTHY of California. Mr. Speaker, I yield 2 minutes to a doctor, mother, businesswoman, who brings a fresh perspective to the freshman class and knows firsthand the challenges that job creators face, having started her own medical practice from scratch, the gentlelady from New York's 19th District, Congresswoman NAN HAYWORTH.

Ms. HAYWORTH. Thank you, mister whip.

Last week, I had the privilege of coming to the floor and sharing a letter from one of our constituents in the 19th Congressional District of New York, Mr. Paul Manahan from Mahopac, New York. This is what he wrote:

''We don't need or want more government spending. Cut regulations; cut taxes; repeal the 2010 health care law and let business do what it does best—create jobs based upon demand, not government dictates, spending, and attempts at market manipulation.''

Today, in this bill, the Access to Capital for Job Creators Act, H.R. 2940, we are taking yet another step toward implementing this kind of advice from a commonsense American.

Small businesses, as many of us have already mentioned, they really are the job creators and the key to a healthy and strong economy. Our number one priority in this Congress is to ensure that the regulatory environment for small businesses supports capital formation, investment, and job creation. This bill does exactly that, furthering job creation by eliminating unnecessary regulations.

The Access to Capital for Job Creators Act creates jobs by eliminating a prohibition on solicitation that is a barrier to capital formation and job creation. And regulations that are unnecessary in this case are being eliminated because investors under regulation D have to be sophisticated and accredited.

So there is the common sense. This is a win all the way around.

I'm very proud to cosponsor this important piece of legislation, and I am so glad to join colleagues on both sides of the aisle supporting this bill.

I want to make mention of the fact that this bill now joins 15 other bills that have been supported by both Democrats and Republicans. They are listed on a card that we're carrying with us and that you've probably seen quite a bit. I want the Senate to know that this support from both sides indicates how strongly we are committed to creating jobs; and our Nation cannot wait for the Senate to hold yet this one hostage as well, so I urge its swift passage.

Ms. WATERS. I yield myself such time as I may consume.

I am very pleased that we have bipartisan support for this legislation. It has been stated over and over again that access to capital is extremely important to our businesses, and small businesses in particular.

Mr. Speaker and Members, we talk a lot about our support for small businesses; but I know there's a long way to go in order to make sure that they have not only access to capital, but we have one-stop shops and other kinds of efforts that will help them not only to grow their businesses and expand their businesses but to hire people. And really, that's what this is all about.

This is about how do we stimulate our economy, how do we get it working, how do we create jobs. This is one way that we can do this.

□ 1520

While we're talking about small businesses, let me remind you that, in the American Jobs Act that is being debated by this Congress, we have similar efforts for small businesses. We have tax credits for small businesses; we have tax credits when they hire workers, when they hire veterans. So I am very pleased that both sides of the aisle are showing more and more support. These small businesses need this capital to acquire inventory. Many of them need to get up to speed with their computer equipment to be able to market their services, their goods, and their products. As we do this, let us keep in mind that this is one aspect of how we stimulate the economy, of how we grow our small businesses, of how we give support to them.

Let's look at the other ways we're talking about stimulating the economy. Don't forget that many small businesses will benefit from the repair of our infrastructure. Just think about it. When we're repairing our roads and our bridges and our water systems, small business persons will have many

opportunities to grow their small businesses, whether or not they are wholesalers and people in the middle who will be providing supplies and materials to those contractors or whether or not they are subcontracting for some aspect of this development and growth and repair of our infrastructure. So we're on the right track here when we talk about assistance to small businesses and job creation, but let us open up our minds and really think about how the infrastructure repair will certainly be a big boon for small businesses.

I can point to other things in the American Jobs Act. Just think about the construction and repair of our schools. We have schools that still need a lot of repair. They don't have science labs. The laboratories and much of what is involved in the whole construction of schools is very much needed. Again, our small businesses will benefit from this. Just think about it. When they go to their local boards of education and when they get involved in supplying goods and services as we repair these schools and build more schools, that's how you stimulate the economy. You cannot separate small businesses from jobs. Small businesses create jobs. Jobs allow people the ability to spend money and to stimulate our economy.

I am just so pleased that we see bipartisan support in the effort for small businesses. Let's not stop here. Let's keep going. Let's keep creating these opportunities so that we can say that we're a country that not only respects small businesses but that we're going to put our money where our mouths are, and we're going to give them the opportunity again to create and grow and expand.

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

Mr. MCCARTHY of California. Mr. Speaker, I yield 2 minutes to an integral member of the Financial Services Committee, a member who ran one of the oldest pest management companies in the country and who has personally faced many of the challenges confronting small businesses today, the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. I certainly want to thank the gentleman from California for yielding the time.

One thing that I am very pleased about today is that we're talking about some bipartisan legislation that does focus in on the number one issue that we face in our country today, which is jobs and the economy.

As a small business owner, I can personally understand that access to capital is critical in sometimes determining the factor between success and failure for small businesses. Small businesses do represent two-thirds of all net new jobs created in our Nation. Businesses, especially small businesses, must raise capital to create and maintain jobs, to invest in research and development, to sell and market goods and services, and generally to expand their businesses.

Debt financing is very difficult and sometimes impossible in today's market, especially for smaller businesses like my own. Equity financing is also very difficult, with enormous transaction costs and very expensive and time-consuming SEC regulation requirements. Our capital markets, both debt and equity, are struggling and are expensive for small businesses, so we need to find creative ways to reduce the regulatory costs and burdens.

This legislation, this commonsense legislation, I would add, would do just that. It would give companies greater access to capital to grow and to create jobs while still protecting the less sophisticated investors at no cost to the American taxpayers. Specifically, this bill removes the ban on small companies from soliciting equity financing from accredited investors. It expands the pool of those that we can go out to to help raise dollars, to help raise resources so that we can invest in our businesses and so that we can grow them.

There are 29 million small businesses in our Nation. If we can create an environment here in Washington where half of those businesses can create a single job, think about where we'd be then. This is the kind of bipartisan legislation we talk about with regard to jobs and the economy, and we are doing things in the United States Congress.

I certainly want to thank the gentlelady from California for her leadership. I want to thank Chairman BACHUS for his leadership, certainly want to thank Chairman GARRETT, because this is the kind of bipartisan legislation that can get our economy moving again and our focus back on jobs.

Mr. MCCARTHY of California. Mr. Speaker, I am pleased to yield 1 minute to a man who knows what it takes to create jobs and meet a payroll in having spent 20 years building a real estate development company that he started with his brothers and sisters, the gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. Mr. Speaker, I rise today in support of the Access to Capital for Job Creators Act.

I want to thank the gentleman from California (Mr. MCCARTHY) and the gentlelady from California (Ms. WATERS) for this bipartisan effort as well as thank our leadership on the committee.

As a nation, we have an unemployment rate that is hovering around 9 percent and 14 million Americans out of work. We've had 32 consecutive months with unemployment rates at or above 8 percent. Yet Senator HARRY REID, the Senate majority leader, insists, ''It's very clear that private sector jobs have been doing fine.''

The American people disagree.

I'm 62 years old and a freshman in this, the people's House. Before coming to Congress, I spent my entire career in the private sector. I've signed the front of a paycheck. I know something about how to create jobs. What I know is that attempting to spend our way to an economic recovery won't work, and we have the economy today that proves just that.

From the experiences gained from an almost 40-year career in private business, to get the private sector creating jobs again and our economy growing, government needs to get out of the way and not be an impediment to job creation.

This is the philosophy that has governed bill after bill that the House has passed to get our economy moving again. Unfortunately, these bills are rotting at the doorstep of the Senate as HARRY REID refuses to allow them to be considered. The Access to Capital for Job Creators Act is governed by the same philosophy. This will help fix an outdated government regulation that is inhibiting capital formation for small businesses that are having a hard time accessing loans from financial institutions.

To get the economy back on track, job creation in the private sector is the key. We need to get government out of the way and let private sector job creators do what they do best—create jobs.

Mr. MCCARTHY of California. Mr. Speaker, it is my pleasure now to yield 2 minutes to the chairman of the Capital Markets and Government Sponsored Enterprises Subcommittee, one who has been a leading advocate for pro-growth economic policies, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentleman for yielding.

I thank the gentleman from California as well for his leadership on this issue, as well as others, and also behind us over here, the chairman of the full committee, SPENCER BACHUS, for his leadership on this issue as well as on the general issue of trying to do what we can do best in order to facilitate the greater liquidity and openness of credit in the marketplace. This bill is one step in that direction, so I commend both gentlemen for their efforts in that regard.

I've been on the floor, I guess, for the last few days now, and I've heard Members from the other side of the aisle repeatedly coming to the floor, saying, Where are the jobs bills? We haven't had any jobs bills come through.

Here is certainly one of the pinnacles of the jobs bills that we've been talking about that this House has passed already and that today we will pass going forward.

What this bill will do is provide, as has already been indicated, to both small and big businesses the opportunity to get the wherewithal to start their businesses, grow their businesses, expand their businesses—and to do what after that? Create jobs. That's what this is all about.

We just had a litany of people come to the floor, one right after the other, just as the sponsor of the bill has done.

He is someone who started out with probably not much in his pockets but was able to get that all together and probably get some capital outside of that as well—and do what? Create a business. It wasn't a one-man operation, I'm sure. He then brought people into that business. He created jobs. The other speakers who came to this floor, they created jobs as well. As the other side of the aisle has already indicated, this bill will create jobs.

Now, one of the other things this bill does is to create certainty in the marketplace, which is something that has been a problem over the last couple of years with all of the legislation and regulation that has been coming out of Washington. This will provide some degree of certainty in the marketplace so that investors and business owners will understand how they can get into the credit marketplace and then do so.

I know a little bit later from now we may see some attempts to amend this bill which would go in just the opposite direction. What would it do? It would provide more uncertainty in the marketplace; it would provide more convolution to the system; and it would make it even more difficult to do what we're trying to do today.

Support this bill clean as it is right now in order to create more jobs for the American public.

□ 1530

Mr. MCCARTHY of California. Mr. Speaker, I yield 1 minute to the former chairman of the Small Business Committee, who has never stopped working to create good-paying jobs for northern Illinois, Mr. MANZULLO.

Mr. MANZULLO. Mr. Speaker, I hear complaints from our small business constituents back home about the difficulty in raising capital. Today we have an opportunity to fix one aspect of this problem so that our Nation's small businesses can obtain the funds that they need to hire workers.

Current law bars companies from raising capital through unsolicited advertisements. Requiring potential investors to have an existing relationship with a particular company limits the pool of potential investors and hampers the efforts of small companies who have a great idea to raise much-needed capital to expand and hire workers. This bill would make an exemption in the advertising ban for accredited investors. H.R. 2940 will make it easier for companies to raise capital without putting less sophisticated investors at risk.

As a former chairman of the Small Business Committee, I urge my colleagues to support H.R. 2940. The bill will help small gazelle firms raise capital during these difficult economic times.

Mr. MCCARTHY of California. Mr. Speaker, I yield 1 minute to a Member who is leading the way in encouraging job creation in Ohio's 15th Congressional District, Mr. STIVERS.

Mr. STIVERS. I would like to thank the gentleman from California for yielding me time and for his leadership on this issue.

I want to voice my support for the Access to Capital for Job Creators Act. This is straightforward legislation that provides a simple method for job creators to find funding for their businesses. This legislation will allow entrepreneurs to advertise their investment opportunity to accredited investors and to solicit investment without being subject to costly and burdensome regulations. This exemption would only apply to general solicitations or advertising if the buyers are accredited investors, those people that have $1 million net worth or an income above $200,000. This leaves protections in place for those who may be less sophisticated investors. Simply put, this bill helps finance job growth in America by connecting small businesses and job creators with sophisticated investors while keeping protections for less sophisticated investors.

Mr. MCCARTHY of California. Mr. Speaker, I yield 1 minute to a new Member who knows firsthand how to create jobs through his work—he has employed over 100 people—the gentleman from Butler, Pennsylvania (Mr. KELLY).

Mr. KELLY. I rise in strong support of this piece of legislation. This is so commonsense. This is so basic. It is as basic as blood is to the body, the access to capital for small businesses, the ability to raise capital in hard times.

I will tell you right now the biggest inhibitor right now to us creating jobs is the uncertainty. And for anybody in small business to go to a bank right now and say, I need to borrow money, I want to buy equipment, I want to invest in inventory, you know what they're met with: we are not sure we can do that. With the new rules and regulations, we don't know them yet, so we have to kind of hold back on that.

But you know what, we need access to that capital if we are to succeed. If we are to move forward as a country, we need to unleash those bonds that are keeping us moored by them, and we can do it.

This legislation is commonsense. And as I said earlier, this is the same as blood is to the body. Access to capital for small business is absolutely critical. It has to be done now. There is great bipartisan support for it.

Mr. MCCARTHY of California. Mr. Speaker, it is my pleasure to yield 1 minute to the Member whose top priority in Washington is getting the Granite Staters back to work, the gentleman from Manchester, New Hampshire (Mr. GUINTA).

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

Mr. Speaker, you know all too well that Granite Staters are still hurting in this economy, as are many other Americans. One thing we can do as a body in a bipartisan way is to continue to bring jobs bills to this floor and vote them out in a bipartisan way, as the country has asked. And we are doing that today. The leadership that Mr. MCCARTHY and Ms. WATERS have both demonstrated is an opportunity for this country to get greater access to capital, to get innovators and job creators the ability to hire quicker, for those like our own Dean Kamen to continue to find the next revolutionary way to change our State and our Nation.

This is a great opportunity for us to reform an old piece of legislation, going back to 1933, update it to make sure it meets the required standards of 2011 for the new job creators of tomorrow. And I am thrilled to support it, and I look forward to more job creation bills to come to this floor for us to vote on and get our country moving back in the right direction.

Mr. MCCARTHY of California. Mr. Speaker, this bill represents an important step towards unleashing the potentials of entrepreneurs and small businesses. We must all remember, an entrepreneur never takes a job from someone. They only create them. Today we're going to unleash them.

I urge all my colleagues to join me in this bipartisan effort to help promote small businesses' capital formation by supporting the underlying bill.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2940, "Access to Capital for Job Creators Act," to remove the prohibition against general solicitation or advertising on sales of non-publicly traded securities, provided that all purchasers of the securities are "accredited investors." Requires the Securities Exchange Commission to write rules on how an issuer would verify that the purchasers of securities are accredited investors.

The legislation before us today is designed to encourage companies to advertise in order to attract additional capital which will allow them to invest and hire additional employees. As part of a broader effort to tie the financial regulatory environment to U.S. job creation and economic competitiveness. The bill amends section 4(2) of the Securities Act of 1933 to permit use of public solicitation in connection with private securities offerings.

At present, the Securities and Exchange Commission (SEC) rules (including Rule 506) create a "safe harbor" for companies that want to issue private securities to raise an unlimited amount of money from an unlimited number of accredited investors (and up to 35 other investors). However, the safe harbor does not permit the use of general solicitation or advertising to market these securities. This measure requires the SEC to revise Rule 506 within 90 days to provide that companies can use general solicitation or advertising to market these private securities, providing that all purchasers of the securities are accredited investors.

In addition, it mandates SEC to write rules requiring issuers using general solicitation to verify that investors are accredited, rather than rely on investor self-certification, as is currently permitted. In addition to a number of different types of institutions, an "accredited investor" is an investor with more than $1 million in assets excluding the primary residence,

or an annual income greater than $200,000 for an individual and $300,000 for a couple.

Before us is a measure that will allow companies to more easily raise capital by removing restrictions on general solicitation and advertising for certain private securities. It fairly balances the need to ease capital formation to spur job creation, with a provision to better protect investors by putting greater responsibility on the issuer.

One of the more important provisions in the bill is to ensure the identities of investors. The onus is on the issuer to verify that an investor actually is eligible to purchase the offered securities. Currently, investors only self-certify that they have $1 million in assets or make $200,000 a year to qualify to purchase the private security.

This has created the balance we need to ease restrictions on capital formation with protecting investors from fraud. NASAA continues to oppose the private offering process generally, which does not provide notice to the States, and therefore opposes this bill. This bill will ease a regulation that implements stipulations on garnering investors and capital.

Without access to investors and capital, Houston native Michael Dell would not have been able to start one of the most successful computer retail businesses in the world. His $1,000 primary investment in the 1980s allowed Dell Computers to become a household name. Without this capital, America would not have had one of its premier innovators.

The economic impact of this legislation is encouraging. Businesses require investors and capital in order to expand and flourish. When businesses are presented with this opportunity, jobs are created that in turn, will stimulate economic growth. Dell's headquarters alone employs roughly 16,000 people.

I urge my colleagues to join me in supporting H.R. 2930, "Entrepreneur Access to Capital Act"; this will ease SEC restrictions in order to stimulate our economic recovery and job creation.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT OFFERED BY MR. MILLER OF NORTH CAROLINA

Mr. MILLER of North Carolina. I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 9, insert before the period the following: "and the person offering or selling such securities utilizing the general advertising or general solicitation permitted by such rules discloses in any advertising materials connected with such offering or selling any bonus compensation structures and 'golden parachute' severance packages that the person has provided to executive officers, directors, or other principals of the person".

The SPEAKER pro tempore. Pursuant to House Resolution 453, the gentleman from North Carolina (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MILLER of North Carolina. Mr. Speaker, this amendment will require a disclosure that if there are going to be unregulated solicitations, unregulated advertisements asking for investments in these companies, at the very least, the advertisement or the solicitations should reveal if they are to disclose if there is a compensation agreement with the executives or a golden parachute severance package and what those are so that investors won't find that they are buying into a company that, if it does make a profit, there are already contracts in place that will make sure all those profits go to the executives who are there and not to the investors.

We've heard all manner of glowing praise for the kinds of small businesses that might benefit from this bill. I think the gentleman from Illinois referred to these as gazelle companies.

Mr. Speaker, there has been a bad history of flim-flams that have taken investors' money. The reason that we have investor protections is not just because of the self-aggrandizing ambitions of regulators. It is because there has been a history of abuse, and that abuse discourages capital from coming. No one is going to want to invest when there have been well publicized examples of investors who put their money into unregulated companies like these, like what this bill would create and lost their entire investment because it all was grabbed by a handful of executives.

And these disclosures are even more important because these companies will not be subject to the say-on-pay rules under the financial reform legislation passed and signed into law just last year. And we've already seen from the experience on say-on-pay that there remain real abuses of executive compensation. Even though many companies have changed their practices and have made them more transparent because they are worried about putting their pay practices to a vote of the shareholders, they fear disapproval, and they've changed their practices.

But even with that, about 2 percent—which is actually a pretty big number—get turned down. And they all get turned down for pretty much the same reasons. There is no connection between pay and performance. There are poor pay practices, like long-term benefits without any kind of a performance measure. There are bonuses that were way too easy to achieve, that the bar was set very, very low. There are performance measures that make no sense or simply that there was poor disclosure of what the compensation was, or the compensation was simply too much for the size of the company and what others in the industry are paying.

These companies will not have say-on-pay. They will not get a chance to vote on executive compensation, and they might find that they have bought into a company that has pay practices already in place, executive compensation contracts, golden parachute contracts that really ensures that even if the company does prove to be profitable, they won't get the benefit of the profits. It will all go to the executives who are selling them investments, who are encouraging them to invest in those companies.

□ 1540

These are obviously very, very helpful disclosures. This is important information for investors, and honest small businesses should not hesitate in the least to provide it.

STATE OF NORTH CAROLINA, DEPARTMENT OF THE SECRETARY OF STATE,

*November 3, 2011.*

Re H.R. 2930—"Entrepreneur Access to Capital Act of 2011"

Hon. MELVIN WATT,
*Rayburn HOB,*
*Washington, DC.*

DEAR REPRESENTATIVE WATT: I am writing to express my concern with H.R. 2930, the Entrepreneur Access to Capital Act, which could be voted on by the House this week. This legislation, intended to promote an internet-based fundraising technique known as "crowd-funding" as a tool for investment, will preempt state investor protection laws and weaken important investor protections.

Crowdfunding is an online money-raising strategy that began as a way for the public to donate small amounts of money, often through social networking websites, to help artists, musicians, filmmakers and other creative people finance their projects. The concept has recently been suggested as a way of assisting small businesses and start-ups looking for investment capital to get their business ventures off the ground.

Soliciting charitable donations from strangers online to advance a goal or cause is one thing. Selling shares in a business online to strangers who expect to realize a potential return on their investment is something very different.

H.R. 2930 contains a preemption provision that would prohibit my agency from requiring the filing or disclosure of information about these investment opportunities before they are offered to the public in my state. I believe enacting this preemption would be a serious mistake because, based on our previous experience, many of the crowdfunding opportunities will be targeted at Mom and Pop retail investors. The authority to require filings is critical to my office's ability to "get under the hood" of an offering to make sure that it really is what it says it is.

I appreciate efforts by Congressman Ed Perlmutter (D–CO) to work with the bill's sponsor to produce a bipartisan amendment that would alleviate the states' concern with the preemptive provisions of H.R. 2930. Unfortunately, the Perlmutter-McHenry Amendment made in order by the Rules Committee on November 2 does not achieve this goal. Indeed, by simply clarifying that states "retain jurisdiction . . . to investigate and bring enforcement actions with respect to fraud or deceit," the amendment essentially restates the preemptive provisions as they existed in the original bill.

H.R. 2930 may he well intended. but I am concerned that it could create serious enforcement challenges and potentially open the door to the possibility of significant increases in investment fraud. Small businesses are vital to job growth and to improving the economy in our state, but by displacing significant safeguards currently provided by the crucial role of state securities regulators. Congress could enact policies intended to strengthen the economy that have precisely the opposite effect.

As North Carolina's top investor protection official, I urge you not to support H.R. 2930 in its current form. I understand the North American Securities Administrators

Association (NASAA), of which I am a member, is already hard at work on a state level model rule on crowdfunding that would preserve a state's ability to prevent scam artists from using crowdfunding offerings as the latest method for ripping off Main Street investors. I urge you to remove the state preemption section from the bill.

Thank you for your attention to this important matter. Please don't hesitate to contact me if I may be of any assistance, or if you or your staff have questions regarding the legislation in question.

Sincerely,

ELAINE F. MARSHALL,
*Secretary of State.*

I yield back the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I rise to claim the time in opposition.

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

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from North Carolina's amendment goes against the very purpose of this bill. This amendment would force private companies raising capital to actually face stiffer regulations than public companies regarding compensation. The Securities and Exchange Commission doesn't require public companies selling to retail investors to put this in their advertising, and even Dodd-Frank did not go this far.

With Ms. WATERS' help, we made sure that this bill specifically targets only sophisticated Securities and Exchange accredited investors. The SEC has no authority to regulate the compensation of executives at private companies. At a time when the costs and benefits of regulations are so important, the Miller amendment would fail anyone's cost benefit analysis. I, therefore, urge my colleagues to reject this amendment.

I yield 1 minute to the gentlelady from New York, NAN HAYWORTH.

Ms. HAYWORTH. Mr. Speaker, I would like to add to my colleague's comments by noting that shareholders in major public corporations, major issuers of public stock have said over and over again that they do not find that the amount of capital that would have to be devoted, the amount of resources that would have to be devoted to unusual disclosures about executive compensation beyond what the SEC rules already require prior to Dodd-Frank actually make any difference to their decisions about investing at all. So you can certainly expect that accredited investors who are sophisticated will not need this kind of additional burden to be placed on companies that clearly they want to see thrive and grow with the precious capital that they have.

Mr. MCCARTHY of California. Mr. Speaker, the purpose of H.R. 2940 is to help facilitate capital for small business. This amendment flies directly in the face of that effort. I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the bill, as amended, and on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

Mr. MCCARTHY of California. Mr. Speaker, I ask unanimous consent that the Speaker may postpone further proceedings on the amendment offered by Mr. MILLER of North Carolina to H.R. 2940 as though under clause 8(a)(1)(A) of rule XX.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

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

Mr. MILLER of North Carolina. 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 and the previous order of the House, further proceedings on this question will be postponed.

## ENTREPRENEUR ACCESS TO CAPITAL ACT

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 2930 and to insert extraneous material thereon.

The SPEAKER pro tempore (Mr. GARRETT). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 453 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2930.

□ 1545

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes, with Mr. BASS of New Hampshire in the chair.

The Clerk read the title of the bill.

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

The gentleman from North Carolina (Mr. MCHENRY) and the gentleman from Colorado (Mr. PERLMUTTER) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina.

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

When I'm at home in western North Carolina, I hear frequently from my constituents, from small businesses, that they have a very difficult time raising capital in these very challenging times that we're in. And over 2 years into an economic recovery that is struggling, America's labor and capital markets continue to face unprecedented challenges. Nearly 14 million Americans remain officially unemployed, with an additional 11 million underemployed. And small businesses continue to struggle to access capital despite an endless number of government initiatives.

The origin of these barriers to capital formation rests in two Federal securities laws—the Securities Act of 1933 and the Securities Exchange Act of 1934—that have not been substantially updated since a gallon of gasoline cost 10 cents and only 31 percent of households owned a telephone. Today, a gallon of gas, as we know, costs about 35 times more per gallon than it did then, and nearly every American owns a telephone. In fact, most people have the Internet in their pocket.

So while the comparison of then and now is nostalgic, the ramifications of not modernizing our securities regulations have led to registration and reporting requirements so onerous and costly that small companies have great difficulty raising capital.

For instance, if a startup company offers an equity stake to investors through a medium like Facebook or Twitter, it is presumably in violation of SEC regulations for that communication and offering. However, soliciting money for one's favorite charity or even a political candidate through the same Internet medium is perfectly legal. So, clearly, something is not right.

Furthermore, high net worth individuals can invest in businesses before the average family can. And that small business is limited on the amount of equity stakes they can provide investors and limited in the number of investors they can get. So, clearly, something has to be done to open these capital markets to the average investor, and that's what the Entrepreneur Access to Capital Act is all about.

It removes the SEC restrictions on crowdfunding to allow entrepreneurs and small businesses to raise capital from everyday investors. Already prevalent in Europe and Asia, crowdfunding has proven that broadening the communication investment capabilities between investors and entrepreneurs can have a positive impact and a positive effect on capital formation which is the lifeblood of a strong and growing economy.

Specifically, my bill will allow companies to pool up to $1 million without the expense of registering with the SEC or up to $2 million if the company provides investors with audited financial statements. Individual contributors are limited to $10,000 or 10 percent of the investor's annual income, whichever is less.

In addition, H.R. 2930 creates a regulatory structure of investor protection

around this new, innovative form of financing with substantial intermediary requirements or issue requirements if there is no intermediary. This key mandate for investor protection is why the bill has received broad bipartisan support both in the Financial Services Committee and from President Obama.

This has been crafted both with Republican and Democrat staffers, getting input from my colleagues from across the aisle at a subcommittee markup, multiple hearings we've had on the idea of crowdfunding, as well as a full committee markup. And we worked together and passed it with a bipartisan vote coming out of committee. This was a collaborative operation, and I appreciate my colleagues and I appreciate the staff of the Financial Services Committee as well as the staff on the Oversight and Government Reform Committee and my subcommittee where we had a number of hearings on capital formation, and out of that came this idea.

□ 1550

This is the culmination of months of work. The process began for crafting this piece of legislation over the summer. When the President stood in this Hall, in this room just a couple months ago for his jobs bill, and when he included in the proposal this idea of crowdfunding, it was a very positive thing—not just to have a good idea that we can pass here in the House, but to have a good idea that has the possibility of getting through the Senate, where it's a very challenging time for them to pass legislation at all. And that way it can make it to the President's desk and really give entrepreneurs the opportunity to raise this capital, to actually create and grow jobs. That's why they need the capital, so we can grow jobs, create jobs and provide more opportunity for our constituents and folks across this country.

We can protect and inspire confidence in the investor community as well as allow small businesses, those companies most critical to our economy, to gain the capital needed to expand, compete, and thrive.

I urge my colleagues to support this bill that combines both the best of microfinance with the power of crowdsourcing and give folks the opportunity—the average, everyday investor—the opportunity to have an equity stake in their favorite company, not just accredited investors and not just so-called high net worth individuals. That's the purpose of this legislation. I ask my colleagues to support this legislation, and I reserve the balance of my time.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

*Washington, DC, November 2, 2011.*

STATEMENT OF ADMINISTRATION POLICY

H.R. 2930—ENTREPRENEUR ACCESS TO CAPITAL ACT

(Rep. McHenry, R–North Carolina, and 5 cosponsors)

The Administration supports House passage of H.R. 2930. In the President's September 8th Address to a Joint Session of Congress on jobs and the economy, he called for cutting away the red tape that prevents many rapidly growing startup companies from raising needed capital, including through a ''crowdfunding'' exemption from the requirement to register public securities offerings with the Securities and Exchange Commission. This proposal, which would enable greater flexibility in soliciting relatively small equity investments, grew out of the President's Startup America initiative and has been endorsed by the President's Council on Jobs and Competitiveness. H.R. 2930 is broadly consistent with the President's proposal. This bill will make it easier for entrepreneurs to raise capital and create jobs. The Administration looks forward to continuing to work with the Congress to craft legislation that facilitates capital formation and job growth, and provides appropriate investor protections.

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

I thank my friend from North Carolina for bringing this matter to the floor, for being the sponsor of this bill and for working with us to make this bill better.

Now, as Mr. MCHENRY said, this is a bill that really allows money to be raised, investments to be made by people without a lot of money. They are investors who are going to make smaller investments but in a large volume. As my friend said, this isn't 1933, and this isn't 1934 when those acts were passed. But still, what we've got to remember is sales can be made on the Internet now, or this bill will ask that sales be made of securities on the Internet. Originally, it could be on the phone, it could have been by mail, and it could have been by word of mouth. But what we've got to do with this ability to raise money across the Internet is ensure that the proper protections are put into place so that those who might deceive or defraud or in some other way mislead investors who are making these investments can be policed and the laws can be enforced if, in fact, there is some type of fraudulent act.

Now H.R. 2930 enables small companies and individuals to make use of Internet-based social networks to raise up to $1 million from friends, family, and other interested investors. While the bill caps both the total level of securities and the amount investors can invest, Democrats expressed strong concerns about the potential harm this new market could pose to investors. Originally, the bill provided few investor protections and no SEC or State regulatory oversight.

During the committee markup of H.R. 2930, Democrats added provisions requiring crowdfunding. And ''crowdfunding'' is a term that really isn't seen in our law to date. And what it is is the sale of securities, the solicitation of investments across the Internet in small amounts. So Democrats asked that there be notice given to State regulators so that they could police the activities against wrongful conduct, deception, fraud, embezzlement, or other kinds of misdeeds. Democrats successfully added a provision to disqualify bad actors, individuals that have been convicted of either State or Federal securities law violations or other financial law violations. Democrats also requested, and the gentleman from North Carolina and the Republicans agreed, to create a regulatory framework for the crowdfunding Web sites that would provide additional disclosures, safeguards, and protections for investors who wanted to buy into one of these investments.

We recently had a financial crisis that we're still continuing to dig our way out of. There were Ponzi schemes. Everybody is aware of the Madoff Ponzi scheme and others. We need to have protections for investors as businesses seek to form and develop capital. We thank the gentleman from North Carolina in working with us to place some of those investor protections into this bill.

We know there will be a number of amendments that are proposed that will continue to strengthen those investor protections. We thank the gentleman from North Carolina for bringing this bill forward.

I reserve the balance of my time.

Mr. MCHENRY. I thank my colleague from Colorado for working actively with me and with my staff to make this bill better, as well as my colleagues, Mrs. MALONEY from New York, Ms. WATERS of California, and Mr. AL GREEN. Thank you so much for your work in working in a bipartisan way to improve the bill.

With that, I would like to yield such time as he may consume to the chairman of the Financial Services Committee, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I feel like I'm having a dream, and in that dream my colleague, PATRICK MCHENRY, has legislation on the floor, and President Obama has endorsed that legislation. I feel like I ought to wake up and find out that that was a dream. But in reality, it's actually what's happening here today. I told Mr. MCHENRY that I would like unanimous consent to ask that we call this the McHenry-Obama friendship bill, but I won't do that.

Let me say this: The President did issue a statement yesterday, and in that statement, it says that the administration supports House passage of H.R. 2930. It goes on to say, in the President's September 8 address to the Joint Session of Congress on jobs and the economy, he called for cutting away redtape that prevents many rapidly growing startup companies from raising needed capital, including through crowdfunding exemption from the requirement to register public securities offerings with the Securities and Exchange Commission. He goes on to say that he believes that this bill will make it much easier for entrepreneurs to raise capital and create jobs. And it will.

Last night, I was at a Faith & Politics dinner where our friends, Congressman STENY HOYER and Senator ROY BLUNT, were receiving the John Lewis-Amo Houghton Award. As we know, both those colleagues are bridge builders. The gentleman at the table next to me, and these were people that were supporting Faith & Politics, said to me, I appreciate the fact you're going to bring a crowdfunding bill to the floor of the House. And I was somewhat amazed, because a few months ago—I have to admit, I'm not a high techie like the President or Congressman MCHENRY—I really didn't know the difference between clown funding and crowdfunding before we started talking about this bill.

I said to him, how do you know about this bill? He said, well, I'm an executive with Facebook. And he said many companies similar to Facebook, and you mentioned this in your earlier speech, in other countries they raise money through crowdfunding. And he said they even do it here, but they avoid the law. It is a modern thing to do. It's like Facebook, it's like Google, and it's like BlackBerry several years ago. It's something that we didn't know about. But we do now, and we do need to keep our laws current.

I do also close by commending Congressman PERLMUTTER for making this bill a better bill and one that protects consumers. With this legislation, we'll move this provision into the 21st century and bring it up to date with modern ways to finance businesses.

□ 1600

That will give us an advantage that presently is a disadvantage when it comes to competing with some of our foreign competition. We certainly want to level that playing field and create jobs, and this bill does that.

Mr. PERLMUTTER. Madam Chair, I yield myself such time as I may consume.

For the record, H.R. 2930 creates a new exemption from registration under the Securities Act of 1933 for what we call ''crowdfunding'' securities. I think the record should have a definition. Crowdfunding refers to a technique for raising money over the Internet in relatively small amounts from a large number of people. And that's the exemption that's being sought pursuant to this bill, a different way to raise money. Would the gentleman agree?

I yield to my friend from North Carolina.

Mr. MCHENRY. I thank my colleague for submitting that for the record, the definition.

Now, the intention is that you have an Internet portal of sorts, but this could be done on any mass basis. But the disclosures have to be very clear—which we specify in the legislation—and we've given the SEC the ability to specify additional pieces. I have a technical amendment to clarify what the Securities and Exchange Commission staff thinks is very important to add to this bill. But I do appreciate the gentleman offering the definition.

Mr. PERLMUTTER. I thank my friend.

One other new term in the bill that we ought to have some discussion about is ''intermediary.'' Intermediary in the bill is more or less a custodian of funds. Am I correct or not?

I yield to my friend.

Mr. MCHENRY. I appreciate the gentleman.

The intention would be that the intermediary is, in essence, the conduit of funds. There's the notion of the broker-dealer, which is well established in law. What this does is, it's similar to a broker-dealer; but it is a very low-regulatory, low-cost basis of doing it.

What this is, in essence, is an intermediary defined as Websters would define an intermediary. And I think that's probably the better way to describe it.

Mr. PERLMUTTER. To the degree that the intermediary exists in this, they will be subject to the enforcement principles as we go through the amendments.

With that, I yield 3 minutes to my other friend from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Madam Chair, exempting this funding source from SEC regulation is not all this bill does. It also prohibits the States from doing anything. This is not a case where the proponents of the bill are saying, let's not let the Federal Government do this; let's let the States do this. They say, no, the States can't touch it at all.

The people of the various States, using their right to vote, can't decide that in their State they want someone looking at what is being offered to mom-and-pop investors to make sure that they're not getting flim-flammed. That is a great deal of the investor protections that we've had in this country. It has been done at the State level, and this takes those cops off the beat altogether.

So if you think that the people of the States should be able to exercise their own judgment about whether they want their States looking at what is being offered to mom-and-pop investors, you should vote against this bill.

Mr. MCHENRY. Madam Chair, I yield myself such time as I may consume.

I need to correct the record with regard to what my colleague from North Carolina said. What he said is simply not, in fact, what this bill does.

Furthermore, as we know, securities fraud is prosecuted not just at the Federal level, but by the States as well. That will continue to exist.

Furthermore, if my colleague from North Carolina would reach out to my colleague from Colorado, I'm supporting his amendment which preserves the States' rights of action.

Mr. MILLER of North Carolina. Will the gentleman yield?

Mr. MCHENRY. I yield to the gentleman.

Mr. MILLER of North Carolina. Yes, that has to do with enforcement. But the bill prohibits the States from having up-front disclosure requirements so that a Secretary of State—who is typically the securities law enforcer in most States—can look at it, require disclosure, look at what the disclosures are, look at what is being offered is really what is there. Yes, the bill does, thanks to the gentleman from Colorado's good work——

Mr. MCHENRY. Reclaiming my time, to correct the record, in the State of North Carolina, there is no pre-filing requirement. In the State of New York, for instance, they actually have up-front filing requirements.

Additionally, in this legislation, how it is crafted is the SEC would provide notice of this offering to the States once that offering occurs. This is something that my colleague from New York (Mrs. MALONEY) crafted in the subcommittee. My staff, as well as the Financial Services Committee Republican staff, worked diligently with the Democrat staff on the Financial Services Committee as well as Mrs. MALONEY's staff and came up with a three-page amendment, which was adopted on a bipartisan basis at the committee—I appreciate my colleague from New York offering that—and it has improved the bill.

Mr. MILLER of North Carolina. If the gentleman will yield, did the gentleman not get a letter dated November 3, 2011, from Elaine Marshall saying what you just said isn't right?

Mr. MCHENRY. Reclaiming my time, I did not receive that letter. My two Democratic colleagues from North Carolina that are on the Financial Services Committee did in fact get that letter. My colleague MEL WATT—a fantastic member—submitted it for the record in the Financial Services Committee. I had neither a letter nor a call from my Secretary of State raising concerns about that.

With that, I would be happy to yield such time as he may consume to my colleague from New Jersey, the chairman of the Subcommittee on Capital Markets in Financial Services, Mr. GARRETT.

Mr. GARRETT. I thank the gentleman from North Carolina for all of his work on this legislation, as well as the chairman of the full committee, SPENCER BACHUS, for his leadership on this initiative as well.

To the extent, as with the previous piece of legislation that we had, it goes to the overarching theme I think of today—and also during the last 10 months of this time in the House—which is job creation for this country, what can we do here in the House of Representatives to facilitate the creation of more jobs.

And just like with the last piece of legislation, what we can do is help businesses, both small and large, to obtain additional capital, capital being at the heart of the ability of a small business to go out, to expand, to grow, to

hire new employees, and to create jobs in this country.

The legislation before us goes well in that direction. And now, done in a bipartisan manner, it, as the sponsor, stands head and shoulders above the way it was before because it adds additional provisions for safety and soundness to it.

It allows for equity financing, in which investors can purchase ownership stakes in the company in exchange for basically stock or shares in those companies to grow in a future direction, to grow larger and what have you. And it allows the companies to obtain those funds without having to repay specific amounts at any particular time. What does that mean? That means it enables the company today to obtain that capital today to expand the company and hire new employees.

Now, through the efforts of the gentleman from North Carolina, what they did, in a bipartisan manner, was to add additional—what do you want to call it, protections, I guess, it will—and which was part of the discussion I think we had in committee at the time. And that was a good discussion there. We had the markup in the committee to allow for some of these discussions; and I know it went further, after the hearing and eventually with markup, to achieve this.

I think it's important—I'm just going to spend a minute—I know you touched on some of these, but I want to take a minute or two to run through what the additional protections are that we are providing for investors, in no particular order—well, maybe they are, actually. They are in the order of page eight and nine of the bill, but in front of me here, first: Warning investors of the speculative nature generally applicable to investment in startups—and that's what we're talking about here, they're startups. And if you're going to invest in a startup, it's not a sure thing, it is speculative. So those warnings are there.

Secondly, warning investors that they are subject to the restrictions on sale requirements. What that basically means is that if you're investing in this today, don't expect necessarily that you can just take your money out tomorrow, but that there may be restrictions as to when you can take out your money. But that's necessary, as I said before, so that the business can have that capital to grow. So it's reasonable.

Thirdly, taking reasonable measures to reduce the risk of fraud with respect to such transactions—again, a reasonable measure.

Fourthly, providing the SEC, the Securities and Exchange Commission, with continuous investor-level access to the issuer's Web site. Why? Because we want to make sure that that information that is being conveyed to whom—the investors in this—is the same information that the SEC has. A good provision.

Fifthly, requiring each investor to answer questions, to do what? To demonstrate their abilities—and I think the gentleman from North Carolina already went through this as far as what those restrictions should be—but, A, recognition of the level of risk generally applicable. It goes back to what I said before: If you're going to get involved in this, make sure that you understand it. And that's one of the questions. B, risk of liquidity. If you're talking about a startup company as opposed to something that's traded on one of the exchanges, there's not a lot of liquidity out there, generally speaking.

□ 1610

That means there's not a lot of folks out there who are trading these shares on a daily or hourly basis. So you have to understand that there is going to be a restriction on liquidity in this marketplace.

And, C, such areas as the SEC may determine appropriate, so broad authority there.

Sixth out of seventh I'm going to touch upon, and maybe this is the point that the gentleman was just referencing in some respects, the outsourcing of cash-managing functions to a qualified third-party custodian. And I think the gentleman referenced traditional broker-dealers, but actually this goes into a slightly different caveat from that which, I think, is actually the appropriate manner; otherwise, what you may be doing with all these restrictions being good, you don't want to get too restrictive in this and too costly. If you did do that, then you may end up making this just as difficult as if you were in some other framework.

Mr. MCHENRY. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from North Carolina.

Mr. MCHENRY. I thank my colleague for yielding.

This is a very important point of distinction here. These intermediaries are not broker-dealers. That is neither the intent on either side of the aisle. That is not the description of it. These intermediaries are there to have a low-cost conduit for capital formation and a means to do that. That is the intention.

And all the protections outlined in the bill on these intermediaries, on how they are to operate, are there to enable it to be both low-cost but also preserve individuals' capital and make sure their investment's appropriately taken care of.

Mr. GARRETT. One of the reasons that you do that is because we are talking about small companies, companies that may be creative artists starting up a business, a nonprofit starting up a business, a small entrepreneur, so you're talking about small folks, small businesses. You're talking about businesses under $1 million.

If you were talking about what we read about in The Wall Street Journal, if we were talking about things that may be shortly traded on the New York Stock Exchange, that would be more appropriate. But you're talking about these much more, smaller type of industries here; right?

Mr. MCHENRY. Absolutely. And I appreciate my colleague yielding.

The intent is, if you're going to raise $50,000 from 5,000 people, it has to be a low-cost basis of doing that; and the traditional broker-dealer model is not efficient at those lower cost basis fundraising opportunities or equity-raising opportunities.

Mr. GARRETT. Part of the other problem is that you may not find the interest actually by the broker-dealers if you're talking about a $25,000 or $50,000 or $100,000 enterprise.

Is that another reason why you went this way?

Mr. MCHENRY. Yes. The idea is that, with the traditional broker-dealers, they're not in this market. So our intent with these low-dollar issuances, that has not been a traditional part of the action on Wall Street, not in the modern era, and so we're trying to carve out this opportunity for small business folks.

Mr. GARRETT. Before you leave, tied to this is another one of the two last points I was going to raise, which perhaps you would like to illuminate on.

The bill also requires that the intermediaries state a target amount that you're raising. You just said perhaps $50,000; right? And one of the requirements under it, as I understand it, is that you would have to withhold the capital formation proceeds, the money that you collect, the capital, until you hit a percentage of or that target amount. Is that correct?

Mr. MCHENRY. Correct.

Mr. GARRETT. The point of that is, again, what? Basically investor protection here. What you don't want to have happen, I guess, is: Say I'm going to go out into the marketplace and start raising money, and as soon as the cash starts coming in I can start using it right away, even though I was intending to raise $200,000, but I'm going to start using it right away. Those proceeds may not go to the point where you intended.

I see the gentleman from Colorado is nodding his head. Is that your understanding? Is that the reason why this was included in here?

Mr. PERLMUTTER. The answer is yes, if my friend from New Jersey is yielding to me for a second.

Mr. GARRETT. Well, I will very briefly. I understand that I've gone over the time that I was supposed to be speaking.

Mr. PERLMUTTER. I will reserve my comments for my time.

Mr. GARRETT. With that, I rise in complete support of this legislation.

Mr. PERLMUTTER. I would like to ask the Chair what time each side has remaining.

The Acting CHAIR (Mrs. MILLER of Michigan). The gentleman from Colorado has 23 minutes remaining. The

gentleman from North Carolina has 9½ minutes remaining.

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

The gentleman from New Jersey just brought something up. My friend from North Carolina is correct, and I misstated it. The intermediary is more or less the platform, the conduit. But one of its responsibilities, and this is found in 4A, section 10, is to outsource the cash management responsibilities to qualified third-party custodians such as broker-dealers or insured depository institutions, which was a concern that we were all—we all had during the committee hearing is, ''Okay. Who's holding the money? Can they be trusted? Will they release the money at the right time?'' which was what the gentleman from New Jersey was just talking about.

So I thank my friend from North Carolina for reminding me of that section. Again, it's another piece of investor protection and a good idea that helps with capital formation. Again, we're trying to blend these two concepts.

I would like to yield 3 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Thank you, Mr. PERLMUTTER, and I thank Mr. MCHENRY.

I rise in support of H.R. 2930, the Entrepreneur Access to Capital Act.

I'm standing where I'm standing because I'm honored to celebrate the bipartisanship associated with this act. For those who are at home who may not be able to see and understand, normally I would be standing to my right; but I do unconventional things, and I think it's appropriate today to stand where I'm standing.

Mr. MCHENRY, I'd like to thank you for the spirit that you have shown as we have tried to make this a better bill. I'd also like to echo these same expressions of appreciation to Mr. BACHUS. I think that Mrs. MALONEY merits an expression of appreciation as well. And I especially, notwithstanding all of the other persons that I've had a chance to thank, including the ranking member, but I do want to thank the staffs who worked with us because they did outstanding work.

Mr. GRIMM and I were able to craft a bipartisan amendment that would aid and assist in the effort that Mr. PERLMUTTER has called to our attention, making sure that the persons who handle the dollars, that these persons are not persons who have been convicted of either State securities fraud or Federal securities fraud. And this amendment would require that the SEC construct appropriate measures, regulation or rule, to prevent these persons from handling the money, if you will.

And I'm honored to say that, with this amendment, I find this bill much better than it was initially. But I also have to say that Mr. MCHENRY never rejected the bill, the amendment, and I'm grateful that it has worked out to the extent that it has.

So today we will have greater transparency. We will have small businesses in a position such that they can use this thing called crowdfunding to fund their efforts. And also, we give persons who cannot invest in a large way an opportunity to invest in a small way and hopefully enter into the capital markets for equity purposes.

Mr. MCHENRY. Madam Chair, I reserve the balance of my time.

Mr. PERLMUTTER. I yield 3 minutes to the Congresswoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his outstanding work on this bill and so many others.

I, first of all, want to thank Ranking Member WATERS and Ranking Member FRANK for their hard work on this bill, and to commend Ranking Member FRANK for his outstanding leadership on the Dodd-Frank regulatory reform bill.

I also applaud the leadership of Chairman BACHUS and Chairman GARRETT and my colleague Mr. MCHENRY from the great State of North Carolina for his work on this really new idea in capital formation, and for working so well and being so open to Democratic ideas and working in a very professional way with the Democratic staff and Members' staffs and Members and literally, in some form or another, accepting every Democratic amendment, which I think is a first. So we are grateful for that.

Crowdfunding is a way for small startups to raise capital through the Internet. Investors use these Web sites to come together, and on the Internet they are able to raise lower dollar amounts to help enterprises get off the ground.

Crowdfunding is a new way of raising capital. It's a new idea, and it helps small businesses. In this time of economic hardship, we have repeatedly heard from our constituents about the need to help small businesses. We have heard from small businesses about the need to have more liquidity and more loans.

□ 1620

We really need to make sure that America's innovators and entrepreneurs and researchers have the resources necessary to drive economic recovery and to turn their ideas into the reality of a company that will create jobs and grow our economy.

By passing this bill, we will make it easier to provide different avenues for startups and smaller businesses to access the capital they need to move our economy forward, and it will not only help small businesses raise capital, but thanks to the changes and amendments we agreed upon in committee, it contains much stronger investor protections as well.

During the committee markup, I offered an amendment that was accepted which will require the issuers to provide notice to the SEC that they intend to engage in crowdfunding. The SEC must then make that notice available to the State's securities regulators. And with that knowledge, the States can ensure and better protect investors, and it's strengthening, really, investor protection and, really, enforcement.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. PERLMUTTER. I yield 1 additional minute to the gentlelady.

Mrs. MALONEY. The manager's amendment agreed to in the committee will empower the SEC with additional safeguards to make crowdfunding safer for investors. It was literally a joint Democratic and Republican amendment, and I am very glad we were able to work together to make this a better bill.

I'm really happy about this bill because New York is a center for innovators, and many people come from all around the world to build their ideas. And this bill will help them do it.

It was done in a joint effort. And I hope that my friends on the other side of the aisle will join us in passing the American Jobs Act, which will also put Americans to work and help grow our economy.

We are not going to cut our way to prosperity. We need to invest in growth. The American Jobs Act invests in our infrastructure, in our workers, in innovation. It helps build the American Dream. So I hope my colleagues will join with us in passing that important bill, too.

I urge my colleagues to support this bill.

Mr. MCHENRY. I yield myself 20 seconds.

I thank my colleague from New York for improving this legislation and her staff for working so diligently with my staff and the staff on the committees as well. Very wonderful and constructive process.

I think this is a better bill, and I hope the Senate can take it up and pass it and send it to the President.

I reserve the balance of my time.

Mr. PERLMUTTER. Madam Chair, I yield myself such time as I may consume.

I would like to thank my friend from North Carolina for bringing this bill forward.

It is a good idea. It allows for investments to be made in smaller amounts by more people using mass kinds of solicitations through the Internet, through some other vehicle that we may not know of at this point. And that is a good step. And as we've gone through the process, we've built it into a better bill by adding in investor protections because this is something where people could be misled. There could be misrepresentations, and there has to be some penalty for that. As the amendment process goes forward today, we will build those amendments into this.

Now, having said all of that, having listened to the description of the bill

that preceded us about making it easier to sell securities, sell investments, sell deals to accredited investors, that's a nice step, too. Again, we need to have investor protection restrictions in there just to make sure people don't get defrauded. We just suffered through that in 2008 with the likes of Madoff and Stanford and a number of other fraudsters, con artists. We want to minimize that if we can as we try to make capital available to businesses to grow.

Now, let's not make any mistake here. These are nice steps, but they're not going to put a lot of people back to work.

My friend, Mr. MCHENRY, described the President speaking in this very Chamber about this bill, but what he was really talking about was the American Jobs Act. And the American Jobs Act is what this body needs to pass as well. We need to keep teachers on the job. We need to keep firefighters on the job. We need to put construction workers back on the job.

There were complaints about the United States Senate slowing things down, blocking things. Well, today, the United States Senate, the Republicans in the United States Senate, blocked rebuilding the infrastructure of this country—the roads, the bridges, the energy system, the sewer systems, the basic things that this country needs which would put thousands and thousands of construction workers back on the job.

So it would be jobs today, investments for a long time for this country.

We need to keep those teachers on the job. We need to put our veterans, as they come home from Iraq and from Afghanistan, we need to make sure they have a job. That's part of the Jobs Act. That's what needs to be done today. This is a good step in capital formation. But it isn't putting people to work right away. That's what this Nation needs.

This Jobs Act that the President proposed when he talked about crowdfunding, as we have been in this bill, what he was here for was to get the Jobs Act, to get these tax credits passed that would help our veterans get to work, to get our infrastructure rebuilt, to rebuild our schools and to keep teachers on the job. That's what this Nation needs. That's what this Nation wants. That's what our people expect.

So I thank my friend from North Carolina for bringing this bill forward. It's a good idea. He's been willing to work with us to make it a better idea, and we thank him. We also ask him and his colleagues on the Republican side of the aisle to pass this Jobs Act today. America needs it today.

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

Mr. MCHENRY. Madam Chair, I yield myself the balance of my time.

The Entrepreneur Access to Capital Act is about giving entrepreneurs the power to raise money, to raise equity stakes in their business or their business idea, to grow their business or create a new business. That's really what this is about.

The legislation we have here on the floor today—I know to some of my colleagues, as some people talk about, the Internet is just a series of tubes, or they refer to the Internet as the ''Internets'' or something like that. But we understand and my colleagues understand that the Internet can be used in a positive way, in an absolutely positive way.

With a Web site like eBay, you have individuals exchanging goods that don't know each other. But they can tell their reputation. And they can exchange these goods and get quality goods for a quality price. And you have a lot of choices. We want to take that idea and give investors that same idea.

We have crowdfunding Web sites in the United States today. They help raise money for musicians or artists. And what the artists do is say, ''You know, if you invest in my ability to go into the studio and record an album,'' or whatever they call it, ''I'll give you the first download, or I'll give you the first CD.''

□ 1630

So you have folks pony up $50 or $25 for their favorite banks. You have folks who are raising money—folks who have a bakery—and they say, If you contribute a few bucks, you'll get six whoopie pies.

People have innovative ways of doing this. We're giving them the power, the opportunity; and we're relieving this Federal restriction that currently prevents them from having equity stakes in their favorite businesses, in their favorite ideas—their local coffee shops or their bakeries, their favorite bands or even the next Facebook. These are the opportunities that we're going to be able to give investors.

We have fraud protection in this legislation, language which has been crafted in a bipartisan way. It's a strong improvement to the bill, and I look forward to a bipartisan vote. I am very hopeful it will make its way intact through the Senate and make its way to the President's desk where he can sign it. That way, we can allow entrepreneurs and innovators that opportunity.

We take the best of micro-finance and the best of crowdsourcing and combine them in this legislation, and it's a positive thing. We can work together on important matters of creating jobs—and we have—and this is a first step. I certainly appreciate my colleague's willingness to work to improve the bill and to bring us to this day.

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

Ms. JACKSON LEE of Texas. Madam Chair, I rise today in support of H.R. 2930, "Entrepreneur Access to Capital Act" to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes. This bill reduces the regulatory burdens on capital formation by small businesses and addresses regulations on crowdfunding.

The concept of crowdfunding focuses on collective cooperation where investors try to get funding publicly instead of from personal contacts. The network is large, and many investors are often found through the Internet. It is a valuable tool for startups and other fledgling businesses. As I have said time and time again, startups are the lifeblood of our economy and American innovation. They provide necessary jobs, especially in this sluggish market.

This bill provides a crowdfunding exemption to the Securities and Exchange Commission (SEC) registration requirements for firms raising up to $5 million, with individual investments limited to $10,000 or 10 percent of an investor's income. As per the exemption, limits are removed on the number of investors until the first $5 million of capital is raised. This exemption provides smaller investors the chance to support startups, which is currently not an option under SEC regulation. There is a current 499-shareholder cap for private companies. The bill excludes crowdfunding investors from the cap for private companies and removes the ban on general solicitation that exists in many current exemptions.

I support this bill because its purpose is to ease the regulations that implement stipulations on garnering investors and capital. It is a measure fledgling small businesses benefit from. Also it should limit fraud and promote the jobs America needs.

Without access to initial investors and capital, Houston native Michael Dell would not have been able to start one of the most successful computer retail businesses in the world. His $1,000 dollar primary investment in the 1980s allowed Dell Computers to become a household name. Without this capital, America would not have had one of its premier innovators.

The economic impact of this legislation is encouraging. Businesses require investors and capital in order to expand and flourish. When businesses are presented with this opportunity, jobs are created that in turn, will stimulate economic growth. Dell's headquarters alone employs roughly 16,000 people.

I urge my colleagues to join me in supporting H.R. 2930, "Entrepreneur Access to Capital Act," this will ease SEC restrictions in order to stimulate innovation, and promote regulations that open up the sphere for startups that would not have the opportunity to succeed without a wide network of investors. This, in turn, promotes economic recovery and job creation.

The Acting CHAIR. All time for general debate has expired.

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

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

H.R. 2930

*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 ''Entrepreneur Access to Capital Act''.*

***SEC. 2. CROWDFUNDING EXEMPTION.***

*(a) SECURITIES ACT OF 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:*

*''(6) transactions involving the issuance of securities for which—*

*''(A) the aggregate annual amount raised through the issue of the securities is—*

*''(i) $1,000,000 or less; or*

*''(ii) if the issuer provides potential investors with audited financial statements, $2,000,000 or less;*

*''(B) individual investments in the securities are limited to an aggregate annual amount equal to the lesser of—*

*''(i) $10,000; and*

*''(ii) 10 percent of the investor's annual income;*

*''(C) in the case of a transaction involving an intermediary between the issuer and the investor, such intermediary complies with the requirements under section 4A(a); and*

*''(D) in the case of a transaction not involving an intermediary between the issuer and the investor, the issuer complies with the requirements under section 4A(b).''.*

*(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 is amended by inserting after section 4 the following:*

***''SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.***

*''(a) REQUIREMENTS ON INTERMEDIARIES.—For purposes of section 4(6), a person acting as an intermediary in a transaction involving the issuance of securities shall comply with the requirements of this subsection if the intermediary—*

*''(1) warns investors, including on the intermediary's website, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity;*

*''(2) warns investors that they are subject to the restriction on sales requirement described under subsection (e);*

*''(3) takes reasonable measures to reduce the risk of fraud with respect to such transaction;*

*''(4) provides the Commission with the intermediary's physical address, website address, and the names of the intermediary and employees of the person, and keep such information up-to-date;*

*''(5) provides the Commission with continuous investor-level access to the intermediary's website;*

*''(6) requires each potential investor to answer questions demonstrating competency in—*

*''(A) recognition of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;*

*''(B) risk of illiquidity; and*

*''(C) such other areas as the Commission may determine appropriate;*

*''(7) requires the issuer to state a target offering amount and withhold capital formation proceeds until aggregate capital raised from investors other than the issuer is no less than 60 percent of the target offering amount;*

*''(8) carries out a background check on the issuer's principals;*

*''(9) provides the Commission with basic notice of the offering, not later than the first day funds are solicited from potential investors, including—*

*''(A) the issuer's name, legal status, physical address, and website address;*

*''(B) the names of the issuer's principals;*

*''(C) the stated purpose and intended use of the capital formation funds sought by the issuer; and*

*''(D) the target offering amount;*

*''(10) outsources cash-management functions to a qualified third party custodian, such as a traditional broker or dealer or insured depository institution;*

*''(11) maintains such books and records as the Commission determines appropriate;*

*''(12) makes available on the intermediary's website a method of communication that permits the issuer and investors to communicate with one another; and*

*''(13) does not offer investment advice.*

*''(b) REQUIREMENTS ON ISSUERS IF NO INTERMEDIARY.—For purposes of section 4(6), an issuer who offers securities without an intermediary shall comply with the requirements of this subsection if the issuer—*

*''(1) warns investors, including on the issuer's website, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity;*

*''(2) warns investors that they are subject to the restriction on sales requirement described under subsection (e);*

*''(3) takes reasonable measures to reduce the risk of fraud with respect to such transaction;*

*''(4) provides the Commission with the issuer's physical address, website address, and the names of the principals and employees of the issuers, and keeps such information up-to-date;*

*''(5) provides the Commission with continuous investor-level access to the issuer's website;*

*''(6) requires each potential investor to answer questions demonstrating competency in—*

*''(A) recognition of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;*

*''(B) risk of illiquidity; and*

*''(C) such other areas as the Commission may determine appropriate;*

*''(7) states a target offering amount and withholds capital formation proceeds until the aggregate capital raised from investors other than the issuer is no less than 60 percent of the target offering amount;*

*''(8) provides the Commission with basic notice of the offering, not later than the first day funds are solicited from potential investors, including—*

*''(A) the stated purpose and intended use of the capital formation funds sought by the issuer; and*

*''(B) the target offering amount;*

*''(9) outsources cash-management functions to a qualified third party custodian, such as a traditional broker or dealer or insured depository institution;*

*''(10) maintains such books and records as the Commission determines appropriate;*

*''(11) makes available on the issuer's website a method of communication that permits the issuer and investors to communicate with one another;*

*''(12) does not offer investment advice; and*

*''(13) discloses to potential investors, on the issuer's website, that the issuer has an interest in the issuance.*

*''(c) VERIFICATION OF INCOME.—For purposes of section 4(6), an issuer or intermediary may rely on certifications provided by an investor to verify the investor's income.*

*''(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make the notices described under subsections (a)(9) and (b)(8) and the information described under subsections (a)(4) and (b)(4) available to the States.*

*''(e) RESTRICTION ON SALES.—With respect to a transaction involving the issuance of securities described under section 4(6), an investor may not sell such securities during the 1-year period beginning on the date of purchase, unless such securities are sold to—*

*''(1) the issuer of such securities; or*

*''(2) an accredited investor.*

*''(f) CONSTRUCTION.—*

*''(1) NO TREATMENT AS BROKER.—With respect to a transaction described under section 4(6) involving an intermediary, such intermediary shall not be treated as a broker under the securities laws solely by reason of participation in such transaction.*

*''(2) NO PRECLUSION OF OTHER CAPITAL RAISING.—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).''.*

*(c) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue such rules as may be necessary to carry out section 4A of the Securities Act of 1933. In issuing such rules, the Commission shall carry out the cost-benefit analysis required under section 2(b) of such Act.*

*(d) DISQUALIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Securities and Exchange Commission shall by rule or regulation establish disqualification provisions under which a person shall not be eligible to utilize the exemption under section 4(6) of the Securities Act of 1933 or to participate in the affairs of an intermediary facilitating the use of that exemption. Such provisions 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).*

***SEC. 3. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.***

*Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) is amended—*

*(1) by striking ''(5) For the purposes'' and inserting:*

*''(5) DEFINITIONS.—*

*''(A) IN GENERAL.—For the purposes''; and*

*(2) by adding at the end the following:*

*''(B) EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.—For purposes of this subsection, the term 'held of record' shall not include holders of securities issued pursuant to transactions described under section 4(6) of the Securities Act of 1933.''.*

***SEC. 4. PREEMPTION OF STATE LAW.***

*Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—*

*(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and*

*(2) by inserting after subparagraph (B) the following:*

*''(C) section 4(6);''.*

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in part A of House Report 112–265. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered 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.

AMENDMENT NO. 1 OFFERED BY MR. MCHENRY

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 112–265.

Mr. MCHENRY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 5, strike ''issuance'' and insert ''offer or sale''.

Page 5, line 6, strike ''for which'' and insert ''by an issuer, provided that''.

Page 5, beginning on line 7, strike ''annual amount raised through the issue of the securities'' and insert ''amount sold within the previous 12-month period in reliance upon this exemption''.

Page 5, beginning on line 13, strike ''individual investments in the securities are limited to an aggregate annual amount equal

to'' and insert ''the aggregate amount sold to any investor in reliance on this exemption within the previous 12-month period does not exceed''.

Page 5, line 17, strike ''the'' and insert ''such''.

Page 6, line 8, strike ''issuance'' and insert ''offer or sale''.

Page 6, line 12, after ''website'' insert ''used for the offer and sale of such securities''.

Page 6, line 24, strike ''person'' and insert ''intermediary''.

Page 7, line 4, strike ''competency in''.

Page 7, line 5, strike ''recognition'' and insert ''an understanding''.

Page 7, line 8, before ''risk'' insert ''an understanding of the''.

Page 7, line 10, before the semicolon insert ''by rule or regulation''.

Page 7, strike lines 11 through 15 and insert the following:

''(7) requires the issuer to state a target offering amount and a deadline to reach the target offering amount and ensure the third party custodian described under paragraph (10) withholds offering proceeds until aggregate capital raised from investors other than the issuer is no less than 60 percent of the target offering amount;''.

Page 7, line 18, strike ''with basic'' and insert ''and potential investors with''.

Page 7, beginning on line 19, strike ''funds are solicited from'' and insert ''securities are offered to''.

Page 8, line 2, strike ''capital formation funds'' and insert ''proceeds of the offering''.

Page 8, line 4, before the semicolon insert ''and the deadline to reach the target offering amount''.

Page 8, beginning on line 6, strike ''traditional broker or dealer or'' and insert ''broker or dealer registered under section 15(b)(1) of the Securities Exchange Act of 1934 or an''.

Page 8, line 13, strike ''and'' and insert after such line the following:

''(13) provides the Commission with a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and''.

Page 8, line 14, strike ''(13)'' and insert ''(14)''.

Page 8, line 17, before ''securities'' insert ''or sells''.

Page 9, line 13, strike ''competency in''.

Page 9, line 14, strike ''recognition'' and insert ''an understanding''.

Page 9, line 17, before ''risk'' insert ''an understanding of the''.

Page 9, line 19, before the semicolon insert ''by rule or regulation''.

Page 9, beginning on line 20, strike ''withholds capital formation'' and insert ''ensures that the third party custodian described under paragraph (9) withholds offering''.

Page 10, line 1, strike ''basic''.

Page 10, beginning on line 2, strike ''funds are solicited from'' and insert ''securities are offered to''.

Page 10, line 5, strike ''capital formation funds'' and insert ''proceeds of the offering''.

Page 10, line 7, before the semicolon insert ''and the deadline to reach the target offering amount''.

Page 10, beginning on line 9, strike ''traditional broker or dealer or'' and insert ''broker or dealer registered under section 15(b)(1) of the Securities Exchange Act of 1934 or an''.

Page 10, line 16, strike ''and'' and insert after such line the following:

''(13) provides the Commission with a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; and''.

Page 10, line 17, strike ''(13)'' and insert ''(14)''.

Page 10, line 22, strike ''provided by an investor'' and insert ''as to annual income provided by the person to whom the securities are sold''.

Page 11, line 1, strike ''(a)(9) and (b)(8)'' and insert ''(a)(9), (a)(13), (b)(8), and (b)(13)''.

Page 11, line 5, strike ''an investor may not sell'' and insert ''a purchaser may not transfer''.

Page 11, strike lines 11 through 15 and insert the following:

''(1) NO REGISTRATION AS BROKER.—With respect to a transaction described under section 4(6) involving an intermediary, such intermediary shall not be required to register as a broker under section 15(a)(1) of the Securities Exchange Act of 1934 solely by reason of participation in such transaction.''.

Page 11, line 21, strike ''90'' and insert ''180''.

Page 12, beginning on line 1, strike ''carry out the cost-benefit analysis required under section 2(b) of such Act'' and insert ''consider the costs and benefits of the action''.

Page 12, line 3, strike ''90'' and insert ''180''.

Page 12, line 6, strike ''a person'' and insert ''an issuer''.

Page 12, beginning on line 8, strike ''or to participate in the affairs of an intermediary facilitating the use of that exemption.'' and insert ''based on the disciplinary history of the issuer or its predecessors, affiliates, officers, directors, or persons fulfilling similar roles. The Commission shall also establish disqualification provisions under which an intermediary shall not be eligible to act as an intermediary in connection with an offering utilizing the exemption under section 4(6) of the Securities Act of 1933 based on the disciplinary history of the intermediary or its predecessors, affiliates, officers, directors, or persons fulfilling similar roles.''.

Page 13, beginning on line 1, strike ''the term 'held of record' shall not include holders of securities issued pursuant to transactions described under section 4(6) of the Securities Act of 1933.'' and insert ''securities held by persons who purchase such securities in transactions described under section 4(6) of the Securities Act of 1933 shall not be deemed to be 'held of record'.''.

The Acting CHAIR. Pursuant to House Resolution 453, the gentleman from North Carolina (Mr. MCHENRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCHENRY. This is primarily a technical amendment based on post-markup feedback from the staff of the Securities and Exchange Commission. The final language has been negotiated between my staff and the majority and minority staffs of the Financial Services Committee.

The more substantive changes made to this amendment include: requiring the issuer to state a target offering amount and a deadline to reach the target offering amount; requiring the commission to provide a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers; clarifying the disqualification provision to ensure that both issuers and intermediaries, as well as their predecessors, affiliates, officers, directors or persons fulfilling similar roles, are disqualified from the exemption established in this bill should they have a history of committing securities fraud.

I appreciate the SEC staff lending their technical expertise to this amendment, and I appreciate the bipartisan effort from both the majority and minority committee staffs to further improve the final bill.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FINCHER

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 112–265.

Mr. FINCHER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 9, insert after ''$1,000,000'' the following: '', as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics,''.

Page 5, line 12, insert after ''$2,000,000'' the following: '', as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics,''.

The Acting CHAIR. Pursuant to House Resolution 453, the gentleman from Tennessee (Mr. FINCHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. FINCHER. I want to thank my colleague from North Carolina (Mr. MCHENRY) for his great work on this bill and for trying to put the focus on creating jobs. It's not often so many times what we do but what we can undo up here in Washington that will let the private sector get back in the business of creating jobs.

Madam Chairman, the amendment I am offering with my colleague from California (Mr. SHERMAN) would simply adjust for inflation the $1 million and $2 million caps in the underlying bill. This will ensure investment opportunities today are just as strong tomorrow.

As the real value of money decreases over time, small-contribution investors may be discouraged from supporting start-up companies in the future due to the diminishing buying power of their original investments. By indexing the caps in the bill to reflect the annual change in the consumer price index, we will continue to allow investment opportunities for Main Street Americans, like our teachers, police officers and farmers, to pool their money and support entrepreneurs in their communities.

I urge my colleagues to support this amendment.

Mr. MCHENRY. Will the gentleman yield?

Mr. FINCHER. I yield to my colleague from North Carolina.

Mr. MCHENRY. I thank the gentleman from Tennessee for offering

this bipartisan amendment. This is a good-government amendment.

The old adage is ''a million bucks isn't what it used to be.'' Well, when reg D–504 of the Securities and Exchange Act of 1934 had a $1 million exemption that was put in place in 1982, that $1 million would be $2.4 million today. So, just in a short period of time, it can show you the impact of 30 years of inflation.

I appreciate my colleague for offering this amendment, as it's a very good amendment, and I certainly appreciate your representing the good folks of Tennessee.

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

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

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. QUAYLE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 112–265.

Mr. QUAYLE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 16, insert before the semicolon the following: '', as such amount is adjusted by the Commission to reflect the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics''.

The Acting CHAIR. Pursuant to House Resolution 453, the gentleman from Arizona (Mr. QUAYLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. QUAYLE. Madam Chair, I yield myself such time as I may consume.

I want to thank my friend and colleague from North Carolina for bringing this bill to the floor, and I want to thank our friends on the other side of the aisle for working on this important bill as well.

Madam Chair, this is a commonsense amendment that will make it easier for American companies to raise capital, to expand, and to hire more workers.

I support the gentleman from North Carolina's legislation, which removes an unnecessary barrier to allow startups and small businesses to raise capital through individual investments of up to $10,000, or 10 percent of an investor's income. My amendment would simply index this individual investment cap to inflation.

Entrepreneurs and new businesses play a vital role in advancing both job creation and innovation in our country. Over the last three decades, new businesses have created nearly 40 million jobs and have been responsible for nearly all net new job creation. Unfortunately, the environment for new businesses has grown increasingly unfavorable. In the past 3 years, the number of new businesses launched has fallen 23 percent. Capital investment in start-up companies has decreased, and far fewer small companies are holding initial public offerings.

Madam Chair, too often when legislation is not indexed to inflation, Congress must go back and amend current laws. For instance, $10,000 in 1980 would actually be $27,535 today. The need for small businesses to have access to capital is constant. It makes sense that, as the value of the dollar fluctuates over time, we should adjust the investment cap accordingly.

This amendment will promote economic growth at no cost to the taxpayer. I support H.R. 2930, and I urge my colleagues to support this pro-growth amendment.

I reserve the balance of my time.

Mr. PERLMUTTER. I claim time in opposition, although I am not opposed to the amendment.

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

There was no objection.

□ 1640

Mr. PERLMUTTER. I want my friend from New York to catch her breath. That's why I'm going to claim time in opposition. But I also do have a question.

In 2008 when the stock market crashed, when we saw home prices drop like a rock, when people lost their jobs, we experienced over a several month period deflation—not inflation; deflation. Under the amendments, both the preceding one as well as the amendment by my friend from Arizona, when I look at it, I think, if the price goes down, this could also shrink.

I yield to my friend North Carolina.

Mr. MCHENRY. I thank my colleague for bringing this up, and it is a great concern. I didn't have the opportunity to say, I do, in fact, support the gentleman's amendment. I appreciate him offering it. It's a very thoughtful amendment.

I believe, looking at this, when you have it on an annualized basis, that does actually allay some of those concerns. But I think you and I agree that when we don't address some of these securities laws as frequently as we should to update with technology and what happens in the market, we should have in place these measures to ensure that Congress' intent is followed even 20 years from now and can keep pace with what is reasonable in the marketplace.

I think that your concern is actually a very interesting one. And I would be happy to talk with the gentleman more about ways that we can update securities laws to deal with some of these struggles.

Mr. PERLMUTTER. Reclaiming my time, I thank my friend from North Carolina. We have no opposition to this amendment. We urge its adoption.

I yield back the balance of my time.

Mr. QUAYLE. I yield to the gentleman from North Carolina.

Mr. MCHENRY. Madam Chair, I want to thank my colleague from Arizona (Mr. QUAYLE) for offering this amendment. It's a very sharp amendment, a very thoughtful approach to securities law, a very thoughtful approach to crowdfunding and the idea of allowing average, everyday investors the same opportunities that high-net-worth individuals enjoy in this country. I thank the gentleman for working on job creation and job growth.

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

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

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 112–265.

Ms. VELÁZQUEZ. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 13, strike ''and''.

Page 8, line 14, strike the period and insert ''; and''.

Page 8, after line 14, insert the following:

''(14) discloses to potential investors the intermediary's compensation structure for participation in the security offering.''.

The Acting CHAIR. Pursuant to House Resolution 453, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Madam Chair, I yield myself such time as I may consume.

In order for entrepreneurs to continue to fulfill their traditional role as job creators, it is essential that they have access to the capital they rely upon as fuel for innovation and economic expansion. Crowdfunding represents a promising new tool for this service. But in order to realize its full potential, investors who buy these securities must be able to make fully informed decisions. My amendment will make this possible by requiring crowdfunding intermediaries to disclose how they are compensated.

Despite its relatively recent emergence, crowdfunding shares many characteristics with ordinary stock investing. In this marketplace, however, Web sites and social media will fill the role of brokers and dealers. They will act as a conduit between stock insurers and ordinary investors. Unlike stockbrokers, these intermediaries may be paid by commission, flat fees, or subscriptions. Depending on their compensation structure, however, intermediaries may have an incentive to advertise the ideas that provide them with the most money, rather than what makes the most investment sense. This not only puts ordinary investors at risk but also undermines the entire premise of crowdfunding, which is supposed to promote those ideas that have the most merit.

Compensation disclosure is not without precedent. It is currently required by all securities brokers and dealers. This transparency provides investors with the vital information necessary to have the confidence that their investment decisions are prudent. Furthermore, these disclosures take nothing more than a few lines on an offer sheet or a quick conversation. This is a simple commonsense amendment that will help ordinary people make informed investment decisions as this new industry evolves. If intermediaries are going to fill the role of brokers and dealers in crowdfunding operations, it only makes sense that just like others in the investment industry, they should be subject to similar requirements to protect the investors they will solicit.

I urge Members to vote ''yes'' on the amendment, and I reserve the balance of my time.

Mr. MCHENRY. Madam Chair, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Unfortunately, I have to oppose this amendment. In the course of a subcommittee legislative hearing, a subcommittee markup, and a full committee markup, this amendment was never offered. My colleague from New York serves on the Financial Services Committee. As my other colleagues have mentioned, I worked diligently across the aisle to incorporate every idea my colleagues from across the aisle had. They've incorporated them into this bill. It's a better piece of legislation because of it.

My colleague had the opportunity at the full committee markup to offer this amendment and didn't. We heard at the capital formation and crowdfunding hearing in the Capital Markets Subcommittee—I attended that, and all Members of the Financial Services Committee that were there that day were allowed to participate. None of the witnesses raised a compensation disclosure as a precondition to create successful crowdfunding securities offerings. My colleague did not participate in the hearing. And when the subject matter of the amendment could have been raised with a panel of capital formation experts, it was not raised.

This is an interesting amendment. What we have in this legislation is an enormous amount of investor protection. We want crowdfunding intermediaries to be able to compete with one another and to innovate and to offer the best platform and technology for both issuers and investors. Our belief is that businesses will be able to work with different intermediaries. If they don't see an intermediary that fits with their cost structure or the cost basis they see fit, they can be their own intermediary. That's how this bill is constructed. This amendment doesn't work technically with the construct of that. By forcing intermediaries to disclose the compensation structure to potential investors, we believe it will have a chilling effect on compensation in the market and the participation of potential intermediaries in this mode.

So unfortunately, I have got to oppose this amendment. Had the gentlelady brought this to me during the subcommittee or full committee markup, I would have been happy to work with my colleague on trying to craft workable language. But here on the floor today, I'm opposed to the amendment. I ask my colleagues to vote against this flawed amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. May I inquire as to how much time I have remaining?

The Acting CHAIR. The gentlewoman from New York has 2½ minutes remaining.

Ms. VELÁZQUEZ. I yield 30 seconds to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I thank the gentlelady.

I would just say to my friend from North Carolina, I appreciate the fact that this is new, but I think when we are dealing with these small investments and lots of people, just as with a charity, you'd like to know that most of it's going to the charity and not to the solicitation effort. That is why I would say this is important, so you know that it's getting to your investment and not to the sale effort. So I would support her amendment.

Mr. MCHENRY. Madam Chair, I yield myself such time as I may consume.

I would ask my colleagues, do they disclose on their campaign Web sites how much it costs to process a credit card contribution?

Exactly. I don't know if my colleagues are making those disclosures when folks are contributing to their campaigns. So this restriction is actually a creation of Congress.

I understand the issue. It's a very powerful issue on compensation. This was never raised in the two subcommittee hearings I have had on capital formation on the TARP in the Financial Services Subcommittee of Oversight and Government Reform, nor in the legislative markup at the Subcommittee on Capital Markets, nor during the subcommittee markup nor the full committee markup in the Committee on Financial Services.

□ 1650

Furthermore, I would point my colleague to page 6 of the legislative text. We have investor protection requirements for intermediaries that go on for, really, three pages. This specifies a lot of investor protection. It has received a bipartisan vote. The time for this amendment is past. It is not best constructed here on the floor. I ask my colleagues to vote ''no.''

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

Ms. VELÁZQUEZ. I yield myself the balance of my time.

It amazes me that given the experience that brought us to this time, that brought the economy to its knees with the Wall Street crisis, with the Madoff Ponzi scheme, that you come here and say this is not the appropriate time. It is the appropriate time to protect investors, and that is exactly what we do here.

Compensation disclosure, for the investors to have the information to know who their intermediaries are and how they are going to be compensated, this is the appropriate time. This is the right time. It is important that we protect investors by them knowing how those intermediaries will be compensated, how their money will be invested. What makes more sense for an intermediary to invest in this company versus this other company, because if he invests in this other company he's going to make more money? What is wrong with transparency? What is wrong with disclosure? Nothing is wrong.

You have three pages of protection, but you left the most important protection for investors. What is wrong with the investor to know how those intermediaries will be compensated? That is the core of my amendment. And we should, just like brokers and dealers, they will have their own business interest and they will not necessarily be the same as investors' interest. Their interest and that of the investors are not mutually exclusive. Just like brokers and dealers, intermediaries will have discretion to choose which investment they propose.

I ask for a ''yes'' vote on my amendment.

The Acting CHAIR. The question is on the amendment offered by gentlewoman from New York (Ms. VELÁZQUEZ).

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

Ms. VELÁZQUEZ. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 5 OFFERED BY MR. BARROW

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 112–265.

Mr. BARROW. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 11, after line 9, insert the following:

''(f) WEBSITE FOR CROWDFUNDING INVESTMENT SAFETY TIPS.—

''(1) IN GENERAL.—The Commission shall establish a website that provides the public with safety tips for investing in securities described under section 4(6).

''(2) LINKS TO WEBSITE.—The intermediary in a transaction involving the issuance of securities described under section 4(6) or, in the case of such transaction not involving an intermediary, the issuer, shall place a link

to the website described under paragraph (1) in a prominent location on the main page of the website of such intermediary or issuer that is used to facilitate such transaction.''.

Page 11, line 10, strike ''(f)'' and insert ''(g)''.

The Acting CHAIR. Pursuant to House Resolution 453, the gentleman from Georgia (Mr. BARROW) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BARROW. Madam Chair, I yield myself such time as I may consume.

Many of the small business owners that I've talked to back home tell me that the biggest barrier that they face in starting up a business is securing access to capital. When traditional lenders aren't lending, we need to find innovative ways to get startup and expansion money in the hands of small business job creators.

This bill uses the Internet to knock down some of the financial barriers that get between mom-and-pop startups and willing investors so they can get the money they need to grow their businesses and put more people to work. However, as with almost everything involving the Internet, new opportunities to do good bring new opportunities for mischief. We all agree that businesses and investors must understand the potential risks that come with these innovations. The bill requires that the SEC adopt regulations specifying the warnings and information that the issuer has to offer, but it leaves the content and the formatting of this information to rulemaking proceedings to be completed later, and it leaves open the possibility of inconsistent warnings and information for different investment opportunities.

My amendment takes the bill's basic approach one step further by requiring that the offering contain a link to a site maintained by the SEC where the SEC will post a comprehensive set of warnings and safety tips to anyone who is about to use the Internet to raise capital without all of the hassle and the safeguards of a regulated SEC offering. This would provide a consistent set of warnings and avoid the inconsistent, unclear, or misleading messages that investors might get from different Web sites.

Madam Chair, a word to the wise is sufficient, but too many words can obscure the information that folks really need. My amendment offers something better than a word—a link to the information that we all agree that investors should have available to them before they put their money down. Investors don't have to read it and they don't have to heed it, but it's there. And that's the least that we should do. Small businesses and the investment community stand to gain from this system, but only if everyone involved is on the same page about the potential benefits and the drawbacks. My amendment will help make sure that happens.

I want to thank my colleagues for their work on this bipartisan bill, and I ask for your support in passing this job-creating, investor-protecting amendment.

I reserve the balance of my time.

Mr. MCHENRY. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Unfortunately, I have to oppose this amendment. I ask my colleague from Georgia if he consulted, in the construct of this language, with the SEC staff.

I yield to the gentleman.

Mr. BARROW. Well, I understand that our staffs have consulted with each other about the utility of this. I don't know how far they have gone with the SEC. But I can tell you the basic outline of this requirement is not to gum up the offering, not to require the issuer to put all kinds of stuff in the offering that can actually obscure the information that the offerer wants to put to the public and can allow the SEC basically to intrude into that offering, but to require one simple link where they can go and get all of the information that any wise investor needs.

Mr. MCHENRY. Reclaiming my time, we did not see this legislative text until it was filed with the Rules Committee. We worked to try to accommodate the Member with text that could be acceptable. Unfortunately, the construct of this is simply not acceptable and we couldn't come to reasonable accommodation on language that would be workable.

Look, the SEC is certainly overburdened. We all know that. I mean, they're working very hard. They currently have two Web sites right now. What this amendment would do is force them to have a third Web site.

Furthermore, in the discussion of this amendment, my colleague describes this as a public offering. The crowdfunding legislation described here is an exempt offering, very different in nature than a public offering, and is exempt from the SEC regs.

On page 6 of the legislation, subsection (a)(1), it mandates that individuals, intermediaries in this process, would have to add a warning to investors, including the intermediary's Web site, of the speculative nature generally applicable to investments in startups, emerging businesses, and small issuers, including risks in the secondary market related to illiquidity.

(2) warns investors that they are subject to the restrictions on sales requirements described under subsection (e).

Additionally, (6) requires each potential investor to answer questions demonstrating competency in:

(A) recognition of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

(B) risk of illiquidity; and

(C) such other areas as the Commission may determine appropriate.

This part of the legislation, my staff as well as the staff of the Financial Services Committee, Democrats and Republicans, as well as the staff of Mrs. MALONEY and Ms. WATERS crafted this language in a very balanced way. We've included those concerns.

Unfortunately, the language before us today is deeply flawed, and with the nature of securities laws as they are in this country—and in the world, for that matter—we want to make sure that it has the appropriate balance, that it has been thoroughly vetted through counsel and actually has agreement. That is why this amendment is deeply flawed and I oppose it.

I reserve the balance of my time.

Mr. BARROW. Madam Chair, I yield myself such time as I may consume.

I understand the gentleman to be concerned about the distinction between this type of offering and a public offering, and I wish to remind him of what perhaps wasn't clearly understood. The point we're trying to make here is an exempt offering. That does not have all of the rigamarole and the hassle and the fine print and all of the safeguards that go along with a public offering.

□ 1700

It is because we're trying to provide the ease and convenience of an exempt offering while still providing the necessary information that folks have to have that we all are concerned about the investment warnings that the gentleman thinks we need to have in the bill. I agree with that. This is not a public offering. What we're trying to do, though, is to make sure that we don't exempt folks from having the information they might need to have before they make an investment in this entirely new and heretofore unregulated marketplace.

The gentleman is also concerned about the fact that there is yet another Web site. We're just talking about a page here that can be readily linked so the person looking at the information that the issuer wants to make available to the public, they can just hit on one link, and they can go someplace else immediately and get all the information that they need or the information they don't need. They can read it or not read it.

Mr. MCHENRY. Will the gentleman yield?

Mr. BARROW. I yield to the gentleman from North Carolina.

Mr. MCHENRY. The legislative text on line 4 specifies, establish a Web site.

Mr. BARROW. Yes, a site on the Internet, on the World Wide Web, can be just one page that can have all the information that you need.

Reclaiming my time, the main concern that I've got is that the investment protections the gentleman refers to in the bill suffer from the problem of being both overinclusive and underinclusive. On the one hand, it gives the SEC comprehensive authority to require that certain information be made

available and the person be tested and answer questions on the information that the SEC requires that they demonstrate competence on. This could suffer from underinclusion if the SEC doesn't ask or insist that the person have the most minimal information. It could be incredibly overinclusive if the SEC wants to use the authority given by the bill, as written, to require that the investor demonstrate competence on a million things.

Just think of the terms and conditions in the typical software download program; and if someone's got to answer a question about every sentence in there, you can actually give the SEC the authority, and you're kind of inviting them to go into this offering and to require competence on all kinds of stuff the person doesn't need.

Oftentimes, as Emerson said, a glimpse reveals what the gaze obscures. What I think folks need to have is a direct link that takes them to the information that anybody ought to have, and they can read it or not read it. They can heed it or not heed it. But it won't gum up the offering. It won't get between what the issuer wants to make available in order to make the sale and the information a person needs to have in order to decide whether or not this is the right place for them to make this kind of investment.

With that, I reserve the balance of my time.

Mr. MCHENRY. May I inquire of the Chair the remaining time on both sides.

The Acting CHAIR. The gentleman from North Carolina has 1¾ minutes remaining. The gentleman from Georgia has 30 seconds remaining.

Mr. MCHENRY. Madam Chair, I yield myself the balance of my time.

I certainly appreciate my colleague's intent, but I'm simply uncomfortable with requiring facilitators or these intermediaries that we create in this legislation of what is an exempt offering under securities law to actually link to the SEC's Web site. It gives the stamp of approval of sorts, it seems to me, of this exempt offering. It actually might create more confusion, not necessarily by the gentleman's intent, but by the design of the legislation before us, by the legislative text that we have here in this amendment.

Unfortunately, that is not helpful. Actually, it would be hurtful to this matter, and that's why I have to oppose it.

Now, I am hopeful that when this legislation is signed into law by the President that the Securities and Exchange Commission Office of Education and Investor Advocacy would create an investor alert, which is their standard process, regarding crowdfunding investments like the SEC did with the microcap stock, a guide to investors, which is available on the SEC's existing Web site.

And that's the concern here. We want to make sure that this is done appropriately. We currently are operating in securities law that originated over 75 years ago, or roughly 75 years ago. So we want to make sure we get this right. Unfortunately, this amendment is ill-crafted, and that's why we have to oppose it.

I yield back the balance of my time.

Mr. BARROW. Madam Chair, I yield myself the balance of my time.

I thank the gentleman for his discussion and for his good-faith effort to try and reach an understanding as how we can make the investment information more meaningful. I'm concerned, too, about the stamp of approval, the so-called Good Housekeeping Seal of Approval someone might get from finding something that is heretofore highly regulated available now in a totally brand-new marketplace. I'm concerned about the opposite impact, that not having the right information in the hands of the investor can serve as a Good Housekeeping Seal of Approval, what's in front of them now.

As written, the bill allows the SEC to prescribe all kinds of information that the person has to demonstrate a competence in. My bill would do a lot better than that. It would get the SEC out of the conversation, provide a link where a person can go someplace else and see what it is they need to see if they want to see it without getting between the issuer and the customer.

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

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

The amendment was rejected.

AMENDMENT NO. 6 OFFERED BY MR. PERLMUTTER

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 112–265.

Mr. PERLMUTTER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 4, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

In section 4, add at the end the following:

(b) CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take enforcement action with regard to an issuer, intermediary, or any other person or entity using the exemption from registration provided by section 4(6) of such Act.

(2) CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF INTERMEDIARIES, ISSUERS, AND CUSTODIANS.—Section 18(c)(1) of the Securities Act of 1933 is amended by striking ''with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.'' and inserting the following: '', in connection with securities or securities transactions, with respect to—

''(A) fraud or deceit;

''(B) unlawful conduct by a broker or dealer; and

''(C) with respect to a transaction described under section 4(6), unlawful conduct by an intermediary, issuer, or custodian.''.

The Acting CHAIR. Pursuant to House Resolution 453, the gentleman from Colorado (Mr. PERLMUTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. PERLMUTTER. Madam Chair, I yield myself such time as I may consume.

This is the amendment we've been visiting about over the course of this bill. And what it does, the structure of the bill is such that it solicits, an issuer can solicit small investments via the Internet or some other mass type of media, and that solicitation then, a notification is made to the Securities and Exchange Commission. Once that notification is made, then notice of the solicitation on the Internet, this crowdfunding so to speak, is then given to each State so that the State regulators, the State enforcement authorities, are given notice of this solicitation, of this crowdfunding request for sale of securities.

The amendment that Mr. MCHENRY and I have prepared makes sure that when the States get this notice, they can use their police powers, their enforcement authority, to make sure that the issuer, or anyone involved with the solicitation, anyone involved with this crowdfunding which is being used across the Internet, can then, the laws can be enforced to stop any kinds of fraud, defalcation of funds, embezzlement, misrepresentation, any kinds of bad acts related to the solicitation under the crowdfunding.

This applies to both the issuer and the intermediaries. Anybody holding the funds will still be subject to the police powers of the State. So we maintain the States' rights for police power.

Mr. MCHENRY. Will the gentleman yield?

Mr. PERLMUTTER. I yield to my friend from North Carolina.

Mr. MCHENRY. I thank my colleague from Colorado for offering this amendment, and I thank my colleague for working diligently across the aisle. This was an idea that he had in the full committee markup. We worked diligently to get that done at full committee markup. It was not able to be done, but the language we have here today is a very good amendment.

The amendment ensures that the States' securities regulators have the means to police fraud, deceit, misrepresentation, and other unlawful behavior to protect investors. Since States' securities regulators already have the resources and expertise, much more so than the SEC, to examine unlawful behavior at a micro-level, it is essential that this legislation recognize and authorize them to continue to fight unlawful conduct. The powers of State securities regulators for crowdfunding are no different from what that which they have for any covered security.

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

Mr. MCHENRY. Madam Chair, I claim time in opposition.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. I am not opposed to this legislation. I thank my colleague for offering it.

Mr. WATT. Will the gentleman yield?

Mr. MCHENRY. I'd be happy to yield to my colleague from North Carolina.

Mr. WATT. I was rising to claim time in opposition because I am opposed. But if the gentleman is going to yield me time.

Mr. MCHENRY. I'd be happy to let my colleague—

The Acting CHAIR. As a true opponent on his feet, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes in lieu of the other gentleman from North Carolina (Mr. MCHENRY).

Mr. WATT. I thank the Chair.

□ 1710

Let me say this: This is kind of an awkward conversation because we did have this discussion in committee. We were advised in committee that the preemption language would be corrected between the committee and the floor. It was revised. And the amendment does take a step in the right direction, so I won't ask for a recorded vote on the amendment, but it doesn't take a step far enough in the right direction because the amendment still preempts States from having the prereview of these offerings that they now have. Even though it reserves to them the authority to do something about fraud, it does not reserve to them the authority to get involved in the review process. And in that sense, it continues to preempt State law.

I want to applaud my friends, both Mr. MCHENRY and Mr. PERLMUTTER, for making a step in the right direction, but this still preempts State law, and States ought to have the prerogative to be involved in this. The State of North Carolina, from which Mr. MCHENRY hails, the Secretary of State is adamantly of the opinion—and I agree with her—that this amendment does not go far enough.

When we get back into the full House and I can offer a letter into the RECORD, it will note that the North American Securities Administrators Association does not think the amendment goes far enough to protect States' rights.

I'm not accusing anybody of bad faith. I think they made a good faith effort to try to find grounds. But this raises the exact issue that I raised in the committee, which was the appropriate place to have done this and made this amendment and debated it and thought it out—in the committee, not on the floor of the House. And when you leave it to just a couple of individuals to work out something between committee and the floor of the House, sometimes it doesn't get to where people would like for it to be.

With that, I reserve the balance of my time.

NORTH AMERICAN SECURITIES ADMINISTRATORS ASSOCIATION, INC.,
*Washington, DC, November 3, 2011.*

Hon. JOHN BOEHNER,
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: I am writing on behalf of the North American Securities Administrators Association (NASAA) to express my opposition to H.R. 2930, the Entrepreneur Access to Capital Act, which is scheduled to be voted on by the House of Representatives this week.

This legislation is well intended, but structurally flawed. While intended to promote an internet-based fundraising technique known as ''crowd-funding'' as a tool for investment, this legislation will needlessly preempt state securities laws and weaken important investor protections.

Crowd-funding is an online money-raising strategy that began as a way for the public to donate small amounts of money, often through social networking websites, to help artists, musicians, filmmakers and other creative people finance their projects. The concept has recently been promoted as a way of assisting small businesses and start-ups looking for investment capital to help get their business ventures off the ground.

State securities regulators are acutely aware of today's difficult economic environment and its effects on job growth. Small businesses are important to job growth and to improving the economy. However, by placing unnecessary limits on the ability of state securities regulators to protect retail investors from the risks associated with smaller, speculative investments, Congress is poised to enact policies intended to strengthen the economy that will very likely have precisely the opposite effect. If this legislation is enacted in its present form it will prohibit states from enforcing laws designed to minimize the risks to investors. As currently written, H.R. 2930 would only allow states to address investor losses after they occur. Under this scenario, the public will lose confidence in this business funding method, thus, hurting the efforts to make crowd-funding a viable means for raising capital.

PREEMPTION OF STATE LAW

Section 4 of H.R. 2930 would preempt state laws requiring disclosures or reviewing exempted investment offerings before they are sold to the public. The authority to require such filings is critical to the ability of states to get ''under the hood'' of an offering to make sure that it is what it says it is. Moreover, as a matter of principle and policy, NASAA ardently believes that review of offerings of this size should remain primarily the responsibility of the states. As the securities regulators closest to the investing public, and in light of our demonstrated record of effectiveness, states are the most appropriate regulator in this area. State regulators are closer, more accessible, and more in touch with the local and regional economic issues that affect both the issuer and the investor in a small business offering.

NASAA sincerely appreciates the effort of Congressman Ed Perlmutter (D–CO) to work with the bill's sponsor to produce a bipartisan amendment that would alleviate states concerns with the preemptive provisions of H.R. 2930. Unfortunately, the Perlmutter-McHenry amendment that was made in order by the Rules Committee on November 2 falls far short of this goal. By simply clarifying that states ''retain jurisdiction . . . to investigate and bring enforcement actions with respect to fraud or deceit,'' the amendment essentially restates the preemptive provisions as they existed in the original bill. The Perlmutter-McHenry amendment fails to address the fundamental concern that states have had with H.R. 2930 since its introduction: the preemption of state authority to review securities prior to their offering.

Congress should refrain from preempting state law. Preempting state authority is a very serious step and not something that should ever be undertaken lightly or without careful consideration, including a thorough examination of all available alternatives. In the case of crowd-funding, state securities regulators are not only capable of acting, but indeed, are acting, and Congress should allow them the opportunity to continue to protect retail investors from the risks associated with smaller, speculative investments.

INDIVIDUAL INVESTMENT CAP

One of the fundamental tenets of securities law is that an investor is protected when the seller of securities is required to disclose sufficient information so that an investor can make an informed decision. Post-sale anti-fraud remedies provide little comfort to an investor who has lost a significant sum of money that is unrecoverable. Any effort to remove or weaken the up-front registration and disclosure process should not happen without adequate alternative safeguards.

NASAA appreciates that the concept of crowd-funding is appealing in many respects because it provides small, innovative enterprises, access to capital that might not otherwise be available. Indeed, this is precisely the reason that states are now considering adopting a model rule that would establish a more modest exemption for crowd-funding as it is traditionally understood, with individual investments capped at several hundred dollars per investor.

By contrast, H.R. 2930 goes far beyond anything that is being contemplated by the states or traditional advocates of crowd-funding. By setting an individual investment cap of 10 percent of annual income, or $10,000, H.R. 2930 will create an exemption that will expose many more American families to potentially catastrophic financial harm. Given that most U.S. households have a relatively modest amount of savings, a loss of $10,000, in even a single case, can be financially crippling.

AGGREGATE INVESTMENT CAP

H.R. 2930 would permit businesses to solicit investments of up to $2 million, in increments of $10,000 per investment. Such a high cap on aggregate investment makes the bill inconsistent with the expressed rationale for the crowd-funding exception. A company that is sufficiently large to warrant the raising of $2 million in investment capital is also a company that can afford to comply with the applicable registration and filing requirements.

Registration and filing requirements at both the state and federal level exist to protect investors, and any company raising up to $2 million can afford to comply with them.

Thank you for your consideration of these important issues. If you have any questions, please feel free to contact me or Michael Canning, Co-Director of Policy, at the NASAA Corporate Office at (202) 737–0900.

Sincerely,

JACK E. HERSTEIN,
*President.*

STATE OF NORTH CAROLINA, DEPARTMENT OF THE SECRETARY OF STATE,

*Raleigh, NC, November 3, 2011.*

Re H.R. 2930—''Entrepreneur Access to Capital Act of 2011''

Hon. MELVIN WATT,
*Rayburn HOB,*
*Washington, DC.*

DEAR REPRESENTATIVE WATT: I am writing to express my concern with H.R. 2930, the Entrepreneur Access to Capital Act, which could be voted on by the House this week. This legislation, intended to promote an internet-based fundraising technique known as ''crowd-funding'' as a tool for investment, will preempt state investor protection laws and weaken important investor protections.

Crowdfunding is an online money-raising strategy that began as a way for the public to donate small amounts of money, often through social networking websites, to help artists, musicians, filmmakers and other creative people finance their projects. The concept has recently been suggested as a way of assisting small businesses and start-ups looking for investment capital to get their business ventures off the ground.

Soliciting charitable donations from strangers online to advance a goal or cause is one thing. Selling shares in a business online to strangers who expect to realize a potential return on their investment is something very different.

H.R. 2930 contains a preemption provision that would prohibit my agency from requiring the filing or disclosure of information about these investment opportunities before they are offered to the public in my state. I believe enacting this preemption would be a serious mistake because, based on our previous experience, many of the crowdfunding opportunities will be targeted at Mom and Pop retail investors. The authority to require filings is critical to my office's ability to ''get under the hood'' of an offering to make sure that it really is what it says it is.

I appreciate efforts by Congressman Ed Perlmutter (D–CO) to work with the bill's sponsor to produce a bipartisan amendment that would alleviate the states' concern with the preemptive provisions of H.R. 2930. Unfortunately, the Perlmutter-McHenry Amendment made in order by the Rules Committee on November 2 does not achieve this goal. Indeed, by simply clarifying that states ''retain jurisdiction . . . to investigate and bring enforcement actions with respect to fraud or deceit,'' the amendment essentially restates the preemptive provisions as they existed in the original bill.

H.R. 2930 may be well intended, but I am concerned that it could create serious enforcement challenges and potentially open the door to the possibility of significant increases in investment fraud. Small businesses are vital to job growth and to improving the economy in our state, but by displacing significant safeguards currently provided by the crucial role of state securities regulators, Congress could enact policies intended to strengthen the economy that have precisely the opposite effect.

As North Carolina's top investor protection official, I urge you not to support H.R. 2930 in its current form. I understand the North American Securities Administrators Association (NASAA), of which I am a member, is already hard at work on a state level model rule on crowdfunding that would preserve a state's ability to prevent scam artists from using crowdfunding offerings as the latest method for ripping off Main Street investors. I urge you to remove the state preemption section from the bill.

Thank you for your attention to this important matter. Please don't hesitate to contact me if I may be of any assistance, or if you or your staff have questions regarding the legislation in question.

Sincerely,

ELAINE F. MARSHALL.

Mr. PERLMUTTER. Madam Chair, how much time remains?

The Acting CHAIR. The gentleman from Colorado has 2 minutes remaining. The gentleman from North Carolina has 2 minutes remaining.

Mr. MCHENRY. Will my colleague yield?

Mr. PERLMUTTER. I yield to my other friend from North Carolina.

Mr. MCHENRY. I thank my colleague Mr. PERLMUTTER for working diligently with us on this language. He raised significant concerns. The language that we have that the gentleman was integral in crafting actually is perhaps part of the reason why the President supports the legislation. And I appreciate Mr. PERLMUTTER's working diligently on this.

I would remind my colleagues that in our legislative hearing on this bill, the Democrat witness before the committee said that crowdfunding will not work but for this exemption from individual State registration. It is a very key part of this process. When it costs $150 to register a security in Connecticut, and all you're trying to do is raise $150 from Connecticut, you net zero. And beyond that, asking a lawyer to file the paperwork. What we want to do is preserve that anti-fraud bit that the States do very well at, and we have done that with this language.

I thank my colleague for yielding.

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

Mr. WATT. Madam Chair, I yield myself the balance of my time, although I won't take it.

I want to express my thanks also to Mr. PERLMUTTER, and to my colleague from North Carolina (Mr. MCHENRY). As I indicated, they made an effort to move this in the right direction. They, in fact, moved it. This amendment is better than the underlying bill, which totally preempted State law. So it moves in the right direction, it just does not move far enough in the right direction. Because of that—I mean, I'm not going to vote against the amendment. I'm not even going to ask for a recorded vote on the amendment itself. But it will make it necessary for me to oppose the bill itself. And I thought it was important enough for me to come down and express this because there are a significant number of people out there, including a number of State Attorneys General and/or Secretaries of State who believe this does not go far enough.

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

Mr. PERLMUTTER. In closing, Madam Chair, I appreciate Mr. WATT's comments. They're legitimate, except that the purpose of this is to have in effect a national solicitation notification nationally to the SEC, and then the powers of the States kick in, as opposed to individual notification State by State. And I appreciate his concern—it's legitimate, but to make this work, you have to have a structure that allows for the national offering, notice to the States, and then the States' police powers kick in. And the SEC has its police powers as well if there is any fraud, manipulation, misrepresentation, or the like.

With that, I would urge adoption of the amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. MCHENRY) assumed the chair.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate as passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2112. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2112) ''An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes,'' agree to a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. KOHL, Mr. HARKIN, Mrs. FEINSTEIN, Mr. JOHNSON (SD), Mr. NELSON (NE), Mr. PRYOR, Mr. BROWN (OH), Mr. INOUYE, Mrs. MURRAY, Ms. MIKULSKI, Mr. BLUNT, Mr. COCHRAN, Mr. MCCONNELL, Ms. COLLINS, Mr. MORAN, Mr. HOEVEN, Mrs. HUTCHISON, and Mr. SHELBY, to be the conferees on the part of the Senate.

The SPEAKER pro tempore. The Committee will resume its sitting.

## ENTREPRENEUR ACCESS TO CAPITAL ACT

The Committee resumed its sitting.

AMENDMENT NO. 4 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 234, not voting 10, as follows:

[Roll No. 823]

AYES—189

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

NOES—234

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

NOT VOTING—10

Austria
Bachmann
Bilirakis
Braley (IA)
Filner
Giffords
Issa
Murphy (CT)
Ruppersberger
Ryan (OH)

□ 1743

Ms. HERRERA BEUTLER, Messrs. CANSECO, BURTON of Indiana, LANDRY, Mrs. LUMMIS, and Mrs. MCMORRIS RODGERS changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, On rollcall No. 823, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

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

The amendment was agreed to.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAFFETZ) having assumed the chair, Mrs. MILLER of Michigan, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2930) to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes, and, pursuant to House Resolution 453, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

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

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

Mr. HOLT. I am opposed.

Mr. MCHENRY. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Holt moves to recommit the bill H.R. 2930 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Page 5, line 22, strike ''section 4A(a)'' and insert ''subsections (a) and (g) of section 4A''.

Page 11, line 20, strike the quotation mark and following period and insert after such line the following:

''(g) PROHIBITION ON INTERMEDIARY DOING BUSINESS WITH IRAN.—

''(1) IN GENERAL.—For purposes of section 4(6), a person acting as an intermediary in a transaction involving the issuance of securities may not, directly or indirectly—

''(A) own any share or interest in a person doing business with the Government of Iran; or

''(B) be affiliated with any person who is, or who directly or indirectly owns any share or interest in a person who is, doing business with the Government of Iran.

''(2) CONSTRUCTION.—For purposes of this subsection, the term 'Government of Iran' shall include any agent or instrumentality owned or controlled by the Government of Iran.''.

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

Mr. HOLT. Mr. Speaker, at the outset, I want to make one thing clear, which is that the passage of this amendment will not prevent the passage of the underlying bill. If this amendment were to be adopted, it would be incorporated into the bill, and the bill would be immediately voted upon.

As written, Mr. Speaker, the underlying bill would not prevent potential beneficiaries of this act from doing business with the Government of Iran, whose rogue actions threaten our interests and, through their terrorist

intermediaries, the interests of our ally Israel. It's a gaping loophole that this final amendment would close.

The U.S. has a comprehensive embargo against the Government of Iran. Recent events have reminded us exactly how clever the agents of the Government of Iran can be in circumventing U.S. and international law in an effort to keep funds flowing to the Iranian clerical dictatorship. We saw that in the debate last week over a mining bill, during which a link between an American company and an Iran foreign investment company was discussed at length.

Last week, our colleague from Florida (Mr. DEUTCH) offered the Republican majority an opportunity to close the loopholes in the mining bill that could benefit Iranian entities. Regrettably, that amendment was defeated on a party-line vote.

I come to offer the majority another chance.

The bill on the floor today would leave the door open to similar abuses. This final amendment would close any loopholes in the embargo by targeting intermediaries—those who run Web sites or act as broker-dealers—who are seeking to provide help to unaffiliated issuers to do business around the globe.

This final amendment mandates that those who want to benefit from the provisions of this bill must not have any interest in doing business with the Government of Iran. Furthermore, they cannot be affiliated with any person who is doing business directly or indirectly with the Government of Iran.

Yes, Mr. Speaker, this is a serious amendment.

□ 1750

This final amendment is really a commonsense safeguard measure. We all know that money is fungible, including securities. We all know that Iran's dictatorial regime is feeling the pinch from the sanctions the United States has already imposed. The radical clerics that control Iran's government are constantly searching to get the money and goods they need to stay in power and to threaten our interests and, through their terrorist intermediaries, threaten the interests of our allies in Israel. Without this final amendment, this bill would provide them with a possible opening to do so. This final amendment to the bill will help slam shut the door for that option.

I urge all of us to support this final amendment to the bill, and I yield back the balance of my time.

Mr. MCHENRY. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws the point of order.

Mr. MCHENRY. I rise in opposition to the motion.

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

Mr. MCHENRY. We have had two subcommittee hearings on capital formation. This issue was not raised. We had a subcommittee legislative hearing. This issue was not raised. We had a subcommittee markup. This issue was not raised. We had a full committee markup where we incorporated every Democrat idea into this legislation. It is outrageous for the minority party to stoop to this level of taking our important national security issues—

Through hours of debate and crafting a bipartisan bill, I thought they were better than that. I did. I thought we could get through this and pass this bill. The President announced his support. A statement of administrative policy says, Pass this bill. He says, We can't wait. And what does his party in Congress do? Offer an amendment that is already existing law. It is outrageous to play this political stunt with something so important as our national security.

I ask my colleague to withdraw this motion to recommit so we can get to final passage and get going.

Will my colleague withdraw?

Mr. HOLT. Is the gentleman seeking to yield time to me?

Mr. MCHENRY. Will the gentleman withdraw, yes or no?

Mr. HOLT. If this is such a noncontroversial amendment, I ask the gentleman to accept it.

Mr. MCHENRY. Reclaiming my time, I ask my colleagues, do you want to allow small businesses that are starved for capital to raise capital? Do you want to allow that to happen? Then vote this down. Let's get to final passage. Let's get this economy moving. We can't wait.

I yield back the balance of my time.

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

There was no objection.

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

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

RECORDED VOTE

Mr. HOLT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 2930, if ordered, and adoption of amendment No. 1 to H.R. 2940 by Mr. MILLER of North Carolina.

The vote was taken by electronic device, and there were—ayes 187, noes 237, not voting 9, as follows:

[Roll No. 824]

AYES—187

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

NOES—237

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

Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Austria
Bachmann
Ellison
Filner
Giffords
Issa
Murphy (CT)
Ruppersberger
Simpson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1811

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 824, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

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

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

RECORDED VOTE

Mr. MCHENRY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 407, noes 17, not voting 9, as follows:

[Roll No. 825]

AYES—407

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Baca
Bachus
Baldwin
Barletta
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)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
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
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)
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
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
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
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, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
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)
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.
Sanchez, Loretta
Sarbanes
Scalise
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
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—17

Ackerman
Butterfield
Capuano
Cummings
Dingell
Edwards
Kildee
Kucinich
Lewis (GA)
Lynch
Markey
Miller (NC)
Olver
Price (NC)
Schakowsky
Tierney
Watt

NOT VOTING—9

Austria
Bachmann
Filner
Garamendi
Giffords
Issa
Murphy (CT)
Ruppersberger
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1818

Ms. EDWARDS and Mr. BUTTERFIELD changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 825, I was away from the Capitol due to prior commitments to my constituents. Had I been present I would have voted ''aye.''

## ACCESS TO CAPITAL FOR JOB CREATORS ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of amendment No. 1 printed in part B of House Report 112–265 by the gentleman from North Carolina (Mr. MILLER) on which the yeas and nays were ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 190, nays 234, not voting 9, as follows:

[Roll No. 826]

YEAS—190

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield

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

NAYS—234

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

NOT VOTING—9

Austria
Bachmann
Burton (IN)
Filner
Giffords
Issa
Murphy (CT)
Ruppersberger
Stutzman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1825

So the amendment was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, On rollcall No. 826, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

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

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

MOTION TO RECOMMIT

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

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

Mr. DEFAZIO. I am in its current form.

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

The Clerk read as follows:

Mr. DeFazio moves to recommit the bill, H.R. 2940, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

Page 4, line 9, insert before the period the following: '', and that the person offering or selling such securities utilizing the general advertising or general solicitation permitted by such rules has not been convicted of fraud in connection with a financial transaction, including predatory lending to a veteran''.

Mr. DEFAZIO (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

Mr. MCCARTHY of California. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I asked to have the reading suspended because I want to expedite things.

I listened to the debate over the previous motion to reconsider. I'd just like to address a couple of points in advance.

This will not delay the bill. In fact, if we adopt this motion by voice vote, we can move directly on to passage of the legislation, which I believe enjoys broad bipartisan support.

Now, I know we all have tremendous pride of authorship in legislation we write or we move to the floor, and that's to be understood, but sometimes bills are not quite perfect. And I would look at this amendment, which narrows the scope of the bill, that is, it says basically that we're opening up a new way for small business and other undertakings to offer a share of stock in their business to the public in order to raise capital and grow and employ folks. That's great, and I think everybody here supports that. However, I think that we should adopt one minor restriction to that, one that would narrow the scope of the bill, and it's quite simple. It just says that these new rules apply to everyone, except for persons who have been convicted of fraud in connection with a financial transaction, including predatory lending to a veteran.

Now, it seems to me that there should be unanimous support for that. We want to open up this new vehicle for small businesses and others to gain investors, but we certainly don't want to open it up to people convicted of fraud in connection with a financial transaction or predatory lending to a veteran.

In fact, I'd just sort of poll the House here and ask: Does anybody think that we should allow those who were convicted of fraud or predatory lending be allowed to engage in this? If so, raise your hand.

Okay. I don't see anyone raising their hand, so I would hope that we can move along very quickly to this amendment and adopt it by voice vote. It is narrowing the scope, it's a commonsense amendment, and it just addresses the potential for abuse for those who have a proven record of fraud due to conviction.

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

Mr. MCCARTHY of California. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. The gentleman's reservation is withdrawn.

Mr. MCCARTHY of California. Mr. Speaker, I rise in opposition to the motion.

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

Mr. MCCARTHY of California. It never ceases to amaze me. Not once, but twice today you have just taken two bills on the floor that have been through subcommittee and full committee unanimously and came down.

This bill accepted every single amendment that came to rules. This bill accepted MAXINE WATERS' amendment in the committee. Had the gentleman listened to the debate on the floor, you would have heard from your side of the aisle support of this bill. Had the gentleman talked and listened about this bill itself, this has nothing to do about lending. Let me tell you why.

□ 1830

When I was 20 years old I started my first small business. You know what the government does for a small business? If you're someone like me and you come from the wrong side of the tracks, they punish you. They tell you you can't go find money from an individual source unless you have a preexisting relationship. It dates back to 1933.

The only thing that this bill does is correct that problem. It opens it up for an individual that has to be accredited. This has nothing to do with lending.

I would tell the gentleman from the other side of the aisle, maybe you are not used to a regular order and an open order because your side of the aisle did not play that way in the majority. I will tell you, the committee acted as the American people wanted it to, unanimously, working on small business and job creation. America's looking for partnership, not partisanship.

Mr. DEFAZIO. Will the gentleman yield?

Mr. MCCARTHY of California. I will not yield. You did not take the time to read the bill, understand the bill, and you brought a motion that does not deal with the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. All Members will suspend.

The Chair will remind the Members to address their comments to the Chair.

The gentleman from California may resume.

Mr. MCCARTHY of California. The bill does one thing, the number one thing the American people are looking for: create more jobs, less partisanship, and more small businesses.

I urge my colleagues to reject this motion to recommit and support the bill.

I yield back the balance of my time.

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

There was no objection.

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

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

RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 190, noes 236, not voting 7, as follows:

[Roll No. 827]

AYES—190

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

NOES—236

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

NOT VOTING—7

Austria
Bachmann
Filner
Giffords
Issa
Murphy (CT)
Ruppersberger

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1849

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 827, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

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

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

RECORDED VOTE

Mr. MCCARTHY of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 413, noes 11, not voting 9, as follows:

[Roll No. 828]

AYES—413

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Baca
Bachus
Baldwin
Barletta
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
Capps
Cardoza
Carnahan
Carney
Carson (IN)
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
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
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
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.
Mack
Maloney
Manzullo
Marchant
Marino
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, 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)
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
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
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—11

Capuano
Dingell
Kucinich
Lynch
Markey
Miller (NC)
Price (NC)
Rush
Schakowsky
Tierney
Visclosky

NOT VOTING—9

Austria
Bachmann
Filner
Giffords
Issa
Murphy (CT)
Ruppersberger
Wasserman Schultz
Wilson (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1855

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 828, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2930 AND H.R. 2940

Mr. MCCARTHY of California. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2930 and H.R. 2940, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

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

There was no objection.

## APPOINTMENT OF MEMBERS TO 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:

Ms. KAPTUR, Ohio

Mr. HONDA, California

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2838, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2011

Mr. WEBSTER, from the Committee on Rules, submitted a privileged report (Rept. No. 112–267) on the resolution (H. Res. 455) providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## THE U.S. ARMY'S 2011 SOLDIER OF THE YEAR

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

Mr. CHABOT. Mr. Speaker, I am proud to offer my enthusiastic congratulations to Army Specialist Thomas Hauser for being named the Army's 2011 Soldier of the Year.

Specialist Hauser is a native of my district, Ohio's First Congressional District. He is a 2008 graduate of Colerain High School and is the son of Colerain Township residents Kim Ranson Hauser and Michael Hauser.

Without question, Specialist Hauser has distinguished himself as the best of the best. This Army-wide competition culminated in a final round of 12 soldiers being tested on a wide array of skill sets, to include physical fitness, urban warfare tactics, a day and night land navigation course, battlefield scenario tests, and a variety of drills.

Specialist Hauser serves his country as a proud member of the 563rd Military Police Company, of the 91st Military Police Battalion, and of the 10th Mountain Division at Fort Drum, New York.

Congratulations to Specialist Thomas Hauser on this great accomplishment. You've made all the folks back home in Cincinnati proud.

## IN HONOR OF PENN STATE'S FOOTBALL COACH, JOE PATERNO

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

Mr. THOMPSON of Pennsylvania. I rise today to honor one of the legends of college football, Penn State's football coach, Joe Paterno, who this past weekend scored his 409th victory as head coach. The win took place on a snowy State College afternoon where the Nittany Lions defeated the University of Illinois.

With this past weekend's win, Paterno becomes the winningest coach in Division I football. As if this accomplishment weren't extraordinary by itself, it is important to note that all 409 wins have come under the head coach of one school—Penn State.

Starting his football coaching career at Penn State in 1950 as an assistant coach, Paterno's tenure has spanned over 62 years. His 409-win and 136-loss record is truly unrivaled, passing over legendary coaches Bear Bryant of Alabama, Bobby Bowden of Florida State, and Eddie Robinson of Grambling.

From 1950 to today, Coach Paterno has led his team with humility, class, and integrity. He's truly one of a kind, but words can't describe his tremendous contributions to the Penn State community.

Today, I stand to honor and recognize Coach Paterno, the winningest coach in Division I football history.

Congratulations, Joe Paterno.

□ 1900

## PATRIOT AND MEDAL OF HONOR RECIPIENT FIRST SERGEANT DAVID McNERNEY, UNITED STATES ARMY

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

Mr. POE of Texas. Mr. Speaker, as we near Veterans Day, I want to pay a special tribute to my friend First Sergeant David McNerney. Here is a photograph of him, here to my left. After high school in Houston, David volunteered and enlisted in the United States Navy. He spent two tours of duty in Korea. And after leaving the Navy in 1953, he joined the United States Army. In 1962, McNerney was one of the first 500 soldiers sent to Vietnam. During his third tour of duty in Vietnam, he was stationed near the Cambodian border. And in March of '67, he and his company were sent to recover a missing reconnaissance team.

Coming under heavy Vietnamese attack, McNerney was wounded by a grenade, and his commander was killed. Nonetheless, McNerney continued the fight, calling in close artillery fire. He destroyed an enemy machine gun, he pulled wounded to safety, he secured a landing zone for medical helicopters, and he refused to be evacuated himself. His actions stopped the enemy advance and saved his own men's lives. His valor earned First Sergeant McNerney the Congressional Medal of Honor, and it was presented to him by President Lyndon Baines Johnson. Then McNerney volunteered yet again for a fourth tour of duty in Vietnam.

After serving in the Army and the Navy, McNerney returned to Crosby, Texas. And last year, my friend First Sergeant McNerney died in Texas, still a patriot. Mr. Speaker, where does America get such men as these, these warriors, this rare breed, these Americans?

And that's just the way it is.

## GUILLERMO FARINAS

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

Mr. RIVERA. Mr. Speaker, I rise to inform my colleagues of yet more beatings and arrests of opposition leaders by the Castro dictatorship in Cuba. Early this week, Guillermo Farinas, winner of the Sakharov Human Rights Award in 2010, was beaten and arrested by Castro's thugs while visiting another dissident on a hunger strike at a hospital in the Santa Clara province. According to his mother, Farinas was not allowed into the hospital and was arrested. A State security agent then held him in place and beat him.

Farinas is a dissident journalist who has advocated for a free press and against Internet censorship while also participating in various hunger strikes, asking for the release of political prisoners. On Monday, Cuban State security officials also arrested prominent dissidents Jorge Luiez Perez Garcia ''Antunez'' and his wife Yris at the same hospital and proceeded to drag them through the street.

While some across the world continue to ignore the brutal reality of repression and human rights abuses in Cuba, even pushing for appeasement of the Castro tyrants, these heroes continue fighting for freedom and democracy. Let us not forget their brave struggle.

## HIGH-LEVEL NUCLEAR WASTE DISPOSAL

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

Mr. SHIMKUS. Mr. Speaker, before my freshman colleagues get too concerned, I am only going to go a couple of minutes to talk about why I have been coming to the floor once each week for a whole debate on high-level nuclear waste and a national repository that is defined in law, a law passed in 1982 that that national repository would be at Yucca Mountain. So I have been going through a geography lesson about where we have nuclear waste in this country, comparing it to the site at Yucca Mountain, and then addressing the positions of our colleagues on the Senate side from those affected States.

The House has spoken on Yucca Mountain again this year in a vote in which 297 of my colleagues joined me in ensuring that we had enough money to finish the scientific study to finally bring closure to Yucca Mountain and, if the science is sound, then start moving high-level nuclear waste from all over this country to a single repository. So today I come to the floor to highlight another location.

This is Yucca Mountain. And I want to remind folks that Yucca Mountain has no nuclear waste onsite right now. The waste, once it gets to Yucca Mountain, will be stored 1,000 feet underground. The nuclear waste will be 1,000 feet above the groundwater. And Yucca Mountain is 100 miles from the Colorado River. So it's pretty far. It's in a mountain. It's in a desert. It is pretty far from ever being close to major bodies of water. And what's been interesting is, as we go around geographically, we find that we have high-level nuclear waste right next to major rivers and major lakes throughout the country.

This is one of the most compelling sites in our tour so far. This is a nuclear power plant in California called San Onofre. And if you look at this—yes, this is the ocean. Here is the nuclear power plant. And yes, these are waves that are coming up to the rocky shoreline and a concrete barrier that leads to the nuclear power plant.

Now compare San Onofre with Yucca Mountain. There are 2,300 waste rods—that's nuclear waste rod material—onsite here right next to the Pacific Ocean. There's none at Yucca Mountain in the desert. The waste is stored above the ground and in pools here. The waste will be stored 1,000 feet underground at Yucca Mountain. The waste here is adjacent to the Pacific Ocean. You can see the waves. Yucca Mountain is in a desert, and it's 100 miles from the Colorado River. San Onofre is 45 miles from San Diego. Yucca Mountain is over 100 miles from Las Vegas, Nevada. So if you want to compare and contrast where we should have nuclear waste, would it be next to the Pacific Ocean? Or should it be in a desert underneath a mountain? I would think most Americans and my colleagues on the House floor agree, based upon our 297-vote total, that it should be in a geological repository underneath a mountain in a desert.

So let's look at the surrounding Senators and what are their current positions as far as we can determine. Senator BOXER says that if the Yucca project is constructed, there will be thousands of shipments of high-level nuclear waste transported through California. She voted ''no'' on Yucca Mountain in 2002. Senator FEINSTEIN, after Fukushima Daiichi, said, ''I had always thought we didn't need one. Yesterday''—and that was the day after the damage done because of the tsunami in Japan—''yesterday candidly changed my mind.'' She voted ''no'' to Yucca in 2002. I think she might be reconsidering.

Senator MCCAIN voted ''yes'' in 2002. ''I was absolutely opposed to its closure,'' he said, referring to Yucca Mountain. ''It's absolutely ridiculous to not have Yucca Mountain after developing it over a 20-year process.'' I would agree with Senator MCCAIN. We've already spent $12.5 billion for Yucca Mountain. I think it's time that we finish the project. Senator KYL is quoted—these are the two Senators from Arizona, next to California—and he used this example of just everyday residential waste. He says, ''It is a little like saying since every Wednesday morning, everybody in my area of Phoenix is going to put their garbage out, and because we keep producing garbage, we should not have a dump to where all that garbage is taken. If we produce more garbage and store it onsite, it is, in effect, storing it on the curb. That doesn't argue for the proposition that there should not be a central repository where that material is taken and disposed of in a proper way.''

□ 1910

So I come back down to the floor to highlight another location where you have high-level nuclear waste near a major body of water, the Pacific Ocean, not in the desert as defined by law we should.

Other States and locations that I've talked about, I first went to Hanford which is high-level nuclear waste, 23 million gallons in tanks that are leaking a mile from the Columbia River. Then I went to Zion.

Mr. DOLD. Will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman from Illinois.

Mr. DOLD. The gentleman raises a great point. In Zion, just a sheer couple of miles from my district, right along the coast of Lake Michigan, next to 95 percent of the fresh drinking water, surface fresh water in the United States, and we're storing just literally yards off the shore of Lake Michigan spent fuel rods. That is obviously not the place to be doing that; and it's my understanding, correct me if I'm wrong, at Yucca Mountain we're talking about 1,000 feet underground, 1,000 feet above the water table, and at least 100 miles away from most of the individuals and inhabitants that are around. A perfect place. And we've spent $14 billion constructing it. It seems like common sense that we want this waste not around fresh water, not around some of the urban areas, but in a place specifically designed, as Yucca Mountain is.

Mr. SHIMKUS. Reclaiming my time, as my colleagues know, Senator KIRK is strongly in support of moving high-level nuclear waste to Yucca Mountain. Senator DURBIN said the right things. We just want him now to lead on that issue for the importance of the State of Illinois.

Another week I talked about the Savannah River site, nuclear waste right on the Savannah River, and highlighted the Senators there. And now I end up this week talking about California. This is not the only nuclear power plant that's on the Pacific Ocean. There's one in San Luis Obispo.

I appreciate my colleagues allowing me this time to do my weekly process of talking about high-level nuclear waste. It's the law of the land, and we're going to continue to work hard until we get this done and we move and have a central repository for high-level nuclear waste in Las Vegas, in Nevada at Yucca Mountain.

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

## GOP FRESHMEN HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Colorado (Mr. GARDNER) is recognized for the balance of the hour as the designee of the majority leader.

Mr. GARDNER. Mr. Speaker, tonight I am joined by several of my colleagues from the freshman class to talk about some of the greatest issues facing our country and what we are going to do in this country to get our job creators back on their feet so we can do something to address the unacceptably high levels of unemployment.

For the past 11 months in this Congress, we have been focused on what it would take to get government out of the way and let job creators do what they do best, and that's put people back to work. How can we restore the economic growth of this country? Obviously as part of that, you look at so many of the policies that this country has—whether it's regulations, whether it's overspending, whether it's our tax policy—but it all starts right here in the House of Representatives of what we are going to do, the policies we are going to pass to get this country hiring again.

Over the past several months, this is the 32nd month in a row, actually, where unemployment has exceeded 8 percent. For 32 consecutive months, the unemployment rate has been at or above 8 percent. Remember back when the stimulus was passed, they said if it was passed, the unemployment rate would never exceed 8 percent. But we're in the 32nd month in a row of unemployment over 8 percent. Fourteen million people, the number of Americans who are unemployed. The number of net jobs the economy has shed from February 2009 when the stimulus was signed into law, 2.2 million people losing their work. The unemployment rate among job-seekers between the age of 16 and 19 is 24.6 percent.

This country faces a crisis. It's a crisis of jobs, and that's what we have risen to the task to accomplish, to find jobs and to make sure that we are creating policies to get this country back to work. The House of Representatives for the past 11 months has worked hard to pass legislation to find ways to get the private sector moving again.

I would start with a number of bills that we've called the forgotten 15. The forgotten 15 are a number of bills that this House has passed, many with strong bipartisan support, to get job creators going again and to get the private sector invigorated and hiring once again. One bill is Reducing Regulatory Burdens Act. My bill, H.R. 2021, No. 7 on the list, this bill, if signed into law by the President, would create 54,000 jobs around the country, creating opportunities to develop American energy and American energy security. There are actually more bills. This is just the beginning, and we've gotten 15.

The question I hear in town meeting after town meeting is: Where are those jobs? Well, I want to show you another chart that shows where those jobs are. You see the forgotten 15. We did a little Google search and the Google search showed us those jobs are right here in the United States Senate. They are waiting to be passed by the United States Senate. Where are the jobs? The forgotten 15 are piling up in the Senate. The bills that we have passed, bills like the Jobs and Energy Permitting Act that would create jobs—54,000 jobs waiting in the United States Senate; waiting to be acted on; waiting to be moved; waiting to be signed by the President of the United States.

We have got a great conversation tonight, and I hope participation from colleagues around the country will shed light on our efforts.

Mr. DOLD. Will the gentleman yield?

Mr. GARDNER. I yield to the gentleman from Illinois.

Mr. DOLD. You've talked about the forgotten 15. I'm just wondering if the jobs bills that we passed on the floor just moments ago would add 16 and 17 onto that list.

Mrs. ROBY. Will the gentleman yield?

Mr. GARDNER. Reclaiming my time, I yield to the gentlelady from Alabama.

Mrs. ROBY. It's actually 22. Our work today on the floor put the forgotten 15 to a number of 22. I don't know if you're ready for us to start this discussion, but I would just like to read a couple of words.

We have all been carrying around ''Where are the jobs?'' Everybody has theirs, I'm sure, in their pocket to remind the people of the United States of America of exactly these bills and what

we have done to reduce regulatory burdens to allow for offshore drilling. The list goes on and on. And even today, the Access to Capital and Entrepreneur Access to Capital was right here on the floor just minutes ago.

But I found myself looking at the thesaurus, looking for a good word for ''forgotten'' because now we're at 22. Instead of picking a great ''T'' word, although there is one and I'll get back to that in a minute, we can look at words like ''abandoned,'' ''blanked out,'' ''blotted out,'' ''omitted,'' ''left behind,'' ''drew a blank,'' but the best one is ''slipped one's mind.''

I think as Americans we have to ask ourselves what's on the minds of those in the Democrat majority in the Senate, because if they were to get out and travel around their district and look into the eyes of the people who are without jobs, who can't put food on the table, who are struggling to make ends meet, I think it might slip them right back into reality.

The President is saying over and over and over again, We can't wait. Yet now we've got the tardy 22. These bills need to be voted on by the Senate. It has been over 900 days since they have even passed a budget. This is unconscionable. This is the United States of America, the greatest Nation in the world; and yet we have a Senate that is unwilling to do the job that the people of America sent them here to do.

So as we continue through this discussion here tonight, we need to focus on the tardy 22, the bills that have yet to be voted on by the Senate.

I thank my friend from Colorado for having this hour tonight.

Mr. GARDNER. I thank both the lady from Alabama and the gentleman from Illinois who rightfully pointed out that with the addition of the bills that passed the House just today, we have added to the forgotten 15 bills that are creating jobs, that have passed the House, many with strong bipartisan support, that number now reaching 22, the bills that would create thousands and thousands of jobs around the country, recognized by people on both sides of the aisle as bills that would do what it takes to create jobs in this country.

I yield to the gentleman from New York.

Mr. REED. I thank the gentleman for yielding and for taking the leadership role and putting this hour together, and joining my fellow freshman Members on the floor of the House to talk about the number one issue of the day, and that is our economy. That is jobs.

□ 1920

I come down here tonight to join my colleagues and to tell the American people that we here in the House of Representatives are going to be open and honest and will push forward an agenda that relies on the private sector being that primary engine that creates the economic environment so that people—hardworking Americans, hardworking taxpayers—have the opportunity to take care of their children for generations to come by having a good, solid job.

I'm looking at the vote tally from tonight's two votes that we took just moments ago that added to the forgotten 15, the last two of the tardy 22. And look at the numbers on passage of each bill. It was 407–17, and it was 413–11. That is almost an unbelievable percentage of bipartisan support in the House of Representatives for two bills that are going to create a stronger private sector America so that we can put people back to work.

And yet we continue to engage in partisan politics in the Senate, and we don't even allow these bills to have a vote on the floor of the Senate, at least to be debated in an open and honest debate, an argument about their merits to be heard by all Americans just like we do here in the House of Representatives on the floor of the House.

It's interesting. I listen to the President as he goes around and he's promoting his Jobs Act bill, and I would say that I clearly have an impression that the President is concerned about his job. But is he really concerned about your job? Because he's spending an inordinate amount of time going around this country rather than coming here to Washington and working with us in the House and working with the Members in his own party in the Senate to say, Take up with these bills and have an honest debate. Send them over. If they strengthen the private sector of America—like essentially all of our colleagues here in the House agreed tonight would do by passing and supporting these bills with the numbers that we see—have that debate in the Senate and move forward.

We're going to stand, and we're going to continue to work for the hardworking taxpayers here in the House of Representatives. I know my colleagues share in that sentiment because that's what we came to Washington to do. We came to Washington as freshmen Members of Congress not to engage in politics, not to engage in partisan debates, but to talk about fundamental policy issues that are going to move us forward as a Nation, so that we can have the great experience that we've all enjoyed and the opportunities that we've all enjoyed, so that all of our fellow Americans can give that opportunity not only to themselves but to their kids, to their brothers, their sisters, so everybody in this Nation can enjoy that opportunity.

Mr. GARDNER. I thank the gentleman from New York.

You bring up some great points in terms of what the American people are facing when they look at Congress and see the number of bills that we have passed with bipartisan support to create jobs. They see them passing the House with bipartisan support and going over to the Senate and are asking, Where are the jobs? Right over in the U.S. Senate.

I will share with you some of the uncertainty that our constituents are facing. Consumer confidence has plunged. A measure of Americans' optimism about the economy and their personal financial situations recently dropped to its lowest level in 2½ years in October. CBS News had a poll this past month. Americans say they feel worse about the economy than they have since the depths of the Great Depression. The Great Recession that we are in now, the fact that Americans feel worse about this time than they did about the Great Depression is simply unacceptable. And we have addressed legislation. We have passed legislation to deal with the uncertainty and to put people back to work.

I now yield to the gentlelady from Washington, one of the ladies who has worked very hard in this House to get people back to work.

Ms. HERRERA BEUTLER. Thank you so much.

We're all here tonight because we really believe that America is the greatest country on the face of the Earth, and it is so because of her people.

Folks at home in my neck of the woods in southwest Washington are out of work. I can go through the statistics. It's alarming. It's very alarming. I have family and close friends who have been out of work now going on several years. Double-digit unemployment, and we've been at this rate for 3, going on 4 years now.

I had a jobs fair a couple of weeks ago. We invited employers who are hiring real jobs, good jobs to come. We got them in a room with job seekers and put out kind of an all-hands-on-deck call: Anybody who's looking for a job, we have real job openings available. Come to this jobs fair. We had over 1,700 people show up. And as I walked through the line that snaked through the parking lot to say hello and to greet these folks, I was talking to men and women, young and old, very experienced or fresh out of high school or college who were looking to find work, experienced individuals who had that look on their face, some of them, of desperation. And they're asking, What is Congress going to do? What is Congress going to do to help me find work to keep my mortgage, to pay for my kids' education, and to put food on the table? What are you going to do?

Well, we're here tonight to talk about some of the things we've already done. And right now what we're doing is we want to put pressure on the other side of the rotunda to pass these bills and get some jobs flowing for the folks who stood in that parking lot.

That event was a success. We've had over 30 people find work, and we've had hundreds more who are in interviews. Great. I did that because I didn't feel you could wait on an act of Congress. And watching those individuals who are on the other side of the rotunda who haven't passed any of these jobs bills, it would seem like a good idea. But here tonight we are applying appropriate pressure to that group, saying, Pass these bills.

Let me talk to you about one of these bills that will make a huge difference for people across this Nation. It's called the EPA Regulatory Relief Act. It's a simple bill. It's a very bipartisan bill. And let me tell you about this bill. And people throw around that word ''bipartisan.'' What does that mean? It means strong support from Republicans and Democrats.

I'm going to read for you, right here is H.R. 2250. That's the bill that we passed off this House floor. These are all of the folks, my friends from the other side of the aisle. Here are the Democrats in the House who have sponsored this bill. We have folks in leadership and we have newer Members. They have joined with the Republican House here and passed a bill, the EPA Regulatory Relief Act, that the Senate must take up if we are going to protect these jobs. These regulations, in fact, hit all sorts of industries.

There's a rule that the Obama administration's EPA has put forward that says business, industry, and hospitals, anyone that has a type of boiler, you have to put millions, in some cases millions of dollars into this boiler to bring it up to some standard. That standard hasn't been clearly defined. And, actually, the EPA itself has asked and said, Can we take a little bit more time to figure out what we are requiring of folks before we require major capital investments, capital investments that could otherwise be used to hire someone or to increase productivity in a business to create more jobs?

But what's happening is these businesses are now going to be required to put this money into an expenditure to bring this boiler up to some code that we can't prove has any environmental benefit, which is why you see so many folks who are advocates for the environment who have cosponsored this bill in the House. We need the Senate to pass this bill; otherwise, we could lose potentially over 20,000 jobs nationwide. That's in the primary pulp and paper industry alone. I'm not talking about hospitals. I'm not talking about other industries. In southwest Washington, we value the primary pulp and paper industry, which is 18 percent of that workforce.

At a time when we need to be creating jobs, we certainly should be getting rid of those regulations that cost us jobs. The way we do that is we get the Senate to join with us and pass this bill, get it to the President's desk, get that man to sign that bill and move forward for the people in our communities.

The EPA, the Obama administration's EPA alone has estimated that that regulation, if untouched, will cost employers over 5, almost 6 billion, and that's the low-end number. The industries have said it would be as high as 14 billion. Any way you look at it, that's a high price tag that's going to cost jobs. Over 230,000 total jobs are at risk if you count the related industries, not just pulp and paper. So we're talking about major impacts to our national economy, and all we have to do—all we have to do to protect those jobs is we need to pass this bill off the Senate floor, get it to the President and get him to sign it into law. We really don't have time to wait.

I have talked to the men and women, the moms and dads, the young people who are hoping to find work. And when we let some of our industry just go out, basically die, death by 1,000 cuts, death by 1,000 regulations, shame on this institution. Congress does need to act, and I implore my colleagues on the other side of the rotunda to join with us in this bipartisan fashion. Send this bill to the President, and have the President sign it.

□ 1930

Mrs. ROBY. Will the gentlelady yield?

Ms. HERRERA BEUTLER. I yield to my colleague from Alabama.

Mrs. ROBY. I just want to say to all of our colleagues on the floor tonight, it's so important to the gentlelady from Washington not to wait, that she's spending her birthday night on the floor of the U.S. House of Representatives fighting for the American people. So happy birthday to our friend and colleague.

Ms. HERRERA BEUTLER. Thank you.

With that, I thank the gentleman for yielding.

Mr. GARDNER. And thank you for the points that you raised.

Talking about the EPA and the regulations they've issued, I had the opportunity at a committee hearing several months ago, the Energy and Commerce Committee, to discuss with the assistant administrator of the EPA—one of the assistant administrators, Mathy Stanislaus—where we were asking a very simple question: Does the Environmental Protection Agency actually take into account jobs, the impact on jobs when they do an economic analysis? And the answer we got was, no, he didn't take into account jobs when they did the economic analysis. And I find it hard to believe that anybody could actually have an adequate analysis of a rule or regulation's impact on the economy if they're not even taking a look at jobs and what it means for our economy.

Ms. HERRERA BEUTLER. Will the gentleman yield?

Mr. GARDNER. I yield to the gentlelady from Washington.

Ms. HERRERA BEUTLER. With that point, we're not saying let's erase or eviscerate environment protections, absolutely not. We want to protect our quality of life and pass it on to the next generation. We're simply asking, as with our Democratic colleagues, for some common sense to be used. Take into account, when you're going through the matrix of these environmental regulations, what the impact is on the economy. It's a very reasonable, very commonsense way to approach it.

Mr. GARDNER. I thank the lady from Washington and yield to the gentleman from Illinois.

Mr. KINZINGER of Illinois. I thank the gentleman from Colorado.

You know what's amazing about those forgotten 15? You know how much they cost? Nothing. I mean, isn't that great? When you think about it, we're talking about something out of Washington, D.C. that doesn't cost anything and is actually going to do something. I mean, how often does that happen? Well, if you look, a couple of years prior—or actually I guess a year ago 4 years prior—everything that came out of here cost a lot of money.

The President's own stimulus bill, as was mentioned earlier, when they said unemployment will never go above 8 percent if we pass this, in fact it has never gone below 8 percent since it was passed; and that cost almost $1 trillion added onto our debt. And I actually remember once I was doing an interview and there was a fellow Congresswoman from the other side, there was a Democrat that said, well, you know, the problem with the first stimulus is it wasn't large enough. That's why it didn't work, it wasn't large enough. Okay. I disagreed, but for a moment of time let's say that's accurate; let's say it wasn't large enough. So why would you do a stimulus that's half as large as the original one?

Truthfully, to be honest with you guys, I think that the President has no intention of his jobs plan, his Stimulus II passing the House of Representatives. In fact, I think if we actually voted on it and passed it tomorrow, there would be some panic in the administration because they know that it's not going to be a job-creation plan; they know it's just a political thing to talk about.

This is a real job-creation plan right here, the bills that we have over in the Senate. And it's time that today we just—I mean, look, Senator REID, take up the bills, vote them down if you want to vote them down, but give the American people a voice. They can't have a voice when they sit on your desk. You don't have a voice when they sit on your desk. We don't need another $450 billion added onto our debt. What we need is to pass these bills and this plan.

I thank the gentleman for yielding.

Mr. GARDNER. I thank the gentleman from Illinois.

I know in Colorado that my neighbor the gentleman from Kansas has done tremendous work on getting this country back economically and what he's doing to create jobs.

I yield to the gentleman from Kansas.

Mr. YODER. I appreciate the gentleman from Colorado for yielding your time.

I was listening to the comments from the gentleman from Illinois discussing the unemployment rate being over 8 percent now for some time. In fact, it's been over 8 percent for 32 months,

which is the longest period of unemployment this high since the Great Depression. I mean, the things we're doing in Washington, D.C. frankly haven't been working, and so it's time to start pushing the types of bills that the House has been pushing this year to try to get this economy back on track.

I'm happy to join my colleagues tonight. I'm also happy to be a strong supporter of the forgotten 15 and the new seven bills and dozens of bills that are passing the House throughout this session that will help the economy recover and help small businesses create jobs.

Now, Americans are frustrated with what they see going on in Congress, with what they see going on in Washington, D.C., and there's a reason, because they see the policies that have failed in this town over the past few years and they don't believe that Washington can function and they can do things to help the economy recover.

That's because we've been doing all the wrong things. Whether it was the bailout, stimulus bills, Cash for Clunkers, the health care takeover, cap-and-trade, Card Check, you couldn't think of a more anti-business set of legislation that this Congress passed over the last few years than those bills. And what they did is they've held down the recovery and they've stopped small business owners, they've stopped entrepreneurs from growing and creating jobs.

Frankly, we know that jobs are not going to be created in Washington, D.C. They're going to be created back home in places like Illinois and in Colorado and in Kansas and in Alabama and, yes, even Wisconsin—all across the country—by innovators and job creators and entrepreneurs, the people that built this country and that create the jobs.

They're not going to come from big Washington programs, and that's what has caused the problems in this country. These big Washington bailouts run up national debt. All of it has not worked. And so it's time we changed course. It's time we start pushing legislation that will promote small business, that will promote the free enterprise system. And frankly, these things are common sense. The American people want Congress to pass commonsense legislation.

The point about these commonsense bills that the House is pushing, these pro-business, pro-job-creating bills that the House has been pushing and sending over to the Senate, is that they focus on the very things that built this country in the first place. This Nation was not built because we had the highest tax rates in the world, because we had more regulations than any country in the world, because we had national debt in the trillions. That's not what built this country. It was the hard work and determination, the sweat equity of the American people—who had no guarantees—who built this country brick by brick.

The commonsense things that Congress doesn't do, that they've been doing the wrong way for years—look, tax increases. Tax increases don't create jobs. Borrowing and spending doesn't create wealth, doesn't create jobs. Regulations don't create jobs. And so every day in Washington we're putting more barriers in the way of these small business owners that we want to have create jobs, and it's making things worse.

In fact, just looking at the regulations that are coming out every week out of Washington, it's unbelievable. This is just a stack of the regulations that have come out just this week in Washington, D.C. Monday, a new set of regulations. Tuesday, a new set of regulations. Wednesday, a new set of regulations. That one was pretty thick there. Thursday, another set of regulations. Just this week, these regulations, they just don't stop. It just keeps coming and coming and hitting our small business owners and stopping the economy from recovering.

Let me just give you an example of what these regulations have. On Wednesday alone, 188 pages of new regulations dealing with the health care takeover. Is that what the economy needs? Is that what you hear from your small business owners at home? Is that what Americans are crying out for, 188 new pages of regulations dealing with health care? It's got to stop.

And yes to the President: we can wait on having new regulations, we can wait on the President's big tax increases, we can wait on this stuff. We don't need 188 new pages of ObamaCare regulations. We don't need this new stack of regulations this week. It's not helping the economy recover. It's making it more difficult.

That's why I'm proud to stand with my colleagues today on the House floor and fight for the American people and fight for the prosperity of this country that we all believe in. We know we can restore it, but we've got to stop doing the stuff in Washington that's making it hard to recover.

Mr. GARDNER. I have a question for the gentleman, if he would entertain it. You're talking about, what you're holding in your hand, that is this week, that's just 1 week, 1 day of regulations?

Mr. YODER. These are the regulations that have come out since Monday. You have Monday, Tuesday, Wednesday, Thursday, the regulations. These didn't create jobs. These made it harder on the economy. Every day—in fact, I think there's been over 65,000 new pages of regulations coming out of Washington, D.C. Frankly, to the gentleman from Colorado, the people at home, they hear us talking about the regulations, but they may not always see and understand what Washington is actually doing. This is what we're doing to the job creators; this is what we're doing to the entrepreneurs of this country. We are strangling them. These regulations are making what was once the most prosperous Nation in the world, that was a beacon of hope around the world that we all still believe in, it's trying to strangle that and we've got to stop it.

Mr. GARDNER. I thank the gentleman from Kansas.

One of the most common things I hear at town meetings is the issue of uncertainty in our economy, and the issue that regulations are forcing businesses to make decisions not to hire new people, but to actually either prevent them from growing or to actually reduce in size.

With that, I would yield to the gentleman from Illinois.

Mr. DOLD. I thank the gentleman for yielding.

I still am just thinking about the regulations from this week, and the week is not over. We've still got another day of regulations that are going to be coming out.

And we hear time and again from our colleagues on the other side of the aisle that it's been 10 months and still no jobs bill. We hear it time and again with the 1-minute speeches when we open up session; the other side says ''still no jobs bill.''

□ 1940

Well, I beg to differ. We've got jobs bills. We talk about the forgotten 15. We've got several more. We passed some tonight.

Part of our plan is to empower the private sector. Part of our plan is to make sure that we're eliminating some of the uncertainty that's out there. And let me just tell you, the week of regulations, just 1 week of regulations that are out here that literally shakes the desk when you drop it is certainly not creating more certainty.

Now, the one thing that I am pleased to say is that I believe that we were sent here to be able to work with those on the other side of the aisle to move our country forward. I am pleased to say that we passed bills today talking about access to capital for job creators, like many of us here coming from the private sector—broad bipartisan support.

The President of the United States came and spoke before the Chamber here in a joint session talking about a jobs plan. As opposed to saying no, I don't want it, what I tried to talk to others about, and I know many agree, is what are the areas that we agree on?

Let's talk about free trade or the trade agreements. We agree. We passed those. That's about 250,000 American jobs, increasing our bottom line in terms of our GDP by $10 billion this year alone with South Korea as the only one. We add Colombia and Panama and that number obviously rises.

The President talks about the burdensome regulations. We agree. We need to make sure we have regulations. As the gentlelady from Washington noted, we want them to be smart regulations, not just more of them. I mean, my goodness. How much does it cost us to even print these?

The long and the short of it is that we need to create an environment, we need to create an environment for the private sector out there with broad bipartisan support. And I believe that if we ask those on the other side of the aisle what's the biggest issue facing our country today, it's jobs and the economy. We just have a different view of who should be creating those jobs.

I believe it should be the private sector. I believe the private sector, entrepreneurship. The United States of America has been and continues to be the greatest force for hope the world has ever known. We have 29 million small businesses in our Nation. If we can create an environment where half of them can create a single job, think about where we'd be then.

Let's just take a look at this because these are some bold points, and I think if I asked the gentleman from Illinois to talk to me about empowering small businesses and reducing government barriers to job creation, I guarantee you he can give me a couple of things that we're doing right now here in this Congress.

If I talked to the gentleman from Colorado about fixing the Tax Code to help job creators, I know that he'd come up with some things because we've already done it. We passed a budget.

We're at 918 days in the United States Senate. 918 days, and still no budget. Yet, the law requires the Congress to come up with a budget every April 15. And yet that responsibility—by the way, it's against the law—has been shirked by the United States Senate.

We're going to hear more about this ''Do-Nothing Congress.'' And I want to make sure that the American public knows that we are here passing what we believe is commonsense legislation, in a bipartisan fashion, to move the country forward.

We realize that unless things pass the United States Senate and go to the President's desk for signature, we're not going to be able to move the needle.

The American public is frustrated. We're frustrated too, because I believe that the American Dream is at stake. The American Compact that we all came to Congress to deal with, that we leave the country better for the next generation than we received from our parents and grandparents, I believe, is in jeopardy today. That, to me, is completely unacceptable.

Mrs. ROBY. Will the gentleman yield?

Mr. DOLD. I yield to the gentlewoman from Alabama.

Mrs. ROBY. I'd just like to say, I had asked for the totals; I didn't have them written down. But you take the kind of bipartisan support that you're talking about that we received on the two bills that we passed just today, the access to capital and the access for entrepreneurs, you take that kind of bipartisan support—the American people are frustrated because the President is calling this the Republican Congress. This is a bicameral Congress, and whereas we hold the majority in this House, we don't in the Senate.

But you saw the actions that took place on the floor tonight. The first one passed 407–17. The second bill passed 413–11. There is a way to find common ground without compromising principle, and that is what we are doing because the American people are hurting, and we've got to create that environment, and we have by passing these bills.

We are calling on those in the Senate to see our bipartisanship in this House to get Americans back to work.

Mr. DOLD. I thank the gentlewoman for commenting on that. There's no doubt. Look, bipartisanship can be done. The American public is frustrated because they don't think that we're working, and, in some instances, we know that Washington can be broken.

We want to work together because we know we've got to move the ball down the field. We know we've got to get people back to work. We've got a 9.1 percent unemployment. What is it in Wisconsin?

Mr. DUFFY. About 9 percent.

Mr. DOLD. About 9 percent? In Illinois it's at 10 percent. In certain areas of the 10th District in Illinois we've got areas of 20 to 22 percent. I can tell you that jobs right now, absolutely number one priority, and that's why I'm willing to work with anybody here in Washington that's willing to listen, that's willing to reach across the aisle to come up with solutions. And I want to let you know, people are saying that we don't have a plan—we've got a plan: Jobs.gop.gov. I welcome everybody to go get it.

Mr. GARDNER. I want to thank the gentleman from Illinois for his comments because when he started talking tonight he talked about his great hope and optimism for this country, the fact that we really do live in the greatest Nation on the face of this earth.

But we face tremendous challenges. The unemployment that you spoke about for your State, the unemployment in Wisconsin, the unemployment levels in Colorado and across this country are significant. Fourteen million people who are out of work, and if you start looking at the people who are underemployed or who've simply given up looking for work, that number increases even more.

I want to share with you something that I think is very difficult for all of us to realize is happening, and that's the fact that there's more fear about our future than at many other times in our history. According to a recent newspaper account, a resounding 69 percent of respondents said the country is in decline.

But yet we know this country is better. We know this country is great. We know that the bills that we have passed, the leadership that we have provided will restore the greatness of this country and get this country working again.

I have worked with my colleague from Colorado for many years in the State legislature. He is a small businessman, somebody who knows how to sign a check to employees, to work under regulations that he has had to deal with, and in the State legislature he stood up for jobs, and I know he's doing the same thing here.

I would yield to my colleague from western Colorado, and thank the gentleman for being here tonight.

Mr. TIPTON. I thank the gentleman for yielding.

We talk about unemployment in this country—over 8 percent, 9.1 percent nationally.

Let me tell you the story in my district in Colorado, the two largest communities: 10.7 percent unemployment in Pueblo, Colorado; 10.5 percent in Grand Junction, Colorado. I have 29 counties in Colorado. We have one county that has higher than 17 percent unemployment.

There's a lot of discussion on this floor in Washington, DC, about jobs and the economy, and it's well placed. We talked about businesses. But what we often forget to remember is that these businesses are made up of moms and dads, grandparents, people with hopes, with dreams for a better future. These are the employers, the people who make America work, working together in business.

Let me tell you a story about a man named Jim Bartmus in Pueblo, Colorado. Just about a month ago, Mr. Bartmus, who was a contractor, was faced with a real dilemma. Just a few years ago he qualified under the President's definition as wealthy. A small contractor. That wealth he reinvested back into his business to try and grow it, to try and create more jobs in this country.

Mr. Bartmus made that investment. He paid down his line of credit to zero. When he went to the bank to re-up that line of credit to be able to keep that business going, to keep his 24 core employees at work, he discovered that, because of regulations, because of Dodd-Frank, that he couldn't get that line of credit re-upped once again. As a result, Mr. Bartmus lined up his equipment and auctioned it off.

When you talk to a grizzled contractor, and you hear his voice crack as he has to describe how he laid off 24 people that we call employees—and he called family, you know this hits America at home.

As I travel throughout my district, as I know my colleagues travel throughout the rest of the country, we hear the same lament from small business, from the number 1 job creators in this country. They're overregulated. They're worried about that pile of regulations that we see dropped upon the desk on a weekly basis. Being able to have access to capital. What is that tax rate going to actually be?

□ 1950

What is the President's health care plan actually going to cost? Those are the questions that they raise and why they are afraid to invest. If we will unleash American entrepreneuralism once again, if we will create that certainty for Americans to do what we do better than any people on the face of the Earth—that's to create, to innovate, to build—we can get this American economy moving.

My colleague from Colorado and I have discussed oftentimes there's something very unique about being an American. The very blood that courses through our veins is infused with something that people from around the world simply can't understand. We don't look for government to be the answer; we don't look for a government program. We want the freedom and the ability to be able to build our own future.

Government should not be a stumbling block to that success, but a stepping stone. And in this case, it means the government should get out of American businesses' way, the American employees' way, and let us do what we do best: get America back to work.

Mr. GARDNER. I thank the gentleman from Colorado.

I was speaking to a pharmacist the other day. You mentioned the issue of regulations, what it's doing to business, and they actually wanted to create a little different business model for their pharmacy by placing a pharmacist instead of behind the counter within the pharmacy, they wanted to move them up in front of the counter so as customers came in, they could go and talk to the pharmacist about what they needed help with. They actually had to change a regulation to allow that pharmacist to sit in front of the counter instead of behind the counter.

I now yield to the gentleman from Wisconsin who has been working hard to create jobs as well.

Mr. DUFFY. I appreciate the gentleman from Colorado yielding, and I commend my colleagues for your hard work and the focus that you have all had on jobs and job creation and legislation that's actually going to help move our economy forward.

I think we're in a unique time in American history. If you look at where we're at and the level of competition that we are under from countries like China, India, Mexico, Vietnam, Brazil, this is a whole new environment that we haven't seen before. It's not 1950, it's not 1980, it's not even the 1990s. This is a different form of competition.

If we're going to be successful in this new environment, we have to do it right because if we get it wrong, you see massive unemployment.

And as we came into this recession, I think the American people said to the President, We are willing to go along with you, Mr. President, if you tell us that we could spend a trillion dollars and from that you can take the pain away, you can create jobs with that kind of spending. If you tell us that we can pass a health care bill and that's going to create jobs, we can pass more regulation and that's going to create jobs, okay, Mr. President. We'll go along with you because the pain is too great.

When one of my family members is out of work and I see the pain and suffering in their family, it's worth it, Mr. President. I will go with you.

Now, this is a path that we haven't traditionally gone down because we're an economy, we're a society of free markets and free enterprise where we look to the individual who invests, works hard, innovates, and creates wealth, creates opportunity, creates jobs in their community.

But we're willing to go for a while and say, Let's try it out, Mr. President.

A couple years down the road, we now look back and say where are we. Are we better off today than we were 2½, 3 years ago? And I think if you ask the American people, they will give you a resounding, No, we're not.

So what we're doing here today is saying let's go back to our great history. Let's go back to our roots of free markets. Let's try to streamline the regulatory process that this government has given the private sector. Let's make sure we free the American people, we free the entrepreneurial spirit. And if we do that and we engage in this new competitive environment against China, India, Mexico, I don't care who it is, if you set America free, we will compete, we will win, we will thrive, we will grow, and we will prosper.

That's why we in this House have passed bills with bipartisan support that advocate for free markets. And listen, some people come at us and say, You don't want regulation. That's not true. We want smart regulation. They'll say, listen, the Tax Code needs to be reformed. And we'll say, yes, absolutely it needs to be reformed. We want to make sure that there aren't loopholes that don't make big corporations and big industry and the wealthy not pay their fair share.

We were the first ones in Washington to say let's root out the loopholes. That was in our budget that we said let's root it out. And it was only after we did it did we see the President come out and say he wanted to follow. And I will tell him that I'm a willing partner to join him in tax reform.

I think as we look at what's happened here, as one of the Members here said, we sent over 22 bills to the Senate. And with that, the Senate hasn't taken up any of them. And as the gentleman from Illinois noted, at least the Senate should take them up and give them a vote. And if they want to vote them down, that's okay. But at least take them up and give them a vote.

They took the President's bill up, gave it a vote and on a bipartisan effort it failed.

So my point to my colleagues and to the American people is that if we are going to move our economy forward, we have to tap in to the principles and the ideals that made this country great. That is what this freshman class is talking about tonight. That's what we've been talking about for the last 10 months.

I look forward to the work with my colleagues on both sides of the aisle. As you might notice, I'm on the left side here. I'm on the Democrat side of the aisle. I'm willing to work with my friends on both sides. But let's get it done. Let's not do it for parties. Let's do it for the American people, putting them back to work.

With that, I thank my colleague from Colorado for yielding.

Mr. GARDNER. I thank you.

I'd be curious to hear from my colleagues tonight. Over the 55 town meetings that I've held, I've never heard somebody come up to me and say, hey, when is the government going to start creating all of these jobs to replace 15 million unemployed, to give them jobs, 15 million unemployed. I don't know if you're hearing the same thing.

Mrs. ROBY. I get asked the question, or I did early on, What has been a shocking thing in your experience in Washington? And I unequivocally can say the most shocking part of this experience of representing Alabama's Second District is really beginning to understand how huge this government is, how the Federal Government right now today trickles down into every crevice of our lives.

And to go with the gentleman from Wisconsin's remarks, we are trying to get government out of the way and allow the private sector to thrive. And we don't have people coming up to us at our town halls saying, when are you going to pass more regulations?

Mr. KINZINGER of Illinois. What's amazing to me is we've conditioned—I mean Republicans and Democrats, not ''we.'' We've only been here less than a year. But the American people have been so conditioned to believe that if there is any difficulty, the answer is a giant government expenditure package, a giant bill with a lot of money spent. We've been conditioned to believe that.

So if the economy is bad, it obviously is because the government is not spending enough. Well, that's not true.

The reality is we built this country—and this is what I hear from people—we built this country based on people just having an idea and going out and getting it done. That's what we're talking about, that idea.

Mr. GARDNER. The statistics speak for themselves. Two million people, the number of net jobs the economy shed from February of 2009 when the stimulus was passed.

Are you hearing the same thing in the great State of Washington?

Ms. HERRERA BEUTLER. Absolutely.

And here's an important point. We as Republicans understand that the Federal Government has responsibilities

and duties: security, our Nation's infrastructure. There are certain things we're responsible for. We're not against those things. We just think they need to be done in a smart and efficient fashion.

When you look at the last time the stimulus, giant amounts of money were spent before this most recent round of stimulus spending under the Obama economy, the last time we got things out of it like the Hoover Dam. We got something for it.

Out of the stimulus spending, which was sold primarily as a jobs bill because it was going to create transportation infrastructure, less than 7 percent of that $800 billion stimulus bill actually went to transportation and infrastructure.

So it's not that Republicans don't support making sure those things take place. We're here to require some accountability. We're not going to throw money at it and hope that that works. We recognize there's something broken here in Washington. We have now passed well over 15 bills to get jobs growing to fix that thing that's broken. And we just need some help from folks on the other side of the rotunda.

Mrs. ROBY. I would just say this, too: I think the American people ought to be begging the question to the Senate as it relates to the tardy 22 bills that they have sitting over there on their side that we know will create jobs. They need to ask them specifically, their Senators, why are you opposed to this? What is your sound objective? What is your reasoning? We want to create jobs. We're out of work.

□ 2000

Earlier, I said another word for ''forgotten'' because the forgotten 15 has slipped our minds. It has just slipped our minds. We need to remind these Senators over there. All Americans do. They need to pick up the phone and ask, What's your opposition to these 22 bills that will create jobs and put America back to work so that we can be a thriving economy once more?

Mr. GARDNER. America's job creators, the plan that we have come up with to get this economy moving forward again, it's embodied in the forgotten 15, and the other bills that we have passed to join the forgotten 15 are piling up in the United States Senate, all these bills with the simple goal of empowering small businesses and reducing government barriers to job creation.

Fix the Tax Code to help job creators. Nobody opposes these ideas. Nobody opposes these ideas. If you go to Americans around this country and ask them, should we be encouraging entrepreneurship and growth, they're going to say ''yes,'' and that's exactly what these bills do.

I'm sure that you're hearing the same thing in your meetings.

Mrs. ROBY. The private sector is sitting on trillions of dollars. We know that. The money is there to jump-start our economy, but because of all this uncertainty, no one is spending these dollars to reinvest in their private businesses.

Mr. KINZINGER of Illinois. Yes.

How many times is Washington going to be dishonest with us and just say, I know it didn't work in the past, but it's going to work this time? The President himself said the shovel-ready jobs—chuckle, chuckle—weren't so shovel-ready after all.

That's fine—because it doesn't work.

This plan right here, this will work. The American people are our jobs recovery plan. The American people doing what they can do best, that's the recovery plan. It's not another $500 billion.

Mrs. ROBY. And getting the government out of the way so that they can thrive.

Ms. HERRERA BEUTLER. Absolutely.

I think, for those controlling this time, it's important to recognize, if you want more details about these jobs, the forgotten 15, jobs.gop.gov is a good place to go. If you want pick up the phone and call your Senators, there's the Reducing Regulatory Burdens Act, there's the EPA regulation bill, and there are several more bills that the other side needs to hear from the folks from home on.

Mr. GARDNER. I want to thank everybody for participating in tonight's discussion about our plan for jobs, about what we're going to do to get this country back to work. For 32 months, this country has faced unemployment of over 8 percent.

I want to share a story that happened just a couple of weeks ago when I had the opportunity to sit down with some employers around the State of Colorado. We were in a restaurant, and had the opportunity to discuss what regulations are doing to our economy—overregulations, as mentioned here tonight. We all believe in smart regulations, in those regulations that make sense but that aren't overly burdensome to job creators. As we had this conversation, we talked about what burden we were placing on future generations, the high unemployment rate, with nearly 14 million people who are out of work, and what we were going to do to help America's working families make ends meet once again.

We had a waitress who was coming in and helping everybody, taking orders and working very hard that morning. After we were done, we walked away, walked out. The conversations were going, and I was the last one to leave this meeting. Just then, the waitress who was working in that room came up to me and grabbed me by the shoulder.

She said, Hey, I liked what you guys were talking about, because this is my second job. This isn't my only job. I'm trying to start a business, and I'm trying to work here while that business gets off the ground. We're trying to make ends meet so that I can get that business going, and I'm trying to work here.

As to what you talked about, the regulations that are hurting businesses, the taxes that are giving an uncompetitive advantage to people right here, that's hurting her ability to get her job going, and there she is, working a second job, and there are people out there with third jobs and trying to make ends meet.

I want to thank everybody for participating tonight, and I encourage people who may be interested in the Republican jobs plan to visit jobs.gop.gov.

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

## FURTHER MESSAGE FROM THE SENATE

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

H.R. 818. An act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1487. An act 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.

## THE PROGRESSIVE MESSAGE

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

Mr. ELLISON. Thank you, Mr. Speaker, for recognizing me for this hour.

I am going to speak for a time, and then I am going to yield my time to the gentleman from Illinois (Mr. JACKSON), who has an important message, but I would like to start by just talking to the American people about the Progressive message.

You can sit at your television sets and you can watch this broadcast. For the last hour, what you would have heard is people claiming that you can get jobs by just taking away our health and safety rules, by just getting rid of regulation—and magically, we're going to get jobs. Well, we've had the Clean Air Act in place since the early seventies; we saw record job growth in the 1990s; and we have seen the Bush era, which was when the Republicans had the House, the Senate and the White House—the lowest job era in modern memory. They have tried their way, and they got us into this mess.

I will never forget that it was January 2009 when this country lost 741,000 jobs in that month alone, and the

Democrats and President Obama have been building it back ever since.

The Progressive message is about the antidote to that line of argument—that the rich don't have enough money, that the poor have too much, that asking our American corporations to look after health and safety laws is too much of a burden, that we have to sacrifice our lungs so that some multinational can make even more money.

No, no, no.

The Progressive message is where we stand up for small business people, where we talk about the right to organize on the job, where we get into the conversation about civil rights and human rights, where we talk about peace at home and abroad, and where we talk about the importance of protecting our environment.

I want to welcome a great Member from Texas, Congresswoman SHEILA JACKSON LEE, who has just joined me for the moment. I thank the gentlelady for joining me with the Progressive message.

Ms. JACKSON LEE of Texas. I am delighted to join my friend and colleague from the great State of Minnesota—the distinguished cochair of the Progressive Caucus, of which I have the privilege of serving as a vice chair.

I truly want to say to our colleagues that the Progressive Caucus has been on the mark, and in fact it stays on a pattern, frankly, that should draw good-thinking, well-intentioned Americans from both sides of the aisle. Let me recount for my cochair the number of job fairs and summits that we've had. We have not yet finished, and we'll probably go into 2012.

I want to focus on just a couple of points that I believe have been the Progressive message. It is the good Samaritan message, the secular good Samaritan message: that we're all in this together. It is to recognize that the Nation is not so broke—or it is not broke—that it cannot help the most vulnerable.

In a supercommittee hearing, it was delineated by the head of the OMB that, actually, Mr. ELLISON, our debt-deficit is 8½ percent of the gross domestic product. That means that 92 percent is rolling along, not the way we would like it, but it is rolling along. It's as if we took a family's budget, and they said, ''You know what? We have less than 10 percent debt—we've got 100 percent, but 10 percent debt. Let's work to diminish that debt, but let me not stop feeding the three children, and let me not stop paying the mortgage,'' if that were the ratio of our debt.

I think it is important for the Progressive message in that we are saying there are ways of pulling us up by our bootstraps:

One, we can close our eyes, and in a moment, the Bush tax cuts can expire, and we will generate billions of dollars that will help promote jobs. We can pass the Jobs Act, which really focuses on infrastructure, providing for our veterans, small businesses, and in fact, focuses on creating the millions of jobs that we can generate out of that particular legislation. We can eliminate the discrimination of the chronically unemployed, and we can give a $4,000 tax credit to employers for hiring, as I indicated, the long-term unemployed.

□ 2010

Are we remembering that on December 31, 2011, we will be bringing home—or by that time, our President has said that soldiers from Iraq will come home? That is an immediate infusion of dollars back into our bank account; although, we must be able to protect our soldiers who are coming home and provide for them.

We have on the horizon, Mr. Speaker—and I know that all who are listening are excited about the fact that an omnibus jobs bill is about to come forward from the Progressive Caucus. But the only reason I just say that without giving the details of it is we have found a way to pay for creating jobs and answering the clarion call of the American people. So I believe the Progressive message is the secular Good Samaritan, that we cannot leave the vulnerable along the streets and highways of despair. We must be able to ensure that we are looking out for those who cannot look out for themselves.

I will finish on these two points: The supercommittee is doing the very best that it can do. I am grateful that we will be opening opportunities for our own hearing in the coming week. But there is a dilemma; and that dilemma is that there is a certain amount of the vulnerable, needy of America that are protected, but there are some that are exposed. And what that means is that we will be looking in the face of America in 2012, looking back in our rear-view mirror, and we will see along the highway of life the despair in those that have been left out by the draconian cuts that had to come because we have raised no revenue. That is a crisis.

And if I might do a personal moment on my final closure. If we have States like the State of Texas that are, in essence, left with elected officials who have ''N''-head Rock—and I am coming to my closure, so you can understand how I prioritize what we should be doing. The ''N''-word Rock. We have got States—I come from that State. I am ashamed of that description but am proud to make it known on the floor of the House. Or we have State agencies that we fund. The Texas Motor Vehicle Board—the State of Texas gets Federal funds—was about to issue a Confederate license plate issued by the State of Texas on November 10. I will be in Austin to oppose it.

But the reason why I say that is, if we have time to deal with these negatives, do we not have the time to galvanize States and Representatives and Governors to focus on the most vulnerable? Don't we have time to call for the voices to be raised, to be able to give encouragement to the supercommittee, encouragement to those who are not willing to raise revenue, that the better way for America is to take that 8.5 percent deficit opposed to the GDP, boost the GDP, build, rebuild, create jobs, create jobs for small businesses? Let's steer ourselves away from negative Confederate flags and ''N''-head and get all of the States to work together, Democrats and Republicans, to follow the Progressive message, which is liberty and justice for all and opportunity for all.

I thank the gentleman for yielding to me on this occasion.

Mr. ELLISON. I thank the gentlelady.

In a moment, I will yield to my good friend from Illinois, JESSE JACKSON.

But I do want to say that as you talk about the least of these, we are talking about poor folks who need some home heating oil, children who need Head Start; right? We are talking about people who need the SNAP program, the food stamp program. We are talking about students who need some help to be able to afford a college education.

And my question is: Will the rich and the wealthy and the well-to-do of America pay a little bit more to help this happen? Bank of America didn't pay a single penny in Federal income tax in 2009. Boeing, despite receiving billions of dollars in Federal Government contracts every single year in taxpayer money, Boeing didn't pay a dime in U.S. Federal corporate income taxes between 2008 and 2010. Citigroup. Citigroup's deferred income taxes for the third quarter of 2010 amounted to a grand total of zero. At the same time, Citigroup continued to pay its staff lavishly. John Havens, the head of Citigroup's investment bank, is expected to be the bank's highest paid executive for the second year in a row, with compensation of $9.5 million.

ExxonMobil, Big Oil, dodgers, use offshore subsidies in the Caribbean to avoid paying their fair share. Although ExxonMobil paid $15 billion in taxes in 2009, none of it went to the American Treasury. This is the same year that the company overtook Walmart in the Fortune 500. Meanwhile, the total compensation for ExxonMobil's CEO was about $29 million.

Of course General Electric, 2009, the world's largest corporation, filed more than 7,000 tax returns and still paid nothing to America's Government. GE has managed to do this with the aid of a rigged Tax Code that essentially subsidizes companies for losing profits and allows them to set up tax havens overseas.

So let me just say, on behalf of the people who need food stamps, on behalf of the people who need college tuition, on behalf of the folks who need home heating oil because of cold winters, on behalf of the people who are struggling to make it in America today, will our most privileged Americans do anything? The Progressive Caucus thinks they ought to do something.

Ms. JACKSON LEE of Texas. Before you close, I want to just comment on the gentleman from Illinois.

Thank you, Mr. JACKSON, for what I know you are about to begin, which is an eloquent presentation on the importance of construction. It looks as if the airport that you have been fighting on for many years, and if we would listen to you on the particular project that you are speaking of, but also as we look to infrastructure around America, we would be able to create what I'm getting ready to see. We would be able to compete with some of these other nations that he will cite that will have probably more airports than the United States.

I just want to thank you, Mr. JACKSON, for your astuteness, and we look forward to hearing you. And thank you for the Progressive message.

Mr. ELLISON. Thank you, Congresswoman.

Let me yield to the gentleman from Illinois who is going to talk to us about infrastructure, very important, putting Americans back to work.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1759. An act 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.

## CONSTRUCTING NEW AIRPORTS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. JACKSON) will control the remainder of the hour.

Mr. JACKSON of Illinois. Mr. Speaker, may I inquire as how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 48 minutes remaining.

Mr. JACKSON of Illinois. I thank the gentlelady from Houston for her kind remarks.

Mr. Speaker, as many of you know, I have been talking about building a third airport for Chicago's metropolitan area since my first campaign, which was in 1995. The congressional district that I represent has nearly three people for every one job in many communities; and compare that to the northwest suburban parts of the city of Chicago, there are nearly three jobs for every one person. It is an enormous disparity.

Since that time in 1995, the United States has not built a single new airport. In fact, the United States has not built a new greenfield airport in more than 40 years. The last totally new airport built in this country was Dallas/Fort Worth which opened for business in 1969.

Now, some of you may say that Denver built a new airport. Well, yes and no. Denver has a new airport, but it was a replacement airport. Once the new Denver International Airport was completed, the old Stapleton Airport was shut down. So while Denver has an updated facility, that airport really didn't add to the number of U.S. airports.

Since 1969, when Dallas/Fort Worth opened, the U.S. air traffic, the number of passenger and cargo flights, has more than tripled. Yet, despite a tripling of activity and 40-plus years of aviation growth, no new major airport has come online to accommodate that expansion. That's absolutely incredible, Mr. Speaker.

Compare our record to China's. The Chinese Government recently announced plans to build 97 new airports between 2008 and 2020. So the U.S. builds zero airports in 42 years; China is embarking on a plan to build 97 new airports in just 12 years.

If the United States wants or hopes to stay competitive in the global economy, we need to start thinking a little bit bigger. We need to start thinking about ports, and specifically airports. We need to start thinking a little bit more like the Chinese, 100 new airports by 2020. The General Administration of Civil Aviation of China said that it plans to spend over 450 billion yuan, building no fewer than 97 airports by the year 2020.

□ 2020

If the plans are carried through, this massive expansion of capacity will see the number of Chinese airports increase to 244. The plans will mean that eight of every 10 Chinese people will live within 100 kilometers of an airport.

If the United States wants to compete, we simply have to be prepared to build more of these facilities. And I'm happy to report that some of us in Washington and in Illinois are doing precisely that. In the past 2 months, I've heard President Obama talk about the need to build new airports. Not once, not twice, but several times I've heard the President say this. The first time when he unveiled his national jobs plan, the President said: ''We can put people to work rebuilding America. Our highways are clogged with traffic. Our skies are the most congested in the world. It's an outrage.

''Building a world-class transportation system is part of what made us an economic superpower, and now we're going to sit back and watch China build newer airports and faster railroads at a time when millions of unemployed construction workers could build them right here in America,'' the President said.

Mr. Obama even noted that perhaps the best way and maybe the only way to build new airports, new highways, new infrastructure is through a public-private partnership, also known as PPP. In fact, Mr. Speaker, I explained this concept to State Senator Barack Obama while he was running to become a United States Senator in 2004. When he wrote an op-ed in the Chicago Sun Times in support of this proposed new airport, in his article he said: ''There is a strong case for a regional third airport in the south suburbs, a region that has struggled economically while other suburban areas have prospered. Employment and income in the south suburbs lags the rest of the Chicago area. The construction and operation of a new airport near Peotone would bring 1,000 construction jobs in the next 2 years and 15,000 permanent jobs by the first full year of operations, as well as billions of dollars in new economic activity to residents and communities that sorely need it.

''Rep. Jesse Jackson, Jr., a key leader in the Peotone effort, has assembled a group of private investors who are willing to risk their capital on the new airport's prospects. State government's role in the project would be limited to providing infrastructure improvement such as roads, transit, and sewers, which it routinely provides to other development projects around the State.''

Mr. Obama said: ''The benefits of a south suburban airport would not be limited to the Chicago region. Many downstate communities are hampered by their lack of air access to Chicago. Since gates for such flights are extremely limited at O'Hare and Midway, an airport near Peotone would provide downstate communities with enhanced air access to Chicago, as well as accommodating general aviation traffic that formerly utilized Meigs Field. In addition, as the world's first and only airport custom designed, built, and priced to attract low-cost carriers, it will attract air service to the Chicago area by startup and discount airlines currently not operating out of Chicago's existing airports.''

As many of you know, the plan that I've put together for Chicago's third airport is precisely that. I've advocated for building this airport through a public-private partnership for the past 8 years. To quote President Obama again, he said: ''There are private construction companies all across America just waiting to get to work. We'll set up an independent fund to attract private dollars and issue loans based on two criteria—how badly a construction project is needed, number one; and how much good it will do for the economy.''

The President knows that Chicago's two airports, O'Hare and Midway, have been operating at or above capacity for years, so the need is clearly there. In fact, the Federal Aviation Administration has been asking Chicago to build a new airport since 1985—for more than 25 years. As for the President's requirement that new infrastructure be good for the economy, there is no greater job generator in the world than an airport. For proof, we need look no further than Washington, DC, and the Dulles Airport corridor. Once out in the middle of nowhere, the Dulles Airport corridor today is home to 35,000 new companies. Some 575,000 people go

to work there every day, and roughly 57 percent of the world's Internet traffic now flows through the Dulles corridor. Most of that is possible due to the airport.

As for the airport that I'm proposing for Chicago, it would create 1,000 construction jobs immediately over the next 2 years. Once phase 1 construction is done—which could be done as early as June of next year—and the airport opens for business, it would create an additional 15,000 new permanent jobs for the local economy, again by the first day of operation. Those 15,000 jobs at the airport include some jobs at the airport like pilots and baggage handlers and air traffic controllers and service agents and TSA agents. But, moreover, Mr. Speaker, it includes jobs located outside of the airport's footprint. I'm talking about jobs at the new Hilton, the new Hyatt, the new Fairmont hotels locating near airports; jobs at UPS and Federal Express, two businesses that can't survive without airports; Hertz, Dollar, Alamo, Avis, and Enterprise; jobs at local restaurants: McDonald's and Burger King and Chili's and KFC, Olive Garden, White Castle, Outback Steakhouse, Steak 'n Shake, Red Lobster, Wendy's, Applebee's, Panera Bread; convention centers, malls with entertainment complexes, sport complexes, warehouses, rail yards, all in the service industry, and corporate headquarters, all of which historically like to locate near airports.

Hotels all across America must be at 80 percent occupancy in order to be profitable every single day. People who stay in hotels tend to get to those hotels by flying there. Catching a taxi from an airport, or even renting a car, airports are the center of the service-based economy. Expanding the service-based economy is the fastest way to employ the American people and put them, Mr. Speaker, back to work.

And just like Dulles, which was Washington's third airport, Chicago's new third airport would create, over time, hundreds of thousands of new jobs.

So how do we build and finance an airport in these tough economic times? I know someone out there in television land is actually asking that question.

As the President said, the way to build new airports is through a public-private partnership, by getting private companies to invest their own capital without risk to taxpayers. In fact, Mr. Speaker, I learned a lot about public-private partnerships a dozen years ago when I began researching ways to build and finance a third airport for Chicago. And the President is absolutely correct. I learned right here in the Congress of the United States from my late colleague, Congressman Henry Hyde, who introduced me to a number of consultants who impressed upon us the need to move to public-private partnerships in order to handle the Nation's future infrastructure demands.

Our research taught me that the old method for financing and building airports is absolutely obsolete. It doesn't work anymore. In short, the paradigm has shifted since 1969 when America built its last major airport. The old model used to work like this:

Runways and taxiways were built and financed by cities. A city would then recoup its investments by collecting landing fees from airlines and eventually get paid back over the next 30 years. Under that same old model, terminals were built and financed by the airlines. That's why O'Hare has a United terminal and an American terminal, et cetera.

But guess what. The old model, Mr. Speaker, does not work anymore. Most cities cannot afford to pay for runways and then wait 30 years to get reimbursed, and they're reluctant to hit up taxpayers for more money. Likewise, most airlines, many of whom are teetering on bankruptcy, can no longer afford to invest in and build massive terminal buildings. The new model is the public-private partnership.

Under the public-private partnership, cities create airport commissions. They form participating governments who then enter into an intergovernmental agreement. And by entering into that intergovernmental agreement, they form an airport authority with the State; the State which owns lands, leases land or yields land to the airport authority who then, in turn, provides that land to the developers. The developers make an investment in the airfield. They build the airport. The income from the airfield comes to the developers who then pay the public entity rent.

□ 2030

And that's how the engine of our economy for a local airport begins to spin. And it continues to spin as the airport begins to grow and begins to manifest itself in the form of productivity for those who take advantage of the facility. If the private sector does it right, they reap profits that can then be shared with the communities that formed the airport commission. This model is exactly what has been used at new airport projects around the world for the last 40 years.

The main reason this model hasn't been used in the U.S. is simple. During the last 40 years, we haven't built any new airports. In Chicago, we are following the new international model of the public-private partnership. First, we formed the local airport commission to create and oversee the public-private partnership. That commission, formed in 2003, is comprised of 21 municipalities from three counties, Cook, Will and Kankakee, located near the airport site. These communities, who call themselves the Abraham Lincoln National Airport Commission, or ALNAC, work essentially as one city, and they make up the public side of the partnership.

These 21 communities, again, acting as one airport commission, then conducted a global competition to find private developers who had the expertise, the experience, the wherewithal and the willingness to design, finance, construct, and manage a new airport. Seventeen companies from around the world ultimately responded to the commission's requests for proposals. At the conclusion of that global search, ALNAC, the public commission, selected two companies with aviation expertise, SNC Lavalin and L-COR, as its private development partners. These two companies have built new airports or expanded existing airports in countries from Europe, Africa, North America and from Central America to South America. They've done so with great success, and, more importantly, they've done it with their own money at no cost to the taxpayers.

Now, for anyone who is thinking this is just a pie-in-the-sky concept or some airport fantasy, I must say that the Governor of Illinois has carefully vetted the ALNAC proposal. Governor Quinn, his lawyers, outside counsel, and the Illinois Department of Transportation spent close to a year vetting all of ALNAC's work. In the end, the Governor's office found that ALNAC's public-private partnership is legal, is viable and capable.

And I'm proud of what this local commission has done. I'm proud of our private partners who want to invest $700 million in Chicago's new airport. And I'm proud and happy that President Obama and Illinois Governor Quinn have a clear understanding that public-private partnerships are capable, indeed, perhaps necessary in building, financing and operating world-class airports that will expand the Nation's aviation capacity and create jobs without using taxpayer dollars faster than any single thing that this Congress can do.

All of us in public life, as well as many leaders in the private sector, are feeling the pressure to create jobs and to rebuild America, or as the President said, it's time for us to take off our slippers, put on our marching shoes, stop complaining, stop whining; we've got work to do.

Now I want to take a few minutes, Mr. Speaker, to show you just how this plan would work and introduce you to a key concept that makes this financial model better than the one that exists at virtually every U.S. airport in the United States. The concept is called common-use gates. It simply means that airlines no longer build terminals; so, therefore, they can no longer control the gates. Instead, the gates are built and controlled by a private company that has expertise in running airports. For airlines, it means all gates can be used by any airline. And they pay for just the hour or so that they use to unload passengers, reload, and then take off. The common-use gate concept, which is used at modern airports everywhere outside the United States, means terminals need less space, which in turn means they cost less money. Ultimately, common-

use gates should save travelers time and money.

In closing, Mr. Speaker, I'm proud to report that the Abraham Lincoln National Airport Commission, or ALNAC, along with its 21 municipal members and our private developers, have developed a fully vetted, cost-effective plan to update and expand our Nation's infrastructure, which costs taxpayers nothing but will create tens of thousands of jobs.

This airport, Mr. Speaker, is bigger than just an airport in my congressional district and for Chicago's Southland. This airport would change the way we build things in the United States and will have national and global significance. This Republican-led Congress hasn't been very helpful to President Obama. In fact, this Congress is determined not to pass a single piece of legislation that will help him put the American people back to work.

Since the President is issuing executive orders and looking for other ways to go around this Republican-led and dysfunctional Congress, the beauty of the Jackson plan to build a third airport in the Chicago area is that we don't need Congress or the Illinois Legislature to vote on or approve anything. We just need the signature of the Governor of Illinois on a land lease.

So what I need you to do is call the Governor of Illinois, 312–814–2121, that's 312–814–2121, and tell him to lease the land to the Abraham Lincoln National Airport Commission so we can give President Obama a victory and begin to put the American people back to work.

Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore (Mr. RUNYAN). The gentleman has 29 minutes remaining.

Mr. JACKSON of Illinois. Fantastic, Mr. Speaker. I want to thank the gentleman for clarifying that for me.

I want to spend the next 29 minutes explaining to the American people how modern airports will be constructed in the United States.

This is a mockup of the facility that we seek to build in the Second Congressional District. It's a small airport with five simple gates whose basic footprint fits the local vernacular of the communities that it will be built in. Between the Village of Monee, University Park, Creek, Beecher and Peotone exist 25,000 acres of land, 25,000 acres of land that have been designated by the Federal Aviation Administration for the building of a major airfield. The light area on this map represents land that has been acquired by the State of Illinois for the purposes of building a major airport.

So the private companies, the private developers have done, Mr. Speaker, an analysis to determine what is the appropriate size of the airport that they should build as soon as humanly possible for the purposes of relieving air traffic in the region. And their analysis showed that if the airport were built in 2007 at the low emplanement hours, or deplanement hours, 174 passengers would use the airport. The median number of passengers per hour would be 347, or the high number of passengers 695 passengers per hour.

What's fascinating, Mr. Speaker, is the near perfect correlation between the median numbers in 2007 and the low numbers in 2008, the median numbers in 2008 and the low numbers in 2009—or let's fast forward to where we are today, the median numbers in 2010, the low numbers in 2011. The median numbers in 2011 compared to the out numbers in 2012, what you can see is that because of the number of passengers who use the airport every hour in succeeding years, it is possible to design an airport in 25,000 acres but actually scale it back to the size of an airport that we need to build today, in other words, a cost-effective airport, annual emplanements by 2012, 2,200,000; 2013, 2,700,000; 2023, 7,600,000.

□ 2040

Once, Mr. Speaker, we have determined how many passengers would use such an airport, we then have to right-size the airport. We have to determine the number of aircraft operations per hour that would have to exist at such a facility or be used at such a facility in order to determine the size of the airport that we need to build.

And once again, the median numbers equal the low numbers in each of the succeeding years. Assuming an airport is built today, 31 total aircraft operations by 2012, 34 by 2013, 38 by 2018, and so forth, a near perfect correlation, suggesting that every single year from the moment this airport is built it will continue to expand.

Well, Mr. Speaker, unlike using the old government model, because we are using a for-profit model in a public-private partnership, we should never build more airport than we need. We should never build more bridge than we need. We should never build more road than we need because the private sector doesn't have money to waste quite like government has money apparently to waste. So we have to right-size the airport. And as a result of the passenger emplanement and the number of aircraft that take off from the airport every hour, we are able to determine the size of an airport that we need to build by 2008, 2011, 2013, and 2018.

The most cost-effective airport, Greenfield Airport, starts out with five gates, about 1,300 parking spaces, a terminal size of about 142,000 square feet, and an apron of about 933,000 square feet. Remember, Mr. Speaker, not one dollar spent by taxpayers to arrive at this jobs plan.

Well, here's the key to what we're trying to build in Illinois with the Governor's signature—provided enough of our constituents today call the Governor at 312–814–2121 and tell him to sign the lease to the local commission. The real key to the concept and the success of this airport, unlike traditional airport models, is the idea of a common-use terminal. It's really a private sector model because we're not building more airport than we need. It doesn't compete with O'Hare Airport; it doesn't compete with Midway Airport. In fact, Mr. Speaker, how could a five-gate airport compete with O'Hare Airport or compete with Midway Airport? It simply can't. However, a five-gate airport represents 15,000 right-now jobs for the local communities that need them the most.

That's why Congressman JACKSON is hanging around airports. Congressman, all you do is talk about airports. Yeah, because with airports come Hyatt Hotels and Hilton Hotels and Fairmont Hotels, and Avis and Hertz and Dollar and all kinds of businesses that tend to locate near airports. Look at Arlington, Virginia. It is developed because it is close to Reagan Airport. Look at the Dulles corridor, home to 575,000 people who work every day because of the airport. Look at the Baltimore-Washington corridor; it's tied to the airport.

Look at all of the jobs and growth and economic activity out by O'Hare Airport. Look at the economic activity by LAX. The FAA said 20 years ago that we need to build 10 new airports in America the size of O'Hare Airport to handle the aviation problem then. How many have we built in America while China's going to build 100 new airports? In 10 years, how many have we built in America? Not one.

So, what's the key, Congressman JACKSON, to this airport? Well, the reason this airport's going to be successful is because United, American, and Qantas do not own gates at this airport. This airport is not contingent upon them assuming any debt or liability for building the airport. Virgin Airlines does not own a gate at this airport. The airport is paid for, Mr. Speaker, by the private sector. American is welcomed to land and use the gate. For the 1 hour that it takes them to let their passengers on, let their passengers off, and get back on the runway, that's all the amount of time that we charge American, United, Qantas Air or Virgin Airways.

So when you walk into this airport, it looks like a modern facility. There's a big flat-screen television set behind the ticket agent, and it has the logo of United Airlines or some airline on it. After the plane boards and then takes off, guess what, Mr. Speaker. The flat-screen television set, suddenly it has the American logo on it, the same gate as the American flight pulls up to that terminal and takes off. A much more efficient method of using gates at airports. This is the key concept behind making the airport successful.

But because we are able to project well into the future, in a $25,000-acre footprint, the size of a future facility, we start out with hand drawing with a five-gate airport, but we're already contemplating what it would mean using the profits to build roads, to build the infrastructure to make the airport work.

As you can see in the 10-to-25-year plan, we're contemplating a ring road like a modern airport, where you enter and you exit the airport, and if necessary you return to baggage claim or to departing passengers under a much broader facility.

In the plus-25-year plan, we're already widening the processor, that is, the processor where ticket agents and the Transportation Security Administration help process passengers to global locations not only within the United States, but around the world.

So because of accurate forecasting, Mr. Speaker, we build a small terminal in land owned by the State with a small apron of about 933,000 square feet and one 112,000-foot runway, which is large enough to handle contemporary serious aircraft, including new aircraft that are presently coming online. As you can see, we've already contemplated a small cargo space.

Remember, I said I only wanted to build with $700 million, not paid for by the taxpayers. I just wanted to build five gates—one, two, three, four, five. But very quickly, for very little money, the airport expands to a 13-gate airport. But for five gates, I've already employed 15,000 Americans. A 13-gate airport employs 30,000 Americans.

We're already focusing on phase two. We tear down the wall between phase one and phase two, and now the airport, Mr. Speaker, looks like this. Then we tear down the wall, a modest expansion of the airport for phase three. We build phase four. We're contemplating phase five. And then while this part of the airport is functioning, we then go back to the other side of the airport and modernize its processor without any disruption in customer service. What started out as a one, two, three, four, five-gate airport, it's now already a 40-gate airport, not paid for by the taxpayers, not paid for by the airlines, with common-use gates and expanding infrastructure.

Very quickly, the airport, Mr. Speaker, has now moved to a modern-looking facility, paid for by the private sector in a public-private partnership, including its roads. The roads that approach the top of the airport are for departing planes. We've already got a ring road now coming around the airport for arriving passengers. This 80-gate airport represents nearly 130,000 jobs to a local economy.

There is absolutely nothing that Congress can do to compete with an airport. If there's going to be public works projects, a public works bill, we heard the President of the United States stand right there and say he refuses to accept that in America we can't build one new airport while China is building 100 new airports. I'm taking this time, Mr. Speaker, to carefully explain to my colleagues how airports can be built without you appropriating a single dollar.

This is all I'm building, Mr. Speaker, one runway and five gates. But over time, following the model that I proposed, one runway and five gates quickly becomes an 80-gate airport now needing two runways. This 80-gate airport represents more than 130,000 jobs to a local economy, and we need to be building 10 airports just like this to alleviate today's aviation and capacity demands.

□ 2050

And you can also see under our airport in our field, we're already looking at an expanded cargo area for UPS, Federal Express, and other cargo-related international trade that would be the by-product of building this airport.

As I shared with you at the very outset of my presentation, Mr. Speaker, while we're building five gates and one runway, the airport is being built in a 25,000-acre footprint. O'Hare Airport is in a 7,000-acre footprint. The footprint in my congressional district is four times the size of the present footprint of O'Hare International Airport, which is somewhere between the busiest airport in the world, the second busiest, or the third busiest airport in the world.

Well, when you start talking about an airport of this magnitude in a 25,000-acre footprint, you're obviously talking about a global facility. In the Midwest, it means an absolutely functioning O'Hare airport. It means a strong and strengthened Midway Airport. But five gates and one runway will eventually become this facility, four runways, 200-plus gates and massive cargo areas, both north and south, within the airport footprint.

It's actually kind of humbling, Mr. Speaker. It's humbling to know that for 17 years I've by been fighting to build, without asking Congress for a single dollar, one runway and five gates, in land already owned by the State of Illinois, to build this one runway and five gates to create 15,000 jobs.

It's humbling to know that I probably won't live to see this facility, the 25-year-plus plan. And there's almost no one in this Congress who's likely to be living to ever see this facility. But because of the size and scope and the planning of the private sector, we can already anticipate what the future of the airport will be, provided passenger forecasts and demand continue to grow.

But I can scan and scale this very large facility, Mr. Speaker, all the way back to this little bitty facility that got started because President Barack Obama said we need to use public private partnerships to build airports. Why? Because airlines can't afford them anymore, and municipalities don't build runways anymore. They simply can't afford it, and so we have a model to make it happen.

What are the public sector benefits? Job creation, 15,000. Sales and income taxes from businesses and individuals who live and dwell around the facility. Off-airport real estate taxes. People who live close to these things, their property values go up. The quality of their lives go up. And with the buffer between the last runway and the nearest communities being more than a mile, there's a significant noise reduction factor already built into the appropriate and proper planning of this airport.

The net present value of the public-private joint venture, cash flow to participating governments estimated at nearly $230 million annually.

Now, what do you do with $230 million? Well, as I shared with you at the beginning, the State of Illinois has only purchased this land, Mr. Speaker, just the light yellow land. But the entire footprint is the entire green land.

Well, with $230 million of net present value and profit from the facility, which goes to the private developer and comes back to the commission in the form of rent, that money begins to purchase the remaining elements of the footprint in anticipation and with the expectation that the facility will expand. So when the private developer says it's time to expand the airport, the land has already been acquired by the government entity, again, not at a cost to the taxpayer.

But every time this airport expands by another 10 gates, it creates another 15,000 jobs to a local economy. No road can do that. No bridge can do that.

Mr. Speaker, may I inquire as to how much time I have left.

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

Mr. JACKSON of Illinois. I'm really excited about that, Mr. Speaker. Ten more minutes, I think I can talk till tomorrow. That's what I kind of like about these Special Order speeches.

What's the role of the public sector? Well, it's very limited, Mr. Speaker. It's not that complicated. We're a landlord.

I've been fighting for the last 7 years back home. A lot of people say we want to be in control. Jackson, we like your ideas, we like your money, we like your developers. We want to be in control.

Mr. Speaker, that's the old model, and they think like they're still participating in the old model. That's not the new model, Mr. Speaker. The only role that the public sector provides or plays in a public-private partnership is they're the landlord. That's all.

Imagine this. The city of Washington, D.C. wants to attract Target, a shopping center, to its city. So it has land somewhere in Washington. The city owns the land. It might be a vacant lot. It might be a dilapidated area. The city owns the land.

So it says to Target, Target, we want to enter into a public-private partnership with you. We have land; you know how to run Target. If we give you the land, will you build Target?

Target says, yes. And for some lease fee, some arrangement between the local government and Target, Target builds its own store, maybe a 25-year lease, maybe a 99-year lease. The only role that the government plays is in leasing the land. That's it.

Unfortunately, that's not the Illinois way. That's not the Chicago way. The Chicago way is we need to be telling people who are running their business how to run their business.

You can't do that. If we lease the land and Target builds the store, Target runs their own store. The business on the public land runs their own business.

What do we get from it? We get taxes. We get employed Americans. We get economic activity and less crime and less violence. There's a benefit to the society when we make the trade-off in the public-private partnership where there is governance over the land. There are lease terms, but we're not in the management and the day-to-day operation of that business.

The same is true of this new airport. Most public airports, the local mayor, the local city council, the local politicians are all involved in the business, trying to get their cousins hired and get their friends hired.

Not in the new model. In the new model we have the land, and we turn it over to the developers to make judgments about what is the most cost-effective way to run an airport.

Jackson, if you would just turn the developers over to us and let us—no, no, no. I've been working on this too long. The way to do this right is for the politicians to stay out of it and turn it over to the private sector so that they can do their job.

I've got to be honest with you. I ain't never ran a business before in my life. I came right from the seminary and right from law school to Congress. What kind of advice can I give an airport developer?

What kind of advice can anyone who's never run an airport before give some professional who's in the airport business? Absolutely none.

And so you need to have a hands-off approach to allowing a public-private partnership to operate at a profit without political interference.

Land, that's your public sector role. You're a landlord. You're responsible for getting utilities to the fence. That's what you're responsible for. You're responsible for regulatory permits and approvals. That's what the public is responsible for. You're responsible for highways and transit improvements, which the public-private partnership can, in fact, help pay for because it's a for-profit venture making a profit.

So, Mr. Speaker, I've talked about the need to build a new airport. I showed you tonight that we don't need the Congress of the United States that does not want to help Barack Obama. We don't need Congress for nothing to get this model moving.

We just need the Governor of the State of Illinois, Governor Pat Quinn, area code (312)814–2121, to lease the land to the governments that have established this commission.

□ 2100

From that we will have a national model emerge on how to put the American people back to work. It can start in Illinois, but it can spread very quickly by bringing the $2.5 trillion in private sector money that is sitting on the sidelines and presently not engaging the economy.

So, Mr. Speaker, I stripped the idea of an airport out of this model of a public-private partnership. This can be any government entity.

It then enters into an intergovernmental agreement with other governments with an understanding that it will have a relationship to the Federal Government, the State government, or local governments in the form of land or utilities or whatever is required in order to get the business started.

We then lease the land to a developer, who then invests in the land to create jobs and economic opportunities for the American people. The profits from the activity are paid to the developer to help them satisfy and settle the obligations associated with the initial investment. And then the developer rents the land or pays rent to the government entity established by the local government and the profits can also be shared by local governments.

Mr. Speaker, it doesn't have to be airports. Public-private partnerships can also build roads. They may end up being toll roads because if the private sector makes an investment in a toll road, in a road that the public is going to use, certainly they need to get their money back. So how do they get their money back?

Well, after they've made the investment, it has to be a toll road. Public-private partnerships can work. Public-private partnerships can work for bridges. It may be a toll bridge. Public-private partnerships can work.

Mr. Speaker, if we offer as a Congress the kinds of incentives that encourage public-private partnerships, we can put the American people to work in quick order.

Mr. Speaker, I am particularly honored and privileged that you've allowed me the opportunity to share with my colleagues and with the American people the importance of a project in my congressional district. I am particularly honored that my constituents have been leading this charge for building new airports in the United States. We need to build 10 of them just like this.

I'm hoping, Mr. Speaker, that those of us who want to see and help President Barack Obama be successful that we will call 312–814–2121 and encourage the Governor of the State of Illinois to give Barack Obama the victory that he needs and the victory that he deserves that can show us a way to put the American people to work without raising taxes, without borrowing more money, without passing another government program.

Public-private partnerships, Mr. Speaker, can work. I'm asking my colleagues and those who can hear my voice to give the people of the Second Congressional District of Illinois a chance to get one started so we can show you that it works.

I thank the Speaker, and I yield back the balance of my time.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 271. An act to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes; to the Committee on Natural Resources.

S. 535. An act to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes; to the Committee on Natural Resources.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah; to the Committee on Natural Resources.

S. 897. An act 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; to the Committee on Natural Resources.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District; to the Committee on Natural Resources.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 894. An act 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.

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.

## ADJOURNMENT

Mr. JACKSON of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Friday, November 4, 2011, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

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

3730. A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary, Non-Electronic Benefits Transfer-Related

Provisions (RIN: 0584-AE13) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3731. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Tomatoes With Stems From the Republic of Korea Into the United States [Docket No.: APHIS-2010-0020] (RIN: 0579-AD33) received October 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3732. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket IN: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8201] received October 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3733. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Disclosure of Information; Privacy Act Regulations; Notice and Amendments (RIN: 3064-AD83) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3734. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Sample Income Data To Meet the Low-Income Definition (RIN: 3133-AD76) received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3735. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Environmental Impact Considerations, Food Additives, and Generally Recognized As Safe Substances; Technical Amendments [Docket No.: FDA-2011-N-0011] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3736. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Interpretation of Transmission Planning Reliability Standard [Docket No.: RM10-6-000; Order No. 754] received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3737. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Design-Basis Hurricane and Hurricane Missiles for Nuclear Power Plants Regulatory Guide 1.221 received October 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3738. A letter from the Acting District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a letter report entitled, ''Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 3rd Quarter of Fiscal Year 2011'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

3739. A letter from the Acting District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting three letter reports entitled, (1) ''Audit of Advisory Neighborhood Commission 2F for Fiscal Years 2008 Through 2011, as of March 31, 2011'', (2) ''Audit of Advisory Neighborhood Commission 4D for Fiscal Years 2008 Through 2011, as of March 31, 2011'', and (3) ''Audit of Advisory Neighborhood Commission 5A for Fiscal Years 2008 Through 2011, as of March 31, 2011'', pursuant to 15 U.S.C. 2076(j); to the Committee on Oversight and Government Reform.

3740. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XA690) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3741. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Cod by Non-American Fisheries Act Crab Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA715) received October 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3742. 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 Caribbean, Gulf of Mexico, and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Removal of Regulations [Docket No.: 110707375-1578-02] (RIN: 0648-BB07) received October 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3743. 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; Northeast (NE) Multispecies Fishery; Framework Adjustment (FW) 45; Adjustments for Fishing Year (FY) 2011 [Docket No.: 100923469-1543-05] (RIN: 0648-BA27) received October 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3744. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA722) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3745. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure [Docket No.: 040205043-4043-01] (RIN: 0648-XA677) received October 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2840. A bill to amend the Federal Water Pollution Control Act to regulate discharges from commercial vessels, and for other purposes; with an amendment (Rept. 112–266). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEBSTER: Committee on Rules. House Resolution 455. Resolution providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes (Rept. 112–267). 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. DOLD (for himself and Mr. QUIGLEY):

H.R. 3332. A bill to require each agency to prepare and make public quarterly and annual consolidated financial statements using the fair-value accrual accounting method, to require the Congressional Budget Office to use current-year spending as the baseline for estimating future mandatory and discretionary changes, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. RANGEL, Ms. BASS of California, Mr. GRIJALVA, Ms. SLAUGHTER, Mr. BECERRA, Mr. POLIS, Ms. MOORE, and Mr. NADLER):

H.R. 3333. A bill to amend part E of title IV of the Social Security Act to require States to help alien children in the child welfare system apply for all available forms of immigration relief, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. GRIJALVA, Mr. MARKEY, Ms. ROYBAL-ALLARD, Mr. CLEAVER, Ms. HIRONO, Mr. CONYERS, Mr. ACKERMAN, Mr. MORAN, Mr. SABLAN, Mr. ELLISON, Ms. BORDALLO, Mrs. CAPPS, Ms. SCHWARTZ, Mr. HONDA, Mr. HINCHEY, Mr. WAXMAN, Mr. STARK, Mr. SERRANO, Mr. KUCINICH, Mr. NADLER, Mrs. NAPOLITANO, Ms. LEE of California, Mr. FARR, Mr. BERMAN, Mr. KILDEE, Mr. MCNERNEY, and Mr. GEORGE MILLER of California):

H.R. 3334. A bill to designate certain National Forest System lands and public lands under the jurisdiction of the Secretary of the Interior in the States of Idaho, Montana, Oregon, Washington, and Wyoming as wilderness and wild and scenic rivers, to provide for the establishment of a Northern Rockies Wildlife Habitat and Corridors Information System and Program, and for other purposes; to the Committee on Natural Resources.

By Mr. BILIRAKIS:

H.R. 3335. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to members of the Armed Forces and veterans; to the Committee on Natural Resources.

By Mrs. HARTZLER:

H.R. 3336. A bill to ensure the exclusion of small lenders from certain regulations of the Dodd-Frank Act; to the Committee on Agriculture.

By Mr. AKIN (for himself, Mr. KISSELL, Mr. HEINRICH, Mr. SCHIFF, Mr. CARSON of Indiana, Mr. BARTLETT, Mr. CONYERS, Ms. CASTOR of Florida, Mr. LUJÁN, Mr. GRIJALVA, Ms. BORDALLO, Mr. OWENS, Mr. HANNA, Mr. PEARCE, Mr. ROE of Tennessee, Mr. LONG, Mr. LOBIONDO, Mr. LATHAM, and Mr. FRANKS of Arizona):

H.R. 3337. A bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCNERNEY (for himself, Mr. BISHOP of New York, and Mr. PETERS):

H.R. 3338. A bill to amend the Internal Revenue Code of 1986 to provide for the identification of corporate tax haven countries and increased penalties for tax evasion practices in haven countries that ship United States jobs overseas, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself, Mr. DOGGETT, Mr. ISSA, Mr. LEWIS of Georgia, Mr. HERGER, Mr. NUNES, Mr. TIBERI, Mr. REICHERT, Mr. BOUSTANY, Mr. PRICE of Georgia, Ms. JENKINS, Mr. PAULSEN, Mr. MARCHANT, Mr. BERG, Mrs. BLACK, Mr. REED, and Mr. LANKFORD):

H.R. 3339. A bill to establish consistent requirements for the electronic content and format of data used in the administration of certain human services programs under the Social Security Act; 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. BILBRAY (for himself and Mr. BARROW):

H.R. 3340. A bill to direct the Secretary of Commerce to establish a grant program to provide veterans with apprenticeships and career advice; to the Committee on Veterans' Affairs.

By Ms. HIRONO (for herself and Mr. DREIER):

H.R. 3341. A bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. BASS of New Hampshire (for himself, Mrs. EMERSON, and Mr. WELCH):

H.R. 3342. A bill to amend title XIX of the Social Security Act to encourage States to increase generic drug utilization under Medicaid; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. COOPER, Mrs. BLACK, Mr. ROE of Tennessee, Mr. FLEISCHMANN, Mr. FINCHER, Mr. GRIFFIN of Arkansas, Mr. GOHMERT, Mr. GUTHRIE, Mr. COHEN, and Mr. SHULER):

H.R. 3343. A bill to amend the Internal Revenue Code of 1986 to make permanent the rule providing 5-year amortization of expenses incurred in creating or acquiring music or music copyrights; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself and Ms. HAHN):

H.R. 3344. A bill to amend the Act of September 30, 1961, to limit the antitrust exemption applicable to broadcasting agreements made by leagues of professional sports, and for other purposes; to the Committee on the Judiciary.

By Mr. BUTTERFIELD (for himself and Mr. MCHENRY):

H.R. 3345. A bill to direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients; to the Committee on Oversight and Government Reform.

By Mr. DOGGETT (for himself, Mr. LEVIN, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. BLUMENAUER, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. RANGEL, Mr. DINGELL, Mr. GENE GREEN of Texas, Mr. REYES, Mr. PETERS, Mr. JOHNSON of Georgia, Mr. PAYNE, Ms. DELAURO, Ms. LEE of California, Mr. TOWNS, Ms. NORTON, Ms. WOOLSEY, Mr. KILDEE, Mr. MEEKS, Mr. GEORGE MILLER of California, Mr. SERRANO, Ms. MOORE, Mr. NADLER, Mr. JACKSON of Illinois, Ms. BROWN of Florida, Mr. FRANK of Massachusetts, Mr. DEUTCH, Ms. SCHAKOWSKY, Mrs. MALONEY, Mr. COHEN, Ms. EDWARDS, Mr. HINOJOSA, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ANDREWS, Mr. CUMMINGS, Mr. AL GREEN of Texas, Mr. WATT, Mr. BERMAN, Ms. JACKSON LEE of Texas, Mr. GONZALEZ, Ms. VELÁZQUEZ, Ms. SLAUGHTER, Mr. TIERNEY, Mr. DICKS, Mr. CARNAHAN, and Mr. CICILLINE):

H.R. 3346. A bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY:

H.R. 3347. A bill to exempt any road, highway, or bridge damaged by a natural disaster, including a flood, from duplicative environmental document reviews if the road, highway, or bridge is reconstructed in the same location; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 3348. A bill to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes; to the Committee on Ways and Means.

By Mr. GRIFFIN of Arkansas:

H.R. 3349. A bill to amend title 10, United States Code, to recognize the distance education program developed by the Department of Defense to provide advanced joint professional military education through a combination of non-resident and resident instruction as equivalent to the joint professional military education phase II program consisting of exclusively of resident instruction; to the Committee on Armed Services.

By Mr. GRIFFIN of Arkansas:

H.R. 3350. A bill to amend title 38, United States Code, to clarify the waiver period with respect to a deductible made by a veteran for certain travel costs necessary to receive treatment at facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. GRIFFIN of Arkansas:

H.R. 3351. A bill to amend title 38, United States Code, to allow certain veterans to use educational assistance provided by the Department of Veterans Affairs for franchise training; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. MURPHY of Pennsylvania, Mr. FILNER, Mr. BISHOP of New York, Mr. GRIMM, Mr. TOWNS, and Mr. BOSWELL):

H.R. 3352. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions to the homeless veterans assistance fund; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, 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. KIND:

H.R. 3353. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors; 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. LUJÁN:

H.R. 3354. A bill to adjust the boundary of the Carson National Forest, New Mexico; to the Committee on Natural Resources.

By Mr. LUJÁN (for himself and Mr. HEINRICH):

H.R. 3355. A bill to direct the Secretary of Veterans Affairs to establish a grant program to assist veterans find employment, to make permanent and modify the work opportunity tax credit with respect to unemployed veterans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, 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. DANIEL E. LUNGREN of California (for himself, Mr. HUNTER, Mr. CALVERT, and Ms. JENKINS):

H.R. 3356. A bill to amend the Americans with Disabilities Act of 1990 to impose notice and a compliance opportunity to be provided before commencement of a private civil action; to the Committee on the Judiciary.

By Ms. MCCOLLUM (for herself, Mr. SCHOCK, Mr. SENSENBRENNER, Ms. ESHOO, Mr. LATOURETTE, Ms. DEGETTE, Mrs. EMERSON, Mr. SIMPSON, Mr. CHANDLER, Mr. TIBERI, Ms. MOORE, Mr. DENT, Mr. JACKSON of Illinois, Mrs. NAPOLITANO, Mr. MORAN, Mr. MCDERMOTT, Ms. BROWN of Florida, Mr. RANGEL, Mr. GRIJALVA, Mrs. MALONEY, Ms. BALDWIN, Mr. HONDA, Mr. MCGOVERN, Mr. MCNERNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. PAYNE, Ms. HIRONO, Mr. ISRAEL, Mr. ANDREWS, Mr. KIND, Ms. LEE of California, Mr. BRADY of Pennsylvania, Mr. PAULSEN, Mr. COHEN, Mr. MURPHY of Connecticut, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. KILDEE, Mr. MARKEY, Mr. RYAN of Ohio, Mr. BLUMENAUER, Ms. SLAUGHTER, Ms. SCHWARTZ, Mr. HASTINGS of Florida, Ms. RICHARDSON, Ms. NORTON, Mr. CARNAHAN, Mr. JOHNSON of Georgia, Mrs. CAPPS, and Ms. DELAURO):

H.R. 3357. A bill to protect girls in developing countries through the prevention of

child marriage, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MICHAUD (for himself, Mr. WELCH, Ms. PINGREE of Maine, and Mr. OWENS):

H.R. 3358. A bill to amend title 40, United States Code, to extend the authorization of the Northern Border Regional Commission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN (for himself, Mr. ROTHMAN of New Jersey, Mr. FILNER, Mr. YOUNG of Florida, Mr. RAHALL, Mr. STARK, Mr. KUCINICH, Mr. NADLER, Mr. VAN HOLLEN, and Mr. POLIS):

H.R. 3359. A bill to amend the Animal Welfare Act to restrict the use of exotic and non-domesticated animals in traveling circuses and exhibitions; to the Committee on Agriculture.

By Mr. RENACCI (for himself, Mr. CARNEY, Mr. MEEHAN, Mr. WEBSTER, Mr. QUIGLEY, and Mr. WELCH):

H.R. 3360. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to tax-exempt Housing Equity Savings Accounts; to the Committee on Ways and Means.

By Mr. SCHIFF:

H.R. 3361. A bill to direct the Attorney General to design and implement a procedure to permit enhanced searches of the National DNA Index System; to the Committee on the Judiciary.

By Mrs. SCHMIDT (for herself, Mr. COBLE, and Mr. BUCSHON):

H.R. 3362. A bill to limit the manner in which Amtrak is authorized to provide food and beverage service; to the Committee on Transportation and Infrastructure.

By Mr. WELCH (for himself, Mr. MICHAUD, Mr. OWENS, and Ms. PINGREE of Maine):

H.R. 3363. A bill to amend title 18, United States Code, to prohibit fraudulently representing a product to be maple syrup; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself, Mr. ENGEL, Mr. BILIRAKIS, Mr. GRIMM, Mrs. MALONEY, Mr. PALLONE, and Mr. ROYCE):

H.J. Res. 83. A joint resolution disapproving the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to Turkey; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Mr. CARNAHAN, Mr. HONDA, Mr. ISRAEL, Mr. GRIJALVA, Mr. PAYNE, Mrs. MALONEY, Ms. WOOLSEY, Ms. SPEIER, and Mrs. CAPPS):

H. Con. Res. 84. Concurrent resolution recognizing the disparate impact of climate change on women and the efforts of women globally to address climate change; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. HIGGINS, Mr. TOWNS, Mr. TIERNEY, Mr. HINCHEY, Ms. LEE of California, Ms. SCHAKOWSKY, Mr. CICILLINE, Ms. KAPTUR, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. STARK, Mr. THOMPSON of California, Ms. MATSUI, Mr. HASTINGS of Florida, Mr. HOLT, Ms. MOORE, Mr. MCGOVERN, Ms. TSONGAS, Mr. ELLISON, Mr. COHEN, Mr. LARSON of Connecticut, Mr. CUMMINGS, Mr. KUCINICH, Mr. GUTIERREZ, and Mr. CONYERS):

H. Con. Res. 85. Concurrent resolution expressing the sense of the House of Representatives regarding the proposed settlement between the Department of Justice, the State attorneys general, and mortgage servicers regarding mortgage fraud and the economic crisis; to the Committee on the Judiciary.

By Ms. MATSUI (for herself, Mr. BLUMENAUER, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. FILNER, Mr. GRIJALVA, Ms. KAPTUR, Ms. LEE of California, Mr. MCGOVERN, Mr. MORAN, Ms. NORTON, Mr. SABLAN, and Mr. SERRANO):

H. Res. 454. A resolution supporting the goals and ideals of National Community Gardening Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. FILNER:

H. Res. 456. A resolution encouraging civilians to observe Veterans Day by listening, with respect and without judgment, to the stories of combat veterans; to the Committee on Veterans' Affairs.

By Mr. ROE of Tennessee:

H. Res. 457. A resolution encouraging individuals to seek training in the use of cardiopulmonary resuscitation (CPR) and automated external defibrillators (AEDs), and for other purposes; to the Committee on Energy and Commerce.

## 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. DOLD:

H.R. 3332.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, clause 7, which states, ''No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law, and a regular statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.''

By Mr. STARK:

H.R. 3333.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of article I of the Constitution, to ''provide for the common Defence and general Welfare of the United States.''

By Mrs. MALONEY:

H.R. 3334.

Congress has the power to enact this legislation pursuant to the following:

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. BILIRAKIS:

H.R. 3335.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution (clauses 1, 12, 13, 14, and 16), which grants Congress the power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; raise and support Armies; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mrs. HARTZLER:

H.R. 3336.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. AKIN:

H.R. 3337.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. MCNERNEY:

H.R. 3338.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. DAVIS of Kentucky:

H.R. 3339.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to ''provide for the common Defence and general Welfare of the United States.''

By Mr. BILBRAY:

H.R. 3340.

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 Ms. HIRONO:

H.R. 3341.

Congress has the power to enact this legislation pursuant to the following:

Clause 4, Section 8, of Article I, of the Constitution

By Mr. BASS of New Hampshire:

H.R. 3342.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mrs. BLACKBURN:

H.R. 3343.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BLUMENAUER:

H.R. 3344.

Congress has the power to enact this legislation pursuant to the following:

The bill I am introducing today, the Give Fans a Chance Act, modifies the Act of September 30, 1961 (Public Law 87–331; 15 U.S.C. 1291 et seq.), which Congress enacted pursuant to its powers under the commerce clause of the U.S. Constitution, as well as its powers to tax and spend for the general welfare. Congress has the power under those provisions to enact this legislation as well.

By Mr. BUTTERFIELD:

H.R. 3345.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. DOGGETT:

H.R. 3346.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution that grants Congress the authority, ''To make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.''

By Mr. FORTENBERRY:

H.R. 3347.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. GENE GREEN of Texas:

H.R. 3348.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution (the Commerce Clause).

By Mr. GRIFFIN of Arkansas:

H.R. 3349.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. GRIFFIN of Arkansas:

H.R. 3350.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GRIFFIN of Arkansas:

H.R. 3351.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. ISRAEL:

H.R. 3352.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have power to lay and collect Taxes, Duties, Imposts and Excises, and to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. KIND:

H.R. 3353.

Congress has the power to enact this legislation pursuant to the following:

Article J Section 8 of the constitution.

By Mr. LUJÁN:

H.R. 3354.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. LUJÁN:

H.R. 3355.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. DANIEL E. LUNGREN of California:

H.R. 3356.

Congress has the power to enact this legislation pursuant to the following:

This bill is justified under the Commerce Clause of the United States Constitution.

By Ms. McCOLLUM:

H.R. 3357.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, which gives Congress the power ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers.''

By Mr. MICHAUD:

H.R. 3358.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. MORAN:

H.R. 3359.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. RENACCI:

H.R. 3360.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: ''The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.''

Article I, Section 8, Clause 18: ''The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.''

Amendment XVI: ''The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.''

By Mr. SCHIFF:

H.R. 3361.

Congress has the power to enact this legislation pursuant to the following:

The Utilizing DNA Technology to Solve Cold Cases Act is constitutionally authorized under Article I, Section 8, Clause 18, the Necessary and Proper Clause. The Necessary and Proper Clause supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text. Additionally, the Preamble to the Constitution provides support of the authority to enact legislation to promote the General Welfare.

By Mrs. SCHMIDT:

H.R. 3362.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: ''The Congress shall have Power To regulate Commerce with foreign Nations, and among several States, and with the Indian Tribes''

By Mr. WELCH:

H.R. 3363.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. BERKLEY:

H.J. Res. 83.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. WAXMAN, Mr. LARSON of Connecticut, and Mr. CLAY.

H.R. 49: Mr. YOUNG of Florida.

H.R. 83: Mr. DOGGETT, Mr. CONYERS, Ms. HANABUSA, Mrs. NAPOLITANO, Mr. RICHMOND, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. KILDEE, Ms. KAPTUR, Mr. GARAMENDI, Mr. MCGOVERN, Ms. SPEIER, Ms. DEGETTE, Mr. ELLISON, Mr. GENE GREEN of Texas, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. HINOJOSA, Mr. GONZALEZ, Mr. TONKO, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. COURTNEY, Mr. OWENS, Mr. ANDREWS, and Mr. VAN HOLLEN.

H.R. 85: Mr. RYAN of Ohio.

H.R. 132: Mr. FILNER.

H.R. 178: Mr. BERG.

H.R. 219: Mr. JOHNSON of Illinois.

H.R. 265: Mr. TOWNS, Mr. CONYERS, and Mr. LEWIS of Georgia.

H.R. 266: Mr. TOWNS, Mr. CONYERS, and Mr. LEWIS of Georgia.

H.R. 267: Mr. TOWNS, Mr. CONYERS, and Mr. LEWIS of Georgia.

H.R. 328: Mr. CAPUANO.

H.R. 329: Mr. CARNAHAN and Mr. PLATTS.

H.R. 402: Mr. PRICE of North Carolina.

H.R. 452: Mr. JOHNSON of Illinois.

H.R. 504: Mr. GRIFFIN of Arkansas.

H.R. 507: Mr. JOHNSON of Illinois.

H.R. 576: Ms. LEE of California.

H.R. 598: Mr. CUELLAR and Mr. MEEKS.

H.R. 615: Mr. WALSH of Illinois.

H.R. 640: Mr. BISHOP of New York, Mr. ELLISON, Ms. DEGETTE, and Mr. TOWNS.

H.R. 648: Mr. FITZPATRICK.

H.R. 676: Mr. PASTOR of Arizona.

H.R. 719: Mr. KING of Iowa, Mr. PEARCE, Mr. AUSTIN SCOTT of Georgia, Mr. PRICE of North Carolina, Mr. KISSELL, and Mr. HANNA.

H.R. 721: Mr. BRADY of Pennsylvania, Mr. GIBBS, and Mr. KINGSTON.

H.R. 735: Mr. FLEISCHMANN.

H.R. 743: Ms. HOCHUL.

H.R. 809: Mr. BOSWELL.

H.R. 812: Mr. RANGEL, Mr. BOSWELL, Mr. MCCOTTER, and Mr. PAULSEN.

H.R. 835: Mr. CROWLEY.

H.R. 860: Mr. PAYNE, Mr. BERG, Mr. HONDA, Mr. GUINTA, and Mr. CLEAVER.

H.R. 865: Ms. SCHWARTZ and Mr. CUELLAR.

H.R. 886: Mr. FITZPATRICK, Mr. SHUSTER, Mr. BRADY of Texas, Mrs. CAPITO, Ms. ROS-LEHTINEN, Ms. BALDWIN, Mr. BERMAN, Mr. BISHOP of New York, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CARNEY, Mr. CAPUANO, Ms. CASTOR of Florida, Ms. CHU, Mr. CLYBURN, Mrs. DAVIS of California, Mr. ENGEL, Ms. ESHOO, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HOLT, Mr. INSLEE, Mr. KILDEE, Mr. KIND, Mrs. LOWEY, Mr. MARKEY, Ms. MATSUI, Mr. MILLER of North Carolina, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RICHMOND, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. SMITH of Washington, Mr. STARK, Ms. SUTTON, Mr. THOMPSON of California, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, Mr. DAVIS of Kentucky, Mr. BASS of New Hampshire, Mr. LATOURETTE, Mr. STUTZMAN, Mr. SCHWEIKERT, Mr. BUCHANAN, Mr. MCCARTHY of California, Mr. UPTON, Mr. BURGESS, and Mr. WALDEN.

H.R. 890: Mr. FORTENBERRY.

H.R. 891: Mr. FRANK of Massachusetts.

H.R. 912: Mrs. DAVIS of California.

H.R. 1048: Mr. HINCHEY.

H.R. 1167: Mr. BROUN of Georgia.

H.R. 1179: Mr. COFFMAN of Colorado, Mr. BROUN of Georgia, Mrs. BACHMANN, and Mr. RIGELL.

H.R. 1193: Mr. ALTMIRE.

H.R. 1195: Mr. SCOTT of South Carolina.

H.R. 1206: Mr. PERLMUTTER and Mr. SHUSTER.

H.R. 1244: Ms. SCHAKOWSKY and Mr. PITTS.

H.R. 1267: Mr. INSLEE.

H.R. 1288: Mr. DEFAZIO, Mr. RYAN of Ohio, and Mr. JACKSON of Illinois.

H.R. 1297: Mr. ELLISON.

H.R. 1340: Mr. WOMACK and Mr. BRALEY of Iowa.

H.R. 1385: Mr. MANZULLO.

H.R. 1417: Ms. DELAURO.

H.R. 1457: Mr. MEEKS.

H.R. 1465: Ms. EDWARDS.

H.R. 1489: Ms. JACKSON LEE of Texas.

H.R. 1513: Mr. MARINO, Mr. DICKS, Mr. CROWLEY, Ms. TSONGAS, Ms. VELÁZQUEZ, Mr. CICILLINE, Mr. OLVER, Mr. LYNCH, Mr. SERRANO, and Mr. WEST.

H.R. 1524: Ms. LEE of California and Mr. CARNAHAN.

H.R. 1529: Mr. SCHILLING.

H.R. 1574: Mr. SHERMAN.

H.R. 1578: Mr. FRANK of Massachusetts, Mr. SABLAN, Ms. BORDALLO, Ms. CLARKE of New York, Ms. SPEIER, and Ms. BASS of California.

H.R. 1585: Mr. COFFMAN of Colorado.

H.R. 1639: Mr. HANNA, Mrs. BLACK, and Mr. CHABOT.

H.R. 1653: Mr. POLIS and Mr. TOWNS.
H.R. 1697: Mr. NUNNELEE, Mr. CRENSHAW, and Mr. HEINRICH.
H.R. 1739: Mr. MANZULLO.
H.R. 1742: Mr. WELCH.
H.R. 1815: Mr. ROONEY, Mr. BLUMENAUER, Mr. ALTMIRE, Mr. COURTNEY, Mr. HOLT, Mr. KIND, Mr. GENE GREEN of Texas, Mr. COSTA, Mr. RAHALL, and Mrs. CAPPS.
H.R. 1831: Mr. JOHNSON of Illinois.
H.R. 1834: Mr. SHULER and Mr. TERRY.
H.R. 1842: Mr. PETERS.
H.R. 1848: Mr. YODER.
H.R. 1881: Mr. QUIGLEY.
H.R. 1901: Mr. GUTIERREZ.
H.R. 1905: Mr. MARKEY.
H.R. 1909: Mr. RENACCI and Mr. JACKSON of Illinois.
H.R. 1956: Mr. FRANKS of Arizona.
H.R. 1957: Mr. BISHOP of New York.
H.R. 1971: Mr. MICHAUD, Mr. MARINO, and Mr. KILDEE.
H.R. 2020: Mr. YARMUTH, Mr. LANCE, and Mr. TOWNS.
H.R. 2033: Mr. PAYNE.
H.R. 2051: Mr. HULTGREN, Mr. RENACCI, and Mr. CHABOT.
H.R. 2069: Mr. ROSS of Florida.
H.R. 2077: Mrs. ELLMERS and Mr. BURTON of Indiana.
H.R. 2082: Mr. NEAL and Mr. PENCE.
H.R. 2088: Mr. SARBANES, Mr. JACKSON of Illinois, and Mr. HOLT.
H.R. 2104: Mr. BRADY of Pennsylvania and Mr. DAVID SCOTT of Georgia.
H.R. 2180: Ms. RICHARDSON and Ms. ZOE LOFGREN of California.
H.R. 2187: Mr. REYES.
H.R. 2214: Mr. PENCE, Mr. GRIFFITH of Virginia, Mr. BROOKS, Mr. GUINTA, Mr. GOSAR, Mr. BILBRAY, Mr. ROE of Tennessee, Mr. BERG, Mr. WESTMORELAND, Mr. SCOTT of South Carolina, and Mr. COFFMAN of Colorado.
H.R. 2334: Mr. CRENSHAW.
H.R. 2353: Mr. MURPHY of Connecticut, Mr. BISHOP of New York, Mr. GOSAR, and Mr. MILLER of North Carolina.
H.R. 2412: Ms. LEE of California, Ms. NORTON, Ms. ESHOO, and Ms. DELAURO.
H.R. 2453: Mr. MEEKS, Mr. TOWNS, and Ms. SPEIER.
H.R. 2461: Mr. CRAWFORD.
H.R. 2466: Mr. BISHOP of New York and Mr. CARDOZA.
H.R. 2514: Mr. NUGENT and Mr. AMASH.
H.R. 2536: Mr. JOHNSON of Illinois.
H.R. 2541: Mr. GIBSON.
H.R. 2621: Mr. COFFMAN of Colorado and Mr. LAMBORN.
H.R. 2634: Mrs. MALONEY, Mr. BOSWELL, Ms. BORDALLO, and Mr. LOEBSACK.
H.R. 2655: Mr. MCGOVERN and Mr. MARKEY.
H.R. 2657: Mr. PETERS.
H.R. 2674: Mr. WELCH.
H.R. 2735: Mr. NEAL.
H.R. 2809: Mr. PETERS and Mr. AL GREEN of Texas.
H.R. 2849: Ms. JACKSON LEE of Texas.
H.R. 2874: Mr. SOUTHERLAND, Mr. SAM JOHNSON of Texas, Mr. MCCAUL, Mr. KING of Iowa, Mr. JOHNSON of Illinois, Mr. GINGREY of Georgia, Mr. WESTMORELAND, and Mr. MCKINLEY.
H.R. 2885: Mr. JOHNSON of Illinois and Mr. CRAVAACK.
H.R. 2900: Mr. JOHNSON of Ohio.
H.R. 2945: Mr. SIMPSON and Mr. JOHNSON of Illinois.
H.R. 2948: Mr. REYES, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, and Mrs. NAPOLITANO.
H.R. 2966: Mr. MCNERNEY, Mr. MARINO, Ms. BALDWIN, and Mr. WEST.
H.R. 2969: Mr. MARINO, Mr. COSTA, Mr. WOLF, and Mr. HOLT.
H.R. 3001: Mr. JONES, Ms. SCHWARTZ, Mr. PETERS, Mr. LUETKEMEYER, and Mr. HOYER.
H.R. 3010: Mr. CARTER and Mr. MATHESON.
H.R. 3035: Mr. GINGREY of Georgia.
H.R. 3039: Mr. SESSIONS and Mr. TERRY.
H.R. 3046: Mr. JACKSON of Illinois, Mr. FATTAH, and Ms. LEE of California.
H.R. 3059: Mr. BENISHEK.
H.R. 3066: Mr. WESTMORELAND.
H.R. 3077: Ms. PINGREE of Maine and Ms. ZOE LOFGREN of California.
H.R. 3083: Mr. HASTINGS of Florida and Mr. BERMAN.
H.R. 3113: Mr. LANDRY.
H.R. 3127: Mr. MARCHANT.
H.R. 3130: Mr. GARY G. MILLER of California.
H.R. 3156: Mr. GENE GREEN of Texas.
H.R. 3162: Mr. ROKITA and Mr. SCOTT of South Carolina.
H.R. 3167: Mr. DOLD.
H.R. 3184: Ms. LEE of California.
H.R. 3187: Mr. PETERS, Ms. HIRONO, and Mr. TOWNS.
H.R. 3206: Mr. WALDEN.
H.R. 3210: Mr. ROE of Tennessee and Mr. GRIMM.
H.R. 3221: Ms. ZOE LOFGREN of California.
H.R. 3225: Ms. MATSUI.
H.R. 3257: Mr. LATTA.
H.R. 3261: Mr. WATT, Mr. CARTER, Ms. BASS of California, Ms. WASSERMAN SCHULTZ, Mr. KING of New York, Mr. AMODEI, Mr. MARINO, and Mr. NUNNELEE.
H.R. 3262: Mr. LANKFORD, Mr. MEEHAN, Mr. MANZULLO, Mr. DUNCAN of South Carolina, Mr. YODER, Mr. JORDAN, Mr. FARENTHOLD, Mr. DESJARLAIS, Mr. SCHILLING, Mr. GOSAR, Mr. BURTON of Indiana, Mr. BASS of New Hampshire, Mr. MARINO, Ms. BUERKLE, Mr. MACK, and Mr. SCOTT of South Carolina.
H.R. 3277: Mr. AL GREEN of Texas.
H.R. 3278: Mr. CONYERS.
H.R. 3283: Ms. MOORE.
H.R. 3300: Mr. ACKERMAN, Mr. ANDREWS, Ms. BASS of California, Mr. BISHOP of Georgia, Mrs. CAPPS, Mr. CICILLINE, Mrs. CHRISTENSEN, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLEAVER, Mr. CLYBURN, Mr. DAVIS of Illinois, Ms. EDWARDS, Mr. ELLISON, Ms. FUDGE, Ms. HAHN, Mr. HONDA, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. NORTON, Ms. JACKSON LEE of Texas, Mr. MEEKS, Ms. MOORE, Mr. NADLER, Mr. PAYNE, Ms. RICHARDSON, Mr. RICHMOND, Ms. ROYBAL-ALLARD, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. TONKO, Mr. VAN HOLLEN, Ms. WATERS, Ms. WILSON of Florida, Ms. WOOLSEY, Mr. YARMUTH, Mr. MORAN, and Mr. FILNER.
H.R. 3305: Mr. ELLISON.
H.R. 3307: Mr. GERLACH.
H.R. 3324: Mr. KUCINICH.
H.J. Res. 52: Mr. ROSS of Florida.
H.J. Res. 78: Mr. TIERNEY.
H.J. Res. 80: Mr. PAYNE and Mr. HOLT.
H.J. Res. 81: Mr. YARMUTH.
H. Con. Res. 72: Mr. CLAY.
H. Res. 20: Mr. KEATING.
H. Res. 21: Mr. FALEOMAVAEGA.
H. Res. 71: Mr. BROUN of Georgia.
H. Res. 134: Mr. FRANKS of Arizona and Mr. GRAVES of Missouri.
H. Res. 253: Mr. MURPHY of Pennsylvania and Mr. YOUNG of Florida.
H. Res. 271: Mrs. SCHMIDT, Mr. GRAVES of Georgia, Mr. KINGSTON, Mr. POSEY, Mr. WILSON of South Carolina, Mr. COLE, Mr. BUCSHON, Mr. CONAWAY, Mr. ROE of Tennessee, Mr. STUTZMAN, Mr. FLEISCHMANN, Mr. CANSECO, Mr. GUINTA, Mr. HUIZENGA of Michigan, and Mr. BRADY of Texas.
H. Res. 376: Mr. HULTGREN, Ms. CHU, Mr. CICILLINE, and Mr. FRANKS of Arizona.
H. Res. 378: Mr. WOLF.
H. Res. 450: Ms. LEE of California and Ms. CHU.
H. Res. 452: Ms. CHU, Ms. TSONGAS, Mr. WELCH, Mr. BLUMENAUER, Ms. BORDALLO, and Mr. LARSEN of Washington.

## 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 LOBIONDO, or a designee, to H.R. 2838, the Coast Guard and Maritime Transportation Act of 2011, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2838

OFFERED BY: MR. LOBIONDO

AMENDMENT NO. 1: Page 18, line 13, strike ''section 569a'' and insert ''section 569a(a) for the sixth national security cutter and section 569a for the seventh national security cutter''.

Page 40, before line 7, insert the following:

**SEC. 409. AUTHORITY TO EXTEND THE DURATION OF MEDICAL CERTIFICATES.**

(a) IN GENERAL.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

**''§ 7508. Authority to extend the duration of medical certificates**

''(a) GRANTING OF EXTENSIONS.—Notwithstanding any other provision of law, the Secretary may extend for not more than one year a medical certificate issued to an individual holding a license, merchant mariner's document, or certificate of registry if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for medical certificates or in response to a national emergency or natural disaster.

''(b) MANNER OF EXTENSION.—An extension under this section may be granted to individual seamen or a specifically identified group of seamen.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

''7508. Authority to extend the duration of medical certificates.''.

Page 56, after line 3, insert the following:

**SEC. 612. REPORT ON SURVIVAL CRAFT.**

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the carriage of survival craft that ensures no part of an individual is immersed in water.

(b) CONTENT.—The report shall include information on—

(1) the number of casualties as the result of immersion in water by vessel type and area of operation reported to the Coast Guard for each of fiscal years 1991 through 2011;

(2) the effect the carriage of such survival craft has on vessel safety, including stability and safe navigation;

(3) the efficacy of alternative safety systems, devices, or measures; and

(4) the cost and cost-effectiveness of requiring the carriage of such survival craft on vessels.

Page 58, line 15, after ''technology'' insert ''to reduce or eliminate aquatic invasive species''.

Page 62, line 2, strike ''or'' at the end.

Page 62, line 7, strike the period at the end and insert ''; or''.

Page 62, after line 7, insert the following:

''(iii) a discharge into navigable waters from a commercial vessel when the commercial vessel is operating in a capacity other than as a means of transportation on water.

Page 64, line 3, strike ''December 19, 2008,'' and all that follows through the period at the end of line 5 and insert ''February 6, 2009.''.

Page 65, line 12, strike ''point'' and insert ''port or place''.

Page 65, line 22, insert '', if such system does not introduce aquatic nuisance species into navigable waters, as determined by the Secretary in consultation with the Administrator'' before the semicolon at the end.

Page 71, line 11, strike ''this subparagraph'' and insert ''clause (ii)(II)''.

Page 86, line 8, strike ''guidelines specifying'' and insert ''requirements for''.

Page 87, beginning on line 6, strike ''this section for'' and all that follows through the period at the end of line 8 and insert the following: ''this section for—

''(A) a commercial vessel having a maximum ballast water capacity of less than 8 cubic meters; and

''(B) a commercial vessel that is 3 years or fewer from the end of its useful life, as determined by the Secretary pursuant to subsection (b)(2)(B)(v).

Page 87, line 24, strike ''Subsections (c), (e), and (i)'' and insert ''Subsection (c)''.

Page 88, beginning on line 2, strike '', as determined by the Secretary, in consultation with the Administrator''.

Page 88, line 7, insert '', or an equivalent restriction, as determined by the Secretary, issued by the country of registration of the commercial vessel'' before the period.

Page 107, line 10, insert '', in consultation with the Administrator,'' before ''shall promulgate''.

Page 110, after line 18, add the following:

## TITLE VIII—PIRACY

**SEC. 801. SHORT TITLE.**

This title may be cited as the ''Piracy Suppression Act of 2011''.

**SEC. 802. REPORT ON ACTIONS TAKEN TO PROTECT FOREIGN-FLAGGED VESSELS FROM PIRACY.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, shall provide to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Service and the Committee on Commerce, Science, and Transportation of the Senate a report on actions taken by the Secretary of Defense to protect foreign-flagged vessels from acts of piracy on the high seas. The report shall include—

(1) the total number of incidents for each of the fiscal years 2008 through 2011 in which a member of the armed services or an asset under the control of the Secretary of Defense was used to interdict or defend against an act of piracy directed against any vessel not documented under the laws of the United States; and

(2) the total cost for each of the fiscal years 2008 through 2011 for such incidents.

**SEC. 803. TRAINING PROGRAM FOR USE OF FORCE AGAINST PIRACY.**

(a) IN GENERAL.—Chapter 517 of title 46, United States Code, is amended by adding at the end the following new section:

**''§ 51705. Training program for use of force against piracy**

''The Secretary of Transportation shall establish a training program for United States mariners on the use of force against pirates. The program shall include—

''(1) information on waters designated as high-risk waters by the Commandant of the Coast Guard;

''(2) information on current threats and patterns of attack by pirates;

''(3) tactics for defense of a vessel, including instruction on the types, use, and limitations of security equipment;

''(4) standard rules for the use of force for self defense as developed by the Secretary of the department in which the Coast Guard is operating under section 912(c) of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 46 U.S.C. 8107 note), including instruction on firearm safety for crewmembers of vessels carrying cargo under section 55305 of this title; and

''(5) procedures to follow to improve crewmember survivability if captured and taken hostage by pirates.''.

(b) DEADLINE.—The Secretary of Transportation shall establish the program required under the amendment made by subsection (a) by no later than 180 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

''51705. Training program for use of force against piracy.''.

**SEC. 804. SECURITY OF GOVERNMENT IMPELLED CARGO.**

Section 55305 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(e) SECURITY OF GOVERNMENT IMPELLED CARGO.—

''(1) In order to assure the safety of vessels and crewmembers transporting equipment, materials, or commodities under this section, the Secretary of Transportation shall direct each department or agency (except the Department of Defense) responsible for the carriage of such equipment, materials, or commodities to provide armed personnel aboard vessels of the United States carrying such equipment, materials, or commodities while transiting high-risk waters.

''(2) The Secretary of Transportation shall direct each such department or agency to reimburse, subject to the availability or appropriations, the owners or operators of such vessels for the cost of providing armed personnel.

''(3) For the purposes of this subsection, the term 'high-risk waters' means waters so designated by the Commandant of the Coast Guard in the Port Security Advisory in effect on the date on which the voyage begins.''.

**SEC. 805. GAO STUDY.**

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on efforts to track ransom payments paid to pirates operating in the waters off Somalia and improve the prosecution of such pirates. The report shall include—

(1) the status of Working Group 5 of the Contact Group on Piracy Off the Somali Coast, any efforts undertaken by the Working Group, and recommendations for improving the Working Group's effectiveness;

(2) efforts undertaken by the United States Government to implement and enforce Executive Order 13536, including recommendations on how to better implement that order to suppress piracy;

(3) efforts undertaken by the United States Government to track ransom payments made to pirates operating off the coast of Somalia, the effectiveness of those efforts, any operational actions taken based off those efforts, and recommendations on how to improve such tracking;

(4) actions taken by the United States Government to improve the international prosecution of pirates captured off the coast of Somalia; and

(5) an update on the United States Government's efforts to implement the recommendation contained in General Accountability Office report GAO–10–856, entitled ''Maritime Security: Actions Needed to Assess and Update Plan and Enhance Collaboration among Partners Involved in Countering Piracy off the Horn of Africa'', that metrics should be established for measuring the effectiveness of counter piracy efforts.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, NOVEMBER 3, 2011 No. 167

# Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are concealed, cleanse the thoughts of our hearts by the inspiration of Your Holy Spirit that we may perfectly love You and worthily magnify Your holy Name.

Lord, look with mercy upon our Senators and use them to heal the brokenness in our land. May they use their talents to lead people to replace fear with faith, cynicism with courage, and division with unity. Keep them from the forces that impede them from doing Your will.

We pray in Your merciful Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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 legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, November 3, 2011.*

*To the Senate:*

Under the provision of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will debate the motions to proceed to S. 1769 and S. 1786. One is a Democratic-sponsored infrastructure bill, and the other is a Republican-sponsored bill. The time until 3 p.m. will be equally divided and controlled between the two leaders or their designees. At about 3 p.m., there will be up to two rollcall votes. The first vote will be on a motion to proceed to S. 1769, the Rebuild America Jobs Act. If that is not successful, there will be a second vote on the motion to proceed to S. 1786. Both motions will require 60 votes.

We also expect to vote on a number of judicial nominations today.

## REBUILD AMERICA JOBS ACT

Mr. REID. Mr. President, yesterday evening, I called my friend from Searchlight, NV, Arthur Fraijo. Arthur's family has been in Searchlight for many years. His mom and dad have passed away. I keep in touch with him. He is a wonderful, hard-working man. I said, ''Where are you today, Arthur?'' He said, ''I am at work.'' I said, ''You're kidding, where are you?'' He was at this project out by Primm, a big solar project. I said, ''How long have you been working?'' I remember that he said it was a matter of weeks. It is the first job he has had in 3 years. He is an iron worker and he is working now, and he is very happy. Here is an iron worker, a construction worker, who has finally found a job.

In Nevada we have thousands of other people who have been out of work for a long period of time—construction workers such as Arthur. Most are not fortunate enough to have a job such as he has. That is what our legislation is all about. The legislation we will vote on this afternoon deals with putting people back to work, hundreds of thousands of construction workers. This is a bill that does not add more deficit spending. It is paid for, and it is not an attack on millionaires and billionaires. Many millionaires and billionaires are very fortunate in that they may not, in a given year, make a million dollars but they still have assets, so they are millionaires and billionaires. We have made sure that a small percentage of Americans would help us put people such as Arthur back to work.

What we have suggested in our legislation is so reasonable and so fair. What we are saying is that people who make all this money—more than a million dollars a year—should contribute to the restructuring of our economy. The plan is paid for by asking these people to contribute a little more to get the economy back on track. We are not asking all millionaires and billionaires; we are asking the people who have made more than $1 million a year to pay a little bit extra. It is the right thing to do. It amounts to two-tenths of 1 percent of the people who make money in America—two-tenths of 1 percent.

It is unbelievable that the Republicans have lined up in the past—and we have heard they are going to do the same thing today—in unanimous opposition to this commonsense plan that is supported by people all over America—not Democrats only, not Independents only, but Democrats, Independents, and Republicans.

Americans are crying for jobs, crying for us to pass this bill. This would put

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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3,000 or 4,000 people to work in Nevada. I think that is extremely important. And in every State it is the same. I talked to my friend from New Mexico yesterday, Senator BINGAMAN, the senior Senator, and he said it would put 4,000 people to work there. New Mexico's economy is not as troubled as Nevada's, but they are not doing as well as in years past.

This legislation levies a small tax on the top two-tenths of 1 percent of the American taxpayers. Their income has increased 275 percent over the last three decades. The top 1 percent of these people in America make as much as the other 99 percent put together.

We are being told that, well, we want to help you, but we have taken a tax pledge from this person named Grover Norquist. As Alan Simpson said, does that mean more than your country? If it does, he said you should not be in Congress.

I yield the floor.

## RECOGNITION OF THE MINORITY LENDER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## DUELING HIGHWAY BILLS

Mr. MCCONNELL. Mr. President, we are going to see very different approaches to infrastructure and job creation today. The American people can decide for themselves which one makes more sense.

The Republican proposal extends the current highway bill for another 2 years, giving States and contractors the certainty they need to start new infrastructure projects and to create jobs.

The legislation Senator HATCH is proposing today puts an end to the uncertainty for the next 2 years. This proposal also gives States the authority to decide how this money is spent. If folks in Ohio or Kentucky want to build a bridge, Washington can't force them to build a bike path.

The Republican proposal accelerates the review period and clears away the bureaucratic redtape. The President admitted a few months ago that the shovel-ready projects in his first stimulus bill didn't turn out to be as shovel ready as he thought. Our proposal helps make sure they are.

Our bill prohibits the EPA from imposing burdensome and unnecessary new regulations on American cement producers and domestic boilers, so the cost of American-made materials for the projects paid for through this highway bill don't skyrocket just as they are set to begin. The bill keeps those costs down.

Best of all, it is fully paid for through funds that were originally appropriated for another purpose but not spent. Whatever is left over after these projects are funded goes to pay down the deficit.

The Democrats are taking a different approach. First, according to the CBO, the Democrats' proposal will do little for the economy and putting people back to work in the short term, because the money will be spent very gradually. According to the CBO, less than one-tenth of the funds in the Democrats' proposal will be spent next year. Less than one-tenth of the funds in the Democrats' proposal, which we will be voting on today, will be spent next year, and roughly 40 percent won't be spent until after 2015. This hardly matches the President's call for doing something ''right away.''

Second, it costs another $57 billion we don't have.

Third, they want to pay for this temporary spending bill with a permanent tax increase on job creators. Again, they want to pay for a temporary spending bill with a permanent tax hike on job creators.

Fourth, they already know that Republicans and, yes, some Democrats, don't think we should be taxing job creators, particularly at a time when 14 million Americans are looking for a job—and that we will vote against any proposal that does so.

In other words, the Democrats have deliberately designed this bill to fail.

So the truth is that Democrats are more interested in building a campaign message than in rebuilding roads and bridges. Frankly, the American people deserve a lot better than that. The people of Kentucky deserve a lot better than that. The people in my State have serious, time-sensitive bridge projects—the Brent Spence bridge, I–69 bridge, Louisville bridges, and Sherman Minton bridge, which is currently shut down. They deserve better than that.

The Associated General Contractors of America and the U.S. Chamber of Commerce have already spoken out against the Democrats' proposal.

The rest of the American people can decide which approach they prefer: our proposal, which doesn't add to the deficit, doesn't raise taxes, empowers the States to make decisions on the local level, and is designed to gain bipartisan support or the Democrats' top-down approach, which perpetuates uncertainty, raises taxes on businesses at a time when we should be giving them more reasons to hire, not less, and which was designed in coordination with the White House political team to fail.

These are the two approaches on display in the Senate today. The choice should be obvious.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the highway bill has been worked on for months by Senator BOXER, who is the chairman, and the ranking member, Senator INHOFE. They have arrived at a conclusion.

I had a conversation yesterday with Senator INHOFE, and they have worked out almost all of the details on the bill. We have to do something on this bill because it expires at the end of this year—the 1st of February, I believe.

My friend, the Republican leader, whom I care a great deal about personally, is absolutely wrong. The American people support our approach. Seventy-six percent of the American people like it. People of all political definitions support it. Why? Because it is so fair.

We are asking the top two-tenths of 1 percent of people who make money in this country to contribute a surtax of seven-tenths of 1 percent of money they make over $1 million.

Job creators? I don't think so. The funding mechanism the Republicans use this time is in violation of the agreement we made last July. We have an agreement. We have cut domestic discretionary spending enough. That was the agreement we made. What they have done is come back to whack it more, which, I repeat, is going back on our agreement on how much we are spending on appropriations.

Not only that, but the Republicans do what they have done time and time again. We all know we would be better off if we didn't have as many regulations as we have. That is why every President, including Presidents Bush and Clinton, have done their best to eliminate unnecessary regulations. President Obama is doing the same thing. The Republicans come here and say that the way to create jobs is to get rid of regulations. On this way of paying for this—this smoke and mirrors that they have—they want to block implementation of health care reform, leading to higher costs and more uninsured Americans; block Wall Street reform, increasing the risk of future financial crises and taxpayer bailouts. Can you imagine, at this stage, that we would want to increase the power of those on Wall Street? I don't think the American people care about that. Also, they want to block antipollution protections, leading to dirtier air and more premature deaths and illness. They want to weaken food safety protections and weaken worker safety protections. I, of course, will urge my entire caucus to vote against this because it is the typical approach the Republicans have used, and it has not created a single job—a single job.

There is commentary in today's newspapers about what the House has been doing. They haven't done anything to create jobs. With that extremely powerful Republican caucus, they have done nothing—nothing—to create jobs.

Now, Mr. President, I am glad we have a motto that says ''In God We Trust.'' But can you imagine, they voted yesterday whether we wanted to emphasize, to underline and underscore ''In God We Trust.'' They spent yesterday debating that issue in the House of Representatives. That didn't create a single job.

There is not a single Senator who does not trust in God, that I know of.

Yet that is what they are debating. People such as Arthur Fraijo are desperate for work, have been out of work all these years. Yet not a single thing they do creates jobs.

The legislation we will vote on at 3 o'clock will produce hundreds of thousands of jobs now.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. My good friend has made a great campaign speech, but the election is in November of next year. If we want to accomplish something, we have to do it together. We have had a series of votes over the last few weeks clearly designed to fail. The proposal my good friend is talking about, in all likelihood, is going to have bipartisan opposition. It was not developed with Republican input, and it was not designed to get a positive outcome.

The House of Representatives, on 15 different occasions recently, has passed bills with bipartisan support—bipartisan support—that we are not taking up. One of them—the 3-percent withholding bill—enjoys the support of the President of the United States as well. So it is my hope that in the very near future we can figure a way to actually pass something together that would become law.

I wish we could put off the election until next year because these efforts to do these messaging amendments, as politically invigorating as it may be to the base of the Democratic Party, don't have anything to do with actually passing legislation that could have a positive impact. So we will have the two votes today, but I would urge my good friend to join me in looking for things on which there is enough bipartisan support to actually make a law, not just try to make a point.

I am sure it is the case that most Americans support raising taxes on high-income individuals. My guess is they might have a different view if they knew that four out of five of those individuals were actually business owners. Nevertheless, it is time, it seems to me, for us to quit making the campaign speeches and remember the election is in November 2012, not this month of 2011, and see if we can't work together to pass legislation the President can sign and that will help move the country in a different direction.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, my friend, the Republican leader, comes before this body today and says we should do our campaign speeches next year when the world knows my friend has said his No. 1 priority in this Congress is to defeat President Obama.

We have had on the Senate floor for the last 10 months a campaign speech every day directed by my friend and his Republican colleagues in his caucus doing everything they can to make President Obama look bad and doing nothing to help our economy. Their goal is to do everything they can to drag down this economy, to do anything they can to focus attention negatively on the President of the United States in hopes the minority leader can get my job, perhaps, and that President Obama will be defeated.

So let's not talk about campaign speeches on the Senate floor. Let's talk about reality. I do not believe we should be concerned about a piece of legislation that asks the richest of the rich to pay a few pennies of their vast fortunes to put people like my friend back to work. That is what this is all about. The American people agree with what we are doing. We are trying to have this government involved in things that create jobs, not slogans, not ''let's get rid of those regulations'' or do we believe in God or that kind of stuff.

That has not created a single job. What we want to do is create jobs. We also don't want to go back on the agreement we worked on for months regarding the deficit reduction plan and raising the debt ceiling, where we agreed on what our spending should be for this coming year. We will see how sincere my Republican colleagues are. The CR expires in 2 more weeks. The CR is the continuing resolution. Let's see if they go back on their word in that regard; that they will begin threatening to shut down the government if they do not get whatever slogan looks good during any specific period of time.

We have the FAA that is about to go out of business again because the Republicans are unwilling to pass a bill without some labor issue that has nothing to do with the bill that was passed—zero to do with it. Even the person who runs Delta Air Lines, that has been the focus of this, wants the FAA bill done. They recognize they have been hurt very badly by what the Republicans have done to focus attention on them—attention they do not want focused on them.

So I hope we can, on a bipartisan basis, do the things that are good for the country, and I think creating jobs is one of the most important things we should do. I would say to my friend: We can stay here all day, and I will get in the last word. We can extend to 11:20 now, but I will get in the last word in our conversation today.

Mr. MCCONNELL. Mr. President, it is certainly the case the majority leader can always have the last word, but I would say, with all due respect to my friend, he just made another campaign speech.

I think what the American people would like to see us do is actually pass something together that will become law—pass something together that will become law. That is how to get an accomplishment out of the U.S. Constitution. That is how to send something to the President.

We know how to work together to make things happen. We have done that in the past. All I am suggesting is that the exercise we are going to have later today has nothing to do with making law and making a difference. It is about making a point. We both know how to do that. We both know how to make points and make laws. What we are doing later today is not about making laws.

I am told by staff I need to move to proceed to S. 1786.

The ACTING PRESIDENT pro tempore. The motion will be pending.

The majority leader.

Mr. REID. Mr. President, I would finally say this: I hope we will have a new dawn arising soon where we will see my Republican friends break away from this lockstep they have been in. I can't imagine they believe they are doing the right thing by voting against asking the richest of the rich—.02 percent of the richest people in America—to contribute a small amount toward creating jobs in America. That is what this is all about.

I would hope someday we will see a few Republicans break from the pack and vote to create jobs rather than trying to defeat President Obama come next November.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## REBUILD AMERICA JOBS ACT—MOTION TO PROCEED

### LONG-TERM SURFACE TRANSPORTATION EXTENSION ACT OF 2011—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 legislative 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. Under the previous order, the time until 3 p.m. will be equally divided and controlled between the two leaders or their designees.

The motion to proceed to S. 1786 is also the matter before the Senate.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, while I have been interested in the comments between the two leaders, I have to agree with the Republican leader that this is an exercise, in many ways, in futility because the bill brought forth by the other side has very little chance of passing through both Houses of Congress because it is a partisan bill.

Let me just mention a few things this morning. While growth remains sluggish in our economy, unemployment high, and job growth insufficient to drive unemployment lower, the number of pages in the *Federal Register* is at an all-time high. Pages devoted to final rules rose by 20 percent

between 2009 and 2010, and proposed rules have also risen by close to 20 percent to 2,439 in 2010.

Of the 4,257 regulatory actions already in the pipeline, 219 are considered economically significant, meaning they are estimated to impose a cost of $100 million or more on the economy. By comparison, that is 28 more than this time last year and 47 percent more than in 2009. In total, the Obama administration has imposed 75 new major regulations costing over $38 billion annually. And we wonder why our country is in such trouble.

The minutes of the late September meeting of the Federal Reserve monetary policymaking committee reveal that in talking to businesses and market participants, many contacts have ''cited uncertainty about regulatory and tax policies as contributing to businesses' reluctance to spend.''

If businesses are not spending because of regulatory uncertainty, then their customers will see lack of demand for their products. The lack of demand explanation for economic sluggishness offered by the administration and its Keynesian advisers begs the question of why there is a lack of demand. While there are likely several reasons, the Fed clearly identifies one of them: Uncertainty about regulatory policies.

Indeed, uncertainty regarding future regulatory policies as a contributing factor for business reluctance to hire and invest has been cited in minutes of the past three policymaking meetings of the Fed's monetary policymaking committee. Those identifying that such uncertainty is impeding job creation are American businesses and not government bureaucrats insulated from the front lines of businesses and not their Keynesian advisers. They are the boots on the ground in the American economy—the very people who create jobs—most of whom are small businesspeople.

The legislation I have introduced seeks in part to ease the burden of Federal regulations on businesses, including smaller and younger businesses—where vibrancy is critical for job creation—and to provide a rational regulatory decisionmaking process to provide greater certainty to businesses about the future regulatory environment.

Provisions in this act represent ideas that have garnered bipartisan support. Indeed, many of the provisions follow directly from the President's own jobs council. The President's Council on Jobs and Competitiveness, according to the council, ''was created to provide nonpartisan advice.''

I am talking about the bill we have filed on this side.

The jobs council presented recommendations to President Obama on October 11, 2011, in Pittsburgh, PA. Those recommendations stem from the council's interim report titled ''Taking Action, Building Confidence: Five Common-Sense Initiatives to Boost Jobs and Competitiveness.'' Many of the provisions in my act stem directly from recommendations in the council's report and from the report's call for a more rational Federal regulatory system.

Allow me to offer some quotes and comments related to the President's jobs council's interim report recommendations in the context of this act.

First, the President's job council says:

> The nation's complex federal, state, and local permitting system can lead to unnecessary delays. In fact, large Department of Transportation projects can spend years getting the required Environmental Impact Statement process completed under the National Environmental Policy Act (NEPA).

I agree. This legislation—my legislation—promotes more efficient regulation to rein in some of the burdensome Federal redtape that stymies transportation infrastructure projects and job creation. At the same time, it fully recognizes environmental and safety concerns surrounding those projects. Relative to those concerns, the President's jobs council remarks that ''what's gotten less attention, however, is the number of jobs at stake.''

Second, the President's jobs council says:

> Current markets face significant uncertainty—tax policy, pollution restrictions, and performance standards are all in flux.

I agree. This side's legislation serves to reduce some of that uncertainty and promote rational regulatory decisionmaking with congressional review of rules and regulations that are of major economic significance and required approval of the very rules that would impose major costs on the U.S. economy and job creators.

Third, the President's jobs council states:

> There is broad consensus that a key step towards jump-starting economic growth would be removing regulatory barriers and simplifying overly complex government processes. Their inefficiencies cost businesses time and money.

I agree. This legislation seeks, through rational regulatory decisionmaking and reviews, to remove unnecessary and costly regulatory barriers and provide simpler, more rational government regulatory processes.

Fourth, the President's jobs council—this is referring to Executive orders to review regulations—says:

> Unfortunately, the Executive Orders mandating regulatory analysis and review did not apply to IRCs [independent regulatory commissions] such as the Securities and Exchange Commission or the Commodity Futures Trading Commission because the law won't allow it. While some IRCs employ economic analysis when crafting new regulations, many do not routinely do so. As an example, in 2010, IRCs issued 17 economically significant regulatory reactions—16 of which were promulgated by the Securities and Exchange Commission and the Federal Reserve System. None underwent the comprehensive regulatory impact analysis or included the cost-benefit analysis that is expected from executive branch agencies. The Council therefore recommends that legislation be passed that requires that IRCs conduct cost-benefit analysis for all ''economically significant'' regulatory actions that may have an annual impact on the economy of $100 million or more as well as any significant guidance that meets the same threshold.

I agree. This legislation we have filed on this side will provide congressional oversight on any such performed by IRCs such as the Securities and Exchange Commission, the Federal Reserve, the Commodity Futures Trading Commission, and other Federal regulators for economically significant actions.

Fifth, the President's jobs council says of its recommendations for economically significant regulatory actions:

> These recommendations are not designed to weaken regulation or regulatory agencies, but rather to improve the rulemaking process, and to create more effective and less burdensome regulations that will promote economic growth and job recovery.

I agree. The Republican legislation promotes a rational regulatory system with improved rulemaking oversight to create more effective and less burdensome regulations in order to help promote jobs growth.

I also agree with the spirit of the jobs council remarks that efforts such as this legislation, far from ''gutting regulations and threatening safety,'' will promote economic efficiency and renewed job creation. The call for rational regulation and rulemaking is in no way a gutting of regulations or a sacrifice of public safety or of environmental quality efforts. We all know that rules and regulations are quite likely to continue to grow and evolve. This legislation seeks only to put rational decisionmaking into the foundation of our regulatory and rulemaking processes that are too often driven by special interests of largely unaccountable and fully unelected Federal regulatory bureaucrats wishing to impose their preferences on America's job creators.

Proponents of the so-called infrastructure bank have actively cited in recent advocacy speeches findings from Global Competitiveness Reports of the World Economic Forum. Well, if ratings from the World Economic Forum guide their views and guide them to advocate hundreds of billions of dollars from taxpayer resources for a risky new GSE that they call an infrastructure bank, let's look at what the forum has to say regarding the United States.

First, in their recent Global Competitiveness Report, in what are called ''the most problematic factors for doing business'' in America, the top 4 factors out of 15 are tax rates, No. 1; inefficient government bureaucracy, No. 2; access to financing, No. 3; and tax regulations, No. 4. Inadequate supply of infrastructure rates No. 10, right below policy instability and restrictive labor regulations.

There you have it. The Global Competitiveness Report the administration and my friends on the other side of the

aisle use to advocate a risky new infrastructure bank places taxes and inefficient government bureaucracy as the top two leading problems in doing business in America. Those are the top two factors that are holding back job growth, and a brandnew, risky infrastructure bank bureaucracy funded by permanently higher taxes would only make those problems worse.

By contrast, the legislation I offer directly addresses inefficient government bureaucracy by acting to ease the inefficient regulatory burdens imposed on job creators by largely unaccountable and unelected Federal bureaucracies throughout our massive regulatory agency maze and their special interests. And, I might add, those regulatory agencies seem clearly not to have job creation and easing of the plight of America's 14 million unemployed workers as part of their main interests.

The legislation I am proposing also provides for a fully paid-for highway extension through 2013 that will give States and contractors the certainty they need to begin large projects and create jobs.

It calls for an elimination of dedicated funding for transportation enhancements and gives States the authority to decide whether to spend resources on bike paths or other such transportation add-ons.

It reforms the National Environmental Policy Act—NEPA—to eliminate the inefficient bureaucratic environmental redtape and to accelerate project delivery and contracting, just as called for by the President's own jobs council. It addresses the bureaucratic redtape associated with the NEPA that the President's own jobs council identifies, and it contains reforms that receive the support of the Department of Transportation.

It includes a provision to stop Environmental Protection Agency rules that serve to drive up costs of concrete and steel, which are key ingredients in the road and construction projects.

It includes provisions for waivers of inefficient environmental reviews, approvals, and licensing and permitting requirements on road, highway, and bridge rebuilding efforts in emergency situations.

It imposes a regulatory timeout on regulations to help stem the regulatory tsunami that is impeding job creation. We face a national jobs and unemployment emergency. It is truly a crisis. The Federal Reserve, the President's own jobs council, and job creators in Utah and across America have made clear that onerous regulations and regulatory uncertainty are acting to cast a wet blanket on job creation in America, and the 14 million unemployed Americans are painfully in need of jobs. My fellow Republicans and I are listening.

The legislation I propose goes straight to the matter in the interest of job creation now, not years from now once some inefficient, new, politicized, unelected Federal bureaucracy called an infrastructure bank is up and running to supply taxpayer funds to specially chosen and favored risky projects—something we have seen plenty of in this administration and some administrations in the past as well.

The legislation I propose addresses the repeated calls from job creators who are stymied by inefficient, burdensome regulatory redtape derived from special interest Federal bureaucracies rather than the interests of American workers.

The legislation I propose draws from bipartisan recommendations, including recommendations from the President's own bipartisan jobs council.

The legislation I propose accommodates fully paid-for infrastructure projects to be undertaken to help build roads, bridges, and a host of other projects without imposing permanent, job-killing, higher taxes during a national unemployment emergency.

I urge all of my colleagues in the Senate to support this legislation. This idea of an infrastructure bank appears to me to be just a future example of what Fannie and Freddie were all about. I think we can do this without having an infrastructure bank, we can do it better, and we can do it pushing a lot of the President's ideas forward, a lot of the World Economic Forum's ideas, and a lot of ideas that both sides of the aisle have to conclude are important for overcoming this regulatory mess that is making it almost impossible to create jobs and almost impossible to get legislation through this body.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. 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. HATCH. Mr. President, I ask unanimous consent that the time be divided equally and not charged to one side or the other.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. 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.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The senior Senator from New Hampshire.

Mrs. SHAHEEN. 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. SHAHEEN. Mr. President, I come to the floor this morning to speak to the legislation that is pending before us, S. 1769, the Rebuild America Jobs Act. This legislation, in fact, would put literally millions of Americans back to work rebuilding our Nation's roads, our bridges, our airports, and our railways.

The bill that is before us has two components. The first is a direct $50 billion Federal investment in our infrastructure, and it would be split between roads, rail, transit, and airport projects. More than half of that would go to our well-established, formula-driven highway and transit programs, and that would include about $132 million for New Hampshire.

The second piece of this proposal would create an infrastructure bank. That is legislation I cosponsored, and it has had bipartisan cosponsorship in the Senate. The bank, as it is structured, would be able to leverage public dollars to attract private capital, and that would, if it is successful, lead to hundreds of billions of dollars in infrastructure over the next 10 years. It is a bipartisan idea, as I said, and it has attracted support from both the AFL–CIO and the U.S. Chamber of Commerce. Clearly, it is a good idea if it has both of those organizations onboard. Together, this legislation that is pending before us would mean immediate jobs for our construction industry. It has been one of the hardest hit by this recession.

In New Hampshire the number of people working in the construction industry in 2010 was the lowest it had been in a decade. It was 25 percent lower than it was just in 2006, according to the Bureau of Labor Statistics.

Christian Zimmerman, who is the head of one of our biggest contractors in New Hampshire, Pike Industries in Belmont, told me he has had to lay off 150 workers in the last couple of years as Federal funding to build New Hampshire's roads has run out.

The Federal Highway Administration estimates that every $1 billion in highway spending supports more than 27,000 jobs. Economists at Moody's estimate that for every dollar we spend on infrastructure, our gross domestic product goes up by $1.59. That is because of the ripple effect this spending has in economic activity. There are a number of good reasons to support the legislation that is before us.

In the short term, this proposal would help put those who are unemployed in the construction industry back to work. That is something that would be critical as we are thinking about how to help the millions in this country who are unemployed and who have been unemployed, many of them for more than a year.

In the long term, the benefits of this investment in our infrastructure are equally important. A quality infrastructure is critical to our businesses. It is critical to our future economic growth, and it is critical to our future competitiveness in the world.

According to numerous studies, deteriorating infrastructure costs businesses more than $100 billion a year in lost productivity. There is very good evidence to show that our lack of investment in recent years is making itself felt in the condition of our roads and our bridges. This past June, the New Hampshire Society of Civil Engineers issued a report card on the condition of our State's roads and bridges, our dams, our wastewater facilities, our airports, and our waterways, those major projects we all consider part of our infrastructure. Sadly, the engineers' report card gave New Hampshire's infrastructure a grade of C. That is better than the grade the national organization has given the United States as a whole; that was a D. It is not as good as we want it to be, and it is not as good as we need for New Hampshire or this country if we are going to continue to be competitive.

Mr. President, 15 percent of New Hampshire's bridges are rated structurally deficient by the Federal Highway Administration, and 148 of them are red-listed. When I was first elected to the State senate, we had a controversy in New Hampshire because we had a highway commissioner who said because of the number of red-listed bridges, when we all drove around New Hampshire and went over a bridge we should drive fast and not look back.

Well, fortunately, we are not in that position right now, but we have a lot of bridges that need investment, and this bill before us would provide New Hampshire with additional Federal highway funding that would help us address these bridges that are red-listed and address our other transportation needs.

The most important project that should be addressed by this legislation in New Hampshire is a project that has been under way for years in the southern part of our State that has been threatened by the uncertainty surrounding Federal funding. It is the widening of Interstate 93 between southern New Hampshire and Massachusetts. This project is long overdue. It is badly needed by commuters and businesses in the area. The I–93 project was budgeted and planned based on the idea that the Federal Government would provide a consistent level of funding, but, unfortunately, the Republican budget the House has called for would produce a 35-percent cut in our highway program. Unfortunately, Congress has not yet been able to reach an agreement on a long-term reauthorization of our highway program. The uncertainty around this and the prospect of such a drastic cut has made this project, I–93, very difficult to finance.

Right now New Hampshire transportation officials have $115 million worth of bonding authority for this project that is just sitting on the sidelines because the Federal Government has not made good on its funding commitments. The bill before us would help complete this critical project for New Hampshire and so many others like it across the country.

If we want to see the benefits that investment and infrastructure can provide in New Hampshire, we only need to look at the new airport access road that goes to our largest airport and our largest city of Manchester. It is going to open to traffic a full 2 years ahead of schedule. The project was accelerated because of the funding it received from the Recovery Act.

I remember the winter after we passed the Recovery Act and looking at the bridge that was being constructed and talking about how we were going to be able to speed up this project because of those Recovery Act dollars. In fact, it has happened. It is going to open 2 years early. Local planning boards along the Manchester Airport access road are already seeing increased interest from commercial developers for the land that is along that road, that has been opened because of this new highway. Of course, Manchester's airport is also going to benefit from the investment in our airport access road.

Another piece that is in this legislation that is critical to our infrastructure investment in New Hampshire and across the country is the funding for a next-generation system of air traffic control which would transfer our system from a ground-based radar system to a GPS-based system—something most of us have in our cars these days. That would allow the entire airline industry to plan more efficient, point-to-point routes, and it would allow everybody to save on fuel costs.

I had the opportunity to meet with Southwest Airlines a couple weeks ago. It is the largest air carrier at the Manchester Airport. They talked to me about the challenges they are facing and the entire airline industry is facing because we haven't invested in this next generation system of air traffic control. They said it will save us money because it will be more economical in terms of fuel usage because they can go point to point, and it will save time because we can provide for more efficient routes.

This is a no-brainer. Right now, our system of air traffic control is behind even the country of Mongolia. It is time for us to make this investment, to make it easier for airlines to fly into a small hub airport such as Manchester. It would save us all money. It would be safer. It is an investment that is long overdue.

A couple weeks ago, I also had a chance to speak at an infrastructure summit that the Greater Manchester Chamber of Commerce supports for the Greater Manchester region. There was a whole day of talking about why investment in our infrastructure is important, because without reliable power, without reliable bridges and public transportation and roads, businesses can't thrive. The Manchester Chamber believes investment in infrastructure is critical to growing our economy and creating jobs, and I share that belief. It is a belief that I came to as a State senator way back over 20 years ago, when I served in the New Hampshire State Senate. It is something I continued to support as Governor. In those days, we worked together on a bipartisan basis because we all understood, Republicans and Democrats, investing in infrastructure produces returns.

New Hampshire and the rest of our country need this investment that this legislation pending before us would provide. Our unemployed need the work. Our businesses need to know we are going to make these investments so they can depend on this certainty for their long-term growth and competitiveness.

So I hope, as we come to this vote today on the motion to proceed to this legislation, my colleagues, particularly those across the aisle, will give up their opposition to this legislation. I know they know how critical it is to invest in our infrastructure. So this is something we all ought to come together around. Just because this is a proposal that has been put forward by the President is not a reason not to support it.

I urge all my colleagues to support the passage of this legislation. Let's make these investments. Let's put people back to work. Let's make sure we are going to be competitive in the future. Thank you very much.

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. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, we know that investment in our infrastructure means jobs and economic development now and in the future. We know as a country that in the fifties, sixties, seventies, and eighties we built infrastructure—highways, bridges, water, sewer, community colleges, medical research, modernizing high schools—all the things we did in the postwar years for five decades, in the forties through the eighties. The world had never seen this before.

We know that American prosperity—the postwar prosperity—in large part was based on the foundation we had set in infrastructure—again, the physical infrastructure of bridges across the Ohio River joining the Presiding Officer's State and mine in Huntington, Ironton, Parkersburg, Marietta, and Wheeling, and across to Belmont County in Ohio. We know that the infrastructure of building community colleges such as Jeff Tech and building branch campuses at OU, and now building broadband, but then funding medical care—those things created the long-time prosperity of our country.

These are forward-thinking investments with payoffs that last for decades and benefit our Nation, our small businesses, and our workers for generations.

History tells us that our Nation's infrastructure has been critical to our Nation's economic, competitive, and industrial strength. Let's look back a bit. Abraham Lincoln created the transcontinental railroad. Thousands of jobs were created, and the development of the American West was possible. President Roosevelt modernized our Nation's electric grid during the New Deal. More than just electricity came to the Tennessee Valley in rural America. Americans were put to work setting the poles, stringing wire, building the hydroelectric dams that improved the quality of life, and attracting countless businesses to the region. So the infrastructure was built, creating jobs. But even more so, the foundation was set where many more jobs were created.

President Eisenhower and the Congress established our interstate transportation system. A generation of workers carved out highways and roadways, allowing commerce and people to travel from coast to coast.

Our Nation used its postwar infrastructure boom to become the economic superpower that we are today. Public work investments not only create good-paying, middle-class construction jobs, they spur economic development projects in small towns and rural communities and urban areas. We know what happens when a highway comes into a community, what it does to spawn other kinds of work. It serves as a multiplier effect and attracts businesses and workers and foreign companies to build in America, and benefits from that clear competitive advantage. That is why we led the world for five decades.

It is clear that when companies decide where to locate or expand or invest, that infrastructure, broadband, energy, transportation, all are critical factors in the decision. Businesses rely on solid infrastructure.

Companies such as Ohio's Proctor & Gamble in Cincinnati recognize that our infrastructure provides a competitive advantage, enabling them to ship their products anywhere in the world. Ohio manufacturers, such as General Motors and Honda and Smuckers, rely upon our infrastructure as they operate with just-in-time manufacturing.

Yet we are falling behind in maintaining the very infrastructure that made us a superpower. Unsafe bridges have cost lives. Clogged roads and congested air space cost billions of dollars in lost trade and productivity. Some people tell us they spend more time commuting than they are at home with their families.

We are seeing 19th century water and sewer systems failing our 21st century cities. Meanwhile, more and more people depend on these services, while cities and States can't meet demand—where States face budget and revenue shortfalls that make these investments difficult, if not impossible.

And there is China—which is fast becoming one of our chief economic competitors—building more roads, better airports, and faster rail systems than we are. Why do we let that happen? No one in this Congress—nobody—and in State legislatures, as Senator SHAHEEN said earlier—should be proud of the condition of our roads. No one in this Congress should be proud of the fact the newest airports and train stations are being built somewhere far from our shores. Yet there remains an unwillingness here—and I am still incredulous about this—to make the sort of investments necessary to improve our Nation's infrastructure.

I guess we have to cut taxes more for rich people instead of asking them to pay a little more to put that money into infrastructure. Historically, infrastructure has been bipartisan. I have heard some of my colleagues saying there is no such thing as a Democratic or Republican bridge. But it seems there is now because we see time and time again some of my conservative colleagues saying: No, we are not going to spend money on infrastructure. We are not going to do that.

Let me show a picture of a bridge I have been across many times. I have seen it from Cincinnati many times. This is a view from the Kentucky side. This is called the Brent Spence Bridge. The President was there not too long ago. I was not with him that day, but I have been on this bridge many times. It was named after a Congressman from Kentucky who served from 1931 to 1963. The bridge was inaugurated by President Johnson. So the bridge construction began and came later.

This is I–75 through Cincinnati, going from Kentucky to Cincinnati into Dayton, if you can follow it all the way north, and then into Toledo and ultimately into Detroit. This bridge carries millions of dollars' worth of freight and millions of drivers across the bridge. Someone said this bridge accounts, perhaps, for as much as 4 percent of our gross domestic product going either north or south across this bridge.

Today, the Brent Spence Bridge is 1 of 15 the U.S. Department of Transportation has deemed functionally obsolete. But the Brent Spence bridge is not alone. We can see there is no real space if a car breaks down. There is not much of a lane to get over if someone has a heart attack while driving or all the problems one can imagine having while on the bridge. This is major, major bridge across one of the most important rivers in this country—the Ohio River.

A recent study of our Nation's infrastructure found there are more—get this—more structurally deficient bridges in the United States than there are McDonald's restaurants. Think about that: There are 14,000 McDonald's restaurants. But according to Transportation for America, there are 18,000 deficient bridges and 70,000 structurally deficient bridges.

From a public safety and commerce perspective, fixing a bridge is a necessity. The largest hurdle remains financing. Under the President's proposal we will vote on this afternoon, more than $60 billion, completely paid for, would go toward road and bridge construction, fixing our airports and transit systems. It would make our roads and skies safer for transportation.

The bill includes a national infrastructure bank that would fund infrastructure projects of regional or national significance, such as this almost 50-year-old bridge. Increasing private sector infrastructure lending, a national infrastructure bank could couple Federal loans with private equity, ensuring a private-public partnership that meets local needs.

For the Brent Spence Bridge, it would mean Ohio and Kentucky could obtain the necessary funding to complete the project ahead of schedule, create jobs, and protect the public safety.

We have to do this. We have to renovate and update our infrastructure. Why wait? Interest rates are as low as they have almost ever been. Construction costs—because there is so much competition among construction companies to get work now—are as low in historical times as perhaps they have ever been, and we need this work now because of the job employment situation. So we will benefit from replacing and fixing this bridge for years into the future.

For freight rail investments in Columbus, it would mean reducing the bottlenecks that prevent goods from moving across the country. For airports, it means reducing congestion and improving runways; on our rivers, such as the Ohio River, it means fixing locks that slow barge traffic.

Lake Erie, at the other end of my State, has made such a difference in the settlement of Buffalo—although there is also Lake Ontario there—Cleveland, Ashtabula, and Toledo. We know what these Great Lakes have done for the economic development of our country. It means fixing these ports. For all our States, it means jobs and economic development.

This is about a construction manufacturer in Peoria selling equipment to contractors working at the Port of Toledo. It is about dock workers loading American-made steel and Ohio-grown soybeans for export to markets around the world. That is what this bill is about.

This bill is about jobs now. It is about setting the table for jobs in the future. We know that. Republicans and Democrats alike know that. Yet Republicans, I guess, just want to see Barack Obama fail. That is what the Republican leader has said repeatedly, though I don't understand that. But that is what he says.

This bill is fully paid for. The bill before the Senate is funded by a very small tax on people making over $1 million a year. If someone is making $1 million a year, their taxes will not go up, but they will pay a little bit of money on the second million they make. So this isn't in any way going after small business, it is just saying the people who have done well have to pay a little more money. It is common sense and it is the American way.

We are asking those who have benefited the most—many on Wall Street, many of them on Main Street—people who have done very well to make this investment. We know it is infrastructure that has helped people make lots of money in this country. Without infrastructure, many of these companies never would have been successful.

World-class infrastructure is how we move goods across the country and export around the world—on our trucks, on our rails, on our barges, and on our airplanes. It is how we get to work and school, it is how we attract businesses, and it is how we protect the public health, through clean water and sewer systems.

This will create jobs immediately—good-paying, middle-class jobs. These jobs provide workers with health care and retirement. These are exactly the kind of jobs the Presiding Officer welcomes in Wheeling and Charleston and Beckley and I welcome in Portsmouth and Cleveland and Akron. These jobs enable people to buy a home, to save for their children's education, and to plan for their future. These jobs not only create the construction jobs we need, putting money in people's pockets they will spend in the community, but they also create manufacturing jobs in steel and cement and all kinds of materials. They also create long-term jobs as companies grow because they have better infrastructure.

This is about rebuilding our infrastructure. It is about rebuilding our middle class. I ask my colleagues to support this legislation later today when we vote on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

FANNIE MAE AND FREDDIE MAC

Mr. MCCAIN. Mr. President, I would like to speak about an issue that I and most Americans, I believe, find extremely troubling and one I have been seeking to have properly addressed for many years now; namely, the outright corruption and blatant abuse of the American taxpayer that has been taking place at the hands of Fannie Mae and Freddie Mac for decades.

Since they were placed in conservatorship in 2008, the two government-sponsored enterprises—GSEs; i.e., supported by the taxpayers—have soaked the American taxpayer for nearly $170 billion in bailouts. Just this morning, the Associated Press reported that Freddie Mac has now requested an additional $6 billion to continue their, so far in my view, failed efforts. I quote from the Associated Press:

Government-controlled mortgage giant Freddie Mac has requested $6 billion in additional aid after posting a wider loss in the third quarter. Freddie Mac said Thursday that it lost $6 billion, or $1.86 share, in the July-September quarter. That compares with a loss of $4.1 billion, or $1.25 a share, in the same quarter of 2010. The government rescued McLean, Virginia-based Freddie Mac and sibling company Fannie Mae in September 2008 after massive losses on risky mortgages threatened to topple them. Since then, a Federal regulator has controlled their financial decisions. Taxpayers have spent about $169 billion to rescue Fannie and Freddie, the most expensive bailout of the 2008 financial crisis. The government estimates it will cost at least $51 billion more to support the companies through 2014, and as much as $142 billion in the most extreme case.

Freddie and Washington-based Fannie own or guarantee about half of all U.S. mortgages, or nearly 31 million home loans worth more than $5 trillion. Along with other federal agencies, they backed nearly 90 percent of new mortgages over the past year. The two mortgage giants buy home loans from banks and other lenders, package them into bonds—

Et cetera, et cetera, et cetera. So here we are. We have spent $169 billion and now they are asking for $6 billion more. What do we find out? Fannie and Freddie now will dole out big bonuses. I am not making this up.

Quoting now from a Politico article:

The Federal Housing Finance Agency, the government regulator for Fannie and Freddie, approved $12.79 million in bonus pay after 10 executives from the two government-sponsored corporations last year met modest performance targets tied to modifying mortgages in jeopardy of foreclosure. The executives got the bonuses about two years after the federally backed mortgage giants received nearly $170 billion in taxpayer bailouts—and despite pledges by FHFA, the office tasked with keeping them solvent, that it would adjust the level of CEO-level pay after critics slammed huge compensation packages paid out to former Fannie Mae CEO Franklin Raines and others.

I might add, these huge bonuses and packages that were given to Mr. Johnson, Mr. Raines, and many others—and there is clear evidence of this—was done by cooking the books. Yet not a one of them has been held accountable in any way, shape or form.

Continuing to quote from the article:

Securities and Exchange Commission documents show that Ed Haldeman, who announced last week that he is stepping down as Freddie Mac's CEO, received a base salary of $900,000 last year yet took home an additional $2.3 million in bonus pay. Records show other Fannie and Freddie executives got similar Wall Street-style compensation packages; Fannie Mae's CEO Michael Williams, for example, got $2.37 million in performance bonuses.

That was after the taxpayers paid $160 billion. That is why they are on the hook for another $6 billion and God knows how much more. So we are giving these individuals $900,000 a year in salary, millions of dollars in bonus pay, and who in the world is the Federal Housing Finance Agency to award these bonuses?

FHFA's Acting Director Edward DeMarco—and I must admit to my colleagues I had not heard of Mr. DeMarco—told Congress last year that the managers who were at the helms of the mortgage companies during the market collapse were dismissed but also argued that generous pay helps lure ''experienced, qualified'' executives able to manage upward of $5 trillion in mortgage holdings.

Whatever happened to asking patriotic Americans to come and serve and help homeowners out of this crisis? Whatever happened to patriotic Americans who would serve and help the nearly half of all homeowners in my State of Arizona whose mortgages are underwater?

DeMarco told lawmakers he is concerned that suggestions to apply a Federal pay system to non-Federal employees could put the companies in jeopardy of mismanagement—could put the companies in jeopardy of mismanagement—and result in another taxpayer bailout. They just asked for $6 billion more. He said the compensation packages at Fannie and Freddie are part of the plan to return them to solvency while reducing costs to the taxpayers.

A March report by FHFA's inspector general—obviously ignored by Mr. DeMarco—said the agency ''lacks key controls necessary to monitor'' executive compensation, nor has it developed written procedures for evaluating those packages. In other words, the beat goes on. Business as usual, Fannie Mae and Freddie Mac.

It is unconscionable. It has been proven time and time again that Fannie and Freddie Mac are synonymous with mismanagement, waste, outright corruption, and fraud. And their Federal regulator has the audacity to approve $12.8 million in executive bonuses to people who make $900,000 per year. This body should be ashamed if we let this happen, especially in these economic times. Every day more and more Americans are losing their jobs and their homes, and we are allowing these people to take home annual salaries of $900,000 and bonuses of millions of dollars, all while they ask the taxpayers for $6 million more today.

It has come to my attention that some of my colleagues are writing letters, calling for committee hearings on this issue. Letters are fine, hearings are fine, hearings are great. They are not the answer. The answer is for us to stop it from happening, and we can do that with an amendment on the pending appropriations bill. I will be offering an amendment, and I hope all of my colleagues would join in.

Let me just bring the attention of my colleagues to a book called ''Reckless Endangerment,'' written by Gretchen Morgenson and Joshua Rosner. The title of it is ''How Outside Ambition, Greed and Corruption Led to Economic Armageddon.'' So we are talking about pay and bonuses, and I read from the book:

Because bonuses at Fannie Mae were largely based on per-share earnings growth, it was

paramount to keep profits escalating to guarantee bonus payouts. And in 1998, top Fannie officials had begun manipulating the company's results by dipping into various profit cookie jars to produce the level of income necessary to generate bonus payouts to top management.

Federal investigators later found that you could predict what Fannie's earnings-per-share would be at year-end, almost to the penny, if you knew the maximum earnings-per-share bonus payout target set by management at the beginning of each year. Between 1998 and 2002, actual earnings and the bonus payout target differed only by a fraction of a cent, the investigators found.

Investigators uncovered documents from 1998 detailing the tactics used by Leeane Spencer, a finance official at Fannie, to make the company's $2.48 per-share bonus target. That year, Fannie Mae earned $2.4764 per share.

In a mid-November memo to her superiors, Spencer forecast that the company was on track to earn $2.4744 per share, just shy of what was needed to generate maximum bonus payments to executives.

Look, this story goes on in this book. It goes on and on how the Fannie Mae and Freddie Mac executives intentionally ripped off the American people, describing profits in a way that was totally false, getting tens of millions in bonuses. This is a government-sponsored enterprise. Mr. Johnson, bailed out with $100 million or so of taxpayers' bonuses:

In 1999, Johnson joined Goldman's board, stepping into a highly lucrative position that offered rich investment opportunities overseen by the firm and opened doors for Johnson around the world. In 2000, the Goldman board position paid Johnson $50,000, not counting stock awards.

With brokerage firms such as Goldman Sachs, which flourished from the fees by underwriting securities issued by Fannie and Freddie, with fees totalling $100 million a year, guess who came on Fannie's board. Mr. Johnson.

Johnson was still on the board in 2010, when the Securities and Exchange Commission sued the investment bank for securities fraud related to its sale of a dubious mortgage security. By that time, Johnson was earning almost $500,000 for his work on the Goldman board.

The accounting fraud at Fannie went undiscovered until 2005 when an investigation by OFHEO unearthed it. In a voluminous, intensely detailed 2006 report, OFHEO noted that if Fannie Mae had used appropriate accounting methods in 1998, the company's performance would have generated no executive bonuses at all.

A lawsuit filed by the Securities and Exchange Commission in 2006 said the company's 1998 results were ''intentionally manipulated to trigger management bonuses.''

Although a highly kept secret at the time, Johnson's—

This is Mr. James Johnson—

Johnson's bonus for 1998 was $1.9 million, investigators determined. It later emerged that the company had made inaccurate disclosures when it said Johnson earned a total of almost $7 million in 1998. In actuality, his total compensation that year was like $21 million, OFHEO said, referring to an internal Fannie Mae analysis it had turned up.

So one of the great scams in American history is going on, and the people responsible for it have never been held responsible. They have never been held responsible. I refer my colleagues, take a look at this book, and I recommend taking blood pressure medicine before you read it.

Now, here we are, business as usual in Washington. The approval rating of Congress is now down to 9 percent. As I have said continuously, we are down to paid staffers and blood relatives.

Why aren't they happy with us? Why haven't we solved the housing crisis in America? Why is it that half the homes in Arizona are still underwater, worth less than their mortgages, while the financial institutions on Wall Street are doing just fine, with record profits, and Fannie and Freddie continue to act as if they did nothing wrong? And to add insult to injury, after a third quarter loss of $6 billion, they are going to get millions of dollars in bonuses.

I may be a bit of an idealist, but I will bet you there are some patriotic, talented Americans who would be willing to serve on Fannie Mae and Freddie Mac without being paid $900,000 a year and millions of dollars in bonuses. I really believe that. I really believe that. Yes, people are sitting in around the country; and, yes, I don't agree with a lot of their agenda. But when they read of things like this, their anger is justified. Already, $170 billion in bailouts. This morning, an additional $6 billion. Yet the American taxpayer is told they are making progress? And who has been held responsible at these organizations, at these government-sponsored enterprises that were responsible? To my knowledge, no one.

So it seems to me the least we can do is cancel these bonuses, make sure it doesn't happen, and maybe ask for some qualified, experienced, talented Americans to come in and take over this agency. And the first guy I think ought to go is the guy who approved these payouts, Mr. Edward J. DeMarco.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I couldn't agree more with the Senator who just spoke that we are in a situation where the all-time approval rating of this body seems to have reached an all-time low. There are justified reasons for the frustration and for the anger of a very broad run of our constituents, of the folks who hired us to come here from our States of West Virginia and Delaware, from Arizona, and others to try to fix the problems confronting this country. And much of the mess, many of the things that got us into this problem have not been solved.

I rise today to speak about one way forward out of it. I think one of the reasons there is so much frustration with Congress and the general public is there is broad support for some simple solutions to get Americans back to work, to revive and strengthen our economy, and we just seem incapable of reaching across this partisan divide and moving forward. One of those is an infrastructure bank.

I rise today to follow up on a speech I gave yesterday about why investing in American infrastructure means investing in America's future. Infrastructure—building roads and bridges, highways and sewer systems, modernizing America's backbone—enjoys very broad support from all across the United States, from all different sectors, because Americans understand it will put folks back to work in the building trades industries that have taken the hardest hit in this recession and in a way that will lay the groundwork for our long-term future competitiveness.

This is smart spending. This is investing in the best tradition of Federal, State, local, and private partnerships to make America more competitive for the future.

I want to talk about one element of the bill which I hope we will move to later today, the American Infrastructure Financing Authority, or known more colloquially as the National Infrastructure Reinvestment Bank.

If this idea sounds familiar, it is because it has already been introduced. It is a bipartisan bill, the BUILD Act, championed by Senator KERRY and Senator HUTCHISON, of which I am a cosponsor, and one that provides a creative financing vehicle for building infrastructure going forward.

Before becoming a Senator in the election just 1 year ago yesterday, I served for 6 years as the county executive of Delaware's largest county, and one of the services our county was responsible for was running a countywide sewer system. We had 1,800 miles of sanitary sewer, and it was a constant challenge to maintain. That is a lot of pipe, a lot of pump stations, and a lot of sewage backing up in people's homes in the middle of the night, which led to a lot of aggravated calls from constituents.

It was an aging system like so much of America's infrastructure, one in which we had underinvested for too long. From personal experience, I can tell you that the lack of infrastructure, of adequate sewer capacity was a major to barrier to future growth. So, too, across States and counties and cities all over this country. Where the roads and rail, the ports, and the sewer systems aren't up to current global standards, we can't expect to grow to meet our global competitors.

When we talk about capital infrastructure improvements at the local level in the government I used to be with, it wasn't some wish list. This wasn't some future technology. This wasn't some risky investment. It was triage. It was critically needed investment in pipes in the ground that would protect our water, strengthen our community, and grow our economy.

As a nation, the American Society of Civil Engineers has told us we need $2.2 trillion over just the next 5 years in infrastructure investments to keep America moving forward. We are talking about fixing unsafe bridges, dealing with clogged highways, and rebuilding

airports so they can handle larger modern aircraft safely. That is an enormous scope, $2.2 trillion over just the next 5 years. We are already asking so much of the supercommittee in terms of finding dramatic savings and reductions in Federal spending. Where will this level of investment come from to put America back to work?

So, in my view, we have to get creative. We have to leverage. We have to bring in more resources than are currently on the field, and especially now, especially in this country I think we have to be smart about how we spend our funds.

The Rebuild America Jobs Act, to which I hope we will be moving later this afternoon, would put $50 billion directly into infrastructure, put $10 billion as a downpayment into making possible this new infrastructure bank, seed money that makes possible loans and loan guarantees—not grants—for a wide range of infrastructure projects, including energy, water, and critically needed transportation. Remember, we need more than $400 billion a year in investment right now just to keep up. But we all know the constrained budgets of our counties, State, and local governments can't get the financing they need. This infrastructure bank would provide the leverage, a vehicle to finance desperately needed projects.

Just a few things about it. It would be for big projects, projects that cost more than $25 million in rural communities, $100 million in the rest of the country. It would only be allowed to finance up to 50 percent of a project to avoid crowding out private capital and to make sure that private capital has skin in the game so it is a viable project. It is my expectation, in fact, that the infrastructure bank would finance a much smaller piece of most projects, just enough to bring private investment to the table. It would be government-owned but independently operated, have its own bipartisan board of directors, and function much like the successful Ex-Im.

An infrastructure bank passed by the Senate this week could provide up to $160 billion in direct financial assistance over its first 10 years to infrastructure for transportation. That would be paired with private investment that could double, triple, or even quadruple, increasing the full impact of this bank.

I said yesterday that infrastructure is a smart investment for our country and that a national infrastructure bank as a part of that strategy would provide a vehicle for the private sector to get in on this investment as well and to help us accelerate our move toward the future. This is smart policy.

It is a funny thing about infrastructure, how we inevitably take it for granted. Whether you are running a State highway system or a county sewer system, you never know how much people miss it until it isn't working the way they expect.

Unfortunately, in cities, counties, and States across our country today, companies and communities are discovering that our aged infrastructure is imposing costs on us we cannot bear. The American Society of Civil Engineers, which I have referred to before, recently released a study saying that our Nation's deteriorating surface transportation infrastructure alone could result in the loss of nearly 1 million jobs and will suppress our GDP growth by nearly $1 billion between now and 2020. That is an enormous loss of future economic activity.

We cannot put this off any further. As a country, we cannot keep swerving to avoid these potholes on the path to prosperity. Eventually we are going to hit them, and eventually they will continue to be a drag on our Nation. The Rebuild America Jobs Act would fill these potholes, would patch these pipes, would lay the new runways to allow America's economy to take off.

This Rebuild America Jobs Act, which would rebuild 150,000 miles of roadway, maintain 4,000 miles of train track, upgrade 150 miles of airport runways, restore critical drinking water and wastewater systems, is nothing short of the smart investment we need to be competitive for the future. It would put people back to work, it would steer us on the right road to sustained recovery, and it would fix the problems that lie right in our path as we try to do our jobs for the folks who hired us to come here and help them get back to work.

We need to act today. It is my hope that my colleagues will join us this afternoon in voting for the motion to proceed to the Rebuild America Jobs Act, a critical piece of which is this smart infrastructure bank.

THE NOMINATION OF RICHARD ANDREWS

Mr. President, I move now briefly to support the nomination of Richard Andrews, who has been nominated to be U.S. district court judge for the District of Delaware. Rich Andrews is an exceptional lawyer, a dedicated public servant, and a good man. When the Senate confirms his nomination, hopefully later today, Rich will become the fourth active judge serving in the District of Delaware. This will mark the very first time in 5 years that this very busy court will operate without a vacancy. For a small district such as Delaware, albeit one with such a specialized and complex caseload, even a single vacancy places a significant burden on the court.

Mr. Andrews' nomination has been pending 177 days, and while I am grateful for the consent agreement that I hope will allow his nomination to be considered today, I remain concerned that such a noncontroversial and qualified nominee as Rich could take nearly half a year to reach floor consideration. The judicial vacancy rate hovers near 10 percent, we have 31 judicial emergencies, and it is my hope that this body will continue to move expeditiously to fill vacancies throughout the country.

As a member of the Judiciary Committee, I had a chance to chair the nominations hearing for Rich and to take part in the committee's consideration of his nomination. I have reviewed his record, listened to his testimony, met with him personally, conferred with my senior Senator, Mr. CARPER, and as a result of all this, I assure my colleagues I have every confidence that Rich is a qualified judge and will serve Delaware and this Nation brilliantly.

During his 30 years of service for Delaware so far, he has established himself as a talented, dedicated, and humble public servant who possesses the strongest work ethic and the highest integrity and intellect.

He began his service to our State when, after graduating from Berkeley Law School, he came to Delaware as a law clerk for Chief Judge Collin Seitz of the Third Circuit. Luckily for us, he never left.

After completing his clerkship, he joined the U.S. Attorney's Office for the District of Delaware, where he spent the next 24 years, much of it serving as the first assistant U.S. attorney and chief of the Criminal Division. During this time, he has tried, in that role, more than 50 felony jury cases and argued 17 cases before the Third Circuit Court of Appeals.

Since leaving the U.S. Attorney's Office in 2007, he has served as State prosecutor for the Delaware Department of Justice and leads more than 70 deputy attorneys general in the Criminal Division and has overseen tens of thousands of prosecutions each year. I am confident that his experiences as a prosecutor have given him the knowledge, skills, and temperament to join and serve ably on the District of Delaware Federal bench.

When I chaired his nomination hearing, I was impressed by his professionalism, intelligence, and demeanor. Rich enjoys broad bipartisan support, having been reported unanimously by the Senate Judiciary Committee.

I urge all my colleagues to join Senator CARPER and me in supporting Mr. Andrews so he will have the opportunity to continue his selfless service to the people of our State and our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. I also ask unanimous consent that the Senator from Rhode Island be recognized immediately after me.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN TRAFFICKING AND SLAVERY

Mr. RUBIO. Mr. President, I come to the floor today for a moment to introduce an issue I have become interested in in the last few months, one that, quite frankly, I didn't know a lot about—the issue of human trafficking and slavery.

For many Americans, for many of us in the 21st century, we think of slavery as a concept of the 18th and 19th centuries, something that happened in other places a long time ago, when, in fact, it exists today around the world. The issue is actually pretty startling. The State Department estimates that there are between 700,000 and 800,000 people in the world each year who are trafficked. The number of people trafficked in the United States is about 16,000 to 17,000. That is a lot of people in the 21st century who are being trafficked and are held in bondage. I saw a special on a cable network recently that outlined this issue. I then started researching it. I was shocked to learn that my home State of Florida is particularly affected by this issue.

Recently, I had the honor and the privilege of being appointed to the Helsinki Commission, the group here in the Senate that works, along with the House of Representatives, as Commissioners on that Commission. We held a hearing yesterday on the issue of human trafficking, and it is an issue I am going to be increasingly speaking about over the next few weeks because I truly believe it is one of the great humanitarian causes of this new century. It begins with awareness, with a clear understanding of what is happening around the world with regard to this issue, the fact that there are these people. As we speak, as I stand here today, perhaps within walking distance of this very building there are people held against their will in servitude.

The one that gets all the publicity—and rightfully so because it is so painful and outrageous—is sex trafficking, children and young girls and young women brought into this country and held against their will as sex slaves. It happens all over the world. It is sad to learn there are governments around the world that cooperate with this and tolerate it and are corrupted by it. That gets a lot of publicity and attention, and we are going to be paying a lot of attention to that.

We heard stories of diplomats who work in this city, diplomats from other nations who come here and bring domestic workers with them to their homes and hold them here against their will and take their entire paycheck. We are going to be denouncing some of these people on the floor by name in the weeks and months to come.

The other thing that is shocking—although I said the sex trafficking gets a lot of attention—is the forced-labor aspect of it. People are recruited in other countries, brought here, and they are told: We are going to bring you to the United States, and you are going to come here, you will make a living, make some money, and you can send some back home. When they get here, they are held against their will, and they are not paid. In fact, sometimes they owe traffickers money, and they are held in squalid conditions. That is happening here in this country underneath our very noses, not to mention the egregious cases around the world, and we are going to focus on those cases around the world as well.

The State Department, by the way, ranks every country on the basis of how much they cooperate, on the progress they are making in prosecuting and investigating these issues. Those are available. A report came out recently. It identified the countries that are doing well, the countries that are trying to do well, and the countries that, frankly, couldn't care less and actually do not mind this stuff going on in their jurisdiction. They deserve to be condemned not just on this floor but in the international community, and we will talk about that as well in the weeks to come.

I do not think we can point the finger at anyone unless we look at ourselves as a nation and society and call attention to this issue. So, as I begin to introduce this issue and my involvement in it, there are a couple of things I would like to point out from yesterday's hearing.

The first is that this is largely occurring as a result of criminal enterprises. The same people who traffic drugs and are involved in all kinds of organized crime are also involved in human trafficking. We see that increasingly in major areas, and we have seen prosecutions, but we have also learned that increasingly what we are finding are small-scale operations, sometimes families.

We heard the case of a mother and her two sons who were involved in a human trafficking ring. It is very profitable, very lucrative. It costs about $10,000 to bring a young woman into this country, and they can make that money back in the sex trade within a few days, and after that it is all profit. It is outrageous and has opened the door to small-scale operations that are doing this.

What are the impediments to dealing with this? There are a few, and it will take a long time to work on.

The first, unfortunately, is lack of recognition. I think that at the local level and even at the Federal level, our law enforcement officers and personnel who want to do the right thing probably need more information about identifying these cases, seeing the markers of human trafficking, identifying cases that clearly reek of human trafficking, and identifying those and treating them for what they are.

The second thing we need is better protections for these victims. You know you are not going to be able to prosecute people and put them in jail unless the victims are willing to testify, and victims are not going to testify if they don't feel secure. If they believe you are going to deport them or put them in immigration jails or, worse, if they think these organized crime rings are going to harm their families overseas, it is going to be very hard to get victims to cooperate.

Last but not least—and I know this is a complicated issue—our immigration system is contributing to this. We have a very complicated immigration system, and it is an expensive one, a burdensome one. What it is creating is the need for middlemen, and, guess what, more often than not, unfortunately, nowadays the middlemen, these foreign labor agencies—too many of them—are, in fact, human traffickers who are utilizing this system, the legal immigration system, to bring people into this country and, once they are here, to hold them against their will. We have to focus on that because ultimately that has to be solved. Our legal immigration system has to be modernized. If it is not, one of the problems we will continue to face is this issue of human trafficking.

The good news is that here in Congress there is a bill—reauthorization of the TVPRA. It passed out of the Senate Judiciary Committee in October of this year by a 12-to-6 vote. It does a few things.

It promotes increased cooperation among Federal agencies, between the United States and other countries.

It supports and enhances the victim-centered approach, which basically says we are going to approach this from the viewpoint of the victim and create protections and security for the victims so they can cooperate and help us prosecute these people.

The bill focuses on cutting off human trafficking at its roots by supporting international efforts to focus on this issue. There are a lot of countries out there that want to do the right thing; they either do not have the resources or knowledge base to do it. There are some countries out there that do not mind this. In fact, they cooperate with this stuff. They like that it is going on in their countries. They are on the take, so to speak. They need to be called out for what they are doing as well.

Finally, it promotes accountability. It ensures that the Federal funds are being used for their intended purposes, and it reduces the authorization levels to address fiscal concerns but focuses on the programs that have been most effective.

My hope is that bill, which is a bipartisan bill, will come to this floor soon and that we will have an opportunity to make it better, to get it passed, and to work with our colleagues in the House to send a very clear message that this is a priority, that this is something we should all agree on and work on together. It is a great cause to be involved in. It is one of the great humanitarian, human rights causes of the 21st century, and I think how we deal with it or fail to deal with it will say a lot about us as a people and as a nation. I hope I can encourage as many of my colleagues as possible to take up this cause as their own. I look forward, in the weeks to come, to coming to the floor and talking more about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in support of the Rebuild America Jobs Act because it responds to two critical needs: the jobs crisis we face throughout this country and the need to improve our national infrastructure, which is obvious to everyone, in every part of this country.

Over the 4 years of this economic crisis, the unemployment rate in Rhode Island has been one of the highest in the Nation. It now stands at 10.5 percent. For many families, it has been a stressful and demoralizing time. Very few have avoided the impacts of this economic crisis in their own lives or in the life of someone close to them.

It has been particularly devastating for those involved in construction, a sector where more than 2 million Americans, including 7,000 Rhode Islanders, have lost their jobs since 2007. It is frustrating for these workers because all around them they can see the need to maintain and improve our infrastructure, which, by the way, is essential to the free-flow of commerce and the economic prosperity of the country going forward. Indeed, all of us, regardless of our economic status, benefit from a sound transportation system.

A few weeks ago, Senator WHITEHOUSE and I joined Rhode Island transportation officials at the Providence Viaduct. This is a 1,300-foot stretch of Interstate 95 that runs directly through the heart of Providence, RI, our capital city. It connects New York and Boston and the whole north-south highway system on the east coast. It is one of 155 bridges in our State alone that have been found to be structurally deficient. It must be replaced within the next few years. It no longer can be repaired time and time again; it has to be replaced. If it is not replaced, then traffic will have to be rerouted, which will have a major impact on our economy and the regional economy. Route 95 is the highway link between New York City and Boston. If suddenly you put up a roadblock in that highway link and restrict traffic to one lane, you are going to see economic activity throughout the Northeast affected. Already, the Rhode Island Department of Transportation has installed wooden planks beneath the viaduct to catch any concrete or debris before it falls on cars and pedestrians below. That is an example of the first signs of the increasing decay. This is the kind of commonsense project this jobs bill addresses, but it is not the only one.

Indeed, 21 percent of Rhode Island's bridges are listed as structurally deficient, while nearly 30 percent are functionally obsolete. There is a huge amount of work that we can do to improve existing conditions that make us more productive going forward. For Rhode Islanders, passing this jobs bill would translate into approximately $141 million of highway funding to help us respond to these obvious needs. Moreover, it would provide approximately $21 million in transit funding, which would provide a real shot in the arm to help maintain an efficient public transportation system. We take pride in that. We have a statewide transportation system. It is oriented around our bus system. It travels the length and breadth of the State. It is very efficient, but it needs support, and this bill would help provide that support.

The bill would also provide funding for airport improvements, which could help Rhode Island's major airport, T.F. Green Airport, with a major runway safety and expansion project. This project would make air travel not only safer, but it would make our airport more capable of intercontinental and international service. Right now we don't have that effective option. If we did, that would be a huge multiplier for our economy, and it is based on sound infrastructure improvement.

These are not new, novel techniques or new, advanced technologies. This is old-fashioned extending a runway, fixing a bridge, getting the economy moving again. Everyone understands that. Everyone on Main Street and East Street and South Street and West Street in every corner of this country understands that, and we have always done it, and this bill will help us do it.

Finally, the bill establishes a national infrastructure bank, which I believe can play a critical role in financing these projects going forward. These projects would include clean water projects, energy projects, as well as transportation projects. There is absolutely no doubt that these investments in infrastructure will benefit our economy.

According to economist Mark Zandi, every dollar invested in these types of projects will generate approximately $1.59 in economic activity, so there is a significant multiplier effect. Importantly, it is part of getting us moving again and building up a self-sustaining momentum. Again, these projects will employ private companies that will hire individuals in all of our home States to begin the work that must be done to improve our infrastructure, to provide the kind of vital transportation links that are critical to any economy. It is also very important to know that this proposal is fully paid for, and you have both business and labor supporting the investments in the bill.

I would hope we could all join together in a sign of not just common unity but common sense and adopt this provision. Build infrastructure. It is paid for, and it puts people to work. That is what the American public is asking us to do and we should do it.

I want to comment briefly on the Republican alternative proposal. It fails to provide the investment to deal with the infrastructure and the job crisis we face today. In fact, it does the opposite. It effectively cuts $40 billion in discretionary funding without addressing the needs of our highway trust fund and other infrastructure improvement vehicles.

More importantly, it scales back important public health protections under the EPA. The Republican package includes the so-called EPA Regulatory Relief Act, the REINS Act, and the Regulatory Time-Out Act. Together these provisions not only threaten our economic progress but also our public health, and they would nullify the EPA boiler rule. This rule has been calculated to produce $10 to $24 in health benefits for every dollar spent, at least a 10-to-1 ratio of health benefits versus dollar spent, preventing approximately 6,600 premature deaths and about 40,000 asthma attacks each year.

This translates, again, into another major crisis we face, and that is an affordable health care system. One way to make the health care system affordable is to prevent premature deaths, asthma attacks, and a host of other things, and that is not incidental to what environmental protection does. That is at the heart of environmental protection.

Finally, it would place a moratorium on most regulations, including financial regulations. We have seen, sadly to our chagrin, the effect of lax regulation in 2008 when our financial markets were on the verge of collapse. Unless we have effective regulation, unless we can effectively deploy the new tool provided under the Dodd-Frank act, unless we can resource regulators to keep a watchful eye on the marketplace, frankly, we are going to once again relive those very dark and daunting days of 2008 when we saw markets on the verge of collapse. And we do so, frankly, in a global economic environment where there are pressures coming from Europe and pressures coming from around the globe, economic pressures. If our markets are not strong and well regulated, can they withstand the backwash from a crisis in Greece, a crisis in Italy, a crisis across the globe?

I do believe the legislation that has been proposed by Leader REID—proposed essentially by the President—makes sense, and I hope we can unite in common purpose to do what is common sense and invest in bridges and roads in America, fully paid for, and avoid the diversion of this alternate proposal that would essentially impair our health, the public health of America, and not advance our financial stability as a nation.

I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. 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. ENZI. Mr. President, I ask unanimous consent to make some brief remarks about a judge who is coming up for a vote, and I ask that both myself and the other Senator from Wyoming be allowed to speak consecutively.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF SCOTT SKAVDAHL

Mr. ENZI. Mr. President, I wish to thank Senator LEAHY and Senator GRASSLEY and their staffs for moving this nomination. Because of their efforts, I have this opportunity to express my support for Judge Scott Skavdahl's nomination to serve on the bench of the U.S. District Court for the District of Wyoming.

Although Scott grew up in Harrison, NE, it wasn't long before he made his way to my home State and enrolled at the University of Wyoming. The university must have felt like a whole new world to him because he had just graduated from a high school that had less than 50 students. Still, while others might have been intimidated, Scott saw it as another of life's challenges to be faced and overcome, so he worked hard to complete the requirements for his undergraduate degree. In between his classes, Scott managed to find the time to pursue another interest of his, as he joined and played on the university's football team for 4 years.

After graduation, Scott made a decision that was to start him on a path that would set the tone and the direction of his life when he applied to and was accepted by the University of Wyoming Law School. His classes were difficult and demanding, but Scott knew what he wanted to do with his life, and, as was true for him in so many things, he just wouldn't quit until he had accomplished what he set out to do. That attitude of confidence and commitment to setting goals and achieving them is one of the reasons Scott has been able to establish a reputation for himself throughout his career as a serious and thoughtful litigator and as a judge. Whenever someone speaks of him, they always seem to use the same words to describe him. They say he is incredibly smart, a hard-working attorney, and a highly competent and capable judge. They also say: Although he wasn't born in Wyoming, we are very glad to have him.

Looking back over each step along the way that led him to this nomination, it is clear that Scott has used his time and his talents wisely and well. Because of his background and his experience on a daily basis, Scott has come to know in detail the issues that face the people of Wyoming and how the people feel about him. That is why it was no surprise that I have heard nothing but good things about Scott, his approach to the law, and his demeanor as a judge. Simply put, Scott knows all about the administrative ins and outs of the District of Wyoming, and he has used his courtroom as a classroom to help us all be informed and aware of the issues that come before him and the reasons for his decisions on all of them.

At times such as these, it is always interesting to take a moment to look back at someone's life and connect the dots that brought him or her to this important moment in time. For Scott, a childhood in Nebraska led him to Wyoming, where he obtained the knowledge and skills he needed to pursue a career in something that really interested him—the law. He then used those credentials he earned in the classroom and his life to move step by step through our legal and judicial system.

His talents and abilities soon caught the attention of former Wyoming Governor Dave Freudenthal and President Obama. The President has now nominated him to serve in this very important post, and he has been unanimously voted out of committee. In and of itself, that recognition is a powerful endorsement of Scott's background, his ability to interpret and apply the law, and his experience both in the courtroom and in his community. It also expresses our confidence that Scott will continue to serve as an integral part of the court system of Wyoming, the West, and our Nation for many years to come.

I urge my colleagues to support this nomination, and I look forward to the Senate's approval of the nomination of Judge Scott Skavdahl.

I thank the Chair, and I yield the floor for my fellow Senator.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, in the 19 years since his graduation from the University of Wyoming School of Law, Judge Skavdahl has distinguished himself both as an attorney and as a trial judge.

After working in the private sector and clerking for U.S. district judge William Downes, Judge Skavdahl was appointed by former Governor Dave Freudenthal to serve as a district judge for Wyoming's Seventh Judicial District.

During his time on the State bench, Judge Skavdahl earned the respect of the attorneys and the parties appearing in his court. He earned that respect for his integrity and his ethics to carry out his duties. He earned that respect for his reasoned decisions. He earned that respect for the manner in which he conducts himself in the courtroom and for being prepared and for his knowledge of the law. There is no doubt in my mind that Judge Skavdahl will bring those same skills and that respect for the law that he exhibited in the Seventh Judicial District to the Federal bench. Wyoming's Federal judges have a long tradition of being widely regarded by their peers and respected by the people who appear in their courts. Judge Scott Skavdahl will continue that tradition for many years to come.

I know Judge Skavdahl. I know his family. He is a judge I respect and admire from a family I respect and admire. I strongly encourage all of the Members of the Senate to join with Senator ENZI and join with me in supporting Judge Skavdahl's nomination.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. 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.

Mr. SESSIONS. Mr. President, I see the Senator from West Virginia in the Chamber. Is he prepared to speak? I do not want to take advantage of the Senator from West Virginia. I was going to speak for about 5 minutes, if I could.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the plan that has been introduced to the Senate today is an affront to common sense, the plan presented by Senator REID. It is an affront to the financial condition this country is in. I am working and hope to be able to support a highway bill that will have a modest increase in highway spending that is paid for that does not increase the debt. We can do that. It is not that hard.

Apparently, it is hard because nobody wants to make any tough choices. They do not want to set priorities. So then it becomes very hard. We just want to keep everything going at the same rate. But we do need to invest some money in our infrastructure to maintain it, our highways, bridges, roads, and expand certain highways that need to be fixed. I think we should do that.

Senator REID comes in with a tax increase plan, a big spending plan, totaling, I think, $60 billion. We are supposed to pass this, and we have not yet found the money to pay for the fundamental highway bill this Congress is supposed to be working on. I believe it is wrong. I do not believe it can be justified by any stretch of the imagination.

They say: Don't worry. We are raising taxes to fund this new transportation infrastructure program. Only a small portion of it is the infrastructure bank. This country is spending enough. We are wasting enough money now. It would be a mistake for the American people to allow Congress to extract more money from them to spend today on even a new program while we are doing nothing about the surging debt that is running on in our country, while we are doing nothing about the Solyndra-type loan programs that are wasting money in huge amounts. That loan failure alone amounts to as much money as Alabama gets from the general fund, the highway bill, and infrastructure bill, period—one loan. So we need to get our act together, and I do not believe it is legitimate.

I am the ranking Republican on the Budget Committee. I am looking at these numbers, and I am astounded. So we raise taxes. One time they said we have to raise taxes to reduce our debt. Now we raise taxes to increase spending on a new program, and we still do

not have the basic $12 billion that is being looked at to be found to fund the basic highway bill.

I am flabbergasted. I do not believe it is right. I think it is some sort of clever gimmick that political thinkers got together and conjured up, that they could imagine: This will be a fun thing. We will bring it up on the floor. It has no chance of passage. We will bring it up on the floor. Republicans will oppose it, and we will accuse them of being against highways. We will accuse them of giving tax breaks to millionaires. That is what we will do. That will be clever. That will be fun.

Sometimes we have to get serious about this debt. For the third year in a row—we have just completed the fiscal year on September 30—we have had over $1 trillion in debt. Forty percent of the money we are spending is borrowed. If we ever have to raise taxes—and that would be the last thing—it ought to be done only after we have squeezed every wasteful dime out of spending in this country before we go back and ask the American people to give more money to a Congress that plays games with their money, that has allowed the deficits to be maintained at a rate beyond anything this Nation has ever seen before and are projected to continue indefinitely under plans that are out there from the budget the President submitted to us, which, fortunately, is not going to be accepted.

We have a real problem. I wish to be on record as saying I do not believe this is a responsible way for us to proceed. I know there are a lot of politics around here. But we are at a point where we need to be thinking about a responsible way to find the funding to maintain a good highway program, and that is not going to be easy. To have this bill thrown in here that is going to be dead as a doornail is not a good approach to it. We need to be worrying about that problem rather than a huge new spending program, allowing a bunch of bureaucrats to pick and choose where they want to send the money. That is the way the progressives like to do it: We give them money and let these smart people decide where to pass it around. They probably will not give any to West Virginia and Alabama. They have bigger projects in their minds than that.

I wanted to share those thoughts, and I thank the Presiding Officer. I hope my colleagues will oppose the Reid idea that will be coming up later today.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, we have had a lot of conversation today. We all agree we need infrastructure. On both sides of the aisle we have had a good conversation. I have said before, a road is not a Democratic or Republican road, a bridge is not a Democratic or Republican bridge, nor is a water line or a sewer line. So I rise to address the competing proposals to build infrastructure in this country and to start getting America back to work.

Earlier this week, I attended a ribbon-cutting at the Bluestone Dam in beautiful Hinton, WV. When they started work on that dam, I was the Governor of our great State of West Virginia. I was sitting in my office and said to the Corps colonel: Explain to me what the problem could be.

He said: Maybe the bedrock, and there might be some possibilities with unusual flooding where we could lose that dam, breach that dam.

I asked: What does that mean?

He said: Think of it this way, Governor. We are sitting in your office in the capitol, in Charleston, WV. We would be underwater right now.

So it brought it to reality for me, the extent of the water we are dealing with and the billions and billions of dollars in downstream costs that would be incurred. So we decided we had to fix that. With the help of our Federal Government, we started working on that way back in 2002, and we are going into our third phase of that project.

Roads and bridges are in terrible condition all over the country and in every part of everybody's State. Every Member of the House and every Member of the Senate has a road or a bridge—all 535 of us—Republicans and Democrats alike have a road or a bridge or a water line or a sewer line in our area that needs repair. As the Presiding Officer from Delaware had noted with the work he did for all the good people of Delaware, there was still an awful lot of repair that was needed.

I believe in infrastructure. In West Virginia, we say: Our economy can't grow if people can't go. With that, you have to be able to be mobile. We also say in West Virginia: You have to drive to survive because we are one of the most rural States in the Nation. Our people drive as far, if not farther, than people in most other States do for their jobs.

With that, we have to make sure they have the ability to get to those good jobs and be able to provide for their family.

I have said before—and it has been heard on the floor over the last few hours—that infrastructure is not a Democratic idea or a Republican idea. It is a commonsense idea.

In 2007, we Governors at that time met in Philadelphia. Knowing the economy was slowing down, we asked: What can we do? We looked back in history and saw President Roosevelt, in the 1930s, basically invested in infrastructure. We had the WPA projects which we see today. A lot of us have used the projects and still are. Tremendous value was returned to this country and the infrastructure of this country through those hard-working people at that time who just needed a helping hand.

President Eisenhower, in the 1950s—after the Korean war, the economy needed a jump-start, and we saw the Interstate Highway System being built for a very mobile society coming off the wars. We are still using that same infrastructure that was put in place then.

This issue is bipartisan because building infrastructure is bipartisan. It solves two problems. It fixes our crumbling roads and bridges, and it creates much needed American jobs. Of all the people in my State applying for unemployment—and it might be true in most every State—construction workers are the biggest group of unemployed people today, with the most skill sets in America. Almost 20 percent of the unemployment is in the construction trades. That is unacceptable in this great country when we have repairs being needed everywhere.

We are going to vote on two proposals today. I know one was just put on quick order, and there is another one we are going to be voting on. One is a Democratic measure, which is our Rebuild America Jobs Act, and the other one is a Republican measure that funds transportation, and it reins in the EPA, for which I have been trying to make sure there is a commonsense approach to how we balance the economy and the environment. In West Virginia, I think we can do it as well if not better than most because we are dealing with those types of challenges.

I believe both these bills will help kick-start the economy and create American jobs—I do—and we all know we need that. I will vote for both of them. One is a Democratic proposal and one is a Republican proposal. But I do believe I was sent here as a West Virginian to help my State.

It is not because they are bad ideas or wrong ideas that they are probably going to fail. They both have good merits to them. But as our good friend from Alabama just said, it is politics of the order. That is what we are dealing with, and we will find reasons, probably, why we can't give our support.

On our jobs bill, there is $60 billion—$50 billion, which I think the Presiding Officer spoke so eloquently on earlier, and $10 billion for an infrastructure bank. I know what an infrastructure bank does in my State. In my State, we have $2 billion of need. We have a $300 million resolving account. It is the same as what we are talking about here. It has helped us tremendously. But everybody comes to the table. We are able to bridge some financing and put projects together that we never could have done, and it is tremendously needed.

With that being said, it probably will not pass because our dear friends on the other side of the aisle, our Republican colleagues, and our friends over in the Republican Party, are going to say: It has a seven-tenths-of-1-percent tax on incomes over $1 million—seven-tenths of 1 percent.

I can vote for that. I support that. But I also recognize that is a problem for them. So in recognizing that, I am

willing to reach out and look for other ways to pay for this. I think that is the spirit we should be working in. Are there offsets or credits? I think 73 of us have voted in a bipartisan fashion for an ethanol credit. Isn't that something we could work on? How about the money we are spending in Afghanistan and Iraq and rebuilding those nations' infrastructures? I have said this before: If you help us build a new bridge in West Virginia, we will not blow it up. If you help us build a new school, I guarantee we will not burn it down. We are so proud to say the good people all over this country have helped us in West Virginia, and we like to help other people in other States. We will work together. That is what we should be doing, rebuilding America.

That is what I have asked of everyone: Come together. Let's make sure the infrastructure need we have all over our great country is the first and foremost thing we are working on together because we do agree, as Democrats and Republicans and as Americans, we need it. That is something I think we can come together on.

Let me turn now to the Republican bill, which a few hours ago I was notified will be coming up. This bill is not perfect either. A 2-year extension of transportation spending does not give States the certainty they need. We have usually had a 6-year authorization. I know when I was Governor of West Virginia we did 6 years. We did our 6-year planning of our roads in our State based on the Federal bill, the authorization of the Federal highway bill. With only 2 years, it is hard to get any project completed. Sometimes it is even hard to get it on the drawing board.

That being said, I am a strong supporter of reining in the EPA, which this bill does. I believe we have to set our transportation priorities. Unfortunately, Washington and all of us here seem to have become so dysfunctional that politics—whether it is the party politics or the personal politics—is put before the good of the country. This has to stop.

I heard one of our good Senators from Arizona this morning saying we are down to a 9-percent approval rating. If it was not for our staff and our family, we don't know if we would be within the margin of error. With that being said, we have to come together. We have had disagreements throughout the history of this great country, and we have come together many times on very difficult issues.

This is one I think will challenge all of us to come together as Americans. The people of West Virginia did not send me to Washington to play the blame game. I have said many times, I have never fixed a problem by blaming somebody else for it. I fixed a problem by identifying that we had a problem and then trying to bring all sides together to fix it. That is what we need more of in Washington. I do not think any of us were sent to blame each other. I think we were sent to work together.

Again, I am going to urge all my colleagues and friends on both sides of the aisle to focus on the next generation. We see them every week we come here, our young pages. They are our next generation. We need to be making votes for them, not our next election, which will be in 2012. That election is going to come and go. But if we do not give them the opportunity to have the building tools they need to build a foundation that they can be the greatest next generation this country has ever seen, then I do not know what we are going to say for the future of this country.

I, for one, am not going to vote along those lines, to where it is going to be based on what is good for me, based on what is good for the party I belong to but strictly based on what is good for America and this next generation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I ask unanimous consent to speak for about 12 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. JOHANNS pertaining to the introduction of S. 1805 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I listened with interest to the Senator's explanation of the cross-air rule. I would just say he is off the mark, because if you produce deadly pollution in your State—deadly—you have an obligation to clean it up before it goes into another State.

It is like taking your garbage and dumping it in your neighbor's front lawn. We don't do that in America. So we are going to have a robust debate next week on the cross-State air rule.

I hope people keep in mind that we are talking about deadly pollution produced in one State and moving over to a series of other States which have no defense. So anyone who wants to come and claim that is the right thing to do morally—just walk away from that rule—I think they are going to have a hard time explaining it back home. I would not dump garbage on the front lawn of my neighbor's house. I think that patina is the best explanation of what this is about. More on that later.

Today we are going to be facing a very interesting choice. As we know, President Obama has put together a major jobs package, and he pays for it by going to the millionaires and saying that once they make $1 million, after that we think they could pay a little bit more to help us get out of this recession. My Republican friends voted that down. They were appalled we would even suggest there would be even a few dollars of increased taxes on people who make over $1 million. They would rather not do any job creation and protect the people who earn over $1 million.

(Mr. MANCHIN assumed the Chair.)

Mrs. BOXER. We have a very stark choice today. We have a small version of the jobs bill—this one focuses on infrastructure, mostly transportation investments—paid for by a seven-tenths-of-1-percent tax on people who earn over $1 million, and it would not go into effect on any of those funds until they pass the million. So it would be taxed seven-tenths of 1 percent on income over $1 million.

I make that point because it is not going to hurt anybody. A person making $1.5 million would pay an additional $3,000. This is not anything that will hurt the millionaires and billionaires. It is going to make this country stronger. It is going to grow this economy.

Here is what we have: We have a Democratic jobs bill. It is $60 billion—$50 billion for roads and bridges and $10 billion for an infrastructure bank.

To put that into the context of why this is such a good bill and why it would create 650,000 jobs, let me tell you what it is doing in essence. It is taking an extra year of transportation funding—we spend about $50 billion a year, approximately, through the highway trust fund—and it would inject essentially another year of spending over the next 12 months, creating well over 650,000 new jobs.

The Republican alternative actually loses jobs. They say they will continue the highway trust fund for 2 years. So they are just continuing what we are already doing. That is great. But then they cut the equivalent amount from police, fire, food inspection, and the FBI, and it will result in a loss of many jobs—200,000 jobs. So we have one bill, the Democratic bill, that creates a minimum of 650,000 jobs, and we have the Republican bill that cuts 200,000 jobs.

What are they thinking, Mr. President? What are they thinking? This is not the time to cut 200,000 jobs. Then they end health care reform which we all know, while not perfect, is going to help reduce our deficit. What they have done is continue the highway spending at current levels—it doesn't add one job—and then they cut all those other jobs to pay for it—200,000 jobs—and then they repeal health care reform, which will add to the deficit.

They cannot stand the thought of a millionaire paying a little bit more to help us at this time even though everybody knows we are at a point in time where the gap between the wealthiest and the middle class has never been bigger. Four hundred families earn more than 50 percent of all the rest of us; 400 families earn more than 50 percent of all the rest of us. It is unbelievable.

My State has many wealthy people in it, many poor people in it, and has a good middle class. But it is getting tougher to be part of that middle class.

The middle class is hit hard with health costs, with college costs that keep going up, and with gas prices going up. They are hit hard with mortgages they can't refinance because their mortgage is now higher than their home is worth. So we have to act on these issues. We have the ability to do it.

If we just read the Preamble of our Constitution, it tells us what we are supposed to do: work for a more perfect union, establish justice, domestic tranquility, and promote the general welfare. We have to do these things today because we are losing the middle class.

This bill before us, the Democratic jobs bill, is an excellent place to start this very day by infusing $60 billion into spending that will go mostly to private sector contractors, people who build roads and bridges. Do you know that 70,000 bridges in America are deficient?

My colleague, Senator INHOFE, and I are working closely on a highway bill. We are going to have one soon. He tells the story of a woman walking in Oklahoma. She is simply taking a walk, and the bridge starts to fall apart; it falls down and traps her and kills her. He said she was a young mother. This is America in the 21st century. That is not acceptable. We can't have a country like ours neglect its infrastructure. It is wrong.

But our Republican friends will not work with us because they don't want to ask people earning over $1 million to pay just a little bit more. For example, if someone makes $1.1 million, they will have to pay $700 more in their taxes. That is it. But they don't even want to go there. What they want to do is say: Oh, yes, we will just renew the highway bill, but we will slash across the board everything but defense. That is how we are going to pay for their jobs bill, which actually will lose hundreds of thousands of jobs. It is unbelievable to me.

I don't think this is the time to say we will turn our backs on jobs. As a matter of fact, in order to extend the highway trust fund we are going to fire cops, firefighters, food safety inspectors, FBI agents, and Border Patrol agents. That is their alternative. So don't vote for it unless you think it is the time to put all those people out of work.

What Republicans also do in this so-called jobs bill—which is a no jobs bill; it is a jobs loss bill—is they decide they want to block implementation of very important health and safety rules. I want to go through what those rules are. We are going to talk about the Clean Air Act right now.

The Republicans are repealing two rules that deal with clean air. Here is the thing. It is going to make people sicker. It is going to mean lots of jobs in clean tech. It is the last thing the country needs. It flies in the face of the views of the people. Let's talk about one of the rules they want to cut back: industrial boilers and incinerators.

This bill, called a jobs bill, would halt an EPA rule issued in February 2011 to reduce toxic air pollution. What do I mean? Toxic means it is toxic to our health; it will hurt us. People will die from toxic air pollution. People do die from toxic air pollution. The toxins the boilers and incinerators rule would reduce include mercury, lead, and other hazardous air pollution released by boilers and incinerators.

They can write it the way they want it, but here is what happens when we go back to those days when we allowed these toxins to be emitted. We saw developmental disabilities in our children. We saw more cases of cancer, more cases of heart disease, aggravated asthma, and premature death.

These are not just words. Congress commissioned a study, and we now know exactly what we are doing, how many lives it saves, and how many visits to the hospital it saves. Let me remind my friends who think that it is good for the economy to have toxic air pollution, if we cannot breathe we cannot work. If someone has to rush to the hospital or their child is rushed there because of an asthma attack, they lose a day's work. If a pregnant woman now has a problem with the child, and the child is disabled or has problems mentally from too much mercury, this is a tragedy.

Some people say: Oh, the EPA is regulating too much and it costs too much. Let me tell you the price of the Republican agenda: sick people, loss of jobs in the clean tech industry, lost days of work, loss of kids' schooldays.

I urge my colleagues in the Senate, when they have their next meeting with a large group of people—whether it is 100 or 50 or just a couple—ask them how many of them have asthma. Ask them how many know someone close to them with asthma. I guarantee the hands of one-third to one-half of those in the room will go up. That doesn't just happen—asthma—because a person just woke up on the wrong side of the bed. It happens because of the air they are breathing. It is toxic.

But in the Republicans' so-called jobs bill—which I already told you loses jobs—they not only do that, but to add insult to injury they repeal all of these rules.

Let me put it into context for you, since I have now spoken emotionally about what it does to people when they breathe in toxins. Let me cite the numbers.

Congress demanded a study. We said, give us the numbers, and so a study was done. We believe the protections from this industrial boiler rule will annually prevent up to 6,500 premature deaths, 4,000 heart attacks, 4,300 hospital emergency room visits, 310,000 days when people miss work or school, and 41,000 cases of aggravated asthma. The benefits from these safeguards are expected to be $54 billion annually by 2014. That is the rule my Republican colleagues want us to set aside.

If you went to your constituents and said to them: You know, we have a rule here that says industry is going to have to use the best available technology and clean up their pollution, and here is what it is going to do—it is going to prevent 6,500 premature deaths, 4,000 heart attacks, 4,300 hospital visits, 310,000 days when people miss school or work, and 41,000 cases of aggravated asthma, and it is going to deliver $54 billion a year in health benefits—I think your constituents would say, go for it, Senator; that makes sense.

Let me talk about a poll that just came out that reflects how people feel about this. Listen to this. We have our Republican friends offering what they call a jobs bill, which I have proven contains job cuts because they simply continue the highway trust fund. They do not add anything new, but they cut a couple hundred thousand jobs to pay for it. That is their so-called jobs bill.

They then want to repeal two rules that fall under the Clean Air Act, and I just talked about the boiler rule. But let me tell you what the people think, since we are supposed to represent the people.

There was a bipartisan poll done in October, a few days ago, reflecting 88 percent of Democrats, 85 percent of Independents, and 58 percent of Republicans opposed Congress stopping the EPA from enacting new limits on air pollution from electric powerplants.

Who is speaking for the people? We need to vote down the Republican alternative because 88 percent of Democrats want us to, 85 percent of Independents want us to, and 58 percent of Republicans want us to. They do not want Congress stepping in.

On Tuesday, Senator PAUL is going to have a motion to repeal the cross-state air pollution rule, which is a rule that says to the States if they are creating toxic air pollution and it is flowing to another State, it has to be cleaned up. Now, 67 percent of voters support the cross-state air pollution rule and 77 percent of voters support the mercury air toxics rule. So 65 percent of voters surveyed are confident the health and environmental benefits of air pollution standards outweigh the costs, and 75 percent of voters believe a compelling reason to implement these air rules is the boost to local economies and thousands of new jobs that are created from investments in new technologies.

If we are representing the people of these great United States, we better listen to what they are saying in a bipartisan way. They are telling us to leave the EPA alone. When people come to this floor and demonize the EPA, they are going against the beliefs of the American people.

There are some incredible quotes I want to read, because, to me, it is amazing what is happening around here. When I get to the place here I want, I am going to cite some quotes from unlikely sources.

Mr. President, how many minutes remains on our side?

The PRESIDING OFFICER. There is 14 minutes 10 seconds.

Mrs. BOXER. I thank the Chair.

Here is a quote from General Motors:

General Motors company recognizes the benefit of the country continuing the historic national program to address fuel economy and greenhouse gases that the EPA began.

That is signed by the chairman and CEO of General Motors.

Here is a quote from a letter from a whole group of electricity-producing companies: PG&E, Calpine Corp., NextEra Energy, Inc., Public Service Enterprise Group, National Grid USA, Exelon Corp., Constellation Energy, and Austin Energy. This is a quote from their letter to the Wall Street Journal:

Our companies' experience complying with air quality regulations demonstrates regulations can yield important economic benefits, including job creation, while maintaining reliability.

Kind of amazing, isn't it? And there is Gerald Ford, the Republican President who signed the Safe Drinking Water Act in 1974—also under attack, by the way—who said:

Nothing is more essential to the life of every single American than clean air, pure food, and safe drinking water.

Yet if you look at the Republican plan, they roll back clean air regulations and they roll back food safety. Even after we had people die from contaminated cantaloupe, my friends on the other side think now is the time to cut back on food safety inspection. Give me a break. Who are we here representing?

This is why people across the country are upset. They see things such as this and they say, is this Alice in Wonderland?

Listen to what Christine Todd Whitman and William Ruckelshaus wrote—two Republicans who were former EPA Administrators under Republican Presidents. They said:

It is easy to forget how far we have come in the past 40 years. We should take heart from all this progress and not, as some in Congress have suggested, seek to tear down the agency that the President and Congress created to protect America's health and environment.

They wrote that letter in March of this year. They understand. This isn't a partisan issue. Republicans breathe the same air that Democrats and Independents breathe. That is why it is so frustrating to see, in a so-called jobs bill from my colleagues on the other side of the aisle, an actual loss of jobs and loss of clean air regulations and loss of food safety inspectors.

I have to say I find myself quoting Richard Nixon more and more these days. He signed the Clean Air Act. Listen to what he said at a State of the Union speech. He said:

Clean air, clean water, open spaces—these should once again be the birthright of every American.

I have cited these quotes from Republican Presidents and former Administrators of the EPA under Republican Presidents, so I am stunned at this so-called jobs bill. I have talked about the industrial boiler rule, but they also roll back the cement manufacturing facilities rule that would indefinitely delay standards to address smog and toxic soot pollution from over 150 cement kilns nationwide. These facilities contain hazardous air pollutants, including mercury, arsenic, lead, and other heavy metals.

Remember the movie ''Arsenic and Old Lace''? Arsenic kills you. Too much of it does that. Come on. We need to clean up the air, and we need to be sure we do it in a reasonable way. I am on that side—the side of doing it in a reasonable way. And no one could be more reasonable than Lisa Jackson. I tell you, the woman has the patience of a saint. She is not going to go out and hit people over the head with this. She is going to phase in these regulations, and she is going to listen carefully. And you have to listen. Mercury, arsenic, lead, and other heavy metals are the third largest mercury source in the country. These relate to cement manufacturing facilities.

Let me tell you what these pollutants do. They cause cancer and they harm the reproductive system and the developmental system. Pregnant women and children are at risk. We hear a lot of talk about life—when does life begin? That is up to each individual and their God to decide that. But one thing I hope we can agree on is that a pregnant woman shouldn't be subjected to too much mercury or too much arsenic in the air.

We have a rule here, a reduction of mercury and toxic soot emissions. We know that rule will prevent 2,500 premature deaths, 1,500 heart attacks, more than 1,700 emergency room and hospital visits, that it will prevent 17,000 cases of aggravated asthma attacks, 130,000 days of lost work, and it will provide up to $18 billion of benefits annually by 2013, which is a benefits-to-cost ratio of 19 to 1. Yet my friends on the other side think it is a terrible idea and want to indefinitely delay it.

Let me tell you something. If we had that kind of attitude in Congress years before, we wouldn't have a Clean Air Act. I can tell you what happened in Los Angeles. We used to have about 160 days in Los Angeles where people could not go out. They were warned to stay indoors. As a result of the Clean Air Act, we have had none of those days—none—in Los Angeles in 2010.

So why on Earth does anyone want to delay these rules? If you want to sit with Lisa Jackson and sit with me, as the chairman of the Environment and Public Works Committee, and sit with others and see if there is a way we can do this in a fair manner, of course. But the public wants us to act, and the action they want us to take is to support the EPA, not to put our noses in there and stop them from doing what the Clean Air Act requires them to do.

Poll after poll shows that voters are on the side of clean air. They are on the side of protecting the public health. They are not on the side of polluters. So I wish to say, we know two things today: People want jobs, and they also want their health protected. We also know that when you protect the people's health, what happens is a huge economic boost is given to the clean tech sector, and that boost has resulted in many jobs. As many as 1.7 million jobs are created because of these clean air rules and clean water rules.

The whole world wants these technologies. I had the amazing experience of visiting China, and I didn't see the Sun—I didn't see the Sun—for the 7 days or so I was there. The air is filthy, and people complain about it. One day we had the hint of sun—the hint of sun—breaking through the pollution, and the people there said, what a beautiful day. You must have brought the good weather. I said, you know what, come to California, I will show you a blue sky.

We cannot go backward. We need to move this country forward.

If the arc of history bends toward justice, it also bends toward health, public health, making sure our people get that health care, that they don't have those public health enemies out there—the soot, the arsenic, the lead, the mercury—and, yes, jobs. We have seen our GDP explode since we passed the Clean Air Act, and we grew more than any other industrialized nation while we had these laws in place, for two reasons. One, these laws create clean tech jobs. Two, if we can't breathe, we can't work. When we have a healthy society, we are far more productive.

So we have the Democratic alternative that will create over 600,000 jobs in transportation. It doesn't go into these extraneous issues such as the air pollution laws, and it is paid for by seven-tenths of 1 percent of income over $1 million.

Then we have the Republican alternative that just continues our transportation at the same levels and pays for it by cutting 200,000 jobs—police, fire, and the rest, FBI agents, food safety inspectors, Border Patrol agents. Just what we don't need. That is what they do. Plus, just for good measure, they repeal basically two Clean Air Act rules that I talked about from boilers and cement plants.

Folks, if ever there was a difference between the parties in evidence, this is it. If one person comes up to me and asks if there is really a difference between Democrats and Republicans, I will point them to this debate.

So I hope very much that we will get enough votes to take up the Democratic bill that is fully paid for and will create over 600,000 jobs, that will fix our deficient bridges and our deficient highways, that will say to the construction workers: We know you are out of work, and we are going to put you back to work—or the Republican alternative that would result in 200,000

jobs lost and overturn these clean air rules that are so important that the vast majority of people, including Republicans, who are asked about it would say: Congress, keep your hands off these rules because, you know what. We think they are working.

I reserve the remainder for other speakers, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, let's be clear about what the Democrats' Rebuild America Jobs Act is and what it is not about.

It is about expanding infrastructure spending, financed by tax increases. It is about setting up a brand-new government bureaucracy in the form of an infrastructure bank that will take years to get underway and will subject taxpayers, once again, to private sector risk-taking and to bailouts.

It is about following in the footsteps of the ongoing costly government-sponsored enterprises, or GSEs, called Fannie and Freddie. It is about increasing the Federal footprint in the infrastructure arena. It is about increasing taxes on those with incomes above $500,000, now creatively called millionaires, including incomes of many business owners who risk their own capital to create jobs.

It is about further Federal wage controls on construction projects which lead to inefficient use of taxpayer funds. It is also about creating political talking points for the upcoming Presidential election. They know their bill is doomed to fail. It is all a game.

Here is what the legislation is not about. It is not about creating jobs. It is not about engineering a more efficient and a more fair tax code. No, this is the same tune, different song: A bill for more spending, financed with new taxes.

It remains baffling to me that this is all the other side ever seems to have to offer. The Democrats' proposal incorporates more spending on various infrastructure initiatives, including one of the President's favorites, high-speed rail.

As columnist Robert Samuelson wrote in the Washington Post in February of this year:

> High-speed rail is not an investment in the future. It's mostly a waste of money.

As for the arguments by some that we risk losing our global competitive edge without things such as high-speed rail, I would encourage them to pay attention to what is going on beyond our shores.

China, facing safety concerns, high debt associated with high-speed rail, and political scandals involving kickbacks and undue influence on rail spending has scaled its plans back and operates some high-speed rail at 30 miles per hour.

Spain, a one-time darling of those who promote high-speed rail spending, is also scaling back, having identified such spending as imprudent in the current economic environment.

Here at home, States have rejected high-speed rail initiatives. We just learned in recent days that California's bullet train is now projected to cost close to $100 billion, nearly twice its previous projection.

Nonetheless, the administration and my friends on the other side of the aisle wish to plow forward by shoveling more taxpayer funds into exactly those sorts of projects, with little more than rosy projections of future costs and benefits that justify the expense.

I am deeply skeptical that the Democrats' legislation to fund more infrastructure projects is a good way to address our current national unemployment emergency and need for jobs.

According to CBO:

> Large-scale construction projects of any type require years of planning and preparation. Even those that are ''on the shelf'' generally cannot be undertaken quickly enough to provide timely stimulus to the economy.

More often than not, the delays are because of burdensome and inefficient regulatory red tape.

As President Obama discovered too late, shovel-ready projects are hard to find. In June he joked about his first stimulus, saying:

> Shovel-ready was not as shovel-ready as we had expected.

Now, that may have been humorous, except they should have known better. Unfortunately, Americans looking for jobs and the American taxpayers who are now on the hook to pay off President Obama's stimulus-driven debt do not find this to be a laughing matter.

The infrastructure bank proposed by the other side would not even be up and running for well over 1 year, and probably longer. It will take 1 year or more just to set up the bureaucracy. How can this possibly have anything to do with creating jobs and lowering unemployment today?

There are worrisome details about the proposed new government infrastructure bank bureaucracy and the power it will wield. The proposed bank's board is required to give ''adequate consideration''—whatever that means—to a host of features, including ''whether there is sufficient State or municipal political support for the successful completion of the infrastructure project.''

While proponents of the infrastructure bank are selling it as a new, politics-free way to fund projects, even the authorizing legislation explicitly calls for political considerations.

The Democrats' bill also claims the bank would be a ''United States Government-owned independent'' institution—government-owned and controlled by political appointees but somehow independent, just like a GSE, government-sponsored enterprise.

The definition of ''eligible infrastructure project'' in their bill includes a wide range of possible projects, including high-speed rail, which Americans do not want or need, and solid waste disposal facilities such as the one that drove Harrisburg, PA, into bankruptcy.

Most worrisome, the infrastructure bank board is provided with the authority to make any modifications it would like, at its discretion, to what constitutes an eligible infrastructure project. How long do we think it would take for the board to start doling out taxpayer funds to non-viable projects? Haven't we seen enough of that in this administration?

Proponents of the infrastructure bank make the peculiar argument that somehow because the bank would not be able to make grants, taxpayers face no risks of losses. Yet the bank is empowered to make loans, which are risky. The bank is empowered to issue loan guarantees just like taxpayer-backed government guarantees of Fannie and Freddie. Really. Stop and think about it. This just looks like a rebirth of Fannie and Freddie. That is all we need. How is that not risky?

Also problematic is direct authorization in the Democrats' proposed infrastructure bank for deferral of payments of direct loans in the event ''the infrastructure project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the direct loan under this Act.''

Translation: If a project's revenues streams are insufficient to pay off the government loan, then the loan gets modified and extended. This, of course, benefits any private partner of the taxpayer-funded infrastructure project while taxpayers are put on the hook for the losses.

Have we been here before? We all know what the answer to that is.

This is an explicit admission, in the authorizing legislation, that contingencies are expected in which taxpayers suffer losses and end up bailing out private entities. This is the essence of a corporate bailout. This is corporatism at its worst—privatized profits and socialized losses.

The whipsawing is too much to handle. On one hand, the President, a former community organizer, stands with the Occupy Wall Street protesters, criticizing the so-called rich. On the other hand, he and his congressional allies support legislation that would make taxpayers responsible for the bad decisions of wealthy contractors. I look forward to the critiques of this crony capitalism at the Occupy Wall Street gatherings.

Taxpayers are on the hook for billions. Keep in mind it is not merely the advertised initial price of $10 billion of taxpayer money necessary to start up the proposed new infrastructure bank bureaucracy that would be at stake. The bank will be empowered to ''leverage'' taxpayer dollars to support 10, 20, or maybe 30 times that amount for so-called public-private partnership projects.

Have we already forgotten that leverage is what helped create the largest financial crisis since the Great Depression? Yet, amazingly, for proponents of the infrastructure bank, leverage in this case is a good thing.

Make no mistake, leverage means risk, and more leverage means more risk. Why, when taxpayers have not even seen the last of the losses from Fannie and Freddie, would we even consider setting up a brand-new public-private mongrel called an infrastructure bank that will again subject taxpayers to losses? Why would we set up a new Federal bureaucracy that will require bailouts on projects specially selected by unelected political appointees with the power to pick winning and losing projects eligible for government assistance?

It is of interest that one of the new pitches for an infrastructure bank is that we need it to help us be more globally competitive. Sometimes comparisons are made with the growth of infrastructure spending in developing countries such as China. But, of course, developing countries devote many resources to infrastructure spending. It is almost a tautology. Those countries are starting with a much smaller beginning base, so we would expect a need for greater growth.

Proponents of infrastructure spending cite rankings of the United States globally on its infrastructure from a recent World Economic Forum's Global Competitiveness Report. If they had read the most recent report carefully, they would note that it identifies that the top two most problematic factors for doing business in America are tax rates and inefficient government bureaucracy. Yet the Democrats' bill seeks to increase tax rates and construct a new bureaucracy called an infrastructure bank.

We do not need a new Federal bureaucracy filled with politically appointed bureaucrats. We do not need a government picking economic winners and losers. We do not need more government spending years from now to deal with an unemployment crisis today. We do not need more taxes at a time when the unemployment rate is stuck at 9.1 percent. And we most definitely do not need another GSE. But if you like Fannie and Freddie, you will love the proposed infrastructure bank.

Once again, the other side has turned to divisiveness and class warfare. Evil millionaires and billionaires, whom Democrats now define as an individual with income starting at $500,000, need to be brought to economic justice. A 0.7-percent tax—or whatever the rate-of-the-week special cooked up by the Democratic war room happens to be—imposed on individual incomes that begin at $500,000 will bring equality and justice for all.

A few points need to be made about the surtax proposal. First, it is more taxes to pay for more government spending. We need to keep that in mind when we hear Democrats talk about the need to raise taxes to reduce the deficits.

Second, it is not real economic or tax policy. It is designed to deliver a talking point to an administration increasingly concerned about its reelection prospects.

I remind my friends on the other side of the aisle again that those earning $500,000 or more, whom they creatively call millionaires and billionaires, are not a static group of people. Many who earn those amounts in 1 year are likely to earn far less in the next year or in the prior year. In fact, the highest income taxpayers are a dynamic and rapidly changing group. Any one of us could get there if we just work hard enough and are smart enough to get there. That income group is constantly changing.

Keep in mind that a significant number of people hit by the Democrats' tax hike would be business owners—the same people we need to create new jobs. Significant fractions of net-positive business income and of active flow-through business income would be subject to Senator REID's new surtax. This is especially harmful to small businesses, which are often organized as flow-through entities, including sole proprietorships, partnerships, LLCs, and S corporations.

We do not need higher taxes that will fall on job creators to write checks for the President's special preferences, such as spending on high-speed rail that Americans do not want or need. We do not need a risky, GSE-like, taxpayer-funded infrastructure bank populated by political appointees, able to pick and choose whatever spending they would like to define as an infrastructure project, while subjecting taxpayers to private risk-taking.

Fortunately, there is a better way, and it is contained in my legislation, the Long-Term Surface Transportation Extension Act of 2011. Briefly, here is what it does.

It eliminates dedicated funding for transportation enhancements and gives States the authority to decide whether to spend resources on add-ons, such as bike paths.

It reforms the National Environmental Policy Act, or NEPA, by eliminating inefficient bureaucratic red tape and accelerating project delivery and contracting, just as called for by the President's Jobs Council.

It supports job creation by placing a temporary timeout on job-killing regulations that are estimated to have significant economic effects.

It includes provisions for waivers of inefficient environmental reviews, approvals, and licensing and permitting requirements for road, highway, and bridge rebuilding efforts in emergency situations.

It goes straight to the matter of job creation, and it draws from bipartisan recommendations, including recommendations from the President's own bipartisan Jobs Council. We have not ignored the President. We are taking some of his ideas and putting them in this bill.

It allows fully paid-for infrastructure projects to be undertaken to help build roads, bridges, and a host of other projects without imposing permanent, job-killing, higher taxes during our national unemployment emergency.

I urge all of my colleagues to vote in support of my legislation and to vote against the tax-and-spend alternative offered by those on the other side. We have had enough of this. We had enough with Fannie and Freddie. Yes, it was set up to do good, but it has wound up putting us in hock, and then just this week we find that they all—many of the leaders of Fannie and Freddie—are taking home huge bonuses for running the place. The new ones, the new leadership—maybe that is a little harsh, but the fact is, why should they be taking bonuses when we know Fannie and Freddie are in real trouble? I predict that if the Democratic bill passes and we get this infrastructure bank set up, it is only a matter of time until this will be another Fannie or Freddie. That is what happens when government bureaucrats decide who wins, who loses, and interferes with the private sector and those who have always made the private sector go and work well for all of us.

I yield the floor.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Rebuild America Jobs Act. This bill is about jobs today and jobs tomorrow across the Nation and in my home State of Maryland. It also is about repairing our crumbling infrastructure.

This bill does three things. First, it provides $50 billion for immediate transportation investments. It will provide formula funding and award competitive grants to our States for transportation infrastructure projects. This includes funding for our highways and bridges. It also includes our transit systems and passenger and freight networks as well as our aviation system and ports.

Second, it provides $10 billion to establish a national infrastructure bank. This bank will leverage private and public capital to fund large infrastructure projects. These include not only transportation projects but also desperately needed water and sewer, and energy projects. The bank will provide direct loans and loan guarantees for projects of regional and national significance.

I have been a strong proponent of establishing a national infrastructure bank for several years now going back to the original Dodd-Hagel legislation. I am now a cosponsor of Senators KERRY, HUTCHISON, and WARNER's bill.

Third, this bill pays for itself. It implements a surtax of less than 1 percent on those that make more than $1 million a year. This tax will begin in 2013.

This bill is so important because it will create hundreds of thousands of jobs across America by putting construction workers and engineers back to work. According to Moody's, every $1 spent on infrastructure spurs economic activity raising GDP by about $1.59. Without this investment, nearly 1 million Americans will lose their jobs and our economy will lose nearly $1 trillion over the next 10 years.

Our failing transportation infrastructure is costing everyone money we don't have: State and local governments, motorists, and companies shipping their goods. Americans pay approximately $333 in car repairs a year because of poor road conditions and more at the pump because of congestion. We just learned Marylanders have the longest commute in the country—even longer than New Yorkers. Can you believe that?

Freight bottlenecks and congestion are costing us about $200 billion a year. It is estimated that our failing infrastructure will drive the cost of doing business up by adding $430 billion to costs in the next decade. This means it will cost more to ship goods and consumers will feel it in their pocketbooks.

My State of Maryland has a 6-year transportation plan with $10 billion worth of needs. A recent blue ribbon commission found the State needs another $500 million annually to meet these needs. This bill will help close this funding gap by providing nearly $600 million in transportation formula funding to Maryland. This funding will support about 7,500 jobs.

This formula funding will pay for repaving and improving safety on our highways and byways. It will be used for to replace diesel buses with more environmentally friendly hybrid models. Improvements also will be made to Maryland's commuter rail service, MARC, and the light rail and metro in the Baltimore region. Lastly, Maryland would be eligible for competitive grants for all modes of transportation including high-speed rail investments along the Northeast corridor.

In addition, the infrastructure bank will provide new financing options for Maryland. It will help move along projects of regional and national significance that currently are harder to get underway with traditional financing options. Most promising is that the bank will provide financing for water and sewer and energy infrastructure projects too. Maryland alone has $14 billion in water and sewer infrastructure needs.

I firmly believe that a reliable and well maintained infrastructure is a vital to sustain economic growth and create jobs. That is why we must pass this bill and get Americans back to work.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD ANDREWS

Mr. CARPER. Mr. President, last year, I was pleased to provide the President with the names of three superbly qualified Delawareans for him to consider for the one open seat on the U.S. District Court in Delaware. Any one of them would have made an excellent addition to the court, and all of them uphold the high regard in which this court is held, not only in Delaware but across the country.

The President has made a particularly strong choice in nominating Richard G. Andrews for this judicial appointment this past May. The Senate Judiciary Committee used sound judgment in approving his nomination unanimously in September. We are grateful for the expeditious handling and approval of this nomination—unanimously.

When I travel across Delaware, I often hear from people who are convinced that the Senate is overwhelmed by partisan tensions. I am sure that my colleagues—both Republicans and Democrats here today—have heard similar concerns. Confirming Rich Andrews will help to win back confidence that we can work together to do the right thing, not just for the people of Delaware but the people of America.

Throughout his career, Rich Andrews has been supported by members of both parties. He was appointed to U.S. Attorney under Attorney General Janet Reno and Attorney General John Ashcroft. Most recently, the Senate Judiciary Committee supported his nomination without one single dissent.

Our country is fortunate that someone with his outstanding credentials has stepped forward to do this critical work. Mr. Andrews' education, background, and legal experience make him superbly qualified for this position.

As a student at Haverford College, Rich Andrews graduated with a bachelor of arts degree in political science, after which he earned his law degree at the University of California at Berkley—where he served as Note and Comment Editor for the California Law Review. After law school, Rich Andrews launched his career as a Clerk for the Honorable Collins J. Seitz, legendary chief judge of the Third Circuit Court of Appeals.

Following his clerkship, for 23 years Rich served as a prosecutor in the U.S. Attorney's Office in Wilmington—serving in a number of high-profile positions and eventually rising to the position of assistant U.S. attorney. When duty called, he stepped up to serve as acting U.S. attorney on three separate occasions. I kidded him and said he served as acting U.S. attorney longer than other people have served as U.S. attorney in other States. During his time with the United States Attorney's office, Rich prepared and prosecuted countless Federal cases, and in so doing, gained wide-ranging trial experience that he will draw upon heavily while serving as District Court Judge, if confirmed today.

Currently, Rich serves as the State prosecutor for the Delaware Department of Justice, where he manages the Criminal Division, oversees more than 70 deputy attorneys general, and makes critical decisions about how to proceed in high-level criminal cases.

Finally, in addition to his professional experience, Rich is a family man and a person of great character. His wife, Cathy Lanctot is the associate dean and a professor of law at Villanova University. Their son Peter is a sophomore at Columbia University, and their daughter Amy is a senior—and student council president—at Mount Pleasant High School, not far from where my family and I live.

In his ''free time,'' Rich has coached for the Concord Soccer Association of Delaware for more than a decade—and I understand that Rich also has spent the last 4 years grading answers for the Delaware bar exam.

In every facet of his life, Richard Andrews has performed with distinction. Let me conclude by saying that I am proud to support someone who has provided, and who will continue to provide, exemplary service for the people of our State and Nation.

His sound legal judgment, his tireless work ethic, and his experience as a Federal prosecutor have prepared Richard Andrews well to fill this seat on the U.S. District Court in Delaware. I urge my colleagues to join me in supporting his confirmation.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I would like to speak on the vote that is about to occur in this Chamber on the Rebuild America Jobs Act.

Over the past few days, we have been discussing how to best address our Nation's crumbling infrastructure. The cracks in this broken system became tragically clear on a beautiful summers day in Minnesota, August 1, 2007, when the I–35W bridge simply crashed into the Mississippi River, killing 13 people and throwing dozens of cars in the river. As I said that day, a bridge should not fall down in the middle of America, but it did, and an eight-lane highway should not fall down, not a highway that is literally six blocks from my house, a bridge that I drive over every day with my family, but that is what happened.

Four years after the I–35W bridge collapsed and was fixed a year later, still 25 percent of the Nation's 600,000 bridges have been declared structurally deficient or obsolete—25 percent. Our country has gotten a near-failing grade from the Civil Academy of Engineers. Our construction workers have an unemployment rate that is over 13 percent—more than 4 points above the national average. These are not acceptable realities in this country.

Americans spend 4.8 billion hours every year stuck in congestion, stuck in traffic.

When you look at what happens in other countries, other countries that are spending 7, 8, 9 percent of their gross national product on infrastructure, we are barely hanging in at 2 percent. Yet we want to be a competitive nation, we want to be a nation that makes things again, that exports to the world. If we do not have the air traffic control system that works, if we

don't have the bridges that work, if we don't have the highways that work, if we don't have the waterways to bring our barges down to bring our goods to market, we are not going to be able to compete in this economy. This is simply not an acceptable reality for a country such as America.

Think about the Interstate Highway System, built during Eisenhower's Presidency with a Democratic Congress. Think about rural electrification. These things were built during difficult times in this country. Why? Because we didn't think America was about just tinkering at the edges, we believed America was about moving ahead. That is why we need to move forward today on the Rebuild America Jobs Act. All of us recognize the urgent need for new and bold initiatives to fix what is broken and to build the roads, the bridges, and the airports we need to fuel a 21st-century export economy.

The infrastructure bank, which is, of course, included in this legislation, is something that has enjoyed bipartisan support from the beginning. It is one of those initiatives that will foster public-private partnership, with the potential to leverage hundreds of billions of dollars for infrastructure investment. It is about big projects, but it is also about rural projects in States such as Vermont and Minnesota. It is about wastewater treatment plants and water projects and sewer projects—work that has been neglected for way too long.

Fixing our Nation's infrastructure will provide a broad range of benefits. We can reduce our congestion, we can better compete globally, and we can create jobs and improve public safety. This is about working to ensure that no bridge ever again collapses in the middle of America. This is our challenge. We cannot put it off any longer. This is the time to act.

Traditionally, there had been no such thing as a Democratic bridge or a Republican bridge. In fact, the Transportation Secretary for President Obama is a former Republican Congressman. We have come together on infrastructure. We cannot come apart. This is the time to come together.

I urge my colleagues to vote to allow this bill to proceed to a vote.

Mr. President, I yield back all the time on both sides, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion to proceed to S. 1769. Under the previous order, 60 votes are required to adopt the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—51

| | | |
|---|---|---|
| Akaka | Bennet | Boxer |
| Baucus | Bingaman | Brown (OH) |
| Begich | Blumenthal | Cantwell |
| Cardin | Klobuchar | Reed |
| Carper | Kohl | Reid |
| Casey | Landrieu | Rockefeller |
| Conrad | Lautenberg | Sanders |
| Coons | Leahy | Schumer |
| Durbin | Levin | Shaheen |
| Feinstein | Manchin | Stabenow |
| Franken | McCaskill | Tester |
| Gillibrand | Menendez | Udall (CO) |
| Hagan | Merkley | Udall (NM) |
| Harkin | Mikulski | Warner |
| Inouye | Murray | Webb |
| Johnson (SD) | Nelson (FL) | Whitehouse |
| Kerry | Pryor | Wyden |

NAYS—49

| | | |
|---|---|---|
| Alexander | Graham | Moran |
| Ayotte | Grassley | Murkowski |
| Barrasso | Hatch | Nelson (NE) |
| Blunt | Heller | Paul |
| Boozman | Hoeven | Portman |
| Brown (MA) | Hutchison | Risch |
| Burr | Inhofe | Roberts |
| Chambliss | Isakson | Rubio |
| Coats | Johanns | Sessions |
| Coburn | Johnson (WI) | Shelby |
| Cochran | Kirk | Snowe |
| Collins | Kyl | Thune |
| Corker | Lee | Toomey |
| Cornyn | Lieberman | Vitter |
| Crapo | Lugar | Wicker |
| DeMint | McCain | |
| Enzi | McConnell | |

The PRESIDING OFFICER (Mrs. MCCASKILL). On this vote, the yeas are 51, the nays are 49. Under the previous order requiring 60 votes for the adoption of this motion, the motion to proceed is rejected.

The majority leader.

Mr. REID. Madam President, we wish to outline what the rest of the day appears to be.

I ask unanimous consent that notwithstanding the previous order, following the next vote, the Senate proceed to executive session to consider the following nominations: Calendar No. 353 and Calendar No. 356; that there be 15 minutes for debate equally divided in the usual form; that following that debate, Calendar No. 356 be confirmed and the Senate proceed to vote with no intervening action or debate on Calendar No. 353, with the provisions of the previous order remaining in effect; and that the next 2 votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to proceed to S. 1786.

Under the previous order, 60 votes are required to adopt this motion. Under the previous order, there will now be 2 minutes of debate, equally divided.

Who yields time?

The Senator from California.

Mrs. BOXER. Madam President, what is before us now is supposed to be a jobs bill. Actually, all they do in this alternative, my Republican friends, is extend the highway trust fund at the current levels. That is something we intend to do, and Senator INHOFE and I are going to bring the bill to the floor that does that, but they decided they want to do it now. And how do they pay for it? They cut $40 billion out of such functions as firefighters, police, Border Patrol, food safety inspectors, and we will lose 200,000 jobs from that action.

In addition, there are two rollbacks of environmental laws that deserve a heck of a lot more notice than putting them in this bill. That is going to hurt our people because if you can't breathe, you can't work. We have to get the mercury and the soot and the arsenic out of the air.

I hope we will vote no on this. It is not a jobs bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

All time is yielded back.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—47

| | | |
|---|---|---|
| Alexander | Enzi | McCain |
| Ayotte | Graham | McConnell |
| Barrasso | Grassley | Moran |
| Blunt | Hatch | Murkowski |
| Boozman | Heller | Paul |
| Brown (MA) | Hoeven | Portman |
| Burr | Hutchison | Risch |
| Chambliss | Inhofe | Roberts |
| Coats | Isakson | Rubio |
| Coburn | Johanns | Sessions |
| Cochran | Johnson (WI) | Shelby |
| Collins | Kirk | Thune |
| Corker | Kyl | Toomey |
| Cornyn | Lee | Vitter |
| Crapo | Lugar | Wicker |
| DeMint | Manchin | |

NAYS—53

| | | |
|---|---|---|
| Akaka | Hagan | Nelson (FL) |
| Baucus | Harkin | Pryor |
| Begich | Inouye | Reed |
| Bennet | Johnson (SD) | Reid |
| Bingaman | Kerry | Rockefeller |
| Blumenthal | Klobuchar | Sanders |
| Boxer | Kohl | Schumer |
| Brown (OH) | Landrieu | Shaheen |
| Cantwell | Lautenberg | Snowe |
| Cardin | Leahy | Stabenow |
| Carper | Levin | Tester |
| Casey | Lieberman | Udall (CO) |
| Conrad | McCaskill | Udall (NM) |
| Coons | Menendez | Warner |
| Durbin | Merkley | Webb |
| Feinstein | Mikulski | Whitehouse |
| Franken | Murray | Wyden |
| Gillibrand | Nelson (NE) | |

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53. Under the previous order requiring 60 votes for the adoption of this motion, the motion to proceed is rejected.

## AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate having received from the House a message with respect to H.R. 2112, the Senate insists on its amendments, agrees to a conference with the House, and the Chair appoints Mr. KOHL, Mr. HARKIN, Mrs. FEINSTEIN, Mr. JOHNSON of South Dakota, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. BROWN of Ohio, Mr. INOUYE, Mrs. MURRAY, Ms. MIKULSKI, Mr.

BLUNT, Mr. COCHRAN, Mr. MCCONNELL, Ms. COLLINS, Mr. MORAN, Mr. HOEVEN, Mrs. HUTCHISON, and Mr. SHELBY conferees on the part of the Senate.

## EXECUTIVE SESSION

## NOMINATION OF SCOTT WESLEY SKAVDAHL TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF WYOMING

## NOMINATION OF RICHARD G. ANDREWS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read 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.

The PRESIDING OFFICER. There is 2 minutes, equally divided.

The Senator from Wyoming.

Mr. ENZI. Madam President, I wish to ask for your wholehearted support for Judge Skavdahl of Wyoming. He was nominated by our Democratic Governor. He was appointed by the President, and he has the wholehearted support of our delegation. We have spoken for him in committee and are doing that again on the floor. We have a full statement we submitted. So I would thank you for your vote on this nomination. He came up through the courts in Wyoming and now will be a Federal judge, with your help.

I thank the Chair.

Mr. LEAHY. Madam President, I thank the majority leader for securing votes on 2 of the 22 judicial nominees on the Senate's Executive Calendar ready for Senate consideration. I am glad that we will finally vote on the nominations of Scott Skavdahl to the District of Wyoming and Richard Andrews to the District of Delaware, both qualified, consensus nominees reported unanimously by the Judiciary Committee nearly 2 months ago. I wish that we were able to vote today on the other 20 judicial nominees who have been ready and waiting for final Senate action.

This morning the Judiciary Committee reported another 5 judicial nominations, bringing the total to 27 who have been thoroughly vetted, considered and reported by the Judiciary Committee. All 27 of these nominees are qualified and have the support of their home State Senators, Republican and Democratic. Twenty-three of the 27 nominees, like the 2 we will consider today, were unanimously approved by the Judiciary Committee with all members. Senate Democrats are prepared to have votes on all these important nominations. I know of no good reason why the Republican leadership is refusing to proceed on the 20 nominees who have been stalled before the Senate for weeks and months. At a time when vacancies on Federal courts throughout the country remain near 10 percent, the delay in taking up and confirming these consensus judicial nominees is inexcusable.

The American people need functioning Federal courts with judges, not vacancies. Though it is within the Senate's power to take significant steps to address this problem, refusal by Senate Republicans to consent to voting on consensus judicial nominations has kept vacancies high for years. The number of judicial vacancies has been near or above 90 for over 2½ years. A recent report by the nonpartisan Congressional Research Service found that we are in the longest period of historically high vacancy rates in the last 35 years. These needless delays do nothing to help solve this serious problem and are damaging to the Federal courts and the American people who depend on them.

More than half of all Americans—over 163 million—live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations reported by the Judiciary Committee with bipartisan support. As many as 26 States are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should explain why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

Senator GRASSLEY and I have worked together to ensure that each of the 27 nominations reported by the Judiciary Committee was fully considered after a thorough but fair process, including completing our extensive questionnaire and questioning at a hearing. This White House has worked with the home State Senators, Republicans and Democrats, and each of the judicial nominees being delayed from a Senate vote is supported by both home State Senators. The FBI has conducted a thorough background review of each nominee. The American Bar Association's Standing Committee on the Federal Judiciary has conducted a peer review of their professional qualifications. When the nominations are then reported unanimously by the Judiciary Committee, there is no reason for months and months of further delay before they begin serving the American people.

Despite the damagingly high number of vacancies that has persisted throughout President Obama's term, some Republican Senators have tried to excuse their delay in taking up nominations by suggesting that the Senate is doing better than we did during the first 3 years of President Bush's administration. That is simply not true. It is wrong to suggest that the Senate has achieved better results than we did in 2001 through 2003. As I have pointed out, in the 17 months I chaired the Judiciary Committee in 2001 and 2002, the Senate confirmed 100 of President Bush's Federal circuit and district court nominees. By contrast, after the first 2 years of President Obama's administration, the Senate was allowed to proceed to confirm only 60 of his Federal circuit and district court nominees.

Indeed, as 2010 was drawing to a close, Senate Republicans refused to proceed on 19 judicial nominees who had been considered and reported by the Judiciary Committee and forced them to be returned to the President. It has taken the Senate nearly twice as long to confirm the 100th Federal circuit and district court judge nominated by President Obama as we had when President Bush was in the White House.

During the third year of President Bush's administration, the Senate confirmed 68 of his Federal circuit and district court nominees. By early November, 66 judges had been confirmed. In contrast this year, even including many nominees confirmed this year who should have been confirmed last year, the Senate has only confirmed 53 of President Obama's judicial nominees. Fifty-three is not better than 66. By this point in President Bush's first 3 years, the Senate had confirmed 166 of his Federal circuit and district court nominees. So far in the 3 years of the Obama administration, that total is only 113. One hundred and thirteen is not better than 166. Notably, the Senate this year is lagging far behind the pace we set for circuit court nominations in the third year of President Bush's administration. The Senate this year has confirmed just 6 circuit court nominations, compared to 12 at this point in President Bush's third year. The six confirmations this year are only half as many as were confirmed at this point in President Bush's third year. There are five circuit court nominations pending on the Senate's Executive Calendar today and a sixth circuit court nomination reported by the committee this morning. By this point in the third year of President Bush's administration, the Senate had confirmed a total of 29 of his circuit court nominees. By comparison, the Senate has confirmed only 22 of President Obama's circuit court nominees. Twenty-two is not better than 29. By this point in the Bush administration, vacancies had been reduced to 42. Today they stand at 85. Eighty-five vacancies is not better than 42.

This is not the way to make real progress. No resort to percentages of nominees ''processed'' or ''positive action'' by the committee can excuse the lack of real progress by the Senate. In the past, we were able to confirm consensus nominees more promptly, often

within days of being reported to the full Senate. They were not forced to languish for months. The American people should not have to wait weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

I think confirmations and vacancies numbers better reflect the reality in our Federal courts and for the American people. It is hard to see how the Senate is supposed to be doing better when it remains so far behind the pace we set in those years. During President Bush's first 4 years, the Senate confirmed a total of 205 Federal circuit and district court judges. As of today, we would need another 92 confirmations over the next 12 months to match that total. That means a faster confirmation rate for the next 12 months than in any 12 months of the Obama administration to date. That would require Senate Republicans to abandon their delaying tactics. I hope they will.

The two nominations we consider today are each superbly qualified consensus nominees whom I expect will be confirmed with significant bipartisan support. The nomination of Judge Scott Skavdahl to fill a vacancy on the District of Wyoming was reported unanimously by the Judiciary Committee on September 8, nearly 2 months ago. Judge Skavdahl, who is currently a magistrate judge on the District of Wyoming, having previously served as a law clerk for Chief Judge William Downes, the judge he is nominated to replace, has the strong support of his Republican home State senators, Senators ENZI and BARRASSO. Judge Skavdahl spent 8 years as a State court judge for the Seventh Judicial District of Wyoming before that working in private practice in Wyoming. The ABA's Standing Committee on the Federal Judiciary unanimously rated Mr. Skavdahl ''well qualified'' to serve, its highest rating.

The Judiciary Committee also unanimously reported the nomination of Richard Andrews to fill a vacancy on the District of Delaware nearly 2 months ago. Mr. Andrews currently serves as Delaware's State prosecutor, having previously spent 24 years as a Federal prosecutor in Delaware, where he rose through the ranks to become chief of the Criminal Division. Mr. Andrews was appointed to serve as the acting U.S. attorney for Delaware on three occasions, including by John Ashcroft, the Attorney General under President Bush. He also clerked for Chief Judge Collins Seitz of the U.S. Court of Appeals for the Third Circuit. Mr. Andrews has the strong support of both his home State Senators, Senator CARPER and Senator COONS, who worked with Mr. Andrews in Delaware. I thank Senator COONS for chairing the committee's hearing on Mr. Andrews' nominations and for working hard to move it through the committee and Senate process.

The Senate must come together to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for well over 2 years. We can and must do better for the more than 163 million Americans being made to suffer by these unnecessary Senate delays.

Mr. GRASSLEY. Madam President, today the Senate will confirm two more judicial nominees, which will be the 52nd and 53rd article III confirmations of this Congress. We have confirmed 17 judges in the past 30 days.

I may sound like a broken record, but despite what others have said, we have and continue to make real progress on consensus nominees. We have taken positive action on 85 percent of the judicial nominees submitted by President Obama this year. Over 91 percent of nominees submitted during President Obama's Presidency have had their hearing. With these votes, only during 8 of the last 30 years has the Senate confirmed more judicial nominees than we have done during this year.

I would like to say a few words about the nominees, both of whom I support.

Scott Wesley Skavdahl is nominated to be a district court judge for the District of Wyoming. He is a graduate from the University of Wyoming and their College of Law. Judge Skavdahl began his legal career in 1992 as an associate attorney at the law firm of Brown, Drew, Massey & Sullivan. After 2 years with the firm, he departed for a 3-year clerkship with the Honorable William F. Downes on the District Court for the District of Wyoming.

In 1997, he returned to private practice at the firm Williams, Porter, Day & Neville, where he made partner in 2000. From 2001 to 2003, Judge Skavdahl served as a part-time U.S. magistrate judge. He also served as a State district judge for the Seventh Judicial District of Wyoming from 2003 to 2011. In February 2011, Judge Skavdahl was appointed U.S. magistrate judge for the District of Wyoming, a post he holds to this day.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Skavdahl with a unanimous ''well qualified'' rating.

Richard G. Andrews is nominated to be a district judge for the District of Delaware. Mr. Andrews received his bachelor of arts from Haverford College in 1977 and a juris doctorate from the University of California at Berkley Boalt Hall School of Law in 1981.

He began his legal career as a law clerk to the Honorable Collins J. Seitz, Chief Judge of the U.S. Court of Appeals for the Third Circuit. Mr. Andrews then joined the Office of the United States Attorney for the District of Delaware as a Federal law clerk. After a year in that position, he was named an assistant U.S. attorney.

Mr. Andrews spent the next 24 years in that office, handling a mix of criminal and civil cases in Federal district court. He has served on three occasions as acting or interim U.S. attorney, was first assistant for a number of years in the office, and served as chief of the Criminal Division.

Since 2007, Mr. Andrews has served as State prosecutor within the Delaware Department of Justice.

The American Bar Association Standing Committee on the Federal Judiciary has rated Mr. Andrews with a substantial majority ''well qualified,'' minority ''qualified'' rating.

The PRESIDING OFFICER. Who yields back time?

Mr. HARKIN. Madam President, I yield back all time on our side.

The PRESIDING OFFICER. Time is yielded back.

Under the previous order, the nomination of Richard G. Andrews, of Delaware, to be United States District Judge for the District of Delaware is confirmed.

The question is, Will the Senate advise and consent to the nomination of Scott Wesley Skavdahl, of Wyoming, to be United States District Judge for the District of Wyoming?

Mr. INHOFE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. BOXER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Nevada (Mr. HELLER).

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 197 Ex.]

YEAS—96

| | | |
|---|---|---|
| Akaka | Graham | Moran |
| Alexander | Grassley | Murkowski |
| Ayotte | Hagan | Murray |
| Barrasso | Harkin | Nelson (NE) |
| Baucus | Hatch | Nelson (FL) |
| Begich | Hoeven | Paul |
| Bennet | Hutchison | Portman |
| Bingaman | Inhofe | Pryor |
| Blumenthal | Inouye | Reed |
| Blunt | Isakson | Reid |
| Boozman | Johanns | Risch |
| Brown (MA) | Johnson (SD) | Roberts |
| Brown (OH) | Johnson (WI) | Rockefeller |
| Burr | Kerry | Rubio |
| Cantwell | Kirk | Sanders |
| Cardin | Klobuchar | Schumer |
| Carper | Kohl | Sessions |
| Casey | Kyl | Shaheen |
| Chambliss | Landrieu | Shelby |
| Coats | Lautenberg | Snowe |
| Cochran | Leahy | Stabenow |
| Collins | Lee | Tester |
| Conrad | Levin | Thune |
| Coons | Lieberman | Toomey |
| Corker | Lugar | Udall (CO) |
| Cornyn | Manchin | Udall (NM) |
| Crapo | McCain | Vitter |
| DeMint | McCaskill | Warner |
| Enzi | McConnell | Webb |
| Feinstein | Menendez | Whitehouse |
| Franken | Merkley | Wicker |
| Gillibrand | Mikulski | Wyden |

NOT VOTING—4

| | |
|---|---|
| Boxer | Durbin |
| Coburn | Heller |

The nomination was confirmed.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Under the previous order, the motions to reconsider are considered made and laid upon the table. The President shall be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

The Senator from Vermont.

## MORNING BUSINESS

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

## THE HIGHWAY BILL

Mr. INHOFE. Madam President, after the vote today, I think that any effort to pass a bill such as the ones we just voted on would be very difficult. But something good does happen from that; that is, we had the vast majority of people in the Chamber recognizing that we need to do something that would be stimulative to the economy—something unlike the stimulus bill we had before, where only 3 percent of the money actually went to building roads, highways, maintenance, and that type of thing.

I do appreciate the fact that we are now in a position where I think, with this behind us, we can be looking at a good, legitimate highway transportation reauthorization bill. I have been working very closely with Senators BOXER, VITTER, and BAUCUS—we are considered the ''big four'' in the Environment and Public Works Committee—to come up with something. I have to say that we have worked very hard, and I am talking about hours and hours. Anytime you can get Senator BARBARA BOXER from California and me to agree on something, you know we have gone through a lot of work—and we have. We have gone through a lot of give and take.

Senator BOXER and I, along with Senators VITTER and BAUCUS, recognize that we desperately need to have a transportation reauthorization bill, and we need to do it the right way. All these things we have been doing with extensions don't work. There is not a Member of this Chamber who doesn't go back every week and talk to his transportation director and say why can't we quit these extensions and get a good bill.

We have a good bill, and we are talking about reforms. It is our intention next week, I believe, to mark up this bill. We are looking forward to that. I have a very strong bias toward transportation. For the years I was in the House, I was on that committee. We didn't have these problems then. We had a highway trust fund that always had a surplus because we were very aggressive at that time and, of course, a lot more people were purchasing gas at that time and revenues were up. So we had a surplus.

Unfortunately, this always happens in Washington, DC. Members came along and looked at the surplus, and that was a target. Everybody wanted in on it, so they put their deals into the highway trust fund. That is partly why we got to where we are today.

I appreciate the conversation we have gotten from the President. He talks about how he wants infrastructure, and he has a picture of where he was standing in front of a bridge making a speech about creating jobs. But he doesn't have anything in his program that does anything with infrastructure. Our problem is that President Obama has been talking the talk, and he has spoken more about infrastructure than any other President since Eisenhower proposed the Interstate Highway System. But when you get up to the $800 billion stimulus bill, in doing the calculations, only 3 percent—about $27 billion of that—was in highway construction or maintenance. Senator BOXER and I made an effort on the floor—a bipartisan effort—to try to raise the percentage. I wanted it up to 10 percent or higher, but we were unable to do it. The President was not on our side on that.

I think the good news is that today's votes, of both Democrats and Republicans, showed that they are very interested and supportive of a highway bill. We have gotten a lot of that out of the way and we can concentrate on a highway bill. I think both parties are trying to create jobs and economic growth through the building of highways and bridges.

Most Americans are unaware of how damaging regulations are. When I stop and think about proposing a massive program, which is what we are talking about now—reauthorization program—it is massive in that the funding level would probably stay the same as it has been since the highway authorization bill of 2005. But when they talk about that, we are always faced with the regulation problems. We are trying to address in this bill the regulation problems that are out there to try to have some shortcuts, to try to get some things done that otherwise would take a lot longer. Regulations have been a huge problem.

### EPA REGULATIONS

This administration's Environmental Protection Agency alone has an unprecedented number of regulations, and they are destroying jobs. The results are there. I will mention the five most expensive regulations of all the regulations that have come out.

First is the greenhouse gas regulation. I think we all know what that is. That is them trying to do something through regulations they were unable to do through legislation.

Second, ozone, the national ambient air quality standards. That would be about a $678 billion loss in GDP by 2020.

Incidentally, I failed to mention the greenhouse gas regulations, which would be in excess of $300 billion to $400 billion a year.

The boiler MACT regulations—that would be a $1 billion loss to GDP. Utility MACT—MACT is maximum achievable technology. In other words, one of the problems with all these MACT bills coming out of the administration is that there is no technology available to carry out the mandates on emissions. Cement MACT is another, with $3.5 billion in compliance costs.

Fortunately, in September, President Obama withdrew the EPA's proposed toughened ozone standards. There is good reason for that, and one is that ozone standards are supposed to be predicated upon new science. This was on the same science that the last ozone changes were based on. I think when people caught on to that and recognized what it would cost—in Oklahoma, we would be looking at some 15 counties that would be out of attainment, and there is nothing more dreadful that could happen to a State than have your counties go out of attainment so that you are not able to recruit jobs, or even keep the jobs you have. We would be talking about around 7 million jobs throughout the United States. Because of that, politically, he postponed that. Frankly, I think he is postponing it until after the next election. If he should be reelected, I can assure you we will see that again.

Democrats always say we need to have tax increases and that is the best way to grow. I look at this sometimes. Recently, the Office of Management and Budget came up with a calculation that is consistent with one I have been using for 20 years: For each 1-percent increase in economic activity in this country, or 1-percent growth, that equates to about $50 billion of new revenue. Interestingly enough, this is all a Republican idea. President Kennedy, who was a Democrat, said we have to raise more money for the Great Society, and the best way to raise money is to reduce marginal tax rates. He did it and it worked. We saw what President Ronald Reagan did in the years that followed that. During the 8 years he was in office, the proceeds for marginal rates went from $204 billion to $466 billion. That was at a time when rates were reduced more than any other 8-year period in history. We are looking at other opportunities to reduce regulations and all that so we can resolve the problem.

There is one thing that is very important—and I know there is nobody in this Chamber who doesn't recognize the concern I have expressed over the

years about the legislation proposed ever since the Kyoto treaty on legislative cap and trade. Every time there is an analysis made—whether by MIT, or by the Wharton School, Charles Rivers, or any of the rest of them—the range of the cost of cap and trade legislatively is always between $300 billion and $400 billion a year. We found out that if you do it by regulation, it is going to be far more than that. These are Democrats who are on record as saying that. Lisa Jackson, for whom I have a great deal of respect, is the Obama-appointed Director of the Environmental Protection Agency. Every time I ask her a question, she gives me an honest answer. She said:

> I have said over and over, as has the President, that we do understand that there are costs to the economy of addressing global warming emissions, and that the best way to address them is through a gradual move to a market-based program like cap and trade.

Yes, they would cost a lot of money. Nobody refutes the $300 billion to $400 billion figure.

JOHN KERRY said this:

> If Congress does not pass legislation dealing with climate change, the administration will use the Environmental Protection Agency to impose new regulations.
>
> These regulations would be more expensive. I think the EPA admitted that if they were able to accomplish this through regulations, they would need to hire an additional 230,000 employees and spend an additional $21 billion to implement its greenhouse gas regime.

All of this economic pain is for no gain. As EPA Administrator Jackson also admitted before the EPA committee, these regulations will have no effect on the climate. I want to mention that. That is significant. A lot of people disagree with me in terms of the impact of $CO_2$ emissions and all of that.

Let me say this. Two things having to do with that issue are very important. One is that if we were to pass legislation or do something through regulation that would be aimed at reducing greenhouse gases, would this have an effect on the reduction of emissions worldwide? I asked that question to Lisa Jackson, and her answer was ''no.'' Obviously, the problem is not here in the United States, it is in China, India, and other places.

In looking at it that way, I have to also mention that we all know what happened with climategate. We all know, when we went in and started an endangerment finding, it was based on the science that came from the IPCC, which has now been totally discredited. When I have more time, I will go into the details as to how that was discredited. For example, this was such a great scandal, the Daily Telegraph said:

> This scandal could well be the greatest in modern science.

So that is what was happening. They were cooking the science at the United Nations and the IPCC. Now we are at the point where we asked for an inspector general opinion as to whether the EPA had followed the proper guidelines in trying to regulate greenhouse gases, and, in fact, they did not follow the right guidelines.

So I would only say that the inspector general's investigation uncovered that the EPA failed to engage in the required record-keeping process leading up to the endangerment finding decision, and it also did not follow its own peer review procedures to ensure that the science behind the decision was sound science. EPA Administrator Lisa Jackson readily admitted the science that was used was flawed, the science used by the Intergovernmental Panel on Climate Change.

So I would say this: We are concerned about what is going to happen now. We are concerned about the overregulations. We are concerned about the process that has been used and how regulations are used to support an agenda the President has.

I will mention one last thing, and that is a regulation I didn't mention before. Of the five most expensive regulations, this isn't one of them, but it could end up costing the most. We know for a fact that the United States of America—we have a report now that shows that with all the findings and with all the good things that are happening in the shale throughout the United States and elsewhere in the Northern Hemisphere, we could be totally free from dependency on any other country if we would just get politicians out of the way and develop our own resources.

We have enough natural gas to meet America's demand for 90 years and enough oil for 50 years, but in order to do this, they have to use a process called hydraulic fracturing. Ironically, that was started in my State of Oklahoma in 1949 and has been used ever since that time, and there has never been a confirmed case of groundwater contamination. Nonetheless, right now we see that they are going through this process of saying: We are going to take over the regulation of hydraulic fracturing from the States and place it with the Federal Government. I have to be suspicious that there is motive behind that, and that motive is to restrict the use of hydraulic fracturing.

We could open the east coast, the west coast, the gulf coast, the northern slope, and everything else, but if we can't use that process, we will not be able to achieve energy independence, which we can do. We don't have to use anything new that is out there other than oil, gas, and coal. With what is happening right now with hydrogen, we have an opportunity to become self-sufficient.

With that, I will yield the floor so my good friend can make his comments.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

## TRIBUTE TO THE 389TH EXPEDITIONARY FIGHTER SQUADRON

Mr. RISCH. Madam President, I rise today to recognize the valor and accomplishments of the 389th Expeditionary Fighter Squadron. The 389th—better known as the T-Bolts—is part of the 366th Fighter Wing based at Mountain Home Air Force Base in Idaho. At Mountain Home, the squadron is composed of 80 airmen from across the United States, including aviators and essential ground personnel. While deployed, the squadron grew to over 400, including maintainers, intelligence personnel, and support staff from the 366th.

In May 2011, the T-Bolts deployed to Bagram airbase in Afghanistan, with 18 F–15E Strike Eagles to support Operation Enduring Freedom. In the process, they demonstrated resolve and what can be accomplished through fierce loyalty to each other and to our country. The T-Bolts prosecuted 3,100 combat missions and dropped 800 tons of ordnance. They supported 3,700 ground missions by American and allied forces and responded to 820 ''troops in contact'' emergency combat support calls. In addition, they worked directly with special operations forces to destroy 170 enemy weapons caches and capture 620 detainees, including 90 high-value individuals.

The diligence of the maintainers and ground personnel ensured that the 389th met 100 percent of their taskings without missing a single sortie. And the pilots and weapons system officers broke the F–15E deployment record, flying more than 14,000 hours in just over 6 months.

Through their excellence and determination, the 389th kept relentless pressure on the al-Qaida network, killing key members of their senior leadership. Additionally, they directly supported numerous large-scale coalition ground operations with kinetic and non-kinetic effects as they provided lethal close air support across Afghanistan.

The men and women of the 389th made a real and substantial contribution to the safety of America, the success of the global war on terror, and the destruction of al-Qaida and those who would do us harm. By successfully taking the fight to the enemy, the T-Bolts helped write the history of the early 21st century through their tenacity and courage.

No one summed it up better or more eloquently than the commander of the 366th Fighter Wing, COL Ron Buckley, who said of his airmen:

I am incredibly proud of the professionalism and dedication our gunfighters displayed while flawlessly executing their mission to deliver precise combat air power for joint operations on the ground. From aircrews to maintainers to support, the T-Bolts carried on the incredible legacy of the gunfighters and answered our Nation's call.

I also want to take this important opportunity to honor America's unsung heroes by recognizing and commending the families and loved ones of those who serve in the 389th. We are also

proud of their service, their commitment, and the immense sacrifices they made and continue to make on behalf of our country.

The T-Bolts served honorably in defense of a grateful nation, and I am pleased today to recognize the heroic members of the 389th for their valorous service while deployed in support of Operation Enduring Freedom.

I am reminded of the core values of the Air Force: integrity first, service before self, and excellence in all you do. There is no better example than the airmen of the 389th Expeditionary Fighter Squadron. With consummate bravery and boldness, the T-Bolts honor every American through a spirit of dedication and a sense of duty to defend a cause larger than one's self. For their efforts, we and future generations are forever indebted and eternally grateful.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EPA REGULATIONS

Mr. INHOFE. Madam President, I apologize to the Chair. I had a misunderstanding as to where we were, and I only wanted to try to get the point across, which I think I failed to do, regarding the cost of these regulations.

I think I used as an example the five—I mentioned, actually, six when you consider hydraulic fracturing also as one of the regulations. By far, the one that is the most expensive is the regulation that would be for the greenhouse gases. I think we have pretty much established the cost to do a cap-and-trade bill and the range being from $300 billion to $400 billion. The quotes I used, which I won't repeat now, were from Administrator Jackson and Senator KERRY and others stating that doing it through regulation would be far more expensive. So I think we need to be looking at it in terms of about $400 billion a year. This would be a tax on the American people. This would be the cost to our GDP.

I remember back in 1993 when we had the Clinton-Gore tax increase. It was the largest one in four decades at that time. It was an increase in the death tax, an increase in marginal rates, an increase in capital gains—an increase in almost all taxes—and it was a $30 billion tax increase. What we are talking about here is a tax increase that is 10 times that great—10 times. We are using the figure now of $400 billion because we know that through regulation, it will cost more.

Again, I go back and repeat the quote we had from Administrator Jackson of the EPA, who said in response to my question, live in our committee, if we were to pass legislation—at that time, I think it was the Waxman-Markey bill, although it doesn't really matter because cap and trade is cap and trade—would that reduce overall emissions, and she said no because it would only apply to the United States.

I would carry it one step further. If we were to pass or do anything through regulation here, all it will do is cause our manufacturing base to go out and find the energy necessary to operate. And where do they go? They go to places such as China, India, and Mexico—places that have almost no emission standards. So if there is a pollution problem, it becomes much greater, not less, in terms of overall emissions.

Another situation I often talk about is the time before I left to go to the Copenhagen United Nations event, where they were going to try to convince the rest of the world that we were going to pass legislation that would be cap and trade and impose this tax on the American people.

In a committee hearing, I said to Administrator Jackson: I have a feeling that as soon as I leave town, you are going to have an endangerment finding.

Sure enough, that is what happened.

I said: When you have an endangerment finding, it has to be based on science. So what science would you be using?

She said: By and large, it would be the science developed by the United Nations Intergovernmental Panel on Climate Change.

Ironically, right after that, climategate came up and really destroyed the legitimacy of the IPCC.

I have read some of the quotes that were given by different people when they talked about climategate. One of them is a British writer George Monbiot, who is known for his environmental and political activism, and he is on the other side of this. He writes a weekly column for the Guardian. He said:

> Pretending that this isn't a real crisis isn't going to make it go away.

Here, he is referring to climategate and the fact that they were cooking the science.

> Nor is an attempt to justify the emails with technicalities.

Again talking about the participants in IPCC.

> We'll be able to get past this only by grasping reality, apologizing where appropriate and demonstrating that it cannot happen again.

I also mentioned the Daily Telegraph in the UK. Quoting from it:

> This scandal could well be the greatest in modern science.

Then the Atlantic Magazine, which generally is editorializing the other side of this issue, said:

> The closed-mindedness of these supposed men of science, their willingness to go to any lengths to defend a preconceived message, is surprising even to me. The stink of intellectual corruption is overpowering.

That was the loss of credibility of the whole idea of the science that was put together by the Intergovernmental Panel on Climate Change at the United Nations. But to make it even worse, we requested that the inspector general do a study and report back as to the science and how the science was developed by the IPCC and whether it followed the guidelines that were necessary. They came back just 1 week ago with a report that says the EPA has failed to follow the responsible guidelines. In fact, even before the scope of the study was finalized today, the EPA was already collecting data samples at the undisclosed fracking sites, so they are going in now to using the same type of flawed science and going after other parts of their agenda. In this case, it would be hydraulic fracturing, which I mentioned just a few minutes ago, is an attempt to stop our ability to develop our own resources.

In the course of this overregulation, I think we have to keep in mind and to keep talking about these six greatest and most costly regulatory problems that we have out there and how much it is going to cost the American people. Again, the one that is the most serious right now is trying to regulate and do a cap-and-trade through the regulations as opposed to doing it through legislation.

We are going to keep talking about that. It is not going to go away. People think time will make people forget. But we don't forget something of that magnitude.

I did a calculation in my State of Oklahoma; as I always do, I get the number of families who file a tax return each year. When something comes along that will cost something, I do the calculation and I do the math and then I go back to the American people and say: Get ready. This is what it is going to cost.

If we were to have passed any of the bills that were like the Kyoto Protocol, and the last one being the Waxman-Markey bill, the cost would have been at least $300 billion. If we take that annual cost, that would cost my tax-paying families in Oklahoma in excess of $3,000 a family, and they get nothing for it.

We can do an awful lot of talking about the deficits and the spending of this administration. Let's don't overlook perhaps the most expensive thing to the American people; that is, the overregulation that makes us noncompetitive with the rest of the world.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

## PUBLIC DEFENDER JOHN J. HARDIMAN

Mr. REED. Madam President, I rise to pay tribute to John Hardiman, public defender for the State of Rhode Island, who passed away several days ago.

John was, frankly, the finest public servant I have ever seen in my entire

career, as a soldier, as an elected official. I have never encountered anyone with the dedication, decency, and the determination of John Hardiman. He literally devoted his life to the office of public defender in the State of Rhode Island.

He graduated from law school in 1982. He started as a staff attorney there, worked his way up to the head of trial division, and then became the public defender for the entire State of Rhode Island.

His life was devoted to the law. Quietly, persistently, with diligence, dedication, and decency, he sought to do justice—justice not to the powerful or privileged but for the powerless. Indeed, in many cases, his clients were not only notorious; they were infamous. But John knew the test of our ideals, the test of our legal system, and of our constitutional form of government was that the laws would not simply protect the powerful and privileged, but that they protect all Americans.

Above the entrance of the U.S. Supreme Court are the words ''Equal Justice Under Law.'' For many people, even lawyers, those are just words. For John Hardiman, it was his life's vocation, and he made real those words in the lives of every Rhode Islander.

John was a tenacious advocate, but he was always a remarkably modest and decent man. His legal skills rested on a foundation of unimpeachable integrity and decency. He dedicated his life to serving others. In that advocation and vocation, he was following the example of his father, Dr. James Hardiman, and his mother. They left John a shining example of compassion and concern, a generous spirit, and a humble heart. All his brothers and sisters follow that same example as they, too, in their lives served others.

I had the privilege of growing up with John. He was one of the little kids in school, about 5 years younger, but he always had the reputation—entirely justified—of being a good kid. Where I come from, being a good kid was the highest form of praise. That good kid turned out to be an extraordinary man, advocate, and public servant. This is a poignant moment for me because I recall the many times I saw him throughout his life and my life, as a young student in grammar school, as an athlete similar to his brothers, as a lawyer, as a public defender, as a public servant. He was someone whom you were always glad to see, and those types of individuals are rare and precious, indeed.

John's passing diminishes all of us, especially his family. But his life has touched the lives of every Rhode Islander. Many will never recognize what he has done. But in standing for justice and for the rule of law and for the rights of those who are in the shadows, he stood for all of us, nobly, decently, with a proud spirit but a gentle spirit also. We have all been diminished, but what he has done for us has made us stronger and better and more ready to go on to take up his work. His example will sustain us and inspire us as we go forward, as we try to finish his noble work.

I wish to especially extend my condolences to his children, Elizabeth and Emmett, and to all his family. Rhode Island has lost an extraordinary public servant, an extraordinary gentleman. But we are better for having known him, we are better for having him serve us so well, so courageously, so decently.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPERCOMMITTEE DELIBERATIONS

Mr. SANDERS. Madam President, there has been a lot of discussion in the Senate, in the House, and in the media about what the supercommittee is doing and what they should be doing. The American people understand their responsibility in terms of trying to reduce our national debt and our deficit is difficult. I wish them the best of luck in coming up with a solution.

My hope, simply stated, is that the supercommittee will do what the American people want them to do. The American people, through demonstrations all over this country and in poll after poll, have made it pretty clear what they want to see happen. The American people are becoming more and more aware that there is something very wrong in this country when we have the most unequal distribution of income and wealth of any major country on Earth; when the top 1 percent earns more income than the bottom 50 percent; when in a recent 25-year period, 80 percent of all new income went to the top 1 percent; and when the gap between the very rich and everybody else is wider today than it has ever been since 1928, the year before the Great Depression.

If anyone thinks distribution of income in this country is unfair, then they should look at distribution of wealth, which is much more unfair. Today the wealthiest 400 Americans own more wealth than the bottom half of America, 150 million people—400 people, 150 million Americans. That unbelievable inequality in terms of wealth, in my view, is not only morally wrong, it is very bad economics, and it is not sustainable.

When the supercommittee deliberates as to where they should go, I think one direction is very clear. The American people of all political spectrums have made their point of view known very strongly on this issue. Whether Democrat, Independent, or Republican, poll after poll shows when the wealthiest people in this country are becoming wealthier; when, as Warren Buffett reminds us, their effective tax rate—i.e. real tax rate—is the lowest it has been in decades; yes, the wealthiest people in this country are going to have to pay more in taxes to enable us to go forward on deficit reduction.

So any serious plan brought forth by the supercommittee must ask the wealthiest people in this country to pay more in taxes. Furthermore, as I think everybody knows, we have corporation after corporation that benefits from huge tax loopholes.

A study just came out today that shows one out of four major corporations pays nothing in taxes. Recently, there are examples that major corporations made billions of dollars in profit and not only paid nothing in taxes but got rebates from the IRS. Many of these corporations stash their profits in tax havens in the Cayman Islands and elsewhere to avoid U.S. taxes.

I think the American people are very clear; if we are going to go forward with deficit reduction, large corporations are also going to have to start paying their fair share of taxes. This is across the political spectrum.

I hope the supercommittee is hearing and understands that any agreement must contain significant revenue from the wealthiest people in this country and from the largest corporations.

Furthermore, at a time when military spending has tripled since 1997, I hope as part of their agreement that the supercommittee takes a hard look at our defense budget and asks whether it is necessary that the United States of America spends more on defense than the entire rest of the world combined.

Those are some of the areas I hope the supercommittee will explore: asking the wealthy to start paying their fair share of taxes, ending tax loopholes for large corporations, and taking a hard look at military spending which has tripled since 1997.

Then there is another area the supercommittee must also look at; that is, to understand that in the midst of the worst recession since the Great Depression, a recession caused by the greed and recklessness and illegal behavior on Wall Street, the supercommittee must not cut Social Security, cut Medicare, or cut Medicaid. Social Security is the most successful Federal program in the history of our country. It has a $2.5 trillion surplus. It can pay out all benefits for the next 25 years because it is funded by the payroll tax. It has not contributed one nickel to our deficit. The supercommittee must not cut Social Security.

Madam President, 50 million Americans have no health insurance and many others are underinsured. According to a study at Harvard University, 45,000 Americans die each year because they do not get to the doctor when they should. Under those conditions it

would be immoral, it would be wrong for the supercommittee to cut Medicare and to cut Medicaid.

I hope the supercommittee does what the American people have said very loudly and clearly—they have said it in demonstrations, they have said it in polls, they have said it in communications with their Members in the House and the Senate—we have an opportunity to make significant progress in terms of deficit reduction, but that deficit reduction should not take place on the backs of the elderly, the children, the sick, and the poor. Those populations, the most vulnerable people in this country, are hurting enough right now.

I hope the supercommittee has the courage to do what is right. I hope they have the courage to do what the American people want them to do.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. 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. WHITEHOUSE. I ask that I be allowed to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RIGGED ECONOMICS

Mr. WHITEHOUSE. Mr. President, we are going through one of the most difficult and painful periods in American history, and millions of Americans are wondering what is happening to our country. Behind the curtain of spin, propaganda, and political attacks, here is what I believe is happening.

The rules of the economic game in this country are increasingly being rigged to provide unfair advantage to the wealthy and well-connected and to take unfair advantage of regular folks and families. America has always promised a straight deal, and that straight deal, for many Americans, is getting harder and harder to find.

Let me say I am relentlessly proud to be an American. I grew up in the foreign service of this country, surrounded by families who put public service and pride in this country ahead of their comfort, their convenience, even their safety and their family's safety. I am absolutely convinced of American exceptionalism. I have seen it, and I have lived it.

That is why I am so upset to see our country in the shape it is in today. Our Founding Fathers changed the world when they set in place our finely balanced system of government, illuminated by the clear and guaranteed rights of the American people. We are squandering that inheritance. Our government is not working, our rights are being undermined, and it is the American people who are paying the price. They are paying the price because too often they are not getting a straight deal anymore.

Let's look at some of the places where the deal is rigged, where special interest gets special deals, and where the regular American family doesn't get a straight deal. Big multistate banks are allowed to charge middle-class families 30 percent credit card interest rates that are likely illegal under the State laws where that family lives. Senators in this Chamber who are ardent States rights federalists in every other circumstance have no complaint when their State law is overruled and overborne by the big banks. Students with college loans—who now carry $1 trillion of debt—and families with home mortgages are denied the privileges every corporate borrower gets to seek, bankruptcy protection against their debt when they are in over their heads.

Our individual tax system allows the wealthiest and highest income Americans to pay lower tax rates than middle-class wage earners pay or even hide their income in offshore tax havens and pay no tax at all. The corporate tax system allows international corporations to route their profits through foreign countries and through tax shelters to pay little or no tax in this country.

When you drill down to cases, GE, General Electric, on billions of dollars in profit, paid little or no Federal income tax. When you pull up to look system-wide, even though corporations are richer than ever, American people now contribute $5 for every $1 corporations contribute to sustaining our country's revenues. It used to be 1 to 1. For every $1 corporations contributed, the American people contributed $1. There was an even sharing of our Nation's revenue needs. But for 75 years now it has been steadily sliding, and now it is 5 to 1 against ordinary Americans and in favor of corporations.

The wealthy elite who make their fortunes in the marketplace don't protect and honor the marketplace. They try to rig the game, even when it puts the marketplace itself at risk. When that requires everybody else to come to their rescue, they show no shame and little gratitude and go right back to work gaming the system. Those who have become CEOs extract from their company's ridiculous amounts of compensation. CEO pay is up in my lifetime from 40 times the average wage of the employee to 400 times the average wage. These CEOs even extract princely compensation when they fail.

The big polluters have one party denying science entirely, denying the plain evidence of carbon pollution all around us and spinning the phony theory that the cost of controlling pollution is a burden on the economy when it is actually a huge net gain for our country. A party that used to proudly carry the banner of conservation and environmental protection is now reduced to serving corporate spin masters with phony fabrications, and it is the middle-class families who pay the price.

The appointees of one party on the Supreme Court, by a bare 5-to-4 majority, are willing to overturn precedent and flout the rules of judicial decision-making to decrease something novel and remarkable: that corporations are people and money is speech and, therefore, our precious constitutional rights to free speech, as American people, give corporations a right to spend as much money as they please, even anonymously, in American elections.

International corporations with no loyalty to any flag or nation but with virtually unlimited money may now drown out the voices of regular people, regular families in our American democracy. CEOs get to use the corporate megaphone amplified by the corporate treasury to drown out their employees' voices. Just one big corporation with just 5 percent of one-quarter's profits could match the entire political spending of both Presidential campaigns in the last election.

Our Constitution and Bill of Rights established the jury not once but three separate times as an important institution of freedom in our system of democracy. DeTocqueville—one of the great historians and commentators on the American system of government—called the American jury ''one of the forms of the sovereignty of the people.'' Big corporations go to court all the time and fight it out before a jury when they want to. Yet over and over again, a middle-class family, in contracts, cannot negotiate or control, in fine print they probably never even read, their credit card company, their cell phone company, the companies they do business with, quietly take away their right to go against them before an American jury. Over and over again those same Supreme Court Justices who decided a corporation was a person have let them down. They have to go, instead, to something called arbitration instead of a constitutional American jury.

To give an idea of how arbitration works, for a long time the biggest arbitration company in the country was a racket rigged to rule against the consumer. It had to be shut down by legal actions by our State attorneys general. Add it all up, all those different areas that I mentioned, and there have been a lot of changes since my childhood.

There are a lot of changes in how our country runs, and it is all in the same direction—special deals and special tax rates and special rules that help big corporations and people who are as wealthy as big corporations and leave out regular people who don't have masses of money, money, money; rules that allow corporations to intrude into our public discourse in this democracy and drown out people's voices through mighty corporate megaphones amplified by money, money, money; lies and nonsense cooked up in corporate spin

factories being treated as fact obtaining acceptability by how often the lies are repeated thanks to money, money, money.

Under all of that money, what is drowning is the sense we are all in this together as Americans. One of the things America actually stands for in this world is that we are fair with each other. We get a straight deal, and we give each other a straight deal. That is one of the ways we, as Americans, set an example in this world, an example of being fair. There are plenty of countries in the world whose internal political and economic systems amount to a racket, a racket rigged for the benefit of the rich and powerful where farmers and workers and ordinary families get screwed and the wealthy skim all the cream. Some of these countries are so bad we call them kleptocracies. The world is full of that.

It has been the pride and joy of America that we are not like that. It has been our message to the world that it doesn't have to be like that. But now it is looking more and more like we actually are becoming just like that.

What can we do about it? What can we do to make sure Americans are getting a straight deal in all of this? I propose these actions: No. 1, big banks should have to follow the State laws just like local banks do and just like you and I do. No more going to South Dakota and marketing from their credit cards 30 percent interest rates that violate the laws of the home State.

No. 2, if big corporations can restructure all their debts in bankruptcy court, so should students and families be able to. No second-class citizenship for those who borrowed college loans and home mortgages.

No. 3, amend the Constitution to make it clear that corporations are not people—never were, never could be. The Good Lord just did not make it that way. We need to make it crystal clear that corporations can't spend money in American elections anonymously or through phony shell organizations. If big oil wants to influence American elections, Americans should know it is big oil.

No. 4: Straighten out our tax systems and, until we do, put in a minimum tax for ultra-high income earners that is at least at the rate that ordinary American taxpaying families pay. While we are at it, put in a minimum corporate tax rate that is at least half of what average corporations pay. No corporation that is making millions or billions of dollars should get away with paying nothing in income tax.

No. 5: Shut down the offshore tax havens and charge companies a CEO pay surtax on CEO compensation that is more than 100 times their average worker's compensation.

No. 6: Make polluters pay the actual costs of their pollution. Why should a polluting company be able to push onto all of the rest of us the costs of their pollution? Why should American families bear that polluting corporation's costs? Economics tells us that should be part of the company's cost of doing business.

No. 7: No more corporate tax deductions for offshoring American jobs, and no more favoring of offshore corporate income derived from what used to be American jobs.

No. 8: Take out of those take-it-or-leave-it consumer contracts the provisions that take away in the fine print the American right to go before an American jury, as the Constitution and Bill of Rights promises whenever a citizen has a grievance or has been harmed.

None of these eight things I have mentioned asks anything of anyone that isn't fair, and most of them simply ask that ordinary Americans get the same deal, or at least no worse of a deal, than special Americans get and big corporations get. This all does no more than put people on the same level, or at least under the same rules, as the rich and powerful.

When someone is getting a better deal than you because of who they are, you are not getting a straight deal. When someone is taking advantage of you because you are small and easy to take advantage of, you are not getting a straight deal. When the rules of the game are rigged to help the winners win and to make you a loser, you are not getting a straight deal. It is time we started giving the people of America a straight deal around here.

I thank the Chair. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

## TRIBUTE TO MR. DELMER GROSS

Mr. MCCONNELL. Madam President, I rise today to pay tribute to an outstanding Kentuckian who dedicated his life to serving the children of Laurel County. Mr. Delmer Gross was a bus driver for the Laurel County Board of Education for 39 years and cherishes his memories driving kids to and from school—many of his former students are his good friends still to this day. In his spare time, Delmer serves as the pastor at London Community Church, a role he has enjoyed for almost 43 years.

Delmer started driving a school bus in 1969 when he was only 21 years old. He spent 5 years driving a double route as his first assignment. Each morning he would start by busing students in grades 1 through 12 to Swiss Colony. Then he would go to Mitchell Creek, located west of Interstate 75, and pick up elementary school students, only to return them to Swiss Colony via the road that is now Ky. 1956.

His second route took him all the way down to Rockcastle River and was much more dangerous because of the truck traffic. ''We didn't have a four-lane road then,'' Delmer recalls. ''There were a lot of crooked places where I had to pick up kids on the opposite side of a curve. I've had trucks slide at me sideways. A couple of times it was quite frightening.'' Delmer drove this route for almost 24 years before he began driving a town route with special-needs students in 1997.

One time, Delmer was driving on Ky. 1956 through freezing rain and snow and made a stop just under the crest of a hill. Two girls got off the bus just before a car came over the hill and barely stopped in time. Unfortunately, a second car came along and was unable to stop. It crashed into the back of the first, sending the car spinning into a driveway. The second car bounced into Delmer's lane as a result of the crash and hit the bus head-on, clipping one of the girls in the knee. Delmer went straight home, got in his car, and drove over to the little girl's house to help her father take her to the hospital. Thankfully, she walked away with only minor injuries.

Delmer deeply cherishes the countless memories that he made with the students he shuttled throughout his three-decade-long career, and he rarely had any disciplinary issues with any of the children. ''I had a good relationship with almost all of the students I hauled,'' Delmer said.

Madam President, Mr. Delmer Gross's dedication to his job and the safety of his students is admirable. I commend him for his 39 years of excellent service to the children of Laurel County schools. Delmer's career serves as an inspiration to the people of our great Commonwealth and exemplifies the true spirit of Kentucky. The Laurel County-area Sentinel Echo published an article in the spring of this year to honor Mr. Delmer Gross's achievements. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Sentinel Echo, Spring 2011]

DRIVING A BUS IS NO LAUGHING MATTER

(BY CAROL MILLS)

Delmer Gross loved being a bus driver for the Laurel County Board of Education for 39 years, but he saw the behavior of students getting worse over the years.

''The last 15 years the students have been getting progressively worse,'' he said. ''Less respect for adults, less respect for authority. You had several that were pushing their boundaries. I see the attitudes of children, the discipline and behavior is a much greater problem than it was 20 years ago. It's becoming a problem in all public places. Kids don't have parents who really discipline them. As adults they have major problems with society. They weren't taught respect, weren't forced to respect and it's showing.''

Gross said the Bible teaches ''to spare the rod we hate our child.'' ''I don't think we get much smarter than the man who said that,'' he said. ''In his day he was the wisest man

that ever lived. Solomon wrote all those proverbs that are recorded in the Bible.''

Gross did not have many disciplinary problems with the students on the bus and when he did, he usually handled them himself.

Gross, now 64, started driving a school bus in 1969 when he was 21 years old. He also painted houses between routes and has been the pastor at London Community Church for almost 43 years.

''I had a double route, which most drivers did,'' Gross recalled. ''I left this community and went to the next community which is White Oak. I transported all of the children first through 12th grade to Swiss Colony and then I would drop all of the kids and go to Mitchell Creek, which is back by Interstate 75 just on the west side of 75. Then I would go through that community and would pick up just elementary kids and bring them back on what was old Route 80 at the time. It's (Ky.) 1956 now. I would run that route from Interstate 75 along with Mitchell Creek and transport them back to Swiss Colony. I did that for a short time.''

Gross drove the White Oak route for five years and then he let someone else take it over who lived in that community. He then took a dangerous route on Old Ky. 80.

''It was a very dangerous route because of the truck traffic. We didn't have a four-lane road then,'' he said. ''I drove all the way down to the Rockcastle River. I drove that route for 23 or 24 years. There were a lot of crooked places where I had to pick up kids on the opposite side of a curve. I've had trucks slide at me sideways. A couple of times it was quite frightening.''

In 1997, Gross started driving a town route with special-needs students. He said it was not as hectic as driving a route with all the age groups.

Over the years while driving a school bus, Gross had two or three minor accidents and one that could have been very dangerous.

''It was a day in March. It would snow and then it would melt, then freeze and then snow some more, melt and freeze,'' he recalled. ''The officials kept an eye on most of the main roads, but just about 3 o'clock it started freezing and snowing. I picked up a load at South High School and came to (Ky.) 1956. I made a stop just under the crest of a hill, probably 150 to 200 yards away. A car came over the hill just after I dropped off two girls. The car stopped in time. Another car came over the crest and when she braked, she hit the little car in the rear end and spun it around and pushed it back into a driveway.''

''One of the girls managed to run across the road and over to the edge of a bank,'' he continued. ''The car that caused all of this bounced off that little car and into my lane and hit my bus head on and went underneath the bus. The other girl who had gotten off the bus was clipped on the knee by the car that caused the accident. She only had a minor injury. The drivers of the two cars weren't hurt. I thought both girls were going to be pinned between my bus and the car.''

Gross said the officer who worked the accident did not mandate the girl who was hurt be taken to the hospital to be checked out.

''I was quite surprised after it was all over and when I went home, I called back to the child's home and I took my little car and waited until her father got home from work and we took her to the hospital.''

One of Gross's memorable moments on the bus route was the day two boys were cutting up and joking. They were sitting up front so that he could keep an eye on them.

''They were cutting up quite a bit, joking, teasing and laughing,'' Gross said. ''That didn't bother me. I was listening to them. One of them said something kind of funny. I thought I could be cute so I said something I thought topped what he had said. He looked at his little buddy—they were both elementary kids—'Tell you what,' he said, 5,000 comedians in this country out of a job and look what we're stuck with.' I got so tickled I didn't even try to top that line.''

''I had a good relationship with almost all of the students I hauled,'' Gross added. ''A lot of the older age groups are grown up now and are good friends of mine.''

Gross is married to Yvonne and they have three children—Suzanne Gray, Cheryl Winters, and Delmer Paul Gross.

## ILLINOIS JUVENILE JUSTICE REFORM

Mr. DURBIN. Madam President, as a proponent of smart and fair crime policies, as well as improving the effectiveness of the juvenile justice system, I would like to commend my home State of Illinois for its recent reforms in this area. I have long supported and sponsored legislation in Congress to ensure that children are treated appropriately, whether they are sexually exploited victims who do not belong in the criminal justice system, or whether they commit crimes and deserve targeted assistance or punishment. As one of several States in the Nation moving away from a punishment-based juvenile justice system and toward one of rehabilitation and prevention, Illinois has been nationally recognized for its progress. Two recent laws in particular have advanced our treatment of youth in the criminal justice system in Illinois.

First, as of January 1, 2010, 17-year-old misdemeanants in Illinois are no longer automatically filtered into the adult justice system. Under Public Act 95–1031, 17-year-olds charged with misdemeanors will now have access to the juvenile courts rather than the adult system. This change will allow more youth to participate in much-needed rehabilitation services such as mental health, drug treatment, and community-based services.

In addition, the state legislature took another step forward by enacting Public Act 96–1199 last year. This law requires the Illinois Juvenile Justice Commission to study the impact of expanding the juvenile court's jurisdiction to 17-year-olds charged with felonies. It also requires the Commission to develop timelines, propose a funding structure, and submit a final report to the Illinois General Assembly by December 31, 2011.

These new State laws will help our state use its resources more effectively and give more young people the opportunity to live productive lives. In their efforts to further these goals, I would also like to commend two of our juvenile justice advocates in Illinois. Betsy Clarke is the founder and president of the Illinois Juvenile Justice Initiative and has spent more than 20 years advocating for the youth of our state. Along with leading efforts to reduce the prosecution of youth in adult criminal courts, she has supported Redeploy Illinois, a program that emphasizes community-based alternatives over secure confinement. Redeploy Illinois has saved Illinois taxpayers millions in corrections costs. Ms. Clarke also played a role in the formation of the new Illinois Department of Juvenile Justice and legislation requiring early counsel so youth can obtain quality legal representation from the beginning of their dealings with the criminal justice system.

Grace Warren is the co-director and family organizer for the National Parent Caucus, a group of parents and family members dedicated to keeping youth under the age of 18 out of the adult criminal system. She became involved in this public awareness campaign in 2004 when her 17-year-old son was convicted and sentenced as an adult. Previously, she worked with the Tamms Year Ten Campaign and the Illinois Coalition for Fair Sentencing of Children at Northwestern University. She currently volunteers with the John Howard Association of Illinois, monitoring juvenile and adult facilities, and she recently provided testimony to the Federal Coordinating Council on Juvenile Justice on the importance of family engagement by juvenile and criminal justice systems.

In this time of shrinking state budgets, it is important to recognize efforts to improve outcomes for our youth and communities which also utilize our state resources more effectively. With the recent juvenile justice reforms in Illinois and the hard work of two dedicated leaders in this field, Illinois is well on track to succeeding in these goals. I commend this progress, and I will continue to wholeheartedly support these efforts through my work in the U.S. Senate.

## OBJECTION TO FCC NOMINATIONS

Mr. GRASSLEY. Madam President, I intend to object to proceeding to the nomination of Jessica Rosenworcel and Ajit Pai to be commissioners on the Federal Communications Commission.

I will object to proceeding to the nomination because the FCC continues to stonewall a document request I submitted to the FCC over 6 months ago on April 27, 2011, regarding their actions related to LightSquared and Harbinger Capital. Since then, I have repeated my request to the FCC through letters I sent on July 5 and September 8 and the FCC continues to deny my request for documents.

During the course of my correspondence with the FCC, the FCC has made it clear that it will not voluntarily turn over documents to the 99.6 percent of the Members of Congress and Senators who do not chair a committee with direct jurisdiction over the FCC. As I said in my September 8, 2011, letter their actions are misguided and unsupportable.

It not only sets a dangerous precedent for Federal agency to unilaterally set the rules on how it engages with

Congress it also prevents any meaningful ability for the vast majority of Congress to inform themselves of how an agency works.

Several months ago, I had to take similar action when I supported Senator CHAMBLISS' hold of James Cole's nomination to be Deputy Attorney General in order to get documents from the Department of Justice. In the end, the documents we uncovered shed light on the Department's actions regarding Operation Fast and Furious and the murder of Agent Brian Terry.

I strongly believe that it is critical for Congress to have access to documents in order to conduct vigorous and independent oversight. It is unfortunate that this administration, which has pledged to be the most transparent in history, disagrees. As long as they continue to do so, I will be forced to take steps like this in order to ensure that Congress receives a complete picture of this administration's actions.

## TRIBUTE TO KRISTEN KELLIHER

Mr. LEAHY. Madam President, I am taking this opportunity to share with the Senate the extraordinary accomplishment of a young Vermonter. At the age of 17 years, 4 months, and 13 days, Kristen Kelliher became the youngest female to climb the highest peaks in all 48 States in the continental United States. Her journey began in 2002 as she and her family started climbing during family vacations. Soon she progressed to scaling the tops of America's most challenging peaks, including Mount Hood and Mount Rainer. Along the way, she endured injuries and logistical setbacks, but she never let those stop her from reaching her goal. She saved the best for last. Surrounded by 30 family members on a sunny September day, she summited Vermont's Mount Mansfield, in Stowe. She is a dynamic role model to all Vermonters, young and old.

Along with excelling on the hiking trails, Kristen is also an honor student and a three-sport athlete. She plans to graduate early and climb the last two peaks—Hawaii's Mauna Kea, and Alaska's Mount McKinley—next year. Kristen is modest when praised about her achievement and says she only hopes to inspire others to reach goals they once thought unattainable. Vermonters are proud to recognize Kristen Kelliher's strength, skill and stamina, and we congratulate her on this great accomplishment. I ask unanimous consent to have printed in the RECORD an article about her achievement, from The Boston Globe.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Oct. 14, 2011]

CLIMBING INTO THE RECORD BOOK

(By Josephe P. Kahn)

NORWICH, VT.—On a warm, sunny afternoon last month, Kristen Kelliher hiked to the top of Mount Mansfield, the highest point in her home state of Vermont. Accompanied by 30 family members and friends, she was greeted at the summit by a banner celebrating her achievement, one that landed Kelliher in the record books.

That day, at age 17 years, 4 months, and 13 days, she became the youngest female to ''highpoint''—stand atop the highest peak—in all 48 states in the continental United States.

Climbing Mount Mansfield, all 4,393 feet of it, was a piece of cake, though, compared with what Kelliher accomplished this year. Beginning in June, she conquered three peaks that rank among America's most challenging: Oregon's Mount Hood, Montana's Granite Peak, and Washington's Mount Rainier, whose imposing height (14,410 feet) and treacherous weather conditions make any ascent risky.

The previous female record holder, Danielle Birrer, was 18 years, 4 days old when she set the record in 2000. In all, only 404 climbers of any age or gender have achieved the 48-state feat, according to the Highpointers Club, a Colorado organization that compiles such statistics.

In the meantime, Kelliher has set her sights on Hawaii and Alaska—and an even more exclusive club, the 50-staters. Of its 214 members, fewer than 15 are female.

''I've wanted to do this since I was 9,'' Kelliher said in an interview at the high school she attends across the Vermont border in Hanover, N.H., where she is in her senior year. A three-sport athlete and honors student, Kelliher was preparing to play in a varsity field hockey game.

Inspired by an article about a record-setting 12-year-old male highpointer, Kelliher, who has been hiking and skiing all her life, decided to try for the girls' record at an age when many girls might consider hiking more of a chore than a challenge.

''I'm kind of competitive. OK, a lot,'' Kelliher said, breaking into smile. ''It sounded like a cool goal. I thought, I could do that, too.''

Her climb into the record books has not been uneventful, uninterrupted, inexpensive, or worry-free, however, particularly on her family's part.

Conquering Rainier in July took three attempts, each with its own challenges. Her first expedition—accompanied by her stepfather, Bill Bender, a solar-energy company owner, and led by a professional guide team—ended in disappointment. After returning to base camp, Kelliher learned that while her group had technically ''summited,'' they had stopped short of reaching Rainier's actual highpoint, because of bad weather. The mountain's true highpoint, known as Columbia Crest, was a 40-minute round trip from where her party turned around, even though the group received papers certifying that they had summited.

It took two more attempts, each costing several hundred dollars in guide fees and equipment rentals, for Kelliher to cross Washington off her list: number 46, and counting.

''I was so upset,'' she recalled of the stomach-sinking moment when she found she had fallen short. ''If I am going for a record, I have to get to the top. Technically, nobody would have known. But morally it wasn't quite right.''

Her stepfather says it's in her nature to persevere where others might not.

''Mentally as well as physically, Kristen's very tough,'' he said. Climbing Mount Hood, Kelliher incurred painfully swollen shins that stayed unhealed through her first Rainier climb. ''You never heard her complain, though'' Bender said. Instead, Kelliher grew even more determined after other climbers seemed doubtful she could make it up Rainier, period, potentially forcing them to turn back, too.

What has recently become a celebration of one teen's extraordinary feat is also a family saga, one that has taken Kelliher, her parents, and three siblings to remote corners of America that few seek out, much less scale with backpacks and ice axes.

Their first conquest happened almost by accident, on a 2002 cross-country road trip, when the family hiked up South Dakota's Harney Peak. Highpointing wasn't even in their vocabulary yet.

In 2004, urged on by Kelliher, they began targeting other states more systematically. First came New England (all except Vermont, which she saved for last), then six mid-Atlantic states. An 18-state odyssey in 2005 took them through the Deep South, Midwest, and Southwest. In 2006, they knocked off 11 more states. In most cases, the family—including Kelliher's older brother, Ryan, now 19, and two half-brothers, Billy, 10, and Danny, 7—drove from state to state, camping along the way and hiking together up all but the steepest peaks.

''This trip has taken places we just wouldn't have gone to otherwise,'' said her mother, Mary Bender, a pediatrician. Asked whether her daughter's quest to set a record had been their driving force, she nodded and laughed. ''Although I will say that if Kristen had set out to see every shopping mall in America, that wouldn't have worked for us.''

Only once, in June 2006, did the family highpoint twice (Illinois and Indiana) in a single day. States like Florida, whose 345-foot highpoint, Britton Hill, is America's lowest, were no challenge at all. Five, including Rhode Island, never rise above 900 feet.

On the other extreme are 11 state highpoints soaring 11,000 feet and higher, many of which are difficult to access. Wyoming's Gannett Peak, for instance, which Kelliher and Bender climbed in August 2010, is reachable only by a 46-mile round trip hike. Lugging backpacks crammed with climbing equipment and camping gear, the two spent six long days getting to the top and back.

Highpoints, said Bill Bender, ''are all kind of weird in their own way. You have to be a little eccentric to do this.'' He has never calculated the overall cost of their highpointing excursions, which until recently have been budgeted as ordinary family vacations. However, flying to the last few Western states and paying for guides and equipment have nudged their spending into ''the many thousands. I'm not sure we want to know the total. Except for the last handful, though, it's been fairly inexpensive.''

Tim Webb, president of the 3,000-member Highpointers Club, says his organization attracts a diverse mix of hikers, wilderness backpackers, and serious mountaineers, each with different objectives.

''We get a broad spectrum, including lots of families who plan vacations around highpointing,'' Webb notes. Accumulating even 40 states, for which his club awards a special pin, is ''a pretty significant accomplishment,'' he adds.

Early on, the Benders were unsure Kelliher would remain interested in pursuing all 48. By 2007, Kelliher having completed 10 trips and 42 highpoints, only two Eastern states, New York and Vermont, were left. Then came a two-year hiatus.

''Kristen was still growing, and she needed to grow into the bigger mountains,'' her stepfather recalled.

She began last year taller, stronger, and more resolute than ever. ''If I wanted to do this [set the record],'' Kelliher said, ''I knew I'd have to start moving.''

Now it's on to 50, and another possible age record. Next February, after completing high school a semester early, Kelliher will tackle Hawaii's 13,796-foot Mauna Kea, a relatively easy climb. Last is Alaska's 20,320-foot Mount McKinley (also known as Denali), the most challenging of all. For every 1,000 climbers who go up, three fail to make it down alive.

Kelliher has signed with a guide team for next May and will pay for the trip's $17,000 cost herself. Already filling out college applications, she's looking for corporate sponsorship or grant money to help.

''It's definitely scary,'' her mother said. ''If Kristen can figure out how to fund it, in her 17-year-old way, I won't stop her, though. And if she can't, well, then I don't have to worry about her being killed in an avalanche.''

Kelliher says she will not be discouraged if her group fails to conquer Denali.

Yet if she succeeds, it just might inspire another fourth-grader to work harder—and climb higher—to achieve goals she once thought were unreachable.

## ADDITIONAL STATEMENTS

### TRIBUTE TO STEVEN C. BORELL

• Ms. MURKOWSKI. Madam President, today I bid farewell to Steven C. Borell, the executive director of the Alaska Miners Association, who has decided to retire after 22 years at the helm of Alaska's foremost mining advocacy agency.

While I am sure the State's mining industry will be in great hands when Mr. Fred Parady takes over as the new executive director in January, still it is very hard for me to imagine a minerals industry in the State of Alaska without Steve championing not only its regulatory survival but its future growth.

For far longer than I have been in public service, Steve has been the steady, knowledgeable voice on all issues surrounding mineral development in Alaska. His depth of knowledge of land laws and regulatory/permitting issues is legendary. He has had the trust of regulators and politicians and has done a sensational job of representing the interests of the minerals industry, fighting for reasonable terms and commonsense regulation of the industry—an increasingly difficult task given recent regulatory proposals out of Washington.

Alaskans are extremely lucky that Steve, an industrial engineer by training, came to Alaska in spring 1988 to run Valdez Creek mineral operations at Cantwell and then stayed on to cheerlead the rebirth of the State's minerals industry. Steve, who graduated from Kansas State University in 1968, had previously worked first as a foreman at a mine in Velva, ND, advancing to be the mine's superintendent in 1976. He later worked at mines in Colorado and in Colombia in South America before working at the Consolidated Coal Company and for the Arch Mineral Corporation in Illinois before coming to Alaska. While in Alaska, he also served as a consulting engineer on several mineral projects.

In 1989, the State, after the death of efforts to open the U.S. Borax molybdenum claims at Misty Fjords outside of Ketchikan, had only two major operating hard-rock mines, the Red Dog and Greens Creek Mines, and the Usibelli coal mine that together produced $277 million in minerals. Since Steve assumed the helm of the industry's main advocacy arm, Fort Knox, Pogo, and the Kensington mines have all come on line, exploration spending has quadrupled, and the value of the minerals industry has risen more than tenfold, topping $3 billion, and many more projects are on the way. While higher ore prices certainly have helped, Steve's hardwork, perseverance, and dedication to helping the industry overcome regulatory barriers is a key reason for the increase.

I know how hard he has worked to keep track of and to help bring some common sense to the mind-boggling permitting and regulatory processes that have dogged the minerals industry in recent years. His determination and attention to detail have helped numerous Alaska projects advance. He has always been a strong advocate for Alaska's hundreds of small-scale placer and recreational miners and for large-scale mineral developers. He has helped both equally, giving freely of his time and talent to promote Alaskan development for the good of the State and all its citizens.

I could sing his praises on this floor for hours. My staff and I will miss him greatly, and I am sure all of the industry will too. But promoting mineral development, fighting the forces that want to overregulate and lock up Alaska lands, has become not just a full-time job, but now requires an all-consuming passion given the administration's wild land edicts, more than 2,000 Federal regulatory proposals, and an endless stream of environmental suits and attacks. No one has earned a rest more than Steven C. Borell.

I can only wish him well in the future and again thank him for all that he has done for Alaska and our citizens. The State is a far better place for all of his many efforts. We all owe him our true thanks and gratitude for a job very well done, and we will all miss his sage advice and wisdom.•

### RECOGNIZING THE COLORADO NONPROFIT ASSOCIATION

• Mr. UDALL of Colorado. Madam President, today I honor the Colorado Nonprofit Association as it celebrates 25 years of supporting Colorado's nonprofit organizations and strengthening our communities.

Colorado has a strong and diverse nonprofit sector with almost 19,000 public charities. These nonprofits perform many services that strengthen Colorado's communities and enrich the lives of our residents. It is also important to note that even in our current troubled economy, these organizations are an engine of growth, generating almost $17 billion in revenue in 2009 and sustaining thousands of jobs throughout the State.

Colorado Nonprofit Association is a statewide organization with almost 1,400 nonprofit members whose mission is to lead, assist, and strengthen nonprofits. Founded in 1986 as the Colorado Association of Nonprofit Organizations, its original charge was to create and support programs designed to increase the effectiveness of nonprofits around the State. The Association has since expanded its scope as the nonprofit sector has grown.

The association has developed key resources for nonprofit organizations and the public. ''The Principles and Practices for Nonprofit Excellence in Colorado,'' first published in 2007, contains State and Federal legal requirements, management best practices, and transparency and accountability standards. Supported by Colorado's secretary of state and attorney general, the association has distributed more than 30,000 copies of this resource and conducted numerous training sessions around the State. The association's Colorado Generosity Project seeks to increase charitable giving in Colorado by increasing awareness of the nonprofit sector. It has also published several research reports about nonprofit economic activity and the beliefs and behaviors of Colorado's donors. Each of these initiatives has contributed to a greater culture of giving in the State while strengthening local economies and improving the well-being of every Coloradan.

The association further encourages civic engagement by nonprofit organizations. With wide community networks, nonprofits are well situated to solve community and social problems and to engage policymakers in this effort. The Colorado Nonprofit Association provides resources and information to nonprofits to support their advocacy and develop productive working relationships with elected officials. I appreciate the association's continued partnerships, which make our State a better place to live.

In the Nation's current economic climate, the demand for services and programs offered by nonprofit organizations is greater than ever. The Colorado Nonprofit Association provides the right leadership to assist our nonprofits in these challenging times. I recognize this organization for its contributions over the years and look forward to its continued success.•

## MESSAGES FROM THE HOUSE

At 10:31 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1070. An act to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

H.R. 1965. An act to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

H.R. 2061. An act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment.

The message also announced that the House has passed the following bill, without amendment:

S. 894. An act 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 message further announced that pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. WOLF of Virginia, Mr. MANZULLO of Illinois, and Mr. ROYCE of California.

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At 3:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House: Mr. ROGERS of Kentucky, Mr. YOUNG of Florida, Mr. LEWIS of California, Mr. WOLF, Mr. KINGSTON, Mr. LATHAM, Mr. ADERHOLT, Mrs. EMERSON, Mr. CULBERSON, Mr. CARTER, Mr. BONNER, Mr. LATOURETTE, Mr. DICKS, Ms. DELAURO, Mr. OLVER, Mr. PASTOR of Arizona, Mr. PRICE of North Carolina, Mr. FARR, Mr. FATTAH, and Mr. SCHIFF.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 894. An act 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.

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 Advocacy Council, and for other purposes.

The enrolled bills were subsequently signed by the 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. 2061. An act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment; to the Committee on Homeland Security and Governmental Affairs.

## MEASURES DISCHARGED

The following joint resolutions were discharged by petition, pursuant to 5 U.S.C. 802(c), and placed on the calendar:

S.J. Res. 6. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

S.J. Res. 27. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2042. An act to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1070. An act to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

H.R. 1965. An act to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

## ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on today, November 3, 2011, she had presented to the President of the United States the following enrolled bill:

S. 894. An act 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.

## 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–3775. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Derivatives Clearing Organization General Provisions and Core Principles'' ((17 CFR Parts 1, 21, 39, and 140)(RIN3038–AC98)) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3776. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to requesting a waiver of realistic survivability testing of the Ship to Shore Connector (SSC) program; to the Committee on Armed Services.

EC–3777. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF'' (RIN3235–AK92) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3778. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Nitrogen Oxides Budget Trading Program'' (FRL No. 9487–6) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3779. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Regulations for Control of Air Pollution by Permits for New Construction or Modification'' (FRL No. 9485–3) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3780. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and Sacramento Metro Air Quality Management District'' (FRL No. 9477–4) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3781. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9481–6) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3782. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9481–1) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3783. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and Imperial County Air Pollution Control District'' (FRL No. 9479–3) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3784. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to the Air Pollution Control Rules'' (FRL No. 9486–2) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3785. 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 ''Addition of the Cook Islands to the List of Nations Entitled to Special Tonnage Tax Exemption'' (CBP Dec. 11–21) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Finance.

EC–3786. 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 ''United States-Peru Trade Promotion Agreement'' (RIN1515–AD79) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Finance.

EC–3787. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2012'' (RIN0938–AQ16) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3788. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Part A Premiums for Calendar Year 2012 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement'' (RIN0938–AQ15) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3789. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Final Waivers in Connection With the Shared Savings Program'' (RIN0938–AR30) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3790. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; End-Stage Renal Disease Prospective Payment System and Quality Incentive Program; Ambulance Fee Schedule; Durable Medical Equipment; and Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies'' (RIN0938–AQ27) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3791. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2012'' (RIN0938–AQ14) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3792. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2012'' (RIN0938–AQ30) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3793. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Shared Savings Program: Accountable Care Organization'' (RIN0938–AQ22) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3794. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program: Payment Policies Under the Physician Fee Schedule, Five-Year Review of Work Relative Value Units, Clinical Laboratory Fee Schedule: Signature on Requisition, and Other Revisions to Part B for Calendar Year 2012'' (RIN0938–AQ25 and RIN0938–AQ00) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3795. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs: Hospital Outpatient Prospective Payment; Ambulatory Surgical Center Payment; Hospital Value-Based Purchasing Program; Physician Self-Referral; and Patient Notification Requirements in Provider Agreements'' (RIN0938–AQ26) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3796. A communication from the Department of State, transmitting, pursuant to law, a report relative to U.S. Assistance for the Government of Ukraine (DCN OSS–2011–1727); to the Committee on Foreign Relations.

EC–3797. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to recent Global Fund audit information, commitment and disbursement data, and a summary of the recipient and sub-recipient expenditures as reported to the United States Government; to the Committee on Foreign Relations.

EC–3798. A communication from the Chairman of the National Council on Disability, transmitting, pursuant to law, a report entitled ''National Disability Policy: A Progress Report''; to the Committee on Health, Education, Labor, and Pensions.

EC–3799. A communication from the Chairman of the National Council on Disability, transmitting, pursuant to law, a report entitled ''The Power of Digital Inclusion: Technology's Impact on Employment and Opportunities for People with Disabilities''; to the Committee on Health, Education, Labor, and Pensions.

EC–3800. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to waiving or partially waiving Section 404(a) of the Child Soldiers Prevention Act of 2008 with respect to Yemen, the Democratic Republic of the Congo, and Chad; to the Committee on the Judiciary.

EC–3801. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2010 Annual Report to Congress for the Office of Justice Programs; to the Committee on the Judiciary.

EC–3802. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Temporary Placement of Three Synthetic Cathinones Into Schedule I'' (Docket No. DEA–357) received during recess of the Senate in the Office of the President of the Senate on October 24, 2011; to the Committee on the Judiciary.

EC–3803. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, a report entitled ''Mandatory Minimum Penalties in the Federal Criminal Justice System''; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 75. A bill 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.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1487. 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.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1759. 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.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Stephanie Dawn Thacker, of West Virginia, to be United States Circuit Judge for the Fourth Circuit.

Michael Walter Fitzgerald, of California, to be United States District Judge for the Central District of California.

Ronnie Abrams, of New York, 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.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. JOHANNS):

S. 1795. A bill to require the Corps of Engineers to revise the Missouri River Mainstem Reservoir System Master Water Control Manual to ensure greater storage capacity to prevent serious downstream flooding; to the Committee on Environment and Public Works.

By Mr. PRYOR (for himself and Mr. ISAKSON):

S. 1796. A bill to make permanent the Internal Revenue Service Free File program; to the Committee on Finance.

By Mr. MERKLEY:

S. 1797. A bill to amend title 23, United States Code, to permit as part of certain highway projects the installation of charging infrastructure for plug-in electric drive vehicles; to the Committee on Environment and Public Works.

By Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mrs. MCCASKILL, Mr. BINGAMAN, Mr. SCHUMER, Mr. NELSON of Florida, Mr. UDALL of Colorado, and Mr. ALEXANDER):

S. 1798. A bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TESTER (for himself, Mr. WYDEN, Mr. BEGICH, and Mr. PRYOR):

S. 1799. A bill to amend title 38, United States Code, to provide for certain requirements relating to the immunization of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAUL:

S. 1800. A bill to prohibit the use of Federal funds for any universal or mandatory mental health screening program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1801. A bill to amend the Internal Revenue Code of 1986 to extend certain provisions of the Creating Small Business Jobs Act of 2010, and for other purposes; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself, Mrs. GILLIBRAND, Mr. MERKLEY, and Mr. BENNET):

S. 1802. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL:

S. 1803. A bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a prohibition against revising any national ambient air quality standard applicable to nuisance dust, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. LEVIN, and Mr. MERKLEY):

S. 1804. A bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes; to the Committee on Finance.

By Mr. JOHANNS:

S. 1805. A bill to prohibit the Administrator of the Environmental Protection Agency from rejecting or otherwise determining to be inadequate a State implementation plan in any case in which the State submitting the plan has not been given a reasonable time to develop and submit the plan in accordance with a certain provision of the Clean Air Act; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself, Mr. BEGICH, and Mr. MERKLEY):

S. 1806. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions to the homeless veterans assistance fund; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN:

S. 1807. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS (for himself and Mr. GRAHAM):

S. 1808. A bill to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY:

S. 1809. A bill to amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from liver cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for herself and Ms. COLLINS):

S. Res. 310. A resolution designating 2012 as the ''Year of the Girl'' and Congratulating Girl Scouts of the USA on its 100th anniversary; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. Res. 311. A resolution to authorize the printing of a collection of the rules of the committees of the Senate; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 91

At the request of Mr. WICKER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 91, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and unborn human person.

S. 299

At the request of Mr. PAUL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 299, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 412

At the request of Mr. LEVIN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 700

At the request of Ms. KLOBUCHAR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 704

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 704, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 720

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 829

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 1002

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1251

At the request of Mr. CARPER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1391

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1391, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.

S. 1451

At the request of Mr. VITTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1506

At the request of Mr. RUBIO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1506, a bill to prevent the Secretary of the Treasury from expanding United States bank reporting requirements with respect to interest on deposits paid to nonresident aliens.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Idaho (Mr. RISCH) and the Senator from Colorado (Mr. BENNET) 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. 1582

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1582, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 1588

At the request of Mr. WEBB, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1588, a bill to protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes.

S. 1616

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. ISAKSON) 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.

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1616, supra.

S. 1671

At the request of Mrs. HAGAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1671, a bill to amend the Internal Revenue Code of 1986 to allow a temporary dividends received deduction for dividends received from a controlled foreign corporation.

S. 1702

At the request of Mr. MORAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1702, a bill to provide that the rules of the Environmental Protection Agency entitled ''National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines'' have no force or effect with respect to existing stationary compression and spark ignition reciprocating internal combustion engines operated by certain persons and entities for the purpose of generating electricity or operating a water pump.

S. 1707

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) 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. 1718

At the request of Mr. WYDEN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1737

At the request of Mr. BENNET, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1737, a bill to improve the accuracy of mortgage underwriting used by Federal mortgage agencies by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of energy efficiency retrofit and construction jobs, and for other purposes.

S. 1759

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1759, 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.

S. 1769

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) 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. CARPER, his name was added as a cosponsor of S. 1769, supra.

S. 1780

At the request of Mr. HELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of 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.

S. 1784

At the request of Mr. HELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of 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.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 274

At the request of Mr. WHITEHOUSE, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 274, a resolution expressing the sense of the Senate that funding for the Federal Pell Grant program should not be cut in any deficit reduction program.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 1801. A bill to amend the Internal Revenue Code of 1986 to extend certain provisions of the Creating Small Business Jobs Act of 2010, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I introduce the Small Business Tax Extenders Act of 2011, targeted tax relief legislation to extend, for one year, the essential tax relief provisions that were included in the Small Business Jobs Act of 2010.

When the Small Business Jobs Act was crafted, I worked closely with Finance Committee Chair BAUCUS and then Ranking Member GRASSLEY to ensure the critical small business tax provisions that reflected our shared priorities were included in that legislation. I sincerely appreciate all of their hard work on that legislation.

As the former Chair and now Ranking Member of the Small Business Committee, I am well aware of the urgent imperative of job creation in our country. According to the Bureau of Labor Statistics, the average annual unemployment rate for 2010 was 9.6 percent. For 27 out of the past 32 months the unemployment rate has been at 9 percent or above. About 45 percent of the unemployed have been out of work for at least 6 months—a level previously unseen in the 6 decades since World War II.

At a time when 14 million Americans are still unemployed, and have been so for the longest period since record keeping began in 1948, our government should be taking every possible step to ease the burden on job creators. We

must help create an environment that is conducive to small businesses' job creation. One critical way to do so is through targeted small business tax incentives.

That is why as a senior member of the Senate Finance Committee, I have been urging this administration to champion tax reform and in fact, I led a panel on the issue as part of the Economic Summit at the White House more than 2 years ago.

The individual income tax form has more than tripled in length from 52 pages for 1980 to 174 pages for 2009. American taxpayers spend 7.6 billion hours and shell out $140 billion, or 1 percent of GDP, just struggling to comply with tax filing requirements. This is not surprising as there has been 15,000 changes to the tax code since the last overhaul in 1986.

Alarmingly, the tax code is also needlessly handcuffing our ability to compete in today's integrated global economy, as we strain under the second highest corporate tax burden in the industrialized world. While this administration and the Senate majority are pondering whether we should reform our tax code, small businesses continued to struggle with the current tax regime at the expense of creating more jobs and growing operations.

While I continue to advocate for comprehensive tax reform, there are certain measures that, although not a silver bullet, should be passed right away to help improve the economic environment for small businesses. The Small Business Tax Extenders Act of 2011 is a critical example. This legislation contains provisions I have championed for years to provide small businesses greater cash flow, incentivizing their investments, and increasing tax fairness.

The lifeblood of a small business is its cash flow and this bill contains several provisions to improve it. One of these provisions will address a fundamental injustice of the tax code by extending for another year deduction for health insurance premiums against not only income taxes but also against payroll taxes. At a rate of 15.3 percent, the self-employment, or SECA, tax is imposed on the health benefits of business owners. This is a costly injustice that makes health insurance just that much more expensive at a time when insurance costs are already prohibitively expensive.

In the coming year we will certainly see health premiums rise, making it all the more onerous on small businesses to provide critical benefits to their employees. Allowing the full deduction for health insurance is critical for its affordability. I was thrilled that we were able to address this injustice in the Small Business Jobs Act of 2010, and I sincerely hope that this provision can be extended for another year.

This legislation will also extend for 1 year a provision permitting general business credits to be carried back 5 years and taken against the Alternative Minimum Tax, AMT. Before the enactment of the Small Business Jobs Act, a business's unused general business credit could be carried back to offset taxes paid in the previous year, and the remaining amount could be carried forward for 20 years to offset future tax liabilities.

The 5-year carryback of credits will allow business owners to reach back to prior years when they had taxable income to offset prior tax liability with these credits and get immediate cash infusion. Business owners can use this cash as they choose, but as we have seen with net operating loss relief, they use these funds for anything from meeting payroll to investing in new equipment. The same principle applies with respect to the provision that allows credits to be used against the AMT.

When Congress implements policies through the tax code, it is with intent that businesses will utilize such incentives to do what they do best—grow their operations which in turns leads to hiring additional employees. Unfortunately during a downward business cycle that we have been experiencing for more than two years, businesses do not have income tax liability that can be offset with a credit. It is rather simple: if you do not have enough revenue to claim a credit, that credit is of little use to you.

An incredible benefit of the carryback and the use of general business credits against the AMT is to make the small business health insurance tax credits enacted earlier this year more effective and make health insurance more affordable for business owners to offer to their employees.

This bill would also extend for 1 year the availability of the so-called section 179 expensing to give businesses the option of writing off the cost of qualifying capital expenses in the year of acquisition instead of recovering these costs over time through depreciation, and allow businesses to take advantage of higher limits for the so-called section 179 expensing. Under this provision, up to $250,000 can be expensed for real property and up to $250,000 for equipment, or up to the full $500,000 for just equipment.

Expanding Section 179 expensing has been a significant Small Business Committee bipartisan priority of mine, and former Small Business Committee Chair KERRY and current Chair LANDRIEU, as reflected in no fewer than three separate bills in the previous Congress: the Small Business Stimulus Act of 2009, S. 156, Snowe-Kerry-Landrieu; the Small business Expensing Permanency Act of 2009, S. 2822, Snowe-Landrieu; and the Small Business Job Creation Act of 2010, S. 3103, Snowe.

I want my colleagues to understand that this provision is expected to confer a major economic boost because it certainly speeds up the recovery time on these investments. Extending this provision will help the businesses modernize while aiding construction firms and their employees.

Additionally, the Small Business Jobs Act of 2010 provided for a temporary reduction in the recognition period for S corporation built-in gains tax. When businesses move from being a corporation with two levels of tax to an S corporation, they have generally been required to hold their ''retained earnings'' for up to 10 years. This prevents owners from taking the retained earnings as distributions where only income taxes are owed rather than both corporate income tax at one level and then personal income tax at the second. Recent law changes have shortened this holding period to 7 years, but that is still too long.

By infusing capital, of their own retained earnings, this provision in the Small Business Jobs Act enabled companies to reduce the holding period from 7 years to 5 years so that companies that made the conversion before 2006 can redeploy this capital for use in their business. Extending this provision also underscores how vital retained earnings are for small businesses.

A final provision would extend for one year a complete exclusion on capital gains attributable to small business stock held for 5 years. Extending this measure will help further critical investment in our Nation's small businesses. This is a longstanding priority of mine and of Senator JOHN KERRY, former Chair of the Small Business Committee and my fellow colleague on the Finance Committee. The Kerry-Snowe Invest in Small Business Act of 2009 included this exclusion, which we fought to incorporate into the Small Business Jobs Act.

It is essential that we pass these small business tax extensions. I urge my colleagues to support this legislation so we can ensure that our Nation's small businesses and their employees are provided with much needed tax relief.

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. 1801

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

**SECTION 1. SHORT TITLE; ETC.**

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Jobs Tax Extenders Act of 2011''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.
Sec. 2. Findings.

TITLE I—EXTENSION OF SMALL BUSINESS TAX RELIEF

Sec. 101. Extension of temporary exclusion of 100 percent of gain on certain small business stock.
Sec. 102. Extension of 5-year carryback of general business credits of eligible small businesses.
Sec. 103. Extension of alternative minimum tax rules for general business credits of eligible small businesses.
Sec. 104. Extension of temporary reduction in recognition period for built-in gains tax.
Sec. 105. Extension of increased expensing limitations and treatment of certain real property as section 179 property.
Sec. 106. Extension of bonus depreciation.
Sec. 107. Extension of special rule for long-term contract accounting.
Sec. 108. Extension of increased amount allowed as a deduction for start-up expenditures.
Sec. 109. Extension of allowance of deduction for health insurance in computing self-employment taxes.

TITLE II—OFFSETTING PROVISIONS

Sec. 201. Expansion of affordability exception to individual mandate.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Small businesses represent 99.7 percent of all employer firms and generate approximately two-thirds of net new jobs.

(3) Broadening the tax base and lowering statutory rates through comprehensive tax reform is preferable to short term tax rate extensions.

(4) There is no consensus on Congressional passage and implementation of such reform at this time; it is therefore critical that tax relief for small businesses promulgated in the Small Business Jobs Act of 2010 be extended.

## TITLE I—EXTENSION OF SMALL BUSINESS TAX RELIEF

**SEC. 101. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.**

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2012'' and inserting ''January 1, 2013'', and

(2) by striking ''AND 2011'' and inserting ''2011, AND 2012'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2011.

**SEC. 102. EXTENSION OF 5-YEAR CARRYBACK OF GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.**

(a) IN GENERAL.—Subparagraph (A) of section 39(a)(4) is amended by ''or 2011'' after ''2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined in taxable years beginning after December 31, 2010.

**SEC. 103. EXTENSION OF ALTERNATIVE MINIMUM TAX RULES FOR GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.**

(a) IN GENERAL.—Subparagraph (A) of section 38(c)(5) is amended by ''or 2011'' after ''2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2010, and to carrybacks of such credits.

**SEC. 104. EXTENSION OF TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.**

(a) IN GENERAL.—Clause (ii) of section 1374(d)(7)(B) is amended by inserting ''or 2012,'' after ''2011''.

(b) CONFORMING AMENDMENT.—The heading for section 1372(d)(7)(B) is amended by striking ''AND 2011'' and inserting ''2011, AND 2012''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**SEC. 105. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.**

(a) IN GENERAL.—Section 179(b) is amended—

(1) by striking ''2010 or 2011'' each place it appears in paragraph (1)(B) and (2)(B) and inserting ''2010, 2011, or 2012'',

(2) by striking ''2012'' each place it appears in paragraph (1)(C) and (2)(C)and inserting ''2013'', and

(3) by striking ''2012'' each place it appears in paragraph (1)(D) and (2)(D) and inserting ''2013''.

(b) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(6) is amended by striking ''2012'' and inserting ''2013''.

(c) COMPUTER SOFTWARE.—Section 179(d)(2)(A)(ii) is amended by striking ''2013'' and inserting ''2014''.

(d) ELECTION.—Section 179(c)(2) is amended by striking ''2013'' and inserting ''2014''.

(e) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—Section 179(f)(1) is amended by striking ''2010 or 2011'' and inserting ''2010, 2011, or 2012''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**SEC. 106. EXTENSION OF BONUS DEPRECIATION.**

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A)(iv) and inserting ''January 1, 2015'', and

(2) by striking ''January 1, 2013'' each place it appears and inserting ''January 1, 2014''.

(b) 100 PERCENT EXPENSING.—Paragraph (5) of section 168(k) is amended—

(1) by striking ''January 1, 2013'' and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2012'' each place it appears and inserting ''January 1, 2013''.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Subclause (II) of section 168(k)(4)(D)(iii) is amended by striking ''2013'' and inserting ''2014''.

(2) ROUND 3 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

''(J) SPECIAL RULES FOR ROUND 3 EXTENSION PROPERTY.—

''(i) IN GENERAL.—In the case of round 3 extension property, this paragraph shall be applied without regard to—

''(I) the limitation described in subparagraph (B)(i) thereof, and

''(II) the business credit increase amount under subparagraph (E)(iii) thereof.

''(ii) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, or a taxpayer who made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010—

''(I) the taxpayer may elect not to have this paragraph apply to round 3 extension property, but

''(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 3 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 2 extension property.

''(iii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, nor made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010—

''(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2011, and each subsequent taxable year, and

''(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 3 extension property.

''(iv) ROUND 3 EXTENSION PROPERTY.—For purposes of this subparagraph, the term 'round 3 extension property' means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 7(a) of the Small Business Jobs Tax Extenders Act of 2011 (and the application of such extension to this paragraph pursuant to the amendment made by section 7(c)(1) of such Act).''.

(d) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2013'' and inserting ''JANUARY 1, 2014''.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2013'' and inserting ''PRE-JANUARY 1, 2014''.

(3) Paragraph (5) of section 168(l) is amended—

(A) by striking ''and'' at the end of subparagraph (A),

(B) by redesignating subparagraph (C) as subparagraph (B), and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) by substituting 'January 1, 2013' for 'January 1, 2014' in clause (i) thereof, and''.

(4) Subparagraph (C) of section 168(n)(2) is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(5) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(6) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to property placed in service after December 31, 2011, in taxable years ending after such date.

**SEC. 107. EXTENSION OF SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.**

(a) IN GENERAL.—Clause (ii) of section 460(c)(6)(B) is amended by striking ''January 1, 2011 (January 1, 2012'' and inserting ''January 1, 2012 (January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

**SEC. 108. EXTENSION OF INCREASED AMOUNT ALLOWED AS A DEDUCTION FOR START-UP EXPENDITURES.**

(a) IN GENERAL.—Paragraph (3) of section 195(b) is amended—

(1) by inserting ''or 2011'' after ''2010'', and

(2) by inserting ''AND 2011'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

**SEC. 109. EXTENSION OF ALLOWANCE OF DEDUCTION FOR HEALTH INSURANCE IN COMPUTING SELF-EMPLOYMENT TAXES.**

(a) IN GENERAL.—Paragraph (4) of section 162(l) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

**TITLE II—OFFSETTING PROVISIONS**

**SEC. 201. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.**

Section 5000A(e)(1) is amended by striking ''8 percent'' each place it appears and inserting ''5 percent''.

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By Mr. UDALL of Colorado (for himself, Mrs. GILLIBRAND, Mr. MERKLEY, and Mr. BENNET):

S. 1802. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, today I speak in support of a bill I am introducing called the Healthy Kids Outdoor Act of 2011. This bill will help the development of locally-based plans that will encourage kids to enjoy one of our nation's most cherished past-times: recreating outdoors.

I am introducing the Healthy Kids Outdoors Act of 2011 with the support of Senators GILLIBRAND, MERKLEY and BENNET. My friend and colleague Representative KIND of Wisconsin is introducing companion legislation today in the U.S. House of Representatives. I want to thank Rep. KIND for his leadership on these issues over the years. I especially want to thank him for the opportunity to steal his good idea and appropriate it for myself in the Senate.

Specifically, the Healthy Kids Outdoors Act authorizes the U.S. Secretary of the Interior to provide grants, one per State, to eligible organizations for the development of State-level outdoor recreation plans. Working in cooperation with local partners, the eligible entities will develop plans designed to ensure that States have appropriate programs and infrastructure in place to help Americans effectively connect with the outdoors. These plans supplement current outdoor recreation planning by emphasizing how to use outdoor recreation resources and infrastructure, such as public parks, transportation and health systems, to facilitate outdoor activities. The plans supported by Federal funding under this act must be updated every five years based on evaluations of each state strategy and lessons learned from their implementation. Additionally, in order to ensure that state and local partners are contributing to this effort, funding recipients must provide a 25-percent non-federal cost share.

Finally, this bill requires the administration to develop a national strategy to get Americans active outdoors and evaluate the health impacts of the State strategies authorized under the legislation. The national strategy, to be developed with significant public participation, should align with the State strategies and identify barriers to and opportunities for outdoor activities.

Why is this important you might ask, especially at a time when we are looking at ways to cut spending and other programs?

We live in an increasingly sedentary world that makes it more difficult for our Nation to reach the heights that it can achieve. Today's society provides more distractions from active lifestyles and the natural world around us than ever before. This is particularly true among children, who spend on average just 4–7 minutes a day in unstructured outdoor play while spending an average of 7.5 hours a day in front of electronic media. Partially as a result of this, obesity has become a major public health problem. Today, one in three children is either overweight or obese, whereas only about 4 percent of children in 1960 were. Working together, we must find proactive ways to reverse this harmful trend.

Being overweight or obese can lead to many chronic health conditions, including heart disease, stroke, and diabetes. All of these conditions are costly for health care purchasers and patients, reduce quality of life, and are among the top 6 leading causes of death each year. The good news is that, in the vast majority of cases, obesity is completely preventable. Particularly for children, if we teach them good eating and fitness habits early in life, they will have a much better shot at maintaining a healthy weight later in life. In addition, research demonstrates the myriad mental health benefits of active lifestyles that make use of green spaces outside the home.

Furthermore, spending time in the outdoors, connecting with our public lands and waters and green spaces, furthers America's conservation legacy. For example, research demonstrates that hunters who become engaged in the sport as children are among the most active and interested sportsmen as adults.

Spending time in the outdoors also supports the outdoor recreation industry. We have a large and growing industry in this country of supply stores, manufacturers, guides, hotels, and other important businesses that are the backbone of many rural communities. In fact, outdoor recreation activities add over $730 billion to the national economy every year. In this time of economic uncertainty, outdoor recreation is one of the bright spots in our economy.

Additionally, at a time when disparities in health status and health insurance rates for minority populations are at an all-time high, particularly in my State of Colorado, the common sense goals of the Healthy Kids Outdoors Act can help level the playing field for good health across America. This legislation will make it easier for all Americans, regardless of cultural differences, geography or socio-economic status, especially children and families, to connect with healthy, active, outdoor lifestyles and the natural world. By doing so, we can combat the obesity epidemic, improve public health overall and bolster America's proud legacy of conservation and outdoor recreation economy.

Finally, I want to note that this bill could play a small role in making sure our children, as they reach adulthood, are qualified to serve in our U.S. military, if they so choose. As a member of the Senate Armed Services Committee, I have seen firsthand the studies that have shown that greater and greater numbers of young adults are ineligible to serve in the Armed Forces due to disqualifying health factors such as being overweight. Nearly one in four applicants is rejected for being overweight, which is the most common reason for medical disqualification. It's not a stretch to say that a more fit population can result in a more secure nation.

This legislation is a small but important step we can take to promote healthy, active lifestyles supporting the use and enjoyment of our natural world. I want to thank the Outdoor Alliance for Kids, whose members include many of the country's leading conservation groups and outdoor recreation companies, for its support and help developing this bill. I also want to thank the Campaign to End Obesity for their endorsement of it. I look forward to working with my colleagues to advance this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1802

*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 ''Healthy Kids Outdoors Act of 2011''.

**SEC. 2. FINDINGS.**

Congress finds as follows:

(1) Children today are spending less time outdoors than any generation in human history, as evidenced by studies that show children enjoy half as much time outdoors today as they did just 20 years ago, while spending more than 7½ hours every day in front of electronic media.

(2) The health of our children is at risk as evidenced by the growing obesity crisis where, during the 20-year period between 1991 and 2011, the childhood obesity rate has more than doubled and the adolescent obesity rate has tripled, costing the economy of the United States billions of dollars each year.

(3) Our military readiness is declining as nearly 1 in 4 applicants to the military is rejected for being overweight or obese, which is the most common reason for medical disqualification.

(4) Research has shown that military children and families are facing increased stress and mental strain and challenges due to multiple, extended deployments. Military family service organizations have developed programs that connect military children and families with positive, meaningful outdoor experiences that benefit mental and physical health, but they lack sufficient resources to meet increasing demand.

(5) In addition to the negative economic impact of childhood obesity, the outdoor retail industry, many local tourist destinations or ''gateway communities'', and State fish and wildlife agencies rely on revenue generated when individuals spend time outdoors to create jobs in local communities.

(6) Over the past several years, urbanization, changing land use patterns, increasing road traffic, and inadequate solutions to addressing these challenges in the built environment have combined to make it more difficult for many Americans to walk or bike to schools, parks, and play areas or experience the natural environment in general.

(7) Visitation to our Nation's public lands has declined or remained flat in recent years, and yet, connecting with nature and the great outdoors in our communities is critical to fostering the next generation of outdoor enthusiasts who will visit, appreciate, and become stewards of our Nation's public lands.

(8) It takes many dedicated men and women to work to preserve, protect, enhance, and restore America's natural resources, and with an aging workforce in the natural resource professions, it is critical for the next generation to have an appreciation for nature and be ready to take over these responsibilities.

(9) Spending time outdoors in nature is beneficial to our children's physical, mental, and emotional health and has been proven to decrease symptoms of attention deficit and hyperactivity disorder, stimulate brain development, improve motor skills, result in better sleep, reduce stress, increase creativity, improve mood, and reduce children's risk of developing myopia.

(10) Children who spend time playing outside are more likely to take risks, seek out adventure, develop self-confidence, and respect the value of nature.

(11) Spending time in green spaces outside the home, including parks, play areas, and garden, can increase concentration, inhibition of initial impulses, and self-discipline and has been shown to reduce stress and mental fatigue. In one study, children who were exposed to greener environments in a public housing area demonstrated less aggression, violence, and stress.

(12) As children become more disconnected from the natural world, the hunting and angling conservation legacy of America is at risk.

(13) Conservation education and outdoor recreation experiences such as camping, hiking, boating, hunting, fishing, archery, recreational shooting, wildlife watching, and others are critical to engaging young people in the outdoors.

(14) Hunters and anglers play a critical role in reconnecting young people with nature, protecting our natural resources, and fostering a lifelong understanding of the value of conserving the natural world.

(15) Research demonstrates that hunters who become engaged in hunting as children are among the most active and interested hunters as adults. The vast majority of hunters report they were introduced to hunting between the ages of 10 and 12, and the overwhelming majority of children are introduced to hunting by an adult.

(16) A direct childhood experience with nature before the age of 11 promotes a long-term connection to nature.

(17) Parks and recreation, youth-serving, service-learning, conservation, health, education, and built-environment organizations, facilities, and personnel provide critical resources and infrastructure for connecting children and families with nature.

(18) Place-based service-learning opportunities use our lands and waters as the context for learning by engaging students in the process of exploration, action, and reflection. Physical activity outdoors connected with meaningful community service to solve real-world problems, such as removing invasive plants or removing trash from a streambed, strengthens communities by engaging youth as citizen stewards.

(19) States nationwide and their community based partners have some notable programs that connect children and families with nature; however, most States lack sufficient resources and a comprehensive strategy to effectively engage State agencies across multiple fields.

(20) States need to engage in cross-sector agency and nonprofit collaboration that involves public health and wellness, parks and recreation, transportation and city planning, and other sectors focused on connecting children and families with the outdoors to increase coordination and effective implementation of the policy tools and programs that a State can bring to bear to provide healthy outdoor opportunities for children and families.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State; or

(B) a consortium from one State that may include such State and municipalities, entities of local or tribal governments, parks and recreation departments or districts, school districts, institutions of higher education, or nonprofit organizations.

(2) LOCAL PARTNERS.—The term ''local partners'' means a municipality, entity of local or tribal government, parks and recreation departments or districts, Indian tribe, school district, institution of higher education, nonprofit organization, or a consortium of local partners.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any Indian tribe.

**SEC. 4. COOPERATIVE AGREEMENTS FOR DEVELOPMENT OR IMPLEMENTATION OF HEALTHY KIDS OUTDOORS STATE STRATEGIES.**

(a) IN GENERAL.—The Secretary is authorized to issue one cooperative agreement per State to eligible entities to develop, implement, and update a 5-year State strategy, to be known as a ''Healthy Kids Outdoors State Strategy'', designed to encourage Americans, especially children, youth, and families, to be physically active outdoors.

(b) SUBMISSION AND APPROVAL OF STRATEGIES.—

(1) APPLICATIONS.—An application for a cooperative agreement under subsection (a) shall—

(A) be submitted not later than 120 days after the Secretary publishes guidelines under subsection (f)(1); and

(B) include a Healthy Kids Outdoors State Strategy meeting the requirements of subsection (c) or a proposal for development and submission of such a strategy.

(2) APPROVAL OF STRATEGY; PEER REVIEW.—Not later than 90 days after submission of a Healthy Kids Outdoors State Strategy, the Secretary shall, through a peer review process, approve or recommend changes to the strategy.

(3) STRATEGY UPDATE.—An eligible entity receiving funds under this section shall update its Healthy Kids Outdoors State Strategy at least once every 5 years. Continued funding under this section shall be contingent upon submission of such updated strategies and reports that document impact evaluation methods consistent with the guidelines in subsection (f)(1) and lessons learned from implementing the strategy.

(c) COMPREHENSIVE STRATEGY REQUIREMENTS.—The Healthy Kids Outdoors State Strategy under subsection (a) shall include—

(1) a description of how the eligible entity will encourage Americans, especially children, youth, and families, to be physically active in the outdoors through State, local, and tribal—

(A) public health systems;

(B) public parks and recreation systems;

(C) public transportation and city planning systems; and

(D) other public systems that connect Americans, especially children, youth, and families, to the outdoors;

(2) a description of how the eligible entity will partner with nongovernmental organizations, especially those that serve children, youth, and families, including those serving military families and tribal agencies;

(3) a description of how State agencies will collaborate with each other to implement the strategy;

(4) a description of how funding will be spent through local planning and implementation subgrants under subsection (d);

(5) a description of how the eligible entity will evaluate the effectiveness of, and measure the impact of, the strategy, including an estimate of the costs associated with such evaluation;

(6) a description of how the eligible entity will provide opportunities for public involvement in developing and implementing the strategy;

(7) a description of how the strategy will increase visitation to Federal public lands within the state; and

(8) a description of how the eligible entity will leverage private funds to expand opportunities and further implement the strategy.

(d) LOCAL PLANNING AND IMPLEMENTATION.—

(1) IN GENERAL.—A Healthy Kids Outdoors State Strategy shall provide for subgrants by the cooperative agreement recipient under subsection (a) to local partners to implement the strategy through one or more of the program activities described in paragraph (2).

(2) PROGRAM ACTIVITIES.—Program activities may include—

(A) implementing outdoor recreation and youth mentoring programs that provide opportunities to experience the outdoors, be physically active, and teach skills for lifelong participation in outdoor activities, including fishing, hunting, recreational shooting, archery, hiking, camping, outdoor play in natural environments, and wildlife watching;

(B) implementing programs that connect communities with safe parks, green spaces, and outdoor recreation areas through affordable public transportation and trail systems that encourage walking, biking, and increased physical activity outdoors;

(C) implementing school-based programs that use outdoor learning environments,

such as wildlife habitats or gardens, and programs that use service learning to restore natural areas and maintain recreational assets; and

(D) implementing education programs for parents and caregivers about the health benefits of active time outdoors to fight obesity and increase the quality of life for Americans, especially children, youth, and families.

(e) PRIORITY.—In making cooperative agreements under subsection (a) and subgrants under subsection (d)(1), the Secretary and the recipient under subsection (a), respectively, shall give preference to entities that serve individuals who have limited opportunities to experience nature, including those who are socioeconomically disadvantaged or have a disability or suffer disproportionately from physical and mental health stressors.

(f) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, and after notice and opportunity for public comment, the Secretary shall publish in the Federal Register guidelines on the implementation of this Act, including guidelines for—

(1) developing and submitting strategies and evaluation methods under subsection (b); and

(2) technical assistance and dissemination of best practices under section 7.

(g) REPORTING.—Not later than 2 years after the Secretary approves the Healthy Kids Outdoors State Strategy of an eligible entity receiving funds under this section, and every year thereafter, the eligible entity shall submit to the Secretary a report on the implementation of the strategy based on the entity's evaluation and assessment of meeting the goals specified in the strategy.

(h) ALLOCATION OF FUNDS.—An eligible entity receiving funding under subsection (a) for a fiscal year—

(1) may use not more than 5 percent of the funding for administrative expenses; and

(2) shall use at least 95 percent of the funding for subgrants to local partners under subsection (d).

(i) MATCH.—An eligible entity receiving funding under subsection (a) for a fiscal year shall provide a 25-percent match through in-kind contributions or cash.

**SEC. 5. NATIONAL STRATEGY FOR ENCOURAGING AMERICANS TO BE ACTIVE OUTDOORS.**

(a) IN GENERAL.—Not later than September 30, 2012, the President, in cooperation with appropriate Federal departments and agencies, shall develop and issue a national strategy for encouraging Americans, especially children, youth, and families, to be physically active outdoors. Such a strategy shall include—

(1) identification of barriers to Americans, especially children, youth, and families, spending healthy time outdoors and specific policy solutions to address those barriers;

(2) identification of opportunities for partnerships with Federal, State, tribal, and local partners;

(3) coordination of efforts among Federal departments and agencies to address the impacts of Americans, especially children, youth, and families, spending less active time outdoors on—

(A) public health, including childhood obesity, attention deficit disorders and stress;

(B) the future of conservation in the United States; and

(C) the economy;

(4) identification of ongoing research needs to document the health, conservation, economic, and other outcomes of implementing the national strategy and State strategies;

(5) coordination and alignment with Healthy Kids Outdoors State Strategies; and

(6) an action plan for implementing the strategy at the Federal level.

(b) STRATEGY DEVELOPMENT.—

(1) PUBLIC PARTICIPATION.—Throughout the process of developing the national strategy under subsection (a), the President may use, incorporate, or otherwise consider existing Federal plans and strategies that, in whole or in part, contribute to connecting Americans, especially children, youth, and families, with the outdoors and shall provide for public participation, including a national summit of participants with demonstrated expertise in encouraging individuals to be physically active outdoors in nature.

(2) UPDATING THE NATIONAL STRATEGY.—The President shall update the national strategy not less than 5 years after the date the first national strategy is issued under subsection (a), and every 5 years thereafter. In updating the strategy, the President shall incorporate results of the evaluation under section 6.

**SEC. 6. NATIONAL EVALUATION OF HEALTH IMPACTS.**

The Secretary, in coordination with the Secretary of Health and Human Services, shall—

(1) develop recommendations for appropriate evaluation measures and criteria for a study of national significance on the health impacts of the strategies under this Act; and

(2) carry out such a study.

**SEC. 7. TECHNICAL ASSISTANCE AND BEST PRACTICES.**

The Secretary shall—

(1) provide technical assistance to grantees under section 4 through cooperative agreements with national organizations with a proven track record of encouraging Americans, especially children, youth, and families, to be physically active outdoors; and

(2) disseminate best practices that emerge from strategies funded under this Act.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act—

(1) $1,000,000 for fiscal year 2013;

(2) $2,000,000 for fiscal year 2014;

(3) $3,000,000 for fiscal year 2015;

(4) $4,000,000 for fiscal year 2016; and

(5) $5,000,000 for fiscal year 2017.

(b) LIMITATION.—Of the amounts made available to carry out this Act for a fiscal year, not more than 5 percent may be made available for carrying out section 7.

(c) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this Act shall be used to supplement, and not supplant, any other Federal, State, or local funds available for activities that encourage Americans, especially children, youth, and families to be physically active outdoors.

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By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. LEVIN, and Mr. MERKLEY):

S. 1804. A bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I am introducing the Emergency Unemployment Compensation Extension Act of 2011 to ensure that millions of unemployed Americans will not lose desperately needed unemployment benefits and to provide relief to states and employers that are facing automatic penalties for overdrawing on their unemployment insurance trust fund during the worst unemployment crisis in modern history. I am pleased to be joined by my colleagues Senators DURBIN, WHITEHOUSE and LEVIN.

Fourteen million Americans are looking for work and the average length of unemployment is 40 weeks. Rhode Island has endured especially high and persistent rates of unemployment. If Congress fails to extend unemployment benefits or if benefits lapse for as little as a month—10,000 Rhode Islanders and 2 million Americans nationwide will fall through the safety-net and lose benefits. This would have far reaching impacts on families, communities, and businesses. It would seriously endanger our economic recovery as a whole.

The legislation would continue funding for the Federal unemployment programs for jobless workers through 2012 by extending the Emergency Unemployment Compensation Program and making improvements to the Extended Benefits Program.

The bill will also provide relief for States and employers that have been hit the hardest by our unemployment crisis and whose unemployment trust funds have been subjected to historic levels of stress by providing a 1 year moratorium on interest payments for States and tax relief for employers in States with outstanding unemployment trust fund loans.

Requiring States to make such interest repayments now, at a time when they face massive budget deficits and the economy is still weak does not make economic sense. Nor does requiring businesses to pay an additional tax of $21 per employee for the 2011 tax year.

This bill would provide immediate relief and certainty to 23 States with outstanding loans and all of their employers facing automatic tax increases that are otherwise set to be assessed as soon as January 31, 2012.

For States that have remained solvent during this crisis, they would receive a 2 percent interest bonus on trust fund reserves. This reflects the need to start moving in the direction of replenishing and maintaining solvent unemployment trust funds, which is why I joined Senator DURBIN in introducing the Unemployment Insurance Solvency Act earlier this year.

Unfortunately, today's legislation is necessary because Republicans have blocked passage of the President's American Jobs Act. The American Jobs Act proposed extending the EUC and EB programs along with incorporating several important reforms to the Ul system. These reforms would provide enhanced assistance to the long-term unemployed in their job search and ensure benefits are being administered properly. Indeed, as we look to extend unemployment benefits to those who have been harmed by this economy through no fault of their own and aid States and employers, we must be mindful to enhance the integrity of the unemployment system and prevent improper payments, which hurt taxpayers and ultimately erode benefits for those

that are most in need. It is my hope that Congress and States, which are responsible for administering these programs, continue to improve the integrity and functioning of our Ul system.

We know what policies will strengthen our recovery. Extending benefits and addressing solvency are among them and I urge my colleagues to join us in cosponsoring and pressing for action on this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1804

*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 ''Emergency Unemployment Compensation Extension Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF UNEMPLOYMENT PROGRAMS

Sec. 101. Temporary extension of unemployment insurance provisions.
Sec. 102. Modification of indicators under the extended benefit program.
Sec. 103. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

TITLE II—STATE AND EMPLOYER ASSISTANCE

Sec. 201. Extension of temporary assistance for States with advances.
Sec. 202. FUTA credit reductions for 2011 contingent on voluntary agreements.
Sec. 203. Assistance contingent on voluntary agreements.
Sec. 204. Solvency bonus.

## TITLE I—EXTENSION OF UNEMPLOYMENT PROGRAMS

**SEC. 101. TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''January 3, 2012'' each place it appears and inserting ''January 3, 2013'';

(B) in the heading for subsection (b)(2), by striking ''JANUARY 3, 2012'' and inserting ''JANUARY 3, 2013''; and

(C) in subsection (b)(3), by striking ''June 9, 2012'' and inserting ''June 8, 2013''.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''January 4, 2012'' each place it appears and inserting ''January 4, 2013''; and

(B) in subsection (c), by striking ''June 11, 2012'' and inserting ''June 11, 2013''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''June 10, 2012'' and inserting ''June 10, 2013''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking ''and'' at the end; and

(2) by inserting after subparagraph (G) the following:

''(H) the amendments made by section 101(a)(1) of the Emergency Unemployment Compensation Extension Act of 2011; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312).

**SEC. 102. MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.**

(a) EXTENSION.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking ''December 31, 2011'' and inserting ''December 31, 2012''; and

(2) in subsection (f)(2), by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended by adding at the end the following: ''Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending on or before December 31, 2012, the State may by statute, regulation, or other issuance having the force and effect of law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding subparagraph (A) of paragraph (1) and disregarding 'either subparagraph (A) or' in paragraph (2).''.

(c) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending on or before December 31, 2012, the State may by statute, regulation, or other issuance with the force and effect of law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding clause (ii) of paragraph (1)(A) and as if paragraph (1)(B) had been amended by striking 'either the requirements of clause (i) or (ii)' and inserting 'the requirements of clause (i)'.''.

**SEC. 103. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.**

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(1) by striking ''June 30, 2011'' and inserting ''June 30, 2012''; and

(2) by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

## TITLE II—STATE AND EMPLOYER ASSISTANCE

**SEC. 201. EXTENSION OF TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.**

Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended, in the matter before clause (i), by striking ''2010—'' and inserting ''2010 and the 12-month period beginning on October 1, 2011—''.

**SEC. 202. FUTA CREDIT REDUCTIONS FOR 2011 CONTINGENT ON VOLUNTARY AGREEMENTS.**

(a) IN GENERAL.—Section 3302(c) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (3) as paragraph (4), and

(2) by inserting after paragraph (2) the following new paragraph:

''(3)(A) If a State has entered into a voluntary agreement under section 203 of the Emergency Unemployment Compensation Extension Act of 2011, the provisions of paragraph (2) shall be applied with respect to the taxable year beginning January 1, 2011, or any succeeding taxable year, by deeming January 1, 2012, to be the first January 1 occurring after January 1, 2010. For purposes of paragraph (2), consecutive taxable years in the period commencing January 1, 2012, shall be determined as if the taxable year which begins on January 1, 2012, were the taxable year immediately succeeding the taxable year which began on January 1, 2010. No taxpayer shall be subject to credit reductions under this paragraph for the taxable year beginning January 1, 2011.

''(B) If the voluntary agreement specified in subparagraph (A) is terminated under section 203(e) of the Emergency Unemployment Compensation Extension Act of 2011, subparagraph (A) shall not be effective for any taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2010.

**SEC. 203. ASSISTANCE CONTINGENT ON VOLUNTARY AGREEMENTS.**

(a) IN GENERAL.—The amendment made by section 201 shall not apply with respect to any State with which the Secretary of Labor has not entered into a voluntary agreement under this section.

(b) APPLICATION.—Any State that has 1 or more outstanding repayable advances from the Federal unemployment account under section 1201 of the Social Security Act (42 U.S.C. 1321) may apply to the Secretary of Labor to enter into a voluntary agreement under this section.

(c) REQUIREMENTS.—An application described in subsection (b) shall be submitted within such time, and in such form and manner, as the Secretary of Labor may require, except that any such application shall include certification by the State that during the period of the agreement—

(1) the method governing the computation of regular compensation under the State law of the State will not be modified in a manner such that the average weekly benefit amount of regular compensation which will be payable during the period of the agreement will be less than the average weekly benefit amount of regular compensation which would have otherwise been payable under the State law as in effect on the date of the enactment of this subsection;

(2) the State law of the State will not be modified in a manner such that any unemployed individual who would be eligible for regular compensation under the State law in effect on such date of enactment would be ineligible for regular compensation during the period of the agreement or would be subject to any disqualification during the period of the agreement that the individual would not have been subject to under the State law in effect on such date of enactment; and

(3) the State law of the State will not be modified in a manner such that the maximum amount of regular compensation that any unemployed individual would be eligible to receive in a benefit year during the period of the agreement will be less than the maximum amount of regular compensation that the individual would have been eligible to receive during a benefit year under the State law in effect on such date of enactment.

(d) DECISION.—The Secretary of Labor shall review any application received from a State to enter into a voluntary agreement under this section and, within 30 days after the date of receipt, approve or disapprove the application and notify the Governor of the State of the Secretary's decision, including—

(1) if approved, the effective date of the agreement; and

(2) if disapproved, the reasons why it was disapproved.

(e) TERMINATION.—

(1) IN GENERAL.—If, after reasonable notice and opportunity for a hearing, the Secretary of Labor finds that a State with which the Secretary has entered into an agreement under this section has modified State law so that it no longer contains the provisions specified in paragraph (1), (2), or (3) of subsection (c) or has failed to comply substantially with any of those provisions, the agreement shall be terminated, effective as of such date as the Secretary shall determine, but in no event later than December 31, 2012.

(2) EFFECT WITH RESPECT TO REPAYABLE ADVANCES.—If an agreement under this section with a State is terminated, then, effective as of the termination date of such agreement, paragraph (10) of section 1202(b) of the Social Security Act shall, for purposes of such State, be applied as if subparagraph (A) of such paragraph had been amended by striking the date specified in such subparagraph (in the matter before clause (i) thereof) and inserting the termination date of such agreement.

(f) REGULATIONS.—Any regulations or guidance necessary to carry out this title or any of the amendments made by this title may be prescribed by—

(1) to the extent that they relate to section 201, the Secretary of Labor; and

(2) to the extent that they relate to section 202, the Secretary of the Treasury.

(g) DEFINITIONS.—For purposes of this section, the terms ''State'', ''State law'', ''regular compensation'', and ''benefit year'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

**SEC. 204. SOLVENCY BONUS.**

Section 904 of the Social Security Act (42 U.S.C. 1104) is amended by adding at the end the following:

''Solvency Bonus

''(h)(1) Notwithstanding any other provision of this section, the amount which is credited under subsection (e) to the book account of the State agency of a solvent State shall, for each quarter to which this subsection applies, be equal to the amount which would be determined under this section, for such State agency and for such quarter, if the 5th sentence of subsection (b) were applied by using—

''(A) the average rate of interest which (but for this subsection) would otherwise have been determined under subsection (b) for purposes of such quarter; plus

''(B) an additional 2 percentage points.

''(2) For purposes of this subsection, a State shall be considered to be a 'solvent State' if the outstanding balance for such State of advances under title XII is equal to zero. A determination as to whether or not a State is a solvent State shall be made by the Secretary of Labor—

''(A) for each State;

''(B) for each quarter to which this subsection applies; and

''(C) based on such date or period (before the 1st day of such quarter), and otherwise in such manner, as the Secretary of Labor shall determine in consultation with the Secretary of the Treasury.

''(3) This subsection applies to each quarter in calendar year 2012.

''(4) Nothing in this subsection shall have the effect of causing the amount which is credited under subsection (e) to any account in the Fund for any quarter to be less than the amount which (disregarding this subsection) would otherwise have been so credited to such account for such quarter.''.

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By Mr. JOHANNS:

S. 1805. A bill to prohibit the Administrator of the Environmental Protection Agency from rejecting or otherwise determining to be inadequate a State implementation plan in any case in which the State submitting the plan has not been given a reasonable time to develop and submit the plan in accordance with a certain provision of the Clean Air Act; to the Committee on Environment and Public Works.

Mr. JOHANNS. Mr. President, few things provide me with greater charity than conversations I have with people back home in Nebraska. I rise to discuss a few of those conversations I had just last week during our work period back home. I used this opportunity to meet with electricity providers serving Nebraskans across the great State of Nebraska, from the more populated areas such as Omaha, to smaller communities such as Hastings, NE.

It will come as no surprise, I believe to anyone, that the focus of their frustration, their anger is with the EPA. They feel they have been treated unfairly. They feel the Agency has not been straight forward or transparent. They feel they now have a target on their backs, and they know that compliance with the latest EPA regulatory bombshell is going to have a crushing impact on the communities they serve.

Their latest concern is a rule known as the cross-state air pollution rule or cross-state. The rule addresses airborne emissions that EPA claims cross State lines and may affect air quality in another State. EPA issued the final rule in July of this year. Let me repeat that. EPA issued the final rule in July of this year and then demanded compliance by January 2012.

That is 6 months. That is an impossibility and EPA knows it. Here is why it is an impossibility. This is especially relevant to my State. Nebraska was not included in the old version of the same rule, the so-called clean air interstate rule. We were not a part of it. The final rule changed dramatically from the proposed version.

For example, the required reductions increased dramatically from the proposed rule that was published in July of 2010. So Nebraska first found itself subject to this type of EPA rule in the proposed rule in July of 2010. Then the final rule arrives a year later and, boom, it is a dramatically different rule—more severe reductions in compliance in an almost laughable 6 months.

Basically, Nebraska gets a final rule thrust upon them and no opportunity to comply. That could not be more unjust. Draconian changes made in a final rule that depart so significantly from the proposed rule defeat the very purpose of our laws that prescribe how agencies are supposed to make rules. I ran one of those agencies as Secretary of Agriculture.

This process makes a mockery out of the rulemaking process. It makes public comments absolutely meaningless. What good does review of a proposed rule do when the final rule is so radically different from the original proposal? It also means the community regulated cannot plan and cannot fix the problem.

This is our government we are talking about. Utilities cannot go to their ratepayers and say: Look, we have to make changes. It is going to take some time and money, but here is our plan and here is how much it will cost as a ratepayer. EPA has totally shoved aside the traditional role that some State regulators play as an EPA partner in establishing clean air plans known as State implementation plans. In fact, in this case, the EPA established a Federal implementation plan, a one-size-fits-all national plan that completely rejects State efforts to manage compliance.

Our power providers and regulators are echoing this same message. There just is not enough time for them. Instead of 3 or 5 or 10 years that is needed, by administrative fiat, EPA has said: They get 6 months to rebuild a powerplant. Let me be crystal clear about what Nebraska's power providers did and did not do.

They did not say: We cannot change and we will not change. They did not say: Just leave me alone. What they did say to me, very clearly, is: We cannot waive a magic wand. We cannot do the impossible. We cannot put together the finance plan in 6 months. We cannot put a request for bid out and get the work done in 6 months. We cannot get a design plan written by a competent engineering firm. We cannot arrange for a plant shutdown. We cannot get the construction crews to our facility, especially as cold weather sets into our State between now and January 1 to rebuild the powerplants. It simply is not humanly possible.

What options are possible? Someone listening to me might ask: What options do they have? Unfortunately, the

first thing our providers are doing is just trying to understand the rule. That in itself is no small task, because as I explained, the rule is essentially brand new. The ink is barely dry. The EPA did a head fake. They said: Here is the rule and then completely changed it in the final rule.

Secondly, electricity providers are making plans—get this. They are making plans all across this country to decrease electric generation because of this rule. In Hastings, NE, ratepayers have been told to expect an increase in operating costs of at least $3.8 million per year. Including costs of retrofits for this rule and two others that are in the works by EPA, Hastings figures $40 to $50 million will be spent over the next 5 years.

Think about that for a second. Imagine $40 to $50 million for a community of 25,000 people. That is for Hastings and only if the utility can figure out how it can get it done. Guess who bears the brunt of these costs. Every Hastings resident with an electricity meter—not shareholders. This is not a big electric company. No shareholder equity will be drawn down, no preferred stock to be newly issued. We are, in our State, a 100-percent public power State. Just those folks in Hastings, NE, because they got swept into an EPA rule last July with a January deadline. Fremont, NE, another great Nebraska community caught in the crosshairs, has indicated the cross-state rule and two other EPA rules will cost customers about $35 million over the next 3 years.

In New York City or Washington, DC, $35 million may seem insignificant. But to the 25,000 residents of Fremont, NE, it is a huge deal. Similarly, the cross-state rule will cost the Nebraska public power district, our largest electricity provider, about $6 million next year in reduced revenue, as well as mandating about $40 million in costs before the end of 2012. Electricity providers across the State are all looking at purchasing power from other generators. The only way they can get compliance now is to reduce generation.

Of course, many neighboring utilities in the State are subject to the same final rule. Guess what. This is the problem across the country. So everybody is in the hunt, and the short compliance timeframe is likely to drive the price of energy even higher. Another option includes purchasing pollution credits on the open market. No one knows how much it will cost because the same comprised timeline affects the markets for credits.

People may have also noticed I have not mentioned the bid, the design, the implementation, the installation of pollution control equipment as a compliance strategy, because in our State, that possibility is not an option for us because of the EPA's timeline. Six months is not enough time, especially when the labor, the technical knowledge, the contractors, the financing are all being chased by our utilities subject to the same rule.

Is it any wonder people are frustrated? Is it any wonder at all? That is why today I am introducing legislation that addresses the way the EPA handled this rule. My bill takes a couple reasonable steps to address this unfair treatment, not only in my State but in 27 other States. First, under my bill, EPA is prohibited from dictating Federal implementation plans unless the Agency has given the State a sufficient amount of time to develop a plan.

The State must be given 2 years to put a plan in place. In addition, if my bill is enacted, EPA cannot choose to reject a State's plan if, as a result, compliance would immediately follow. In other words, my bill prohibits EPA from jamming States by rejecting their plans and requiring an unreasonable compliance timeframe. Finally, my bill says EPA's compliance deadlines are set aside for 3 years while States get a chance to put this together. The message of my bill is straightforward: Do not freeze out States. Do not jam us with a compliance schedule that everybody knows will not work.

Nebraskans, similar to everybody else, are tired of being treated as second-class citizens by an agency that has run amuck. I suspect the same is true of 27 other States. Nebraskans simply cannot believe EPA is hitting the accelerator on a rule that will drive up electricity bills in more than half the country with no way for States to comply.

I share their frustration. The EPA is in a constant thirst for power. I urge my colleagues to cosponsor this legislation, to introduce one small dose of common sense to this out-of-control agency.

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By Mr. BINGAMAN:

S. 1807. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to introduce the Energy Research and Development Coordination Act of 2011. This bill updates one of the basic statutes governing energy research and development, the Federal Nonnuclear Energy Research and Development Act of 1974, to improve the planning and coordination of energy research and development government-wide. It also puts in place a mechanism to allow Congress to see a consolidated annual budget for all energy research, development, and demonstration activities across the Federal agencies, and to provide an opportunity to better coordinate and reduce unnecessary duplication in these activities.

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. 1807

*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 ''Energy Research and Development Coordination Act of 2011''.

**SEC. 2. COMPREHENSIVE PLAN FOR ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.**

(a) IN GENERAL.—Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) by striking the section heading and all that follows through the end of subsection (a) and inserting the following:

**''SEC. 6. COMPREHENSIVE PLANNING AND PROGRAMMING.**

''(a) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—The Secretary, in consultation with the National Energy Research Coordination Council established under section 18, shall submit to Congress, along with the annual submission of the budget by the President under section 1105 of title 31, United States Code, a comprehensive plan for energy research, development, and demonstration programs across the Federal Government.

''(2) RELATIONSHIP TO OTHER REVIEWS.—The plan—

''(A) shall be based on the most recent Quadrennial Energy Review prepared under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321); and

''(B) may take into account key energy developments since the most recent Quadrennial Energy Review.

''(3) REVISIONS.—The plan shall be appropriately revised annually in accordance with section 15(a).

''(4) GOALS.—The plan shall be designed to achieve solutions to problems in energy supply, transmission, and use (including associated environmental problems) in—

''(A) the immediate and short-term (the period up to 5 years after submission of the plan);

''(B) the medium-term (the period from 5 years to 15 years after submission of the plan); and

''(C) the long-term (the period beyond 15 years after submission of the plan).''; and

(2) in subsection (b), by striking ''(b)(1)'' and all that follows through the end of paragraph (1) and inserting the following:

''(b) DEPARTMENT OF ENERGY PROGRAM.—

''(1) PROGRAM.—

''(A) IN GENERAL.—Based on the comprehensive plan developed under subsection (a), the Secretary shall develop and submit to Congress, along with the annual budget submission for the Department, a detailed description of an energy research, development, and demonstration program to implement the aspects of the comprehensive plan appropriate to the Department.

''(B) UPDATES.—The program shall be updated and transmitted to Congress annually as a part of the report required under section 15.''.

(b) REPORTS.—Section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''this Act'' and inserting ''this Act and the plan under this Act'';

(B) in paragraph (2), by striking ''nuclear and nonnuclear''; and

(C) in paragraph (3), by striking ''nonnuclear'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''nonnuclear'' and inserting ''energy''; and

(B) in paragraph (1), by striking ''objections'' and inserting ''objectives''; and

(3) by striking subsection (c) and inserting the following:

''(c) ADMINISTRATION.—Section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; Public Law 104–66) shall not apply to this section.''.

**SEC. 3. COORDINATION AND REDUCTION OF DUPLICATION OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.**

The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.) is amended by adding at the end the following:

**''SEC. 18. COORDINATION AND REDUCTION OF DUPLICATION OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.**

''(a) DEFINITIONS.—In this section:

''(1) ANNUAL BUDGET SUBMISSION.—The term 'annual budget submission' means the budget proposal of the President transmitted under section 1105 of title 31, United States Code.

''(2) CHAIRPERSONS.—The term 'Chairpersons' means—

''(A) the Director of the Office of Science and Technology Policy; and

''(B) the Secretary.

''(3) COMPREHENSIVE PLAN.—The term 'comprehensive plan' means the comprehensive plan for energy research, development, and demonstration developed under sections 6(a) and 15(a).

''(4) COUNCIL.—The term 'Council' means the National Energy Research Coordination Council established under subsection (b).

''(5) ENERGY PROGRAM AGENCY.—The term 'energy program agency' means an executive department or agency for which the annual expenditure budget for energy research, development, and demonstration activities, including activities described in section 6(b), exceeds $10,000,000.

''(b) NATIONAL ENERGY RESEARCH COORDINATION COUNCIL.—

''(1) ESTABLISHMENT.—There is established within the Department a National Energy Research Coordination Council to coordinate the development and funding of energy research, development, and demonstration activities for all energy program agencies.

''(2) COMPOSITION.—The Council shall be composed of—

''(A) the Director of the Office of Science and Technology Policy and the Secretary, who shall jointly serve as Chairpersons of the Council;

''(B) the Director of the Office of Management and Budget;

''(C) the head of any energy program agency; and

''(D) such other officers or employees of executive departments and agencies as the President may, from time to time, designate.

''(c) NATIONAL ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM BUDGET.—

''(1) IN GENERAL.—The Chairpersons shall—

''(A) in coordination with the Council, establish for each fiscal year a consolidated budget proposal to implement the comprehensive plan, taking into account—

''(i) applicable recommendations of the National Academy of Sciences under this Act; and

''(ii) the need to avoid unnecessary duplication of programs across Federal agencies;

''(B) provide budget guidance, coordination, and review in the development of energy research, development, and demonstration budget requests submitted to the Office of Management and Budget by each energy program agency; and

''(C) submit to the President and Congress the consolidated budget proposal under subparagraph (A) as part of the annual budget submission.

''(2) TIMING AND FORMAT OF BUDGET REQUESTS.—The head of each energy program agency shall ensure timely budget development and submission to the Chairpersons of energy research, development, and demonstration budget requests, in such format as may be determined by the Chairpersons with the concurrence of the Director of the Office of Management and Budget.

''(d) COORDINATION OF IMPLEMENTATION.—The Chairpersons, in consultation with the Council, shall—

''(1) establish objectives and priorities for energy research, development, and demonstration functions under this Act;

''(2) review the implementation of the comprehensive plan in all energy program agencies;

''(3) make such recommendations to the President as the Chairpersons determine are appropriate regarding changes in the organization, management, and budgets of energy program agencies—

''(A) to implement the policies, objectives, and priorities established under paragraph (1) and the comprehensive plan; and

''(B) to avoid unnecessary duplication of programs across Federal agencies; and

''(4) notify the head of an energy program agency if the policies or activities of the energy program agency are not in compliance with the responsibilities of the energy program agency under the comprehensive plan.

''(e) REPORTS FROM THE NATIONAL ACADEMY OF SCIENCES.—

''(1) IN GENERAL.—The Secretary, in consultation with the Council, may enter into appropriate arrangements with the National Academy of Sciences under which the Academy shall prepare reports that evaluate and provide recommendations with respect to specific areas of energy research, development, and demonstration, including areas described in section 6(b) and fundamental science and engineering research supporting those areas.

''(2) SUBMISSION TO CONGRESS.—The Secretary shall submit to Congress a copy of each report prepared under this subsection.

''(f) INDEPENDENT ADMINISTRATION OF COUNCIL.—

''(1) LOCATION.—The physical location of the Council shall be separate and distinct from the headquarters of the Department.

''(2) BUDGET.—The Secretary shall submit the budget of the Council as a separate and distinct element of the budget submission of the Department for a fiscal year.

''(3) PERSONNEL.—

''(A) IN GENERAL.—The Secretary shall ensure that the Council has necessary administrative support and personnel of the Department to carry out this section.

''(B) COUNCIL PERSONNEL.—

''(i) IN GENERAL.—The Chairpersons shall select, appoint, employ, and fix the compensation of such officers and employees of the Council as are necessary to carry out the functions of the Council.

''(ii) AUTHORITY.—Each officer or employee of the Council—

''(I) shall be responsible to and subject to the authority, direction, and control of the Chairpersons, acting through an Executive Director appointed by the Chairpersons or the designee of the Executive Director; and

''(II) shall not be responsible to, or subject to the authority, direction, or control of, any other officer, employee, or agent of the Department or Office of Science and Technology Policy.

''(C) PROHIBITION ON DUAL OFFICE HOLDING.—An individual may not concurrently hold or carry out the responsibilities of—

''(i) a position within the Council; and

''(ii) a position within the Department or Office of Science and Technology Policy that is not within the Council.

''(g) GAO REVIEW OF EFFECTIVENESS OF COUNCIL.—Not later than 3 years after the date of enactment of this section and every 3 years thereafter, the Comptroller General of the United States shall submit to Congress a management assessment of the Council, including an assessment of whether the Council is—

''(1) adequately staffed with personnel with necessary skills;

''(2) properly coordinating and disseminating policy and budget information to the energy program agencies and managers on an effective and timely basis; and

''(3) aligning the overall energy research, development, and demonstration budget so as to achieve the comprehensive plan and avoid unnecessary duplication of programs across Federal agencies.''.

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By Mr. KERRY:

S. 1809. A bill To amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from liver cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, there is a silent epidemic in our country that today threatens the lives of more than 5 million Americans. Of those people afflicted with this disease, 150,000 will not survive this decade. In 2008 alone, an estimated 56,000 Americans were newly infected while as many as 75 percent of all infected people did not even know that they carried this disease. Without further preventative action, this growing health threat will only cost more lives and hundreds of billions in additional health care expenses. This ticking time bomb is viral hepatitis.

That is bad news. But there is also cause for hope.

Treatment already exists that can eradicate hepatitis C in close to 75 percent of people with the disease. Another treatment reduces the level of hepatitis B in over 80 percent of those treated. There has been a vaccine against hepatitis B for decades that has left millions immune to that strain of virus. We understand how viral hepatitis is spread, how it can be prevented, and how to test people for infection. There have just been a string of significant medical advances that will improve the effectiveness of viral hepatitis screening and treatment.

It is clear that we already have the tools at our disposal to prevent, treat, and control the vast majority of these infections, now what we need is a coordinated strategy to put these tools to work.

That is why I am introducing the Viral Hepatitis Testing Act of 2011, which appropriates $110 million over five years to improve education, testing, and care for viral hepatitis across Massachusetts and in local communities around the country. This legislation is a down-payment on a national effort to fight and ultimately eradicate hepatitis B and C in America. I hope

my colleagues on both sides of the aisle will join me in cosponsoring this effort.

Viral hepatitis is known as a silent killer because it can stay a-symptomatic for years before it leads to serious liver disease. It is the most common cause of liver cancer and yet doctors and patients alike are often largely uninformed about this disease. Hepatitis B is 100 times more infectious than HIV and has spread to an estimated 2 billion people worldwide while hepatitis C has reached about 170 million people. Chronic viral hepatitis is widespread and it is dangerous.

Last year, the Institute of Medicine released a report outlining a number of specific recommendations on how to combat viral hepatitis. To build on those recommendations, Assistant Secretary of Health Dr. Howard Koh convened a task force and developed a detailed, comprehensive action plan to combat the pervasive spread of this disease. These recommendations served as the foundation for the legislation I am proposing today.

As of today, there is no coordinated national strategy in place to fight viral hepatitis. The action plan put forward by Dr. Koh and his team seeks to rectify that problem by incorporating standardized viral hepatitis prevention and treatment programs into the health care infrastructure that already exists. The bill I introduced today would quickly implement a number of these programs and provides the Department of Health and Human Services with the resources to act.

The first step in prevention is determining who is infected with the virus so they can receive the appropriate care and will be less likely to pass on this disease to others. In order to determine the prevalence of the problem and to increase the number of people who are aware of their infection, The Viral Hepatitis Testing Act calls for HHS to work with the Center for Disease Control and Prevention, the Agency for Healthcare Research and Quality, and the Preventive Services Task Force to develop and implement effective surveillance and testing protocols. Whereas 75 percent of people carrying viral hepatitis today do not even know they are infected, improved testing could flip that disturbing statistic on its head in just 5 years.

It is also a sad reality that a number of minority populations are at greatly increased risk for contracting viral hepatitis. Asian-Americans and Pacific Islanders account for over half of chronic hepatitis B cases. African Americans, Latinos, and American Indians and Native Alaskans also have disproportionately high rates of these viruses. Additionally, without the proper preventative care, there is a high likelihood that pregnant women who carry the virus will pass it on to their unborn children.

For those reasons, the legislation I introduced today also focuses on screening and treating high-risk populations and pregnant mothers for viral hepatitis. Educational programs targeting high-risk groups will empower people to protect themselves from contracting hepatitis, and ensuring that people who have viral hepatitis receive the appropriate follow-up care will further help to prevent the spread of this epidemic.

Additionally, providing doctors with the proper training on the causes, symptoms, and treatments would also go a long way toward stemming the tide of transmission and improving outcomes for patients who have contracted the disease. This legislation makes supplemental viral hepatitis training for health care professionals a priority.

To do the things we need to do in order to save lives and control this deadly epidemic, we are going to have to make a relativelodest investment. The Viral Hepatitis Testing Act appropriates $110 million over 5 years that will go toward implementing the educational, screening, and treatment measures required under this act. Rather than creating a whole new hepatitis prevention apparatus, this funding will be used to integrate these new and improved procedures into the existing health care infrastructure through grants to public and nonprofit private entities, including States, Indian tribes, and public:private partnerships.

The human benefits of this legislation are undeniable—these provisions will reduce transmission, improve the quality of life for people with viral hepatitis, and prevent the deaths of countless mothers and fathers and children. It is also undeniable that this is a wise investment of resources and good policy. These investments are a classic case of using limited resources to maximum impact, as we invest a modest amount of money today in order to save lives, pain, and tens of billions of dollars tomorrow.

Today, hepatitis B costs patients around $2.5 billion per year. With baby boomers aging into Medicare and accounting for an estimated two out of every three cases of chronic hepatitis C, medical costs for treating this disease are expected to skyrocket from $30 billion to more than $85 billion in 2024. Late diagnosis is a significant driver of costs, as more expensive procedures and treatments are required the further the infection has progressed. To put this in even starker terms, the cost of the hepatitis B vaccine ranges from $75 to $165, while treatment can cost up to $16 thousand per year for a single person, or up to $110 thousand per hospital visit, should the disease develop into liver cancer.

Viral hepatitis is an increasingly significant issue for Massachusetts. The Department of Public Health reports over 2,000 cases of newly diagnosed chronic Hepatitis B infection and 8,000 to 10,000 cases of newly diagnosed chronic Hepatitis C infection each year. Viral hepatitis is the highest volume of reportable infectious diseases in the state. Additionally, there continues to be a striking increase in cases of hepatitis C infection among adolescents and young adults in the State, which suggests that there is a new epidemic of the disease taking hold.

Until recently, the Massachusetts State Legislature provided $1.4 million for surveillance to detect outbreaks and behaviors of concern as well as for targeted screening and treatment of high-risk populations. Today, however, as this public health threat spreads, all of that funding has been eliminated due to budget cuts. Massachusetts receives just $104,305 from the CDC for an Adult Viral Hepatitis Prevention Coordinator. This is a valuable position but it is not nearly enough to support core public health services. The Viral Hepatitis Testing Act will allow Massachusetts to invest in a sustainable infrastructure that would improve health care for our citizens.

The choice is ours: we can either invest in preventative programs and more robust screening now or we can just let this epidemic continue to proliferate around the country and foot the bill later for the expensive surgical procedures, medicines, and hospital bills that will only continue to grow.

Without action, thousands more Americans will die year from preventa seases. We know what we need to do; now it is up to us to do it. Let us not make excuses. Let us lower health care costs for American families, improve the quality o our care, and save lives. I again urge my colleagues to join me in cosponsoring this important legislation.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 310—DESIGNATING 2012 AS THE ''YEAR OF THE GIRL'' AND CONGRATULATING GIRL SCOUTS OF THE USA ON ITS 100TH ANNIVERSARY

Ms. MIKULSKI (for herself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 310

Whereas, for more than 100 years, Girl Scouts of the USA (referred to in this preamble as ''Girl Scouts'') has inspired girls to lead with courage, confidence and character;

Whereas the Girl Scout movement began on March 12, 1912, when Juliette ''Daisy'' Gordon Low (a native of Savannah, Georgia) organized a group of 18 girls and provided the girls with the opportunity to develop physically, mentally, and spiritually;

Whereas the goal of Daisy Low was to bring together girls of all backgrounds to develop self-reliance and resourcefulness, and to prepare each girl for a future role as a professional woman and active citizen outside the home;

Whereas, within a few years, there were nearly 70,000 Girl Scouts throughout the United States, including the territory of Hawaii;

Whereas Girl Scouts established the first troops for African-American girls in 1917 and the first troops for girls with disabilities in 1920;

Whereas today more than 50,000,000 women in the United States are alumnae of the Girl Scouts, and approximately 3,300,000 girls and adult volunteers are active members of the Girl Scouts;

Whereas Girl Scouts live in every corner of the United States, Puerto Rico, the territories of the United States, and more than 90 countries overseas;

Whereas Girl Scouts is the largest member of the World Association of Girl Guides and Girl Scouts, a global movement comprised of more than 10,000,000 girls in 145 countries worldwide;

Whereas the robust program of Girl Scouts helps girls develop as leaders and build confidence by learning new skills;

Whereas the award-winning Girl Scout Leadership Program helps each girl discover herself and her values;

Whereas the Girl Scout Leadership Program leadership model helps girls develop skills such as critical thinking, problem solving, cooperation and team building, conflict resolution, advocacy, and other important life skills;

Whereas core programs around Science, Technology, Engineering and Math (referred to in this preamble as ''STEM''), environmental stewardship, healthy living, financial literacy, and global citizenship help girls develop a solid foundation in leadership;

Whereas STEM programming, first introduced in 1913 with the ''electrician'' and ''flyer'' badges, offers girls of every age science, technology, engineering, and math activities that are relevant to everyday life;

Whereas the award-winning STEM program helps girls build strong, hands-on foundations to become future female leaders and meet the growing need for skilled science and technology professionals in the United States;

Whereas healthy living programs—

(1) help each Girl Scout build the skills necessary to maintain a healthy body, an engaged mind, and a positive spirit; and

(2) teach girls about fitness and nutrition, body image, self-esteem, and relational issues, especially bullying;

Whereas through the 100th Anniversary Take Action Project, ''Girl Scouts Forever Green'', Girl Scouts is honoring the commitment of Juliette Low to the outdoors by engaging families, friends, and communities to improve the environment and protect the natural resources of the United States;

Whereas the financial literacy programming of Girl Scouts, most notably the iconic Girl Scout Cookie Program, helps girls set financial goals and gain the confidence needed to ultimately take control of their own financial future;

Whereas the beloved tradition of the Girl Scout Cookie Program has a proven legacy in the United States, as more than 80 percent of highly successful businesswomen were Girl Scouts;

Whereas Girl Scouts has also helped millions of young girls become good global citizens through international exchanges, travel, ''take action'' and service projects, and newer programs such as ''twinning'' (where girls in the United States connect with girls in other countries) and virtual Girl Scout troops;

Whereas Girl Scouts has helped girls advance diversity in a multicultural world, connect with local and global communities, and feel empowered to make a difference in the world;

Whereas the Girl Scout Gold Award, the highest honor in Girl Scouting, requires a girl to make a measurable and sustainable difference in the community by—

(1) assessing a need;

(2) designing a solution;

(3) finding the resources and the support to implement the solution;

(4) completing the project; and

(5) inspiring others to sustain the project;

Whereas the Gold Award honors leadership in the Girl Scout tradition because Gold Award recipients have already changed the world as high school students;

Whereas two-thirds of the most accomplished women in public service in the United States were Girl Scouts;

Whereas research by Girl Scouts shows that Girl Scouts alumnae—

(1) have a positive sense of self;

(2) are engaged in community service;

(3) are civically engaged;

(4) have attained high levels of education; and

(5) are successful according to many economic indicators;

Whereas, in addition to the outstanding programs that Girl Scouts offers, Girl Scouts has evolved into the premier expert on the healthy growth and development of girls;

Whereas, since the founding of the Girl Scout Research Institute in 2000, the Institute has become an internationally recognized center for original research, research reviews, and surveys that provide significant insights into the lives of girls;

Whereas the research conducted by Girl Scouts not only informs Girl Scout program development and delivery, but also helps bring the voice of girls to key issues in the public sphere;

Whereas, by bringing greater attention to the health, education, and developmental needs of girls, Girl Scouts provides a voice for girls with policymakers, business leaders, educators, and all other stakeholders who care about the healthy growth and development of girls;

Whereas Girl Scouts ensures that issues such as STEM education, bullying prevention, unhealthy perceptions of beauty as portrayed by the media, and many other important issues—

(1) are brought to the attention of the public; and

(2) are addressed through public policy at the national, State, and local levels; and

Whereas Girl Scouts of the USA is recognizing its 100th anniversary by designating 2012 as the ''Year of the Girl'': Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the importance of empowering girls to lead with courage, confidence, and character;

(2) congratulates Girl Scouts of the USA on its 100th anniversary; and

(3) designates 2012 as the ''Year of the Girl''.

Ms. COLLINS. Mr. President, I rise today to join Senator MIKULSKI in submitting a resolution honoring the 100th anniversary of Girl Scouting. In March of 2012, the Girl Scouts of America will celebrate a century as the world's preeminent organization dedicated solely to helping young women develop the character and skills for future success.

The Girl Scouts have a tremendous history that should be celebrated and remembered. Since this organization was founded in 1912 in by Juliette Gordon Low, more than 50 million American girls have learned the values of integrity, leadership, and volunteerism. Today, there are more than 3.7 million members in 236,000 local troops throughout the United States and its territories, Girls Scouts has a global reach, with more than 10 million members in 145 countries. As the program continues to inspire, challenge, and empower young women across our Nation and around the world, its members are seeking to come together and recognize its 100th year of creating challenges, opportunities, and unforgettable memories.

In 2009, I introduced the Girl Scouts USA Centennial Commemorative Coin Act with Senator MIKULSKI. Our bill, which passed both the House and Senate unanimously and was signed into law by the President, directs the Secretary of the Treasury to mint commemorative silver-dollar coins, which will be issued in 2013. Proceeds from the coin sales will benefit the Girl Scouts Centennial Year activities and the preservation of the Juliette Gordon Low Birthplace so that future generations of Girl Scouts will be able to pay tribute to the history of this notable organization.

With more than 16,000 girl and adult members, Girl Scouts of Maine is my State's preeminent organization dedicated solely to girls, all girls, where, in an accepting and nurturing environment, girls build the character and skills for success that last a lifetime. I thoroughly enjoyed my years as a Girl Scout in my hometown of Caribou, ME, including the two summers I spent at Camp Natarswi, so it gives me great pleasure to join in celebrating this important anniversary. On behalf of Girl Scouts in Maine and across America, I am pleased to introduce this resolution in celebration of 100 years of Girl Scouting.

## SENATE RESOLUTION 311—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 311

*Resolved*, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 250 additional copies of such document for the use of the Committee on Rules and Administration.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 922. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 923. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. TOOMEY)) proposed an amendment to the bill 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.

## TEXT OF AMENDMENTS

**SA 922.** Mr. CARDIN submitted an amendment intended to be proposed by

him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

**SEC. _____. WATER INFRASTRUCTURE JOBS AMENDMENT.**

(a) FINDINGS.—Congress finds that—

(1) the State water pollution control and State drinking water revolving funds create jobs, repair crumbling infrastructure, and protect public health;

(2) the State water pollution control and State drinking water revolving funds invest in short- and long-term improvements in communities across the United States, providing significant environmental, economic, and public health benefits;

(3) the water infrastructure of the United States is approaching a tipping point, as each day, the poor condition of water infrastructure of the United States results in significant losses and damage from broken water and sewer mains, sewage overflows, and other negative impacts of a water infrastructure system that is nearing the end of the useful life cycle of the system;

(4) the most recent infrastructure report card of the American Society of Civil Engineers gave the water infrastructure of the United States a D-, the lowest of any category;

(5) the Environmental Protection Agency estimates for the next 20 years put wastewater needs at $187,900,000,000 and drinking water needs at $334,800,000,000;

(6) investments in water infrastructure provide significant economic benefits and enjoy a strong return on investment;

(7) the United States Conference of Mayors notes that each public dollar invested in water infrastructure increases private, long-term Gross Domestic Product output by $6.35;

(8) The National Association of Utility Contractors estimates that $1,000,000,000 of water infrastructure investment can create more than 26,000 jobs; and

(9) the Department of Commerce estimates that each job created in the local water and sewer industry creates 3.68 jobs in the national economy, and each public dollar spent yields $2.62 in economic output in other industries.

(b) CAPITALIZATION GRANTS.—Of the total amount made available by this Act, 4 percent shall be made available to the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') to establish water infrastructure grants, of which—

(1) ⅔ shall be for capitalization grants for State water pollution control revolving funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); and

(2) ⅓ shall be for capitalization grants for State drinking water treatment revolving loan funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(c) FEDERAL SHARE.—Notwithstanding section 202 and paragraphs (2) and (3) of section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1282, 1382(b)) and section 1452(e) of the Safe Drinking Water Act (42 U.S.C. 300j–12(e)), the Federal share of the costs of a grant under this section shall be 90 percent.

(d) AVAILABILITY.—

(1) IN GENERAL.—The amounts made available to the Administrator under this section shall be available for obligation until the date that is 2 years after the date of the enactment of this Act.

(2) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall obligate not less than 50 percent of the amounts made available under this section.

(e) USE OF AMOUNTS.—

(1) PRIORITY.—The Administrator shall only make a grant available under this section for projects that are on a State priority list and ready to proceed to construction not later than 1 year after the date of enactment of this Act.

(2) TRANSFER OF FUNDS.—Notwithstanding section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383), the Governor of a State may—

(A) reserve an amount equal to not more than the greater of—

(i) 33 percent of a capitalization grant made under this section; and

(ii) 33 percent of a capitalization grant made under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); and

(B) add the reserved funds to any funds provided to the State under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(3) GREEN PROJECTS.—To the extent there are sufficient eligible project applications, not less than 20 percent of the funds made available under this section to State water pollution control revolving funds, and not less than 10 percent of the funds made available under this section to State drinking water treatment revolving funds, shall be for projects that address—

(A) watershed restoration;

(B) green infrastructure, including through the use of watershed-based environmental management approaches;

(C) water or energy efficiency improvements; or

(D) other environmentally innovative activities.

(4) TRIBAL GRANTS.—Notwithstanding section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)), the Administrator shall reserve not less than 1.5 percent of the amounts made available under this section to carry out that section.

(5) ADMINISTRATIVE EXPENSES.—The Administrator may retain up to .15 percent of the amounts made available under this section for management and oversight purposes.

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**SA 923.** Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. TOOMEY)) proposed an amendment to the bill 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; as follows:

At the end, add the following:

**SEC. 7. VESSEL DOCUMENTATION EXEMPTION.**

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) LNG GEMINI (United States official number 595752).

(2) LNG LEO (United States official number 595753).

(3) LNG VIRGO (United States official number 595755).

(b) LIMITATION ON OPERATION.—Coastwise trade authorized under subsection (a) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(c) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under subsection (a) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

**SEC. 8. OPERATION OF DRY DOCK IN KETCHIKAN, ALASKA.**

A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage located in Ketchikan, Alaska.

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## NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to the nomination of Jessica Rosenworcel and Ajit Pai to be commissioners on the Federal Communications Commission, dated November 3, 2011.

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## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will hold a business meeting on Thursday, November 10, 2011 at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending calendar business.

For further information, please contact Sam Fowler at (202) 224–7571 or Allison Seyferth at (202) 224–4905.

### 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 hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, November 17, 2011, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the Secretary of the Interior's Order No. 3315 to Consolidate and Establish the Office of Surface Mining Reclamation and Enforcement within the Bureau of Land Management.

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 should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact Patricia Beneke (202) 224–5451 or Jake McCook (202) 224–9313.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on November 3, 2011, at 10 a.m., to conduct a hearing entitled ''Empowering and Protecting Servicemembers, Veterans and their Families in the Consumer Financial Marketplace.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 3, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 3, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 3, 2011, at 9 a.m., to conduct a hearing entitled, ''Excessive Speculation and Compliance with the Dodd-Frank Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT—S.J. RES. 6 AND S.J. RES. 27

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Republican leader or his designee be recognized to move to proceed to the consideration of S.J. Res. 6, a joint resolution disapproving a rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices; that there be up to 4 hours of debate on the motion to proceed, with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then the time for debate with respect to the joint resolution be equally divided between the two leaders or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to vote on passage of the joint resolution; finally, that all other provisions of the statute governing consideration of the joint resolution remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the order with respect to S.J. Res. 6 also apply to S.J. Res. 27, with the only exception being 2 hours of debate equally divided between the two leaders or their designees prior to a vote on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DISCHARGE PETITIONS (S.J. RES. 6 AND S.J. RES. 27)

S.J. RES. 6

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Commerce, Science, and Transportation be discharged of further consideration of S.J. Res. 6, a resolution on providing for congressional disapproval of a rule submitted by the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Kay Bailey Hutchison, Marco Rubio, Richard Burr, Thad Cochran, John Cornyn, Jon Kyl, Lamar Alexander, Ron Johnson, Mike Lee, Kelly Ayotte, Roy Blunt, Richard G. Lugar, Mitch McConnell, Johnny Isakson, Mike Johanns, Susan M. Collins, Roger F. Wicker, Richard C. Shelby, John McCain, James E. Risch, John Barrasso, Michael B. Enzi, John Boozman, Pat Roberts, Patrick Toomey, Lisa Murkowski, Jim DeMint, David Vitter, Bill Nelson, James M. Inhofe, Olympia J. Snowe, Orrin G. Hatch, Daniel Coats, Mark Kirk, Dean Heller, Mike Crapo, Rand Paul, John Thune, Jeff Sessions, Saxby Chambliss, John Hoeven, Rob Portman.

S.J. RES. 27

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct the Senate Committee on Environment and Public Works be discharged of further consideration of S.J. Res. 27, a resolution on providing for congressional disapproval of a rule submitted by the Environmental Protection Agency related to mitigation by States of cross-border air pollution under the Clean Air Act.

Rand Paul, David Vitter, Ron Johnson, James Risch, John Barrasso, John Thune, Roy Blunt, Orrin Hatch, Pat Roberts, John Boozman, John Cornyn, Jim DeMint, Mike Lee, Saxby Chambliss, Tom Coburn, Kay Bailey Hutchison, John McCain, Richard Burr, Jon Kyl, Chuck Grassley, Roger F. Wicker, Marco Rubio (FL), James Inhofe, Patrick J. Toomey, Thad Cochran, Jeff Sessions, John Hoeven, Johnny Isakson, Mitch McConnell, Lindsey Graham, Mike Johanns, Michael B. Enzi, Jerry Moran, Mike Crapo, Richard Shelby.

## 3% WITHHOLDING REPEAL AND JOB CREATION ACT—MOTION TO PROCEED

Mr. REID. Madam President, I move to proceed to Calendar No. 212, H.R. 674.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to H.R. 674, a bill to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 212, H.R. 674, an act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care related programs, and for other purposes.

Harry Reid, Christopher A. Coons, Joe Manchin III, Kay R. Hagan, Dianne Feinstein, Benjamin L. Cardin, Al Franken, Mark Begich, Mark R. Warner, Jeff Bingaman, Tom Udall, Amy Klobuchar, Jeanne Shaheen, Barbara A. Mikulski, Kent Conrad, Michael F. Bennet, Patty Murray.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 415; that the nomination be confirmed with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination 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 nomination considered and confirmed is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam 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 Calendar No. 405; that there be 15 minutes for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar No. 405; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UINTAH WATER CONSERVANCY DISTRICT PREPAYMENT ACT

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to Calendar No. 211.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 818) to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 818) was ordered to a third reading, was read the third time, and passed.

## ASIA-PACIFIC ECONOMIC 21 COOPERATION BUSINESS TRAVEL CARDS ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to S. 1487, Calendar No. 216.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1487) 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.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on Homeland Security and Governmental Affairs, with an amendment to strike out all after the enacting clause and insert the following:

S. 1487

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011''.*

***SEC. 2. ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS.***

*(a) IN GENERAL.—During the 7-year period ending on September 30, 2018, the Secretary of Homeland Security, in coordination with the Secretary of State, is authorized to issue Asia-Pacific Economic Cooperation Business Travel Cards (referred to in this section as ''ABT Cards'') to any eligible person, including business leaders and United States Government officials who are actively engaged in Asia-Pacific Economic Cooperation business. An individual may not receive an ABT Card under this section unless the individual has been approved and is in good standing in an international trusted traveler program of the Department of Homeland Security.*

*(b) INTEGRATION WITH EXISTING TRAVEL PROGRAMS.—The Secretary of Homeland Security may integrate application procedures for, and issuance, suspension, and revocation of, ABT Cards with other appropriate international trusted traveler programs of the Department of Homeland Security.*

*(c) COOPERATION WITH PRIVATE ENTITIES.—In carrying out this section, the Secretary of Homeland Security may consult with appropriate private sector entities.*

*(d) RULEMAKING.—The Secretary of Homeland Security, in coordination with the Secretary of State, may prescribe such regulations as may be necessary to carry out this section, including regulations regarding conditions of or limitations on eligibility for an ABT Card.*

*(e) FEE.—*

*(1) IN GENERAL.—The Secretary of Homeland Security may—*

*(A) prescribe and collect a fee for the issuance of ABT Cards; and*

*(B) adjust such fee to the extent the Secretary determines to be necessary to comply with paragraph (2).*

*(2) LIMITATION.—The Secretary of Homeland Security shall ensure that the total amount of the fees collected under paragraph (1) during any fiscal year is sufficient to offset the direct and indirect costs associated with carrying out this section during such fiscal year, including the costs associated with establishing the program.*

*(3) ACCOUNT FOR COLLECTIONS.—There is established in the Treasury of the United States an ''APEC Business Travel Card Account'' into which the fees collected under paragraph (1) shall be deposited as offsetting receipts.*

*(4) USE OF FUNDS.—Amounts deposited into the APEC Business Travel Card Account—*

*(A) shall be credited to the appropriate account of the Department of Homeland Security for expenses incurred in carrying out this section; and*

*(B) shall remain available until expended.*

*(f) TERMINATION OF PROGRAM.—The Secretary of Homeland Security, in coordination with the Secretary of State, may terminate activities under this section if the Secretary of Homeland Security determines such action to be in the interest of the United States.*

Mr. REID. I ask unanimous consent the committee-reported substitute be agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1487), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## AMERICA'S CUP ACT OF 2011

Mr. REID. I now ask unanimous consent the Senate proceed to Calendar No. 218, S. 1759.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (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.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask the Feinstein amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be made and laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 923) was agreed to, as follows:

(Purpose: To authorize issuance of certificates of documentation authorizing certain vessels to engage in coastwise trade in the carriage of natural gas)

At the end, add the following:

**SEC. 7. VESSEL DOCUMENTATION EXEMPTION.**

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) LNG GEMINI (United States official number 595752).

(2) LNG LEO (United States official number 595753).

(3) LNG VIRGO (United States official number 595755).

(b) LIMITATION ON OPERATION.—Coastwise trade authorized under subsection (a) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(c) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under subsection (a) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

**SEC. 8. OPERATION OF DRY DOCK IN KETCHIKAN, ALASKA.**

A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage located in Ketchikan, Alaska.

The bill (S. 1759), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 1759

*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 ''America's Cup Act of 2011''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) 34TH AMERICA'S CUP.—The term ''34th America's Cup''—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA'S CUP RACE MANAGEMENT.—The term ''America's Cup Race Management'' means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term ''Eligibility Certification'' means a certification issued under section 4.

(4) ELIGIBLE VESSEL.—The term ''eligible vessel'' means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b)) of title 46, United States Code;

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term ''supporting vessel'' means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

**SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.**

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

**SEC. 4. CERTIFICATION.**

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

**SEC. 5. ENFORCEMENT.**

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

**SEC. 6. PENALTY.**

Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

**SEC. 7. VESSEL DOCUMENTATION EXEMPTION.**

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) LNG GEMINI (United States official number 595752).

(2) LNG LEO (United States official number 595753).

(3) LNG VIRGO (United States official number 595755).

(b) LIMITATION ON OPERATION.—Coastwise trade authorized under subsection (a) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(c) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under subsection (a) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

**SEC. 8. OPERATION OF DRY DOCK IN KETCHIKAN, ALASKA.**

A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage located in Ketchikan, Alaska.

## AUTHORIZING PRINTING OF A COLLECTION OF RULES OF THE COMMITTEES OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Res. 311.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 311) to authorize the printing of a collection of the rules of the committees of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 311) as agreed to, reads as follows:

S. RES. 311

*Resolved,* That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 250 additional copies of such document for the use of the Committee on Rules and Administration.

## MEASURES READ THE FIRST TIME—H.R. 1070 and H.R. 1965

Mr. REID. Madam President, there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title.

The legislative clerk read as follows:

A bill (H.R. 1070) 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 bill (H.R. 1965) to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

Mr. REID. Madam President, I now ask for a second reading of these two bills, but I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

## ORDERS FOR MONDAY, NOVEMBER 7, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 2 p.m., Monday, November 7, 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 will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate will resume consideration of the motion to proceed to H.R. 674, the 3 Percent Withholding Repeal and Job Creation Act, with 30 minutes of debate, equally divided and controlled between Senators BAUCUS and HATCH or their designees; further, that the cloture vote with respect to the motion to proceed to H.R. 674 occur at 5:30 p.m., on Monday, November 7, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Madam President, the next rollcall vote will be at 5:30 p.m., on Monday, on the motion to invoke cloture on the motion to proceed to H.R. 674.

## ADJOURNMENT UNTIL MONDAY, NOVEMBER 7, 2011, AT 2 P.M.

Mr. REID. Madam 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 6:43 p.m., adjourned until Monday, November 7, 2011, at 2 p.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate November 3, 2011:

### THE JUDICIARY

SCOTT WESLEY SKAVDAHL, OF WYOMING, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF WYOMING.

RICHARD G. ANDREWS, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE.

### EXECUTIVE OFFICE OF THE PRESIDENT

ALAN B. KRUEGER, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

# EXTENSIONS OF REMARKS

## CONGRATULATING FORMER STATE SENATOR WALTER JOHN CHILSEN ON HIS MANY YEARS OF SERVICE TO THE CITIZENS OF THE STATE OF WISCONSIN

### HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. DUFFY. Mr. Speaker, I rise today to offer congratulations to former State Senator Walter John Chilsen on his many years of service to the citizens of the State of Wisconsin.

Walter John is a World War II veteran, serving as a B–24 navigator in the Pacific. He graduated from Lawrence University in Appleton, Wisconsin, in 1949, and began his career in radio and television broadcasting at WLIN radio in Merrill, Wisconsin.

In 1954 he moved to WSAU radio in Wausau and was the first News Director and Anchor for WSAU–TV when it signed–on the air in October of 1954. Often referred to as ''the Walter Cronkite of the North,'' Walter John was inducted into the Wisconsin Broadcasters Association Hall of Fame in 2005. Walter John was elected to the Wisconsin State Senate in 1966 and served until his retirement in 1990.

During his time in the Wisconsin State Legislature, he established a reputation for his commonsense approach to public policy and for always acting in the best interest of his constituents. He was recognized as a leader by his colleagues, serving as Majority Caucus Secretary, Assistant Minority Leader and, ultimately, Minority Leader. Walter John has remained politically active since his retirement from the Legislature, serving on the Town of Weston Board of Supervisors. In many ways, Walter John has been and continues to be the political conscience of the Wausau area.

Again, Mr. Speaker, I am pleased to recognize the many contributions former State Senator Walter John Chilsen has made on behalf of his fellow citizens, and I ask my colleagues to join me in offering him our best wishes.

## KATE PUZEY PEACE CORPS VOLUNTEER PROTECTION ACT OF 2011

SPEECH OF

### HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 1, 2011*

Ms. TSONGAS. Mr. Speaker, I was unavoidably detained attending a funeral on November 1, 2011 and was unable to cast a vote for the Kate Puzey Peace Corps Volunteer Protection Act, a bill which I strongly endorse. Had I been present, I would have voted for it on rollcall Vote 817.

I strongly support the Peace Corps program. My late husband Paul Tsongas served as a Peace Corps volunteer in Ethiopia from 1962–1964, and as Peace Corps Country Director in the West Indies in 1967 and 1968. He went on to become the first former Peace Corps volunteer to be elected to the U.S. Senate. Our daughter Ashley served as a Peace Corps volunteer in Madagascar.

Peace Corps volunteers brave many challenges during their service. That is why I was proud to be an early supporter of the Kate Puzey Peace Corps Volunteer Protection Act, which strengthens the Peace Corps and ensures that volunteers have the support and resources they need. Volunteers deserve to be treated with dignity, empowerment, and respect in the event that they are a victim of a crime like sexual assault. And, addressing these challenges will strengthen the Peace Corps as an institution and make it a program in which more Americans will want to participate.

One of the challenges when confronting this crime is that victims of sexual assault often face blame for their victimization. This is one of very few crimes, if not the only crime, where a victim's intentions and actions are scrutinized and questioned following an assault. To address this, the Kate Puzey Peace Corps Volunteer Protection Act requires the Peace Corps to create a sexual assault response team and guarantees that victims have access to a Victim Advocate. It further requires that volunteers be fully informed of their rights to file a report, for treatment, for a forensic evidence examination, for emergency health treatment, and for legal representation. The Peace Corps has already acted proactively to address many of these issues. This Act further codifies these reforms.

We owe a great debt to anyone who is harmed while serving our country. We may never be able to eradicate crimes in other countries where our volunteers work, but we can change the way our institutions respond to them. These improvements will strengthen the Peace Corps and guarantee its success for years to come.

## IN HONOR OF THE RIVERDALE COMMUNITY CENTER

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. ENGEL. Mr. Speaker, neighborhoods become true communities when people band together for their common good. In Riverdale this happened when the Riverdale Community Center, a non-profit, grass roots, multi-cultural, multi-service agency was founded in 1972 by the Parents' Association and principal of MS/HS 141, Riverdale Kingsbridge Academy, the school where it is located.

Since then the RCC has provided cultural, recreational, academic and developmental activities for area residents and students with many youth programs provided at no cost through the generosity of state and city government agencies, private foundations, individual donors and elected officials. Each year, more than 1,000 children, teens, adults and seniors enjoy activities at the Center.

Among the programs offered are an adult and youth education center with classes in wellness, languages, life skills, leisure activities, and arts and music among many others; after school programs for middle schools, including a comprehensive, holistic program that focuses on the whole child and assists young people in developing a sense of competence, usefulness, belonging, and empowerment; and for high school they have programs designed to help teens stay in school and on track towards graduation; a teen theater, teen action programs offering young people the opportunity to make a difference in their school and their community; and a career readiness workshop teaching valuable life skills that help students identify careers interests.

RCC's primary mission today is the same as when it was founded: To provide within the community cultural, recreational, and developmental activities and entertainment, instruction, athletics, sports and other wholesome activities for children and adults, under supervision and guidance in order to aide and maintain the physical and mental health of the people in the community, as a basis and preventative means of combating delinquency and as a means of bringing people together under proper supervision in appropriate surroundings.

The RCC is hugely successful in fulfilling its mission by contributing so much for so long to the community. I enthusiastically join in congratulating this fine organization on its fortieth anniversary for the many and varied contributions it has made to the community, and wish it many more years of success.

## IN HONOR OF WARREN EJIMA, TOM FUJIMOTO, ASA HANAMOTO, MAS HASHIMOTO, HIROSHI ITO, THOMAS SAKAMOTO, AND MARVIN IRATSU

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. FARR. Mr. Speaker, I rise today to recognize Warren Ejima, Tom Fujimoto, Asa Hanamoto, Mas Hashimoto, Hiroshi Ito, Thomas Sakamoto, and Marvin Iratsu for their courageous service to our nation during World War II as part of the Military Intelligence Service, MIS.

Established on November 1, 1941, MIS graduated 6,000 service members during World War II to provide critical Japanese language capabilities to the American military. These brave servicemen and women provided translation, interpretation and code breaking services in the essential Pacific Theater, which contributed significantly to our nation's victory.

Primarily comprised of Nisei, second-generation Japanese-Americans who faced crushing prejudice and discrimination in the United States at the same time many of their family members were serving their country; this exceptional group has received honors and commendations of the highest level. In 2000, the Military Intelligence Service received the Presidential Unit Citation, the highest possible honor for a military unit, and in 2010 the 6,000 graduates of the MIS were awarded the Congressional Gold Medal, the highest civilian award given in this country. The Gold Medal ceremony conferring this honor was held this week in the U.S. Capitol and was attended by many of these courageous men. At the end of the war, General Charles Willoughby, Chief of Staff for Military Intelligence under General MacArthur, said that ''The Nisei shortened the Pacific War by two years and saved possibly a million American lives and saved probably billions of dollars'' during the conflict.

Initially run out of an airplane hangar on Crissy Field in San Francisco, the Military Intelligence Service was forced to relocate to Camp Savage in Minnesota in 1942 after President Roosevelt ordered the relocation of Japanese on the West Coast into internment camps. The language school continued to grow rapidly from its base at Camp Savage, and by 1944 had moved again, to Fort Snelling in St. Paul, to accommodate its increasing enrollment. After the war ended the MIS moved to the Presidio in Monterey, California, where it continued to provide essential language services to the Department of Defense.

By the 1970s the Military Intelligence Service's name had been changed to the Defense Language Institute, and all of the Department of Defense language programs were consolidated to the Monterey location. From there the program grew into the Defense Language Institute Foreign Language Center, which celebrates its 70th anniversary on November 5, 2011 with a ball in Monterey.

Mr. Speaker, I am honored to be paying tribute to this outstanding group of Japanese Americans who selflessly served our nation during World War II. I know I speak for the entire House of Representatives in honoring these heroes.

## COMMEMORATING 25TH ANNIVERSARY OF THE BARBARA SINATRA CHILDREN'S CENTER

### HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mrs. BONO MACK. Mr. Speaker, I rise today to pay tribute to a truly remarkable woman and dear friend, Mrs. Barbara Sinatra; and to celebrate the enduring legacy of one of her greatest achievements: The Barbara Sinatra Children's Center in Rancho Mirage, California.

One of the Coachella Valley's—and indeed the world's—most revered couples, Frank and Barbara Sinatra founded the Children's Center at the Eisenhower Medical Center in 1986, and this year the Center celebrates its 25th anniversary. On behalf of the people of the 45th Congressional District, I extend my most heartfelt congratulations on this momentous occasion.

Barbara Sinatra is beloved in our community for her caring and personal nature. Well known as someone who is just as comfortable running errands around town or attending charity galas with celebrity friends, Barbara Sinatra is a community treasure, and I am privileged to have this opportunity to call attention to one of the great women of our time and her signature cause.

Dedicated to improving the health and wellness of children who have suffered from child abuse and neglect or who are considered at risk, the Barbara Sinatra Center serves today as a shining example for the rest of the world to follow. The Center exists to benefit children of all walks of life, but the majority of those served are the ones who are most in need due to either their economic or family circumstances. By their own estimates, more than 86% of the children who benefit from the Center's services are below the federal poverty line. Having established the popular ''Bosley the Bear'' method of abuse education for young children, the Center is well regarded for its innovative approach to empowering kids to recognize dangerous situations and learn how to protect themselves.

Barbara Sinatra earned respect throughout the world for her commitment to ending abuse of our society's most vulnerable members. As the spouse of one of the world's most famous entertainers, Barbara Sinatra used her considerable talents to help children in need and has literally devoted her life to this critically important mission. Her work has been praised as groundbreaking and effective, and the Center enjoys remarkable support from the community and the families it has assisted over the more than two decades it has been in operation.

The list of philanthropists and abuse professionals who sing the praises of the Barbara Sinatra Children's Center is long and illustrious. At the 25th Anniversary Gala being celebrated this month, two such supporters will be recognized for their contributions to the Center—co-founders Helene Galen and Nelda Linsk.

Helene Galen is widely recognized as a leader in the philanthropic community, and a driving force behind countless worthwhile and charitable causes. Her support as a co-founder and President of the Children's Center Board of Directors has been invaluable and provides the Center with organizational and fundraising guidance that only someone of Galen's stature and expertise could impart.

Well respected in the desert community for her business acumen and commitment to helping others, Nelda Linsk has also been there from the beginning. Ms. Linsk joined Barbara Sinatra in recognizing the need for building self-esteem among victims of abuse, and her passion for helping others by sharing from her personal experience and her generous financial support helped make the difference in the evolution of the center from a local resource to a world-class treatment facility.

Of course, none of this would have been possible without the drive, determination and devotion of Barbara Sinatra. Before Barbara Sinatra, Helene Galen and Nelda Linsk established the Children's Center, child abuse was rarely discussed and there was little understanding of the causes and means to prevent this devastating behavior.

The lives of countless families, most importantly the children themselves, have been forever altered due to the tireless commitment and generous contributions made by these caring and unselfish women. Under Barbara Sinatra's leadership, the Center has made a difference in our community and throughout the world. No longer is child abuse discussed only in hushed conversations and hidden from the light of day, due largely to their groundbreaking work, new treatments and strategies are being developed that will hopefully reduce this most heinous form of abuse.

I am deeply honored not only to call Barbara, Helene and Nelda my friends, but also to serve as their representative in Congress and to have this opportunity to call attention to their great work and the Center's ongoing mission.

Mr. Speaker, I ask all Members to join me in recognizing Barbara Sinatra Children's Center on the occasion of its 25th anniversary, and wishing Mrs. Sinatra and the Center another 25 years of service to these most vulnerable members of our community.

## ECKERD COLLEGE SEARCH AND RESCUE TEAM CELEBRATES 40 YEARS OF OUTSTANDING SERVICE

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. YOUNG of Florida. Mr. Speaker, I rise to recognize the 40th Anniversary of the Eckerd College Search and Rescue (EC–SAR) team, one of the most unique and successful programs of its kind anywhere in our nation.

It is a privilege for me to represent Eckerd College and to have seen first hand the outstanding work of the students, faculty and staff who run the search and rescue program. Eckerd is a beautiful small private waterfront college with not only a tremendous academic reputation but also one as a leader in water sports and water activities.

The Search and Rescue Program was started by a group of students in 1971 to provide safety services for the college's water sports activities. By 1977, the program had become so successful and had attracted so much interest that it expanded to provide routine and emergency search and rescue services to the Tampa Bay boating community. Since then, the students; who are trained in technical rescue, boating safety, seamanship, searching, fire fighting, de-watering, navigation, medical response, and piloting rescue vessels; have worked side by side with the United States Coast Guard and a multitude of state and local agencies to save lives and rescue stranded boaters. In fact, the Eckerd Search and Rescue team was one of the first units to respond to a disastrous shipping accident in 1980 which destroyed one span of the massive Sunshine Skyway Bridge.

Mr. Speaker, the students and staff of Eckerd College give back to our community many times over through this superb program. They receive and respond to more than 500 calls per year and throughout the program's history have handled over 15,000 calls for assistance. This weekend, many of the program's organizers and volunteers from the past 40 years will gather to celebrate the history and accomplishments of this unique and

valuable program. It is my hope that my colleagues in the House will join me in saying thank you to all those who have been a part of the Eckerd College Search and Rescue program for a job well done.

## TRIBUTE TO HOWARD WOLPE

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I pay tribute to the life of one of my House colleagues, Howard Wolpe. Congressman Wolpe was a former chair of the U.S. House of Representatives Africa Subcommittee and senior adviser for Africa to two Democratic presidents, who died last week at his home in Saugatuck, Michigan.

Congressman Wolpe, who represented Michigan in Congress from 1979–1992, was a leading anti-apartheid campaigner and advocate for Africa. As Subcommittee chair for 10 years, he sponsored the Comprehensive Anti-apartheid Act of 1986, which imposed sanctions against South Africa, and passed despite President Ronald Reagan's veto. Congressman Wolpe also spearheaded a comprehensive overhaul of American assistance to Africa, winning passage of the African Famine Recovery and Development Act and creating the African Development Foundation.

Congressman Wolpe also served as President Bill Clinton's special envoy to Africa's Great Lakes Region. He helped mediate an end to conflicts in Burundi and the Democratic Republic of the Congo, which killed and uprooted large numbers of civilians. He served as director of the Africa Program at the Woodrow Wilson International Center for Scholars and returned to government service as special adviser to President Barrack Obama.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Congressman Wolpe. I appreciate his dedication to this nation and to the peace in Africa. He will truly be missed.

## PERSONAL EXPLANATION

### HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. RENACCI. Mr. Speaker, on rollcall No. 817, due to flight cancelation and subsequent delay traveling to Washington from my District, I was unable to vote. Had I been present, I would have voted "yea."

## CONGRATULATIONS PRESIDENT-ELECT ROSEN PLEVNELIEV

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to congratulate President-Elect Rosen Plevneliev who was declared the winner of Bulgaria's presidential election on Monday in an outcome that now gives his party control over all major government posts and will bolster its push for painful economic reforms, according to The Washington Examiner.

President-Elect Plevneliev won Sunday's contest with 52.56 percent of the vote, according to the Central Election Commission in its final tally. It said the turnout was 48 percent.

Most of the power in the Balkan country of 7.4 million people rests with Prime Minister Boiko Borisov and Parliament, but the president leads the armed forces and can veto legislation and sign international treaties. He also names ambassadors and the heads of the intelligence and security services.

The governing GERB party now controls Bulgaria's top two executive positions and Parliament.

President-Elect Plevneliev, 47, is a former entrepreneur who has been lauded for pushing through several large-scale infrastructure projects as regional development minister. He has been a member of the board of directors of the American Chamber of Commerce (AmCham). He has pledged to reduce the budget deficit and pursue business-friendly policies. He also said he would do his best to unite Bulgarians in pursuit of reforms in the judicial and health care systems, while diversifying energy supplies and improving trade.

President-Elect Plevneliev will take office on January 23. He will replace President Georgi Parvanov, who was barred by law from seeking re-election because he had served two five-year terms.

The center-right GERB party also scored victories in the run-off elections for local mayors in most of Bulgaria's big cities, including in the capital, Sofia.

Congratulations President-Elect Plevneliev and best wishes for success in serving the people of Bulgaria which is a valued partner of America.

## SUPPORT OF H.R. 2940 AND H.R. 2930

### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a proud supporter of H.R. 2940, the Access to Capital for Job Creators Act and H.R. 2930, The Entrepreneur Access to Capital Act, both of which seek to help entrepreneurs and small business owners access the capital they need to start or expand their business.

Providing entrepreneurs with the ability to raise more capital will lead to further innovation and a more favorable business model, for small businessmen and women.

Mr. Speaker, the House has passed 15 jobs bills—the 'Forgotten Fifteen' that are languishing in the Senate. With over 46 million Americans living in poverty, we cannot afford to wait any longer.

I urge my colleagues in the House and Senate to support these critical bills.

## NORTHERN ROCKIES ECOSYSTEM PROTECTION ACT

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mrs. MALONEY. Mr. Speaker, today, along with my friends RAÚL GRIJALVA, EDWARD MARKEY and 25 other Members, I am reintroducing the Northern Rockies Ecosystem Protection Act (NREPA), legislation that will protect one of our nation's greatest natural resources, the Wild Rockies. With Americans vacationing closer to home, our national parks have seen an increase in visitors in the last few years—a clear indication of America's love for our wild national treasures. We must do everything possible to preserve our pristine wilderness areas so they can be enjoyed by future generations. In addition, a healthy habitat helps to create jobs including those related to restoration, construction, engineering, recreation, tourism, and retail.

NREPA uses sound science to protect the health of whole ecosystems, including the animals that graze, the native plants and forests that grow, and the watersheds that run through the Northern Rockies. With that goal in mind, this legislation will protect 23 million acres by designating all of the inventoried roadless areas in the Northern Rockies as wilderness, including wild and scenic rivers and streams. The bill also includes a process for States and tribal governments to negotiate a management plan for migratory and biological corridors. NREPA will safeguard only federal public lands—lands owned by all Americans—in Idaho, Montana, Wyoming, Oregon and Washington, and does not affect private landowners. It also allows for historic uses such as hunting, fishing and firewood gathering.

NREPA designations are based on ecological and watershed features—not political boundaries. As we all know, rivers don't stay within one Congressional District, animals don't know when they've crossed a political boundary, and forests span millions of miles with no regard for state-lines. I urge my colleagues to take this essential step toward preserving precious wildlife habitat and whole functioning ecosystems in the Wild Rockies.

## RECOGNIZING THE LIFE AND LEGACY OF EVANGELIST DELLA MAE KING SUTTON

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to give honor to the life and legacy of Evangelist Della Mae King Sutton of Nesbit, Mississippi. Mr. Speaker, Evangelist Sutton was an indomitable woman of God. She devoted her life to empowering those around her with the knowledge found both in traditional school settings as well as within the Christian church. Born July 20, 1941 in Desoto County, Mississippi, Ms. Della was the first born daughter to the late Turner King, Sr. and the late Remell Bridgeforth King.

Ms. Sutton began her educational training at Shiloh M.B. Church in Desoto County, Mississippi where her father was the instructor.

She later attended Hernando High School which culminated at 8th grade. Ms. Sutton graduated from Hernando High as class Valedictorian and went on to finish her secondary education at Eastern High School in Olive Branch, Mississippi. Finishing as Salutatorian of her Eastern High class, Ms. Sutton decided to further her education by enrolling in the Mississippi Industrial College in Holly Springs, Mississippi. It was during this time that she met her life companion and husband, Mr. Jesse Sutton, Jr. From their union came three beautiful children who were raised and reared by the same biblical principles and standards Ms. Sutton and her husband had walked their entire lives.

After completing studies at Mississippi Industrial Ms. Sutton continued on to receive her Master's of Science degree from Jackson State University.

Ms. Della Mae believed in supporting efforts which would produce nurturing environments which fostered quality learning conditions for children. She served as a dedicated educator for more than thirty years in several learning facilities throughout Mississippi. Some of them included East Side High School in Olive Branch, Mississippi; Oakley Training School in Learned, Mississippi; Mendenhall Junior High School in Mendenhall, Mississippi and Northside Elementary School in Pearl, Mississippi from which she retired.

Throughout the years, Ms. Sutton has been recognized on several occasions for her outstanding works. The most notable was when she was recognized by former Governor and First Lady Ronnie Musgrove as one of the Most Outstanding Women for the Each One-Reach One Mother of the Year contest. She served as Chairperson of the Elementary Language Arts and was recognized for a host of other social awareness and scholastic advancement achievements. Ms. Sutton was also recognized by Who's Who Among Teachers, Teacher of the Year and by the Jackson District Association's with their Living Legacy Award.

Ms. Sutton was a civically engaged woman. She was a member of the Southern Christian Leadership Conference, a member of the National Association for the Advancement of Colored People, a member of "Keep Jackson Beautiful", an instructor of the Jackson District Ministers' Wives/Widows group and passionate supporter of the Mississippi Baptist Seminary. She was an active member of the General Missionary Baptist Convention and a devote member of the New McRaven Hill Missionary Baptist Church where she served as Sunday School teacher, Mother's Ministry member, devotional leader for the Mission Society and Vacation Bible School teacher.

This spiritual steward for Christ lived a life of both passion and purpose. She was an advocate of education, a champion of civility and a true lover of the Lord.

Mr. Speaker, I ask you and my fellow colleagues to join me in celebrating the life and legacy of a true champion, Evangelist Della Mae King Sutton.

## HONORING PROFESSOR DERRICK BELL

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Ms. LEE of California. Mr. Speaker, I rise today with my colleague Congressman RANGEL to honor the extraordinary life of Professor Derrick Bell, a bold legal scholar, educator, author, activist, veteran, husband, father, brother, mentor and friend, Prof. Bell was a preeminent intellectual and a fearless harbinger of change. He was a man who inspired many to advocate for civil rights, hiring equity and judicial reform, and his stories of individual protest will be a timeless call to action for all who stand for justice. With his passing on October 5, 2011 we look to Prof. Bell's continued legacy and the outstanding quality of his life's work.

Derrick Albert Bell, Jr., was born to Derrick Albert and Ada Elizabeth Childress Bell on November 6, 1930 in Pittsburgh, Pennsylvania. He graduated from Schenley High School and became the first member of his family to attend college, receiving his bachelor's degree in 1952 from Duquesne University. In 1957, after serving as an Air Force officer for two years, Prof. Bell earned his law degree at the University of Pittsburgh Law School, where he was the only African-American student.

With the recommendation of U.S. Associate Attorney General William Rogers, Prof. Bell took a position with the Civil Rights Division of the U.S. Department of Justice, where he was the only black staff member. When, in 1959, the Department asked him to relinquish his membership to the National Association for the Advancement of Colored People (NAACP), Prof. Bell resigned. This would be the first of several high-profile resignations proffered in protest of racial injustice. He soon joined the NAACP Legal Defense and Educational Fund, where he oversaw more than 300 school desegregation cases in Mississippi.

In the mid-1960s, Prof. Bell served as faculty and executive director of the University of California's Western Center on Law and Poverty. In 1969, partially as a result of black students' protests for a minority faculty member, Prof. Bell was recruited to teach at Harvard University—where he shortly became the ivy league school's first black tenured professor. He established new coursework and law review articles dedicated to civil rights law, became an invaluable mentor to students of color and called on the university to improve its minority hiring record. In 1973, he published, "Race, Racism and American Law," a book that became a staple in law schools and is now in its sixth edition.

In 1980 Prof. Bell left Harvard to become one of the first African-American deans of a non-historically black law school at the University of Oregon School of Law. However, he resigned five years later when the school did not offer a position to an Asian American woman. After returning to Harvard in 1986, he led a five-day sit-in inside his office to protest the school's failure to grant tenure to two professors whose work involved critical race theory. Moreover, in 1990 he took an unpaid leave of absence, pledging not to return until Harvard Law School asked a woman of color to join tenured faculty for the first time. (Eight years later, Professor Lani Guinier achieved that milestone.)

By the time the school refused to extend his leave, Prof. Bell was already teaching at New York University School of Law, where he continued to be a visiting professor until his passing. Professor Derrick Bell's long legacy as a pioneer of critical race theory and as an unwavering upholder of principles, earned him a comparison by then Harvard law student Barack Obama, as a civil rights hero akin to Rosa Parks.

Today, California's 9th Congressional District and New York's 15th Congressional District salute and honor Professor Derrick Albert Bell, Jr. He dedicated his life to challenging academic paradigms and seeking justice for the systemically marginalized. His legacy will serve as a reminder that we must not be afraid to ask critical questions and to defend individual principles on behalf of future generations. We extend our deepest condolences to Professor Bell's family and to his extended group of loved ones. He will be deeply missed.

## PERSONAL EXPLANATION

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 817, I was attending the funeral mass of a family member and was unable to vote. Had I been present, I would have voted "yea."

## THE STANDARD DATA ACT

### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. DAVIS of Kentucky. Mr. Speaker, today I am joining with my colleague Mr. DOGGETT of Texas, among others, to introduce the Standard Data and Technology Advancement Act, or the "Standard DATA Act." This legislation will establish consistent requirements for the electronic content and format of data used in the administration of key human services programs authorized by the Social Security Act.

Human services programs serve overlapping populations and should, from an information technology standpoint, operate consistently within and across programs. By beginning the process of data standardization and the use of common reporting mechanisms, this bill will help achieve three goals: better prevent and identify fraud and abuse; increase the efficiency of administrative resources to serve eligible beneficiaries; and produce program savings for U.S. taxpayers.

The private sector is far ahead of the public sector in its ability to use data efficiently to detect patterns of misuse, such as when credit cards are lost or stolen, and streamline backend data processing to reduce manual workloads. The public sector needs to review and implement these same sorts of best practices to better improve the operation of public benefit programs.

As Chairman of the Subcommittee on Human Resources, I called a March 11, 2011

hearing on the use of data matching to improve customer service, increase program integrity, and achieve taxpayer savings. We received testimony in support of consistent data standards that are non-proprietary and promote the interoperability of data across various information technology platforms, including the range of State legacy systems. The hearing confirmed that not only are programs within the Subcommittee's jurisdiction in silos, but so are the accompanying data.

Applying the provisions of the Standard DATA Act across multiple programs will advance the longer-term goal of allowing data both within and across all Federal assistance programs to operate more efficiently—first by establishing standard elements for individual items of information, and second by defining, in predictable ways, how those elements relate to one another. These standardization activities will promote transparency, flexibility, and consistency across various information technology platforms established by Federal and State agencies.

This bill continues the efforts begun in the bipartisan, bicameral Child and Family Services Extension and Enhancement Act of 2011, which was our first effort at requiring a human services program to implement standard data elements and reporting. President Obama signed that bill into law on September 30, 2011.

Improved data standards will help increase the efficiency of data exchanges to use and reuse data within and across programs. That will allow States to automate the exchange of claimant data on work and benefit receipt, reducing delays and minimizing improper payments. It will also help to automate application forms by pre-populating them with reliable and verified data, which can reduce the manual burden on staff and allow them more time to engage beneficiaries, all while reducing error. That's good for program beneficiaries and taxpayers at the same time.

I thank my colleagues for co-sponsoring this important legislation, starting with Mr. DOGGETT, the Ranking Member on the Human Resources Subcommittee, as well as Mr. LEWIS of Georgia, Mr. HERGER, Mr. NUNES, Mr. TIBERI, Mr. REICHERT, Mr. BOUSTANY, Mr. PRICE of Georgia, Ms. JENKINS, Mr. PAULSEN, Mr. MARCHANT, Mr. BERG, Mrs. BLACK, and Mr. REED.

I also want to thank Oversight and Government Reform Committee Chairman ISSA and the Technology, Information Policy, Intergovernmental Relations and Procurement Reform Subcommittee Chairman LANKFORD for co-sponsoring this bill, as well as for their support and leadership on the larger effort to improve data reporting transparency.

I invite all Members to join us in supporting this important legislation designed to improve the integrity of the benefit programs millions of Americans access today, and ensure that taxpayer funds are properly spent.

## INTRODUCING THE FOSTER CHILDREN OPPORTUNITY ACT

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. STARK. Mr. Speaker, I rise today to introduce legislation to ensure that thousands of abused and neglected immigrant children in our foster care system have the opportunity to overcome their abuse and become successful adults.

Every year, hundreds and perhaps thousands of abused and neglected children leave the child welfare system and become illegal immigrants through no fault of their own. Under a law passed by Congress in 1990 immigrant foster youth are able to gain legal status. This status, known as Special Immigrant Juvenile Status (SIJS), is available if a child is in the foster care system, under 21, and cannot be safely reunified with their family or returned to their country of origin.

SIJS ensures that the child has a recognized legal status and a pathway to becoming a citizen. After a young person leaves foster care, they are not eligible for SIJS. Unfortunately, many youth and many caseworkers are unaware of SIJS or how to apply. As a consequence, potentially eligible youth "age out" of the foster care system every year without a legal status. After being cared for by our child welfare system because they were victims of abuse and neglect, these young people then leave the system and face the threat of deportation and lack access to the supports other transitioning foster youth rely upon. My office has heard from young people who aged out of the system and others who were adopted who never heard of SIJS. These youth were forced into the underground economy, face exploitation, and live in constant fear of being deported to a country they don't know.

To fix this problem, the Foster Children Opportunity Act will require that all children in the foster care system be screened for SIJS eligibility and other forms of immigration relief. It also requires that they be assisted in applying for the status. Child welfare agencies and juvenile courts will be provided with technical assistance and additional resources to make this happen. In addition, my legislation will guarantee that youth who obtain SIJS have access to the same benefits, such as student loans, Medicaid, and food stamps that support other former foster youth as they make the transition to adulthood.

My bill will not change current immigration law. Nor will it result in any adults who have engaged in illegal behavior from gaining legal status because a person with SIJS cannot act as a sponsor for any family members. The Foster Children Opportunity Act has nothing to do with the fight over immigration reform. It is simply about fulfilling our responsibility to all abused and neglected children and providing these youth with a fighting chance to succeed. I encourage all my colleagues to join me in supporting this simple legislation that will improve the lives of thousands of vulnerable children.

## IN RECOGNITION OF THE 65TH ANNIVERSARY OF SACRAMENTO MUNICIPAL UTILITY DISTRICT

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Ms. MATSUI. Mr. Speaker, I rise today in recognition of Sacramento Municipal Utility District (SMUD), as the organization celebrates its 65th anniversary. It is a great pleasure to recognize SMUD's dedication in keeping electricity rates affordable, providing customers with energy-efficient options, and supporting the deployment of renewable power. As SMUD's customers and employees gather to celebrate this milestone, I ask all my colleagues to join me in honoring the key role the organization plays in the Sacramento region.

SMUD was formed in 1946. In response to overpriced electricity, Sacramento voters opted to create a municipal utility district that would provide them with an alternative to investor owned power companies. This led to the formation of SMUD, a public utility company that measures success by how much money stays within the community through low rates, rather than going out to stockholders. SMUD has proven to be a success as their electricity rates are among the lowest in the state of California.

Over the last 65 years, SMUD has become the nation's sixth-largest public electric utility, serving nearly 600,000 customers and a population of 1.4 million. Residential and business customer satisfaction surveys consistently rank SMUD as the top provider of electricity in California, as well as one of the best in the nation.

SMUD is regarded across the nation as a leader in renewable energy and energy efficiency. In 2010, SMUD became the state's first large utility to have 20 percent of its power from renewable resources. The figure has since climbed to 24 percent and is expected to reach the state mandated 33 percent mark by 2020. Taking into account the hydroelectricity generated in SMUD's Upper American River Project, nearly 50 percent of SMUD's power comes from non-carbon resources. SMUD's energy efficiency programs have helped customers reduce their carbon dioxide emission by over 3 million tons since 1987. SMUD has also provided more than $495 million in energy efficiency loans since 1990.

SMUD is led by a forward thinking Board of Directors, an energetic executive team, and 2,000 hard working employees. They are united in their desire to offer the Sacramento Region affordable power and an excellent customer experience.

Mr. Speaker, I am honored to pay tribute to Sacramento Municipal Utility District and their continuous commitment to providing the Sacramento Region with access to energy efficient programs, more energy choices, and affordable electricity. SMUD has contributed an immense amount to making Sacramento a better place to live, work, and do business. As SMUD's General Manager John DiStasio, Board President Renee Taylor, and others gather together to celebrate the organization's 65th anniversary, I ask all my colleagues to join me in honoring their outstanding work in providing the community with affordable electricity.

## PERSONAL EXPLANATION

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. COURTNEY. Mr. Speaker, I regret that I was unable to attend votes on Tuesday, November 1, 2011 as I was attending to needs

in my district resulting from the unprecedented snow storm that hit Connecticut this past weekend. Had I been present, I would have voted ''yea'' on rollcall 816, reaffirming ''In God We Trust'' as the official motto of the United States, and ''yea'' on rollcall vote 817, on passage of the Kate Puzey Peace Corps Volunteer Protection Act of 2011.

## HONORING JAMES CHARLES ROBBINS OF LAKE COUNTY, CALIFORNIA

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the tremendous public service of Mr. James Charles Robbins, who served honorably and admirably for 44 years as a fireman, 37 of which were as a fire chief of the Lucerne Volunteer Fire Department in Clearlake Oaks, California.

In addition to his duties with the Fire Department, Chief Robbins worked with the Lucerne Business Association and held the title of the ''Moose'' of Clearlake Oaks. Chief Robbins coached football and baseball for youth and high school teams, mentoring several generations of athletes and teaching them the values of team sports and leadership.

His professional activities were always dedicated to the betterment of the fire department and the protection of his district. He was instrumental in maintaining the special fire tax, which keeps the doors open at Lucerne Volunteer Fire Department. Perhaps, Chief Robbins' greatest accomplishment of his career was the reorganization and consolidation of four fire districts into one, known now as the Northshore Fire Protection District. This district is one of the largest in California, covering more than 350 square miles.

Chief Robbins was born in San Francisco and went to high school in Upper Lake, California. He pursued his degree at Santa Rosa Junior College, taking many classes related to fire science and management of personnel.

Therefore, Mr. Speaker, I believe it is appropriate at this time that we recognize and honor James Charles Robbins for his career of fire protection and community leadership. We congratulate him on his retirement, and extend our best wishes for many years of health and happiness. His dedication to the safety and protection of Northern California is truly commendable, and his leadership will be missed.

## HONORING KENNETH P. DOYLE

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Kenneth P. Doyle. For 36 years, Mr. Doyle has served as a Tipstaff for the First Judicial District, and in November he will celebrate his retirement after decades of service to his community.

Mr. Doyle's celebrated career began thirty-six years ago when on February 17, 1976, Ken was sworn in as a Tipstaff by then Administrative Judge Ethan Allen Doty. Mr. Doyle was first assigned to the Family Court Division at 1801 Vine Street, under the direction of Judge Gregory Lagakos before moving on to the Criminal and Civil Trial Division in first City Hall and for the last 15 plus years the Criminal Justice Center.

Mr. Doyle's knowledge of the court system has been an invaluable asset to both Courtroom Operations and the Judiciary as evidenced by his long successful stints with Judges' Paul Ribner, Theodore Smith, Ned Hirsch, Joyce Keane and most notably our current Administrative Judge D. Webster Keogh. The last seven plus years of Mr. Doyle's service have been as a supervisor for Courtroom Operations under Chief of Courtroom Operations, Michael P. Spaziano. Ken's knowledge and work ethic will be missed by the Courtroom Operations family, but his legacy will live on forever.

Mr. Doyle's long and impressive career showcases his commitment and service to his community. Mr. Speaker, I ask that you and my other distinguished colleagues join me in thanking Mr. Doyle for his work and congratulate him on the occasion of his retirement.

## 100TH ANNIVERSARY OF LINCOLNWOOD

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize the 100th anniversary of Lincolnwood.

Not many cities can boast a more colorful start than Lincolnwood. A hundred years ago, the city came to be known as Tessville after a band of tavern owners incorporated the area to take advantage of a loophole during Prohibition that allowed organized municipalities to grant liquor licenses.

It was an unconventional way for a city to begin. Though not as infamous as its Midwestern counterpart Dodge City, Kansas a few decades prior, Tessville was also known for its speakeasies, saloons and gambling halls.

In the 1920s, under the helm of long-serving Mayor Henry Proesel, came an electric rail. With the electric rail came new ideas and prosperity.

Stricter liquor control laws were passed, and Tessville would become Lincolnwood—an ethnically diverse, popular community that offered fast access to and from Chicago, and good fortune for its residents.

Since then, Lincolnwood has had many proud moments—from the construction of a 1.5 million-gallon water tower to the election of Peter Moy, the first Asian American to serve any municipality in Illinois as its President.

Over the years, city efforts—including the Vision 2020 plan—have yielded improvement in repairing infrastructure, renovating city parks, and construction of new parkways.

Today, Lincolnwood is a vibrant community that still sports a strong business sector and a diverse population. The city of Lincolnwood has much to be proud of and much to look forward to in the next 100 years. I am proud to serve as Congresswoman for Lincolnwood and wish its leaders, businesses and residents a happy 100th anniversary.

## RECOGNIZING THE ACCOMPLISHMENTS OF SMC IN NOBLESVILLE, INDIANA

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. BURTON of Indiana. Mr. Speaker, in these tumultuous times, it is important to take the opportunity to highlight the successes of some businesses. One such business is SMC—a leader in industrial manufacturing whose U.S. headquarters is in my district in Noblesville, Indiana.

SMC's products have improved upon the ideas that have enabled manufacturers to operate efficiently for years. Recent innovations include a light-weight actuator that fits into older systems, allowing businesses to increase efficiency without a costly and complete system overhaul. A new SMC pump consumes less energy than its predecessor, but outlives it by 10 million pumps. Lastly, I believe their premium on face-time with customers enables their next innovation to be inspired by the very hard-working people that use them.

It is also worth noting that the company has partnered in some fashion with 38 countries across the globe. Their sales market connects them to almost 50 countries, affirming their stance that ''products are not confined to the limits of conventional pneumatic control components, but are reaching out to cover peripheral markets as well.''

These accomplishments have recently landed SMC on Forbes' list of the Top 100 Most Innovative Companies, sharing the list with industry leaders such as Apple, Google, and Amazon. Their core business policy of ''Customer First and Quality First'' has propelled the company forward. They should be applauded for such achievements and for their future. SMC, along with Mayor Ditslear and the people of Noblesville, no doubt are excited, as I certainly am.

## OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is $14,977,962,674,363.87.

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 $4,339,536,928,070.07 since then. This debt and its interest payments we are passing to our children and all future Americans.

## A TRIBUTE TO THE KNIGHTS OF COLUMBUS—SAINT CABRINI COUNCIL #3472

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Knights of Columbus Saint Cabrini Council #3472 upon its 60th anniversary.

On October 2, 1881, a group of men called together by their parish priest, Father Michael J. McGivney, formed a fraternal society and declared their devotion to be defenders of their families, their country and their faith. These men were interconnected by the principles of Christopher Columbus, who brought the Christian faith to the New World. The efforts of this dedicated group came to light with the establishment of the Knights of Columbus on March 29, 1882. Thanks to the superb leadership of Father McGivney, on that very day, the Knights of Columbus was formally approved as a fraternal benefit society.

Since its inception, the Knights of Columbus has devoted an enormous amount of energy and time to serve communities on a global scale. The goals and infinite accomplishments of the Knights have been guided by the four core principles of charity, unity, fraternity and patriotism, which are reflected in their actions. The Order provides a life insurance program to support orphans and widows of deceased members of the Order, and has also been a champion in helping members and their families benefit from the financial aid provided if they become ill, disabled and needy. In addition, intellectual and social fellowship is encouraged among members and their families through charitable, educational, public relief and war relief works. Members of the Knights of Columbus are patriotic citizens and proud of their commitment to God and country.

Last year alone, the Knights of Columbus raised and donated over $154 million to charitable projects and needs, in addition to volunteering over 70 million hours to benefit charitable causes. The Knights' yearly Survey of Fraternal Activity revealed that in 2010, the entirety of charitable donations reached a remarkable $154,651,852—surpassing the previous year's sum by over $3 million. In addition, the survey evidenced a remarkable increase in volunteer service hours as well.

The St. Cabrini Council in Burbank, Council #3472, was founded in 1951. For six decades, its members have made immense contributions to the community by hosting events, a golf outing, community fundraisers and Christmas luncheons to provide lunch and Santa With Gifts, to support intellectually disabled individuals. Furthermore, they organize programs and events geared towards drug treatment, individual and family counseling, emancipation services and educational services. Also, they donate books, volunteer to read for students and provide mentoring programs. Additional contributions to the members and community include supporting the Cabrini Sisters and seminarians at the Parishes of St. Roberts, St. Finbar and St. Francis, remodeling a kitchen for a brother serving in Iraq, remodeling their facilities and organizing a free throw competition amongst four parish schools.

I am proud to recognize the past and present members and supporters of the Knights of Columbus Saint Cabrini Council #3472 for their selfless dedication to the community, and I ask all Members to join me in congratulating this exceptional organization for sixty years of dedicated service.

## RECOGNITION OF THE 2011 BORDER HEROES AWARD RECIPIENTS

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. REYES. Mr. Speaker, I rise today in recognition of three outstanding individuals, Jacob Heydemann, Kathleen Staudt, and Sister Phyllis Nolan, who will be honored this weekend with the 2011 Border Heroes Award for their dedication to academic, social and humanitarian service to communities on both sides of the U.S.-Mexico border.

Dr. Jacob Heydemann is an El Paso orthopedic surgeon who generously donates his services to clinics and hospitals in Ciudad Juárez and other parts of Mexico. Dr. Heydemann has been honored for his humanitarian work by the government of Mexico, and he is admired and respected by all of the borderland community. His efforts change lives for those in desperate need, provide critical health care access to the underserved, and inspire us all to give back to others.

I also rise to recognize Dr. Kathleen Staudt, a political science professor at the University of Texas at El Paso. She founded the Center for Civic Engagement, which aims to foster collaborative leadership, civility and deepen democracy in the region through action-oriented learning, civic education, and active citizenship. She is also a faculty advisor for a number of student organizations at UTEP and is co-founder of the Women's Fund of El Paso. She has written or co-authored more than a dozen scholarly books and published over 80 journal articles in women's studies, borderlands, and political science. Her dedication to civic engagement and human rights serves as an inspiration to the El Paso community.

I would also like to recognize the service of Sister Phyllis Nolan from the Daughters of Charity who will receive the 2011 ''Extraordinary Volunteer'' award. Sister Nolan is a volunteer intake specialist at Las Americas Immigrant Advocacy Center who visits the immigration detention center to interview detainees. She has touched countless lives by listening to their stories, and assisting immigrants in many ways as they go through the legal process. Sister Nolan's selfless service has given a voice for those who are seeking a better life.

Individuals such as these are a true asset to our community and it is my privilege to represent them, and others like them.

## BIRTHDAY OF CALIFORNIA

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, one hundred and sixty-two years ago, over thirteen thousand citizens of the United States of America met at the California Constitutional Convention on November 13, 1849. At this convention, Californians ratified their constitution in a proportion of twelve to one. The first order of business was to elect the State executives, and to set the borders of twenty-seven counties.

For the past twelve years, the Society of Hispanic Heritage and Ancestral Research (SHHAR), Los Amigos of Orange County, among other organizations, have been seeking to raise public awareness of the state's ratification day.

In the past, the University of California Irvine, the State University of Fullerton, and the Orange County Heritage Museum in Santa Ana, have all organized events to commemorate this historic occasion. These events have been encouraged, organized and run by volunteers on the local, state, and national levels, including public officials, friends, and neighbors.

This year, the birthday of California's original constitution, November 13, falls on a Sunday, a date which is most appropriate to reflect on the roles that community and sacrifice played in the establishment of the state of California.

I am proud to recognize the statehood of California, and proudly celebrate our state's admittance as the 31st State of the Union. At this moment, it is only appropriate to celebrate the accomplishments and historical contributions of the great state of California.

Happy Birthday California!

## SUPPORT OF H.R. 1905, THE IRANIAN THREAT REDUCTION ACT

### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Ms. RICHARDSON. Mr. Speaker, I rise today to applaud the House Committee on Foreign Affairs for their work earlier this week in unanimously passing H.R. 1905, the Iran Threat Reduction Act out of committee. This bipartisan legislation is critical to the protection of the American people and our allies around the world.

I would like to thank Chairman ILEANA ROS-LEHTINEN and Ranking Member BERMAN for their hard work in shepherding this bill through the Committee, and I am confident that House leadership will bring this bill to the floor without delay.

Mr. Speaker, I believe it is imperative that the United States take the lead in opposing Iran's strong quest to produce nuclear weapons. Such a development would produce the greatest destabilizing element into that volatile region the world has ever known.

The recent discovery of a plot to assassinate the Saudi Ambassador to the United States on American soil is but the latest reminder of the urgent need for the United States to take forceful and effective action to ensure that Iran does not succeed in developing the capability to produce nuclear weapons.

Last year, Congress passed H.R. 2194, the Iran Sanctions, Accountability and Divestment Act. This legislation marked the most comprehensive Iran sanctions legislation ever passed by Congress.

While current sanctions on Iran have impeded Iran's ability to successfully develop a nuclear weapon, most experts agree that Iran will have nuclear capabilities in the next two to three years if tougher sanctions are not imposed.

According to a recent report released by the International Atomic Energy Agency, Iran has a stockpile of low-enriched uranium that if further enriched could produce three nuclear weapons.

Earlier this week, I sent letters to Chairman ROS-LEHTINEN, Ranking Member BERMAN and House leadership urging them to consider H.R. 1905 and sanctions on the Central Bank of Iran. I am encouraged by the Committee's swift action and hopeful that this bill will swiftly be brought to the floor for consideration in the whole House.

H.R. 1905 strongly reflects the demands of the international community that tougher sanctions must be placed on Iranian leaders to end their nuclear program. If enacted, H.R. 1905 would increase sanctions on human rights violators in Iran, impose tougher sanctions on the Islamic Revolutionary Guard Corps (IRGC), and would finally codify the U.S. policy to prevent Iran from developing unconventional weapons and ballistic missiles. This bill takes steps to peacefully thwart Iran's nuclear aspirations.

During the markup of this bill, an amendment offered by Ranking Member BERMAN to strengthen sanctions against Iran's Central Bank was unanimously agreed to. The Berman Amendment strengthens H.R. 1905 by inserting language that directs the President to determine whether the Central Bank of Iran is engaged in sanctionable activity.

By sanctioning the Central Bank of Iran, the United States would set a strong example for countries around the world that depend on a geopolitically stable Middle East for their own security and prosperity. Imposing tougher sanctions on the Iranian economy will demonstrate that the international community will not tolerate Iran's continued refusal to end their nuclear enrichment program.

Specifically, the Berman Amendment directs the President of the United States to determine whether the Central Bank of Iran has:

Assisted Iran's WMD or missile programs, including proliferation of WMD to other governments;

Financed Iran's procurement of advanced conventional weapons;

Provided financial services for the Islamic Revolutionary Guard Corps; or

Facilitated Iran's support of international terrorism.

Should the President make the determination that the Central Bank of Iran is involved in any of these areas, the bill would require him to apply sanctions under the International Emergency Economic Powers Act. These sanctions would ensure that any foreign bank involved in significant transactions with the Central Bank of Iran are excluded from doing business with the U.S. If this bill is passed by the whole House, the President will have 30 days to make this determination.

Mr. Speaker, history has taught us that strong sanctions can bring about peaceful change. A generation ago, Congress passed the Anti-Apartheid Act which led to the end of the apartheid regime and brought about a peaceful revolution resulting in the new democratic South Africa.

While the Arab Spring has deflected a lot of attention away from Iran's nuclear enrichment program, H.R. 1905 will help to refocus our efforts on appropriately addressing this critical issue. Leaders in the Iranian government have shown repeatedly that they are unwilling to comply with international demands to scrap their nuclear program.

For these reasons, Mr. Speaker, I strongly support this bill and look forward to voting for it when it comes to the floor for final passage.

## PERSONAL EXPLANATION

### HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. BASS of New Hampshire. Mr. Speaker, while I was present for rollcall vote 820 on November 2, 2011, my vote was not recorded. Had my vote been recorded I would have voted "yes" on that passage of the Small Company Capital Formation Act.

## INTRODUCTION OF THE HIRE VETERANS ACT OF 2011

### HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. BILBRAY. Mr. Speaker, as Americans celebrate Veterans' Day this year it is important to take time and reflect on the infinite contributions and sacrifices the men, women, and families of those who have served in our Armed Forces. Our commitment to veterans should not end with their service, we must show our gratitude by offering them every opportunity to experience the American dream that they fought to protect.

With a veteran unemployment rate of 22 percent nationwide, much more needs to be done to create an environment that helps the private sector hire men and women who have served our country in uniform, more than 250,000 of whom live in San Diego County. That is why I am pleased to introduce the Help Inspire and Retrain our Exceptional (HIRE) Veterans Act of 2011 along with my colleague, Congressman JOHN BARROW of Georgia.

Over the next two years, as the wars in Iraq and Afghanistan begin to wind down, more veterans will find themselves searching for jobs in the civilian workforce. One of the biggest obstacles for unemployed veterans is connecting to employers. The HIRE Veterans Act of 2011 helps overcome this obstacle and provides opportunities to valuable members of our community with the resources they need to transition from the armed services to a civilian workforce. This legislation will authorize grants to be awarded by the Department of Commerce to local Chambers of Commerce to create job training, apprenticeship, and internship programs for local veterans.

The time to act is now. As part of the record, I am submitting letters of support from the Carlsbad Chamber of Commerce and the San Diego North Chamber of Commerce. These letters emphasize the importance of this legislation and describe how local Chambers and businesses can help HIRE veterans.

CARLSBAD CHAMBER OF COMMERCE,
*November 2, 2011.*

Hon. BRIAN BILBRAY,
*Member of Congress, Rayburn House Office Building, Washington, DC.*

DEAR CONGRESSMAN BILBRAY: I am writing to support the proposed Help Inspire and Retrain our Exceptional (HIRE) Veterans Act you are proposing in the upcoming session.

The Carlsbad Chamber of Commerce is the 10th largest Chamber in the State of California and the second largest in San Diego County. We are located adjacent to the large Marine Corps Base at Camp Pendleton and as such see first-hand the serious unemployment problem facing our young veterans. In response to the problem we have created the Boots in Business Military Mentoring Initiative to allow as many of the 8,000 veterans leaving the service from Camp Pendleton each calendar year to mentor with civilian employers across the county.

The main issue facing these veterans is competing for jobs with civilians in the region is their ability to see first-hand the types of jobs in the marketplace and learn what employers are looking for when they hire someone both in experience and education.

Our mission is to help military personnel in the last weeks of their active duty term learn about the business world through job shadowing 60 to 90 days prior to their discharge date. By showing them what it's like to work in a variety of professions, local companies will help veterans make smart future career and educational decisions. Our program (a Memorandum of Understanding MOU) is a collaborative effort between the Marine Corps Base at Camp Pendleton, the Carlsbad Chamber of Commerce and many local businesses that are willing to provide a variety of job shadowing experiences to active military members and their spouses as they prepare to enter civilian life.

Military members are allowed up to 30 days of paid Temporary Additional Duty to be mentored, so they can shadow as many civilian jobs as possible during that time. A mentoring activity can be one day, one week or even one month in duration, depending on the goals of the veteran, the number of positions shadowed, and the depth of involvement with each position.

We are providing resume writing, job interviews, and first-hand experience test driving as many jobs that they desire in order to see if the job fits how they can compete to get it. There is no charge for our program and their spouses are equally allowed to participate.

If the veteran decides to return to his or her home town we have arranged with the U.S. Chamber of Commerce to contact the local city chamber of commerce and notify them of the arrival of a new veteran and have them arrange business introductions were possible.

We endorse your proposed legislation 100%. The soaring unemployment rate adds another layer of difficulty to the job search experience. Your legislation will go a long way toward allowing Chambers across the country with veterans in their community have a fair chance to be hired and begin a meaningful career.

Respectfully,

TED OWENS,
*President/CEO.*
*Carlsbad Chamber of Commerce.*

SAN DIEGO NORTH,
CHAMBER OF COMMERCE,
*November 2, 2011.*

Subject: Support of ''HIRE Veterans Act of 2011''

Hon. BRIAN BILBRAY,
*U.S. Representative, 2410 Rayburn Building, Washington, DC.*

DEAR CONGRESSMAN BILBRAY: We, the San Diego North Chamber of Commerce, support your proposed legislation titled, ''Help Inspire and Retrain our Exceptional Veterans Act of 2011.'' In a time of economic uncertainty and high unemployment, your legislation would allow for local chambers of commerce to provide assistance for those who have honorably served.

As organizations that are familiar with local employer needs and that are able to provide workforce training, Chambers of Commerce are a bridge between businesses with open positions and job seekers such as our returning military men and women. This bill will ensure that our veterans are better prepared for job opportunities in our communities by funding training workshops, résumé writing and interview classes, and career coaching.

In areas like San Diego, where returning military often choose to retire, our organizations hear from veterans on a constant basis looking for career development advice and jobs. This bill will allow these veterans to be better served and better prepared as they seek opportunities after their service.

This Act will help prepare our veterans and help local economies get back on their feet. For these reasons, the San Diego North Chamber of Commerce supports the ''HIRE Veterans Act of 2011.''

Sincerely,

DEBRA ROSEN,
*President and CEO,*
*San Diego North Chamber of Commerce.*

## PERSONAL EXPLANATION

### HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. RENACCI. Mr. Speaker, on rollcall No. 816, due to flight cancellation and subsequent delay traveling to Washington from my District, I was unable to vote.

Had I been present, I would have voted "yea."

## TRIBUTE TO DR. JOHN FOLKS OF SAN ANTONIO, TEXAS

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Dr. John Folks on being awarded Superintendent of the Year from the Texas Association of School Boards.

Dr. Folks has served as superintendent of the Northside Independent School District in San Antonio, Texas since 2002 and was selected from among the 1,000 eligible superintendents from across the state of Texas for this award. Dr. Folks has consistently advocated against budget cuts to education and schools, and during his time as superintendent, Northside ISD has become the largest school district in Bexar County and has grown from 65,000 students to 97,500 students. Northside ISD is also the largest school district in Texas to be classified as a ''recognized'' school under the state's accountability system.

Dr. Folks has been instrumental in maintaining the quality of Texas public schools and has served as superintendent of Spring Independent School District in Houston and Midwest City-Del City Public Schools in suburban Oklahoma City. He began his teaching career in Port Arthur, Texas and has remained an educator for 41 years. As Past President of the Texas Association of School Administrators, he has used his leadership skills to help school districts excel across the state of Texas. He is committed to doing what is right for Texas youth and understands that it takes a skilled team of dedicated educators to pave their road to success to prepare students to lead productive and fulfilling lives.

I would again ask you to congratulate Dr. John Folks on his recognition as Superintendent of the Year by the Texas Association of School Boards and acknowledge his fight for providing an exemplary education throughout our nation's public school systems.

## HONORING DALLAS COUNTY PUBLIC DEFENDER MICHELLE MOORE

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Michelle Moore, a distinguished Dallas County public defender from my district. After sixteen years with the Dallas County public defender's office, Ms. Moore will be leaving her current position to open the first public defender's office in Burnet County, Texas.

There are few people with as much capacity for compassion and as much dedication to her work as Ms. Moore has demonstrated throughout her term of public service. Her years of tireless work to help absolve innocent men of crimes they never committed have been critical to strengthening the integrity of our judicial system here in Texas and throughout the Nation.

Having helped to free eleven wrongfully-imprisoned men, Ms. Moore has contributed greatly to Dallas County's record as having more DNA exonerations than any other county in the Nation since Texas began permitting post-conviction DNA testing in 2001.

Ms. Moore has frequently gone above and beyond her normal scope of duty by making sure that exonerees had no trouble assimilating back into the lives that were taken from them, even regularly working off the clock and without charging her clients for legal advice.

Beyond the boundaries of this great State, her work has gone far to highlight the need for a closer examination of certain convictions and for stronger safeguards against wrongful imprisonment. Ms. Moore's contributions have undoubtedly not only changed the lives of those she directly represented, but also the vast others in similar circumstances throughout the country.

Mr. Speaker, it is with great sadness that we must see Ms. Moore go. However, I have found relief in the fact that she is not leaving her work entirely and will instead be going on to serve the needs of other wrongfully convicted prisoners. I would like to end by wishing Ms. Moore the best of luck in her latest attempt to bring veritable justice to under or unserved areas in Texas.

[From dallasnews.com, Oct. 29, 2011]

PUBLIC DEFENDER WHO SPENT DECADE WORKING TO FREE THE INNOCENT IS LEAVING DALLAS COUNTY

(By Jennifer Emily)

For a decade, Dallas County public defender Michelle Moore has worked on and off the clock to free the innocent from prison and help them adjust to life on the outside once they're released.

This week, Moore, the face of the public defender's office, is leaving to open the first public defender's office in Burnet County, in the Hill Country.

Moore helped free 11 men from prison, appeared on a television documentary called Dallas DNA and helped change state laws to compensate exonerees and prevent wrongful convictions.

''It's tough to leave Dallas County and leave behind the exonerees,'' she said. ''I'll still be in touch and help out.''

Dallas County's exonerees are mostly excited about Moore's new opportunity, she said. But they still wish she would stay in Dallas County.

''A couple of the guys were 'Oh, yeah, that's cool,'" Moore said. ''But a couple of the guys were like 'We'll never see you again.'"

Someone else will take over her job with the public defender's office, but the position has not yet been filled.

Christopher Scott, freed in October 2009 after spending 12 years in prison for a crime he did not commit, said that while behind bars, he saw Moore on television and hoped that one day she would be his attorney. He said he couldn't believe it when she was appointed to his case.

Scott said Moore not only works on cases in her job as a public defender but also regularly gives them free legal advice and makes sure they are adjusting well when freed from prison.

''Michelle is a princess to us,'' said Scott, who said he considers Moore both a friend and family. ''A lot of people take advantage of exonerees—not Michelle. She gives us advice normally people would charge hundreds of dollars for.''

James Hammond, a DA's office investigator who has worked on numerous claims of innocence, said Moore's dedication to her job extends far beyond regular hours.

''She's very compassionate toward the exonerees,'' he said. ''Not just the legal side in the courtroom but that they had clothes and a place to stay. She made sure when they stepped out of the building, they had a parachute, that they had people interested in their interests.''

Moore spent 16 years in the public defender's office. In 2001, when the state began allowing post-conviction DNA testing, Moore began working cases in which inmates requested DNA testing of old evidence to prove their innocence. Later, she worked similar cases where there was no DNA to test.

Dallas County has had 22 exonerations by DNA evidence and three, including Scott's, by other evidence. Since 2001, when Texas began allowing DNA testing and Moore began working on cases, the county has had more DNA exonerations than any other county in the nation.

Some DNA tests confirmed guilt and others were inconclusive. Moore was the lead attorney on nine cases in which inmates were freed, and she assisted on two others.

In Burnet County, she will oversee the public defender's office and hire two attorneys, an investigator and an office manager. The office is being created with a grant from the Texas Indigent Defense Commission.

''It's new territory,'' she said.

Dallas County prosecutor Cynthia R. Garza, who worked with Moore on several exonerations, said that Moore's efforts, along with those of the DA's conviction integrity unit, established in 2007 by District Attorney Craig Watkins, made an impact on how exonerations are seen locally and throughout the country.

''Her role was very important to her clients and to the whole movement'' of post-conviction exonerations, said Garza. People are more open-minded now about exonerations, Garza said.

Moore also worked with legislators to bring about increased compensation for Texas exonerees and changes in eyewitness identification procedures.

''I was excited and relieved,'' Moore said about the changes to the law. ''I'm proud to have been involved, however small, in changing the system.''

AT A GLANCE—MICHELLE MOORE

Age: 46

Education: Law degree from University of Arkansas, 1990.

Career Highlights: Joined Dallas County public defenders office 16 years ago; has helped free 11 innocent Dallas County men from prison since 2001; former board president of the Innocence Project of Texas.

## OPPOSE THE SIERRA JUAREZ CROSS-BORDER TRANSMISSION LINE

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. FILNER. Mr. Speaker, I rise today in opposition to the Energia Sierra Juarez cross-border transmission line between California and Mexico. I would like to insert into the RECORD Senate Joint Resolution 13, adopted by the California Senate.

SENATE JOINT RESOLUTION NO. 13—RELATIVE TO CROSS-BORDER TRANSMISSION

[Filed with Secretary of State September 15, 2011]

LEGISLATIVE COUNSEL'S DIGEST

*SJR 13, Vargas. Public utilities: cross-border transmission lines.*

This measure would call upon the Secretary of the United States Department of Energy to reject Sempra Energy's application to construct the Energia Sierra Juarez cross-border transmission line between Mexico and California in order to preserve jobs in California, promote energy independence, and uphold California's labor and environmental laws.

Whereas, Cross-border transmission lines between California and Mexico would facilitate the exportation of American jobs by enabling energy companies to import electricity into the United States instead of building energy projects here, where the energy is being used, and thereby move our economy in the wrong direction at a time when we should be putting Americans back to work; and

Whereas, The Obama administration has emphasized the need for our nation to reduce our dependence on imported energy because our nation's economic future and security depend on developing energy infrastructure within our own borders; and

Whereas, A core component of President Obama's electoral campaign was his commitment to a green energy economy, which would usher in a period of environmental advancement and economic prosperity; and

Whereas, Constructing cross-border transmission lines would undermine the President's vision by enabling energy companies to deliver electricity to the United States from foreign facilities not built to American labor or environmental standards; and

Whereas, If we are to reclaim America's middle class, our nation must eliminate opportunities for corporations to export jobs, exploit workers, or raid natural resources: Now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly*, That the Legislature, to preserve jobs in California, promote energy independence, and uphold California's exemplary labor and environmental laws, calls upon the Secretary of the United States Department of Energy to reject Sempra Energy's application for a Presidential permit to construct the Energia Sierra Juarez cross-border transmission line between Mexico and San Diego County, California; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States, to the Chair of the Senate Committee on Energy and Natural Resources, to the Chair of the House Energy and Commerce Committee, to the Secretary of the United States Department of Labor, and to the Secretary of the United States Department of Energy.

## CELEBRATING THE 100TH ANNIVERSARY OF THE ST. PETERSBURG, FLORIDA ELK LODGE 1224

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. YOUNG of Florida. Mr. Speaker, I rise to recognize the 100th anniversary of St. Petersburg, Florida Elks Lodge 124 which was established on February 16, 1911. Forty-two members started what would become the second Elks Lodge along the west coast of Florida.

By 1926, with a new three story clubhouse in downtown St. Petersburg, Lodge 1224 became the largest Elk's Lodge in Florida with 1,750 members. Throughout the years, the Lodge has moved several times but in 1970, under a stronger leadership, the post significantly grew and was able to purchase the building it now occupies on 66th Street in St. Petersburg.

Today with nearly 1000 members, the Lodge is very active in a number of important activities throughout the community. Along with many other Florida lodges, Lodge 1224 supports the Children's Physical Therapy Services Program. This program consists of 22 vans driven by physical therapists who offer free services to any child in need. The Lodge also welcomes our nation's veterans with open arms, proudly offering entertainment and meals in their lodge twice a month.

Mr. Speaker, over the last 100 years the members of the Elk's Lodge 1224 have seen the city of St. Petersburg grow from a sleepy little town of 8,000 to a bustling city of nearly 250,000. Like all Americans, they suffered through the Great Depression, comforted a community through two World Wars, and they continue to serve the community today by proudly offering essential services to our children and veterans. It is my hope that my colleagues will join me this afternoon in recognizing the 100th anniversary of Elks Lodge 1224 and their century of service to our community.

## IN MEMORY OF THE LIFE OF DR. RICHARD LEON HOOKS

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to the life of Dr. Richard Leon Hooks who passed away on October 29, 2011.

Dr. Hooks was born in Montgomery, Alabama, in August of 1943, and graduated from Alabama State University with a degree in Secondary Education. Dr. Hooks also attended the University of Alabama, where he earned a Masters of Arts and Doctorate of Philosophy in Education.

Dr. Hooks began teaching in 1963 at Cobb High School in Anniston, Alabama. Later in his career, in 1980, he began administrative work with Anniston City Schools. In 2003, he retired and in 2008, was elected to serve on the Anniston City Board of Education. He served two years as the school board president.

It is a sad day in Alabama as we have lost one of our great educators. We honor the memory of Dr. Richard Leon Hooks today.

## TRIBUTE TO THE GENERAL PATTON MEMORIAL MUSEUM AND THE WORLD WAR II DESERT TRAINING CENTER

### HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mrs. BONO MACK. Mr. Speaker, I rise today to pay tribute to the General Patton Memorial Museum located in the 45th Congressional District and in the center of the historic military landscape—General Patton's World War II Desert Training Center.

Through the hard work and dedication of local supporters, volunteers and donors, the museum preserves artifacts from the major conflicts of the 20th and 21st centuries and serves an important role educating the public on U.S. military history. In cooperation with the U.S. Bureau of Land Management, this historically significant land will be protected for future generations to enjoy.

I want to especially thank Margit Chiriaco Rusche and her family who have given selflessly of their time, energy and finances to preserve the memory of General Patton's presence in our community. Generations of American families have been rewarded with a glimpse of America's military history through this unique facility, and our community has been enriched by the one-of-a-kind historical artifacts preserved at this site.

Located in the heart of the Desert Training Center, the General Patton Memorial Museum was established on November 11, 1988, to honor the memory of General George Patton. The museum contains exhibits ranging from World War I through the Iraq and Afghanistan Wars and honors the service and sacrifice of America's veterans.

In the early days of World War II, the greatest global conflict our world has ever seen, the War Department recognized the need to train troops to withstand the rigors of battle over rough desert terrain. Thus, the Desert Training Center, formally known as the California-Arizona Maneuver Area, was established in 1942. Led by Major General George S. Patton Jr., the training camp trained 1 million troops from 1942–1944.

When the direction of the war shifted to the Allies' favor in 1944, the camp was closed, ending the largest simulated theater of operations in the history of military maneuvers. While most of the structures were removed, much of the infrastructure, including rock-lined streets, staging areas, flag circles, and tent areas remain.

It is my hope that the General Patton Memorial Museum and the World War II Desert Training Center will serve as a powerful reminder of how our nation's freedom has been preserved by the dedication of our armed forces. While no single tribute can fully honor their sacrifice, this memorial offers a chance for our community to stand together in honoring the men and women who have fought under the Stars and Stripes. I am certain that any patriotic American would benefit from a visit to the General Patton Memorial Museum and I encourage all those traveling to this region to consider visiting.

Mr. Speaker, it is with great pride that I ask the United States House of Representatives to join me in recognizing the General Patton Memorial Museum and the World War II Desert Training Center.

## NOVEMBER 2011 IS PULMONARY HYPERTENSION AWARENESS MONTH

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. WILSON of South Carolina. Mr. Speaker, November is Pulmonary Hypertension Awareness Month 2011 in the Second Congressional District of South Carolina. Pulmonary Hypertension, PH, is the condition of continuous high blood pressure in the arteries or veins of the lungs which can result in an enlarged heart, causing it to lose its ability to pump. PH symptoms are similar to common respiratory and cardiac ailments and is therefore difficult to properly diagnose. It often leads to life-threatening delays in treatment. Although there is no cure for the disease, there is hope. Unfortunately, the medications can be expensive and invasive, with some patients requiring continuous infusion pumps and oxygen.

The Pulmonary Hypertension Association, PHA, a patient support charity group, raises funds for research, promotes awareness, and proves educational and emotional support to the estimated 30,000 diagnosed patients in the United States. It has helped to establish 235 patient support groups throughout the nation, including four groups in South Carolina that serve over 150 patients, caregivers and family members across the state.

On behalf of the Pulmonary Hypertension patients in the Second Congressional District of South Carolina, I would like to bring awareness to their cause by citing November 2011 as Pulmonary Hypertension Awareness Month.

## RECOGNIZING THE 109TH BIRTHDAY OF MR. ROOSEVELT LEE, SR. OF KOSCIUSKO, MS

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize Mr. Roosevelt Lee, Sr. of Kosciusko, Mississippi; as a father, husband and agricultural entrepreneur in recognition of his 109th birthday. Born October 23, 1902 to Mr. Tom Lee and Mrs. Mary Young Lee, Roosevelt is the eldest and last surviving of nine siblings. Mr. Lee is the father of eighteen (18) children, grandfather to sixty (60) grandchildren and great-grandfather to more than fifty (50) great-grandchildren.

During a period when educational resources for African Americans were slim to none, Mr. Lee managed to receive up to a third grade education which was offered out of a local church in Kosciusko where he is a native. At a very young age Mr. Lee committed his time and talent to working to help support his family; he worked as a farmer, mechanic, and raiser of cattle and other livestock.

He is a devote Christian and passionate steward of the Lord. He was a member of the Mount Ollie Missionary Baptist Church in Kosciusko, Mississippi for 67 years where he actively served as Sunday school superintendent, treasurer, head deacon, and trustee for the church. Currently, he is a member of the Bell Grove Missionary Baptist Church of Clarksdale and has been for the past eight years.

Mr. Lee is a member of the Sir Knight Masons of Clarksdale, Mississippi. He has selflessly devoted his time to helping other local farmers maintain and repair their farming equipment and vehicles. Mr. Lee's work ethic and commitment to making provisions for his family has allowed his family to keep its farm for 81 years.

In October of 2007, Mayor Henry Epsy of Clarksdale, Mississippi, declared October 27th as Roosevelt Lee, Sr. Day. At the seasoned age of 109, Mr. Lee does not suffer from high blood pressure, cholesterol, heart issues or diabetes but has most recently been diagnosed with Alzheimer disease.

Boxing and wrestling are two of his favorite sports. He has a passion for checkers and loves to travel. He has frequented many of America's most popular destinations such as Chicago, St. Louis, California, Atlanta and a host of others.

Out of his more than a century of life, Mr. Lee confirms that his commitment to Christ has been what has sustained him. He believes that if you serve the Lord and do the right thing regardless of what the next person does, God will bless you. He is a true example of the wondrous works of the Lord and what it means to be a provider for your family.

Mr. Speaker, I ask that you and my colleagues join me in celebrating a true champion of the life, Mr. Roosevelt Lee, Sr. for his tenacious and zealous works as a farmer, father and one fine American.

## PERSONAL EXPLANATION

### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 816, I was attending the funeral mass of a family member and was unable to vote. Had I been present, I would have voted "yea."

## A TRIBUTE TO JOAN SLAUGHTER

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Joan Slaughter for her service to the United States and to my home town of Philadelphia, PA. Joan began her career with the Federal Government on October 23, 1973. She started as a Sewing Machine Operator ant the Directorate of Manufacturing at the Defense Personnel Support Center in my district. But, she would not remain in that post for long.

Her drive for excellence and her commitment to service led her to a constant string of educational certificates and degrees and promotions at work.

Providing the best product to the warfighter has been her guiding principal. That commitment resulted in a nearly 38 year career and the undying love and respect of her colleagues and friends.

Mr. Speaker, Joan's love of country is only exceeded by her love of her family. Her husband Gregory and children Gregory, Jr., Shirley and Karen, along with son-in-law Victor, daughter-in-law Nicole, and her grandsons, granddaughters and great grandson could tell us story after story illustrating how wonderful she is.

Joan is retiring now. But, DLA' loss is her family's gain. Our country's loss will be our community's gain.

I ask that all every Member of the House of Representatives join me in honoring her on the occasion of her retirement.

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

SPEECH OF

### HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 2, 2011*

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of S. 894, the Veterans' Cost-of-Living Adjustment Act of 2011. This

legislation increases the rate of disability compensation for veterans and their dependents. It also increases disability, old age, and survivor benefits provided under Title II of the Social Security Act. This bill will benefit many; there were more than 3.2 million veterans receiving total disability compensation in 2010.

The Veterans' Cost-of-Living Adjustment Act provides a much needed cost of living adjustment for the courageous men and women who served in the Armed Forces. It is in a spirit of deep gratitude and appreciation that I fight to provide for our troops fighting abroad, and our veterans who have returned from deployment. It is the responsibility of Congress and the Administration to fulfill our moral obligation to those who have fought for freedom and democracy.

In the State of Texas, we have nearly 1.7 million veterans, and the 18th District is home to 32,000 of them. Of the 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from Operation Enduring Freedom in Afghanistan, and Operation Iraqi Freedom. Additionally, there are almost 34,000 soldiers from Texas currently deployed in Iraq and Afghanistan. I am supporting this legislation to ensure that our men and women in uniform are taken care of when they return from combat.

Operation Enduring Freedom and Operation Iraqi Freedom have presented unanticipated challenges, greater threats, and higher stakes than ever before. The men and women who have served in these operations during the course of the past decade were tasked with the enormous responsibility of protecting America from a new enemy, one that does not identify itself with uniforms, or declare war, or invade by driving tanks over a border. The Veterans' Cost-of-Living Adjustment Act ensures that disabled veterans are properly compensated for their sacrifices.

Throughout my tenure in Congress, I have remained committed to meeting both the needs of veterans of previous wars, and to those who are now serving. Veterans have kept their promise to serve our Nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans.

We promise to leave no soldier or veteran behind. Politics and partisanship should never be a factor in our support for American veterans or troops. On the battlefield, the military pledges to leave no soldier behind. As a Nation, let it be our pledge that when they return home, we leave no veteran behind. I am pleased at the bipartisan nature with which my colleagues have approached this legislation. We must resolve together that we will provide returning veterans with the welcome, services, care, and compassion that they deserve. Let us all remember that one of the things that makes our Nation truly great are the young men and women willing to fight to defend it, to defend us, and to defend our way of life.

I urge my colleagues to join me in supporting S. 894, the Veterans' Cost-of-Living Adjustment Act of 2011.

## TRIBUTE TO MR. CHARLIE CALVIN

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Mr. Charlie Calvin, who has distinguished himself as both an outstanding community leader and political organizer for over 30 years.

Mr. Calvin graduated from Northern Illinois University with a Bachelor of Arts Degree in Political Science/Pre-Law; he subsequently earned a Master of Arts Degree in Political Theory and Government from Governors State University and two Juris Doctorate Degrees, one from LaSalle University School of Law and the other from the National Conference of Black Lawyers College of Law and International Diplomacy.

For the past 31½ years, Charlie Calvin has worked tirelessly as a community and political organizer—addressing issues of family, community, public education, the justice system, and the destruction of the African American male. Mr. Calvin has addressed concerns and advocated for help to feed and clothe the needy. As Deputy Register, he has helped to register thousands of new voters and has held town hall meetings relative to vital issues, such as disproportionate incarceration, the adverse effect of the criminal justice system on the African American Community, and leadership through political forums.

Charlie Calvin has affected people young and old though his motivational speaking engagements, Criminal Justice Conferences, and Adjunct professorships at the National Conference of Black Lawyers, LaSalle Law School, Harold Washington College and Chicago State University. Mr. Calvin is affiliated with many organizations ranging from the NAACP to Alpha Phi Alpha Fraternity Inc. to the National Association of Blacks in Criminal Justice.

Charlie Calvin entered the Democratic Political Primary of 1978 where he was a candidate for County Clerk—which at 22 years of age, made him the youngest and first African American in the history of Kankakee County to run for a seat in county government. He later assisted a number of local politicians to be elected as judges.

Recently Charlie Calvin became the Division Administrator for the Presiding Judge's Office of Juvenile Justice.

Charlie is married to Mrs. Dorothy Calvin, and they have three children; Charlie Jr. is a graduate of Governors States University, Felicia is a junior at Northern Illinois University, and Thomas is a high school student.

I am pleased to commend and congratulate Mr. Calvin on an outstanding career and wish him well in all of his future endeavors.

## H.R. 2930, THE ENTREPRENEUR ACCESS TO CAPITAL ACT, AND H.R. 2940, THE ACCESS TO CAPITAL FOR JOB CREATORS ACT

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 2930, the Entrepreneur Access to Capital Act, and H.R. 2940, the Access to Capital for Job Creators Act. Just as I remarked earlier this week during the House's consideration of H.R. 1070 and H.R. 1965, I strongly support measures to free up capital for job creation, but such measures must be responsible and protect investors. I lament that the bills we consider here today fail to meet that threshold.

H.R. 2930 has as its goal the facilitation of crowdfunding, a relatively new phenomenon and one the Securities Exchange Commission is beginning to study. Mandating laxer regulatory requirements in statute strikes me as premature, if not irresponsible, in this case. Further, I recognize the potential the Internet holds for the financial services industry but also have grave reservations on the nefarious ways in which it can be used to defraud investors, particularly the more casual kind that might participate in crowdfunding.

The other bill on which we will vote—H.R. 2940—would seem to obviate the regulatory distinction made between private and public securities. The latter are permitted to be solicited publicly in exchange for greater regulatory scrutiny. I am extremely wary of granting the same privilege to private securities without associated reporting requirements.

Mr. Speaker, I commend my colleagues on the Committee on Financial Services for producing bipartisan legislation. Nevertheless, I cannot in good conscience support either H.R. 2930 or H.R. 2940 because each bill obfuscates transparency for investors and could expose them to new risks that any intelligent person would seek to avoid in this economy.

On a final note, I would add that the financial deregulatory bills considered by the House this week will put more pressure on our country's broken fiduciary system. By waiving registration and reporting requirements, we will be further muddying the distinction between brokers and investment advisers. This will be to the detriment of investors and market integrity.

## SMALL COMPANY CAPITAL FORMATION ACT OF 2011

SPEECH OF

### HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 2, 2011*

Ms. JACKSON LEE of Texas. Mr Speaker, I rise in support of H.R. 1070, "Small Company Capital Formation Act of 2011" which would require the Securities and Exchange Commission (SEC) to create a new and larger exemption, effectively raising the limit from $5 million to $50 million for its Regulation A security offerings and permitting a more streamlined approach for smaller issuers. Presently, the limit for Regulation A security offerings is $5 million; however, this avenue is rarely pursed due to the small size of issuances permitted. The bill would permit SEC to impose conditions on issuance under the rule, and would require periodic review of the limit.

Regulation A was enacted during the Great Depression to stimulate the economy by improving small businesses' access to equity capital. While the initial offering threshold of $100,000 has been increased over the years to the current $5 million set by the Commission in 1992, it has not been increased to reflect the rising costs associated with bringing

a small company public over the last two decades.

In this day and age, a small to medium company simply cannot afford to go public at a cost of $5 million. For the last 19 years we have had substantially fewer companies that have chosen to go public. The $5 million threshold has resulted in a chilling effect. In the last year, only 3 companies have utilized this process. Going public allows a growing company to have access to capital, equity, and additional financial resources. They need to raise capital in order to grow their business. Currently, there are 5,100 public traded companies. In 1997, there were 8,873 publicly traded companies. This legislation is intended to reverse a downward trend.

Due to the low offering threshold, and without a corresponding state "Blue Sky" exemption for Regulation A offerings, Regulation A has not provided a viable capital-raising vehicle for smaller companies in recent years. Amplified by increased difficulties for smaller companies resulting from the recent financial crisis, these shortcomings of Regulation A have invited renewed focus on this regulation.

The legislation before us today is designed to encourage small companies to attract additional capital which will allow them to invest and hire additional employees. As part of a broader effort to tie the financial regulatory environment to U.S. job creation and economic competitiveness.

Small and medium companies would be able to offer securities up to $50 million publicly without the full cost of a registered offering, potentially expanding their access to capital beyond the private offerings many now use. Additional protections for investors were added to this bill. Companies utilizing Regulation D are required to provide investors with audited financial statements annually.

We must implement policies that achieve the right balance between the competing objectives of promoting valid investment business opportunities and protecting citizens from inappropriate risk and fraudulent schemes. This bill allows States to retain their ability to review these generally high risk offers as a means for protecting investors. Additional protections include giving investors legal recourse for misstatements made by companies in the prospectus documents. Regardless of an investors sophistication level, when a company is dishonest, the investor must be protected.

Small businesses need access to loans and other lines of credit in order to build their businesses and create jobs. Before us is a measure that would allow small businesses to get the support they need. This bill will provide small businesses with increased access to capital.

According to the U.S. Small Business Administration, small businesses account for 52 percent of all U.S. workers. They are the life blood of our economy. Small businesses in the U.S. produced three-fourths of the economy's new jobs between 1990 and 1995, and represent an entry point into the economy for new groups. Women, for instance, participate heavily in small businesses.

The number of female-owned businesses climbed by 89 percent, to an estimated 8.1 million, between 1987 and 1997, and women-owned sole proprietorships were expected to reach 35 percent of all such ventures by the year 2000. They were hindered in large part because of lack of access to traditional forms of credit. Before us today, is a measure that would help businesses grow. Small firms also tend to hire a greater number of older workers and people who prefer to work part-time.

We must always remember that American small businesses are the heart beat of our nation. I believe that small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Although I support the bill before us today, it is important to highlight that having an opportunity to invest in small businesses is important. However, given the risky nature of such investments, these opportunities should be made available to investors who understand the risk and have the financial wherewithal to handle any losses that may come as a result of the investment. Small business needs access to capital in order to grow and flourish. Individuals who invest in these companies and startup should understand the unique risk associated with such investments.

The success of small business is America's success. This success can be achieved by encouraging small business growth and entrepreneurship. Especially, as our nation is facing a prolonged period of high unemployment and slow economic growth. Many of us have seen businesses disappear since the financial crisis. These businesses did not fail because of their inability to compete, or due to shortcomings in their business plan or because of the goods and services they produced. They failed because they could not get loans from banks.

Without access to capital, Houston native Michael Dell would not have been able to start one of the most successful computer retail businesses in the world. His $1,000 dollar initial investment in the 198os allowed Dell Computers to become a household name. Without this capital, America would not have had one of its premier innovators.

The economic impact of this legislation is encouraging because businesses require capital in order to expand and flourish. When businesses are presented with this opportunity, jobs are created that in turn, will stimulate economic growth. Dell's headquarters alone employs roughly 16,000 people.

I urge my colleagues to join me in supporting H.R. 1965, "To amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes."

## TRIBUTE TO ADMIRAL MULLEN

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Admiral Mike Mullen, who retired last month as the 17th Chairman of the Joint Chiefs of Staff after more than 43 years of distinguished service to his country.

Admiral Mullen grew up in San Fernando Valley portion of Los Angeles, in the district I have the privilege to represent.

Last year, he graciously agreed to serve as Grand Marshall of the San Fernando Valley Veterans Day Parade, for which I will always be grateful.

A 1968 graduate of the United States Naval Academy, Admiral Mullen assumed his duties as chairman in 2007, the culmination of an extraordinary military career.

Admiral Mullen's many accomplishments in the military are well known. I would like to focus on two initiatives he pursued as Chairman, which made direct contributions to our national security and demonstrated the strength of his character.

First, Admiral Mullen recognized early on in his service as Chairman the critical and difficult relationship the United States has with Pakistan's military leaders, and he dedicated himself to serving as a conduit for that critical relationship.

In many cases, effective diplomacy boils down to having someone with the tenacity and intellectual muscle to work a difficult issue, and Admiral Mullen more than proved his mettle in his dealings with Pakistan. I commend him for his efforts to keep the U.S.-Pakistan relationship on track.

I also believe our nation owes Admiral Mullen a debt of gratitude for his stance in repealing Don't Ask Don't Tell. Admiral Mullen called it like he saw it, an immeasurably critical quality, and our military is the better for it.

Admiral Mullen was driven by the desire to advance the interests of America's fighting men and women. He accomplished this goal, many times over.

I salute Admiral Mullen for his service, I pay tribute to his contribution, and I wish him all the best as he leaves the Navy.

## INTRODUCTION OF THE GIVE FANS A CHANCE ACT NOVEMBER 3, 2011

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. BLUMENAUER. Mr. Speaker, today I am proud to introduce the Give Fans a Chance Act. Professional sports teams are a focal point and an important part of the identity of a community. Many of these communities have taxed themselves and provided financial incentives for stadiums, infrastructure improvements, and other enticements to team owners.

Too often the owners of sports franchises play cities off of one another to leverage even more money. In certain disdainful cases, owners have moved sports teams from cities who would and could provide the support for them to remain.

Public ownership of teams can help prevent these franchise moves and closures that occur against the wishes of a region. Unfortunately, many league rules and practices either prohibit or discourage public ownership. The "Give Fans a Chance Act" eliminates such rules.

The bill ties the leagues' broadcast antitrust exemption to the requirements in this bill, which eliminates league rules against public ownership and gives communities a voice in team relocation decisions.

An example of how this has worked is the story of the Green Bay Packers. The Packers were founded in 1919. In 1950, the fans saved the team from bankruptcy through a public stock offering. Since then, this team from the NFL's smallest city has seen stadium sell-outs for over 50 years and 13 NFL championships, including four Super Bowls.

Like it or not, professional sports teams have become an integral part of the fabric that makes up our communities. Since 1950, however, there have been over 50 franchise moves in the four major sports leagues. Sports team owners often instigate pitched battles between local communities over placement of teams. These communities are willing to pay millions of dollars to coax teams from one city to another, sometimes at the expense of other vital city services. Communities need more leverage in these battles.

Give Fans a Chance provides that leverage by requiring teams to listen to the community before making a relocation decision. It also gives communities an opportunity to purchase the team before they would be allowed to move to another city.

## CONGRATULATING MR. THOMAS R. ASHLEY, ESQ. FOR RECEIVING THE DANIEL L. GOLDEN LIFETIME ACHIEVEMENT AWARD

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. PAYNE. Mr. Speaker, today I rise to congratulate Mr. Thomas R. Ashley, Esq. who is a recipient of the Daniel L. Golden Lifetime Achievement Award. Mr. Ashley is one of New Jersey's and the nation's leading trial lawyers. It is with great pleasure and honor that I recognize the legacy of this accomplished attorney.

Mr. Thomas R. Ashley, Esq. is a native of Camden, New Jersey. As a star basketball player at Camden High School, Mr. Ashley received a scholarship to attend Rutgers University. He went on to accept an academic scholarship to Rutgers Law School, later becoming a recipient of Rutgers Law School's Civil Rights Award. With many opportunities and offers at major law firms, it was his law school professor, Mr. Arthur Kinoy, who urged Mr. Ashley to join the national legal staff of the National Association for the Advancement of Colored People (NAACP).

In 1968, Mr. Ashley prepared his first case with the NAACP lead team for the dismissal of an African-American man charged with the arson of a building in Enid, Oklahoma. Within four years, he teamed up with the well-known criminal and civil rights attorney, Mr. Raymond A. Brown, and started building a Newark based law practice that continues to this day.

Mr. Ashley's other accomplishments and affiliations include membership in the New Jersey State Bar Association, Essex County Bar Association and the National Directory of Criminal Lawyers as one of the top 500 criminal trial lawyers in the United States. He was also named the ''Ten Leaders of Criminal Defense Law for Northern New Jersey'' by Digital Press International in April 2004.

Mr. Thomas R. Ashley, Esq. is an extraordinary attorney, who continues to advocate for civil rights and justice in the Newark community and throughout the United States. Mr. Speaker, I rise to congratulate a noble and well-deserved recipient of The Daniel L. Golden Lifetime Achievement Award.

## INCREASING SHAREHOLDER THRESHOLD FOR SEC REGISTRATION

SPEECH OF

### HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 2, 2011*

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of H.R. 1965, which seeks, ''To amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.'' This legislation amends the Securities Exchange Act of 1934 regarding registration of securities to modify the registration threshold for an issuer that is either a bank or a bank holding company as well as for an issuer that is neither a bank nor a bank holding company. It raises the Exchange Act's shareholder cap from 499 to 1,999 shareholders for banks and permits banks with less than 1,200 shareholders to cease its reporting requirements under the Exchange Act. As well as, raises from $1 million to $10 million the threshold for total assets of an issuer that requires registration of a certain class of equity security.

This legislation would increase ability of banks to raise capital from a larger shareholder base, which would create a level playing field for smaller community banks. It also raises the Exchange Act's shareholder cap from 499 to 1,999 shareholders for banks and permits banks with less than 1,200 shareholders to cease reporting requirements under the Exchange Act.

Under current law, banks and private companies have a 500 investor threshold. Since 99.5 percent of banks reach the asset threshold for registration as a public company, the only meaningful test of whether a bank should be registered as a public company is the number of shareholders. But while the asset threshold has been increased tenfold since 1964, the shareholder threshold has stayed the same. Banks that are nearing the 500 shareholder threshold may have nowhere to turn to raise capital they need to meet the credit needs of their communities.

This provision limits the amount of capital banks and private companies can raise before they have to adhere to the Security Exchange Commission's (SEC) reporting requirements. The SEC reporting process is extensive and expensive. Small businesses, especially, can ill afford to comply with this stipulation at the cost of their ability to innovate and procure capital. As it stands community banks are part of a highly regulated industry governed by numerous statutes and regulations affecting almost every aspect of banking activity. Each banking institution is regulated by two agencies: a primary federal regulator and, in the case of state chartered banks, by the state regulator, as well.

Significant financial and other information regarding every bank and savings association can be publicly viewed on the website maintained by the FDIC. All banks are required to make annual reports available to both their customers and investors. Most provide financial and other information to investors through their company websites. The advantage to the small community banks from increases in the registration and deregistration thresholds would not be a lack of transparency, since keeping shareholders and the public fully informed about the bank's performance is essential to its presence as a community bank. Rather, it is a reduction of regulatory burdens and reporting requirements that pose a disproportionate burden on small community banks.

Banks should focus on lending money to small business rather than fulfilling a regulation that should be modified. If we alleviate this burden from banks, I expect these same banks will give loans and provide other financial resources to our nation's businesses—especially for our nation's small businesses.

Our nation's businesses need our help. Because of the 2008–2009 financial crises, the business environment has been suffering from decreased access to credit. Appropriate access to credit allows for innovation and encourages startups which may one day become major employers. Currently, there is a distinct lack of capital procurement.

Small businesses need access to loans and other lines of credit in order to build their businesses and create jobs. Before us is a measure that would allow small businesses to get the support they need. This bill will provide small businesses with increased access to capital.

According to the U.S. Small Business Administration, small businesses account for 52 percent of all U.S. workers. They are the life blood of our economy. Small businesses in the U.S. produced three-fourths of the economy's new jobs between 1990 and 1995, and represent an entry point into the economy for new groups. Women, for instance, participate heavily in small businesses.

The number of female-owned businesses climbed by 89 percent, to an estimated 8.1 million, between 1987 and 1997, and women-owned sole proprietorships were expected to reach 35 percent of all such ventures by the year 2000. They were hindered in large part because of lack of access to traditional forms of credit. Before us today, is a measure that would help businesses grow. Small firms also tend to hire a greater number of older workers and people who prefer to work part-time.

There are hundreds of stories of start-up companies catching national attention and growing into large corporations. Just a few examples of these types of start-up businesses making it big include the computer software company Microsoft; the package delivery service Federal Express; sports clothing manufacturer Nike; the computer networking firm America On-Line; and ice cream maker Ben & Jerry's.

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The economic impact of this legislation is encouraging. Businesses require capital in order to expand and flourish. When businesses are presented with this opportunity, jobs are created that in turn, will stimulate economic growth. Dell's headquarters alone employs roughly 16,000 people.

We must always remember that American small businesses are the heart beat of our nation. I believe that small businesses represent

more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

I urge my colleagues to join me in supporting H.R. 1965, ''To amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.''

## THE ENTREPRENEUR ACCESS TO CAPITAL ACT (H.R. 2930) AND THE ACCESS TO CAPITAL FOR JOB CREATORS ACT (H.R. 2940)

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of today's legislation, which will modernize our securities laws to support capital formation at our nation's start-ups and small businesses.

Specifically, the Entrepreneur Access to Capital Act (H.R. 2930) will facilitate the technique of ''crowdfunding'', whereby internet-based platforms like social networks are used to raise small amounts of money from large numbers of people. Under this legislation, securities offerings are capped at a maximum of $2 million with investments limited to $10,000 or less. Additionally, this Administration priority contains important investor protections to keep bad actors from undermining the crowdfunding market.

Similarly, the Access to Capital for Job Creators Act (H.R. 2940) will allow small companies to raise capital more easily by removing restrictions against general solicitation and advertising to potential investors. While maintaining the ''accredited investor'' requirement for participation in these private offerings, H.R. 2940 will make it easier for legitimate businesses to find qualified investors to launch and fund their operations.

While I continue to believe this body should be taking up more comprehensive jobs legislation like the American Jobs Act, these initiatives both represent modest improvements to existing securities law and merit our support.

## HONORING MONTFORD POINT MARINES FOR SERVICE TO THE COUNTRY

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. DAVIS of Illinois. Mr. Speaker, I join my colleagues in honoring the Montford Point Marines for their great sacrifice and courage in becoming the first African Americans admitted to the Marine Corps, and their service to our country during multiple wars, including World War II, the Korean War, and the Vietnam War. Their service to the country was great, which is why I voted in favor of H.R. 2447 to grant the Congressional Gold Medal to the Montford Point Marines. The Congressional Gold Medal is a prestigious honor that these men truly deserve.

After President Franklin D. Roosevelt established the Fair Employment Practices Commission in 1941, allowing for equal opportunity in all branches of the armed forces, the first black recruits entered boot camp at Camp Montford Point in Jacksonville, North Carolina. The recruits were prohibited from training with white recruits in nearby Camp Lejeune, and the conditions during their training in the snake-infested swamps of New River were much more difficult than those of their white peers. These men dealt with unsanitary drinking water, inferior barracks made of cardboard, and freezing living quarters, all of which were unfit for any American, let alone the men and women that protect our country.

As a testament to the resolve of the Montford Point Marines, after completion of their training in North Carolina, the 8th Ammunition Company and the 36th Depot Company were deployed to Iwo Jima on D-Day during World War II, receiving praise from fellow officers for their actions under fire. In addition, Marines trained at Montford Point participated in the seizure of Okinawa and helped with clean-up of debris from the atomic bomb attacks in Japan.

After the announcement of U.S. victory in the war, nearly 17,500 of the 19,000 black marines were discharged from the Corps. A few of the Montford Point men remained in the service completing tours of duty in the Korean and Vietnam conflicts. Today, few of these men are still with us, but their legacy continues to inspire young men and women who strive for participation in the U.S. Armed Services.

I salute the Montford Point Marines for their endless determination to bring about change in the Marine Corps, and for their exceptional contributions to equality in this country. Their sacrifices opened doors for many individuals seeking to serve this country, and we are forever grateful for their accomplishments.

## REAFFIRMING ''IN GOD WE TRUST'' AS THE OFFICIAL MOTTO OF THE UNITED STATES

### HON. JAMES LANKFORD

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 3, 2011*

Mr. LANKFORD. Mr. Speaker, I hear many people say, that our country has never been more at odds or our rhetoric more divisive than now—I would strongly disagree. While I believe that our debate and tone should reflect respect for each person, regardless of the deep philosophical divide—I would remind us of a time in 1861 when our nation stood at the precipice of the Civil War and the oratory spilled over into bloodshed. During that dark moment in our nation's history, the Secretary of the Treasury ordered the Director of the US Mint to create a new inscription for the nation's coins: He wrote,

> No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins. You will cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.

The Director of the Mint responded back with a variation of the phrase used in the Star Spangled Banner, The Motto, ''In God is our trust''—since it was a familiar hymn and indicative of the American people, but though he thought it had too many letters for a coin, so he recommended ''God our Trust'', it was later finalized as, ''In God we Trust'' and was first put on a two cent coin in 1864, near the end of the Civil War. Most coins then followed with that motto until 1907 when some coins were approved without the words, In God we Trust, but after a huge public outcry, it was added back in 1908.

This was not an isolated moment in our American story, it was a consistent theme of our American story.

As we struggled as a group of thirteen small colonies we penned, ''We are endowed by our Creator with certain unalienable rights. . . .''

As I already mentioned, Francis Scott Key watched the shelling of Baltimore in 1814 after the burning of Washington, DC thinking that this could be the decisive moment when our young nation would be wiped out, he wrote the Star Spangled Banner—which ends with ''So this be our motto, In God is our Trust.''

After fighting World War I and then in short order World War II, then immediately finding the world waging the Cold War against Communism in the 1950's, we declared again our national value, what defines our nation—how we are different than the rest of the world.

The Communists declared their confidence that man can solve every problem of mankind, the educated and benevolent heart and mind of a few leaders could fix all of man's inequities, if you would only put your trust in the government.

In 1954 and 1956 our nation declared again with a resounding voice by adding, Under God, to the pledge, In God we trust to all currency and declaring ''In God we Trust'' as our official national motto. The Francis Scott Key's poem, that became a song, that declared since 1814, ''this is our motto, In God is our trust'' finally actually became our official motto.

In a time of national crisis the nation, through its elected leaders declared again that as a free people, we do not put our trust in Congress, the President, the Supreme Court, in the creativity of people or anyone else. We expect that the nation's leaders will also be the nation's humble servants, but we do not put our trust in them.

We have a national optimism because we believe that this world and this nation was created with a purpose and that the creator cares for his creation—from our founding documents, we believe that all people are created equal and are given certain rights from God, including Life, Liberty and the Pursuit of Happiness. We are different as American, we believe that our rights come from God, not men—our core value comes from something higher than ourselves. It is that belief that drives Americans to not give up in the struggle to restore our great Republic.

We have been through hard times before, war, depression, poverty and struggle, but in this world of chaos, debt, irresponsibility and fear it is wise to stop and reflect again on our hope and our trust—we must work with all diligence to do what is right—but we should also remember that at the end of the day, we will have this world and its problems in right perspective if we will work and put our trust in God. This is not an establishment of a religion, it is an acknowledgement of our history, our present and our future—we are a diverse nation, with all kinds of belief and some with no

belief—but a common theme has resonated through each national crisis, In God we Trust.

In this moment of national debate over the issue of our day, I encourage the continued support of this simple and historic national motto.

## CIVILIAN SERVICE RECOGNITION ACT OF 2011

SPEECH OF

### HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 2, 2011*

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2061, "The Civilian Service Recognition Act of 2011." This bill authorizes 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. The bill affords the head of an executive agency the ability to present the United States' flag to an individual who was an employee of the agency and dies of injuries incurred in connection with such individual's employment with the Federal government, suffered as a result of a criminal act, an act of terrorism, a natural disaster, or other circumstance as determined by the President.

As a senior member of the Judiciary Committee, I value the lives of all American citizens who devote themselves to the public cause. America has a longstanding tradition of honoring soldiers, sailors, marines, and airmen who have fallen in battle. The debt we owe our nation's armed service members, especially those who have fallen, cannot be quantified. It is imperative that we recognize and fully appreciate the men and women who risk their lives each day for our freedom.

Just as we recognize our military for their bravery, we must recognize our civil servants for their dedication to this nation. Our country is made great on the backs of millions of federal employees. Much like the men and women of the Armed Forces, the individuals tasked with federal law enforcement and protection put their lives on the line every day.

In March 2011, Deputy U.S. Marshal John Perry died from a critical gunshot wound while attempting to apprehend a fugitive wanted for assaulting a police officer and drug possession in St. Louis, MO. Mr. Perry dedicated his life to federal law enforcement, and sacrificed his life to make the country safer for all Americans. Deputy U.S. Marshal John Perry was a brave and patriotic civil servant who certainly deserves the honor of the United States flag.

NASA employee David Beverly was employed by the Johnson Space Center in Houston, Texas, where I represent the 18th Congressional District. On April 20, 2007 Mr. Beverly was fatally shot in the chest during a hostage ordeal inside the Space Center. An electrical parts specialist, David Beverly fostered innovation and space exploration for the benefit of all Americans.

I have met many Americans who are proud of the work our government does. These sentiments can only be attributed to the civil servants who are the first line of contact to the federal government. Federal workers offer themselves in service to their country. They serve their duties with great pride. Federal employees serve this nation because they believe in their sense of civic duty. Civil servants believe their work provides them with an opportunity to protect and build the nation for future generations. They seek to serve their country rather than their own self-interests, and share in the belief that country comes first above all else.

Federal employees are our neighbors; they are husbands and wives, sisters and brothers, sons and daughters. They sacrifice time spent with their families. They work long hours to support and defend the Constitution. They pledge their allegiance to this land of freedom and opportunity. They take the initiative to develop new and innovative programs, techniques, and tools to improve the way the federal government serves its citizens.

In my home state of Texas, approximately 190,000 people work for the federal government. Houston employs approximately 30,000 federal workers. They represent the values that we hold dear to our democracy. These values are grounded in patriotism dedicated to making this nation realize its loyalty to its citizens.

These civil servants make a positive difference in the lives of Americans. They play an essential role in addressing challenging and critical national issues. They create strong, sustainable, inclusive communities and quality affordable homes for all. They help keep terrorists and their weapons out of the U.S. as well as secure and facilitate trade and travel while enforcing immigration and drug laws. These federal agencies care for our troops when they return from battle. The agencies make sure our borders are safe. They make sure the air we breathe and the water we drink are clean. I am extremely proud of the work that these federal employees do. I want them to know that I support them and will forever be indebted to their great deeds.

# *Daily Digest*

# Senate

## *Chamber Action*

***Routine Proceedings, pages S7093–S7144***

**Measures Introduced:** Fifteen bills and two resolutions were introduced, as follows: S. 1795–1809, and S. Res. 310–311. **Page S7127**

**Measures Reported:**

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.

S. 1487, 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, 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. **Page S7126**

**Measures Passed:**

***Uintah Water Conservancy District:*** Senate passed H.R. 818, 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 S7142**

***Asia-Pacific Economic Cooperation Business Travel Cards Act:*** Senate passed S. 1487, 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, after agreeing to the committee amendment in the nature of a substitute. **Page S7142**

***America's Cup Act:*** Senate passed 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, after agreeing to the following amendment proposed thereto: **Pages S7142–43**

Reid (for Feinstein/Toomey) Amendment No. 923, to authorize issuance of certificates of documentation authorizing certain vessels to engage in coastwise trade in the carriage of natural gas. **Page S7142**

***Authorize Printing:*** Senate agreed to S. Res. 311, to authorize the printing of a collection of the rules of the committees of the Senate. **Page S7143**

**Measures Considered:**

**Rebuild America Jobs Act:** 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 S7095–S7113**

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 49 nays (Vote No. 195), Senate rejected the motion to proceed to consideration of the bill. (Pursuant to the order of Wednesday, November 2, 2011, the motion having failed to achieve 60 affirmative votes, was not agreed to.) **Page S7113**

**Long-Term Surface Transportation Extension Act:** Senate began consideration of the motion to proceed to consideration of 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. **Pages S7095–S7113**

During consideration of this measure today, Senate also took the following action: By 47 yeas to 53 nays (Vote No. 196), Senate rejected the motion to proceed to consideration of the bill. (Pursuant to the order of Wednesday, November 2, 2011, the motion having failed to achieve 60 affirmative votes, was not agreed to.) **Page S7113**

**3% Withholding Repeal and Job Creation Act—Cloture:** Senate began consideration of the motion to proceed to consideration of H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs. **Page S7141**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII

of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, November 3, 2011, a vote on cloture will occur at 5:30 p.m., on Monday, November 7, 2011. **Page S7141**

A unanimous-consent-time agreement was reached providing that at 5 p.m., on Monday, November 7, 2011, Senate resume consideration of the motion to proceed to consideration of the bill with 30 minutes of debate, equally divided and controlled between Senators Baucus and Hatch, or their designees. **Page S7143**

**House Messages:**

***Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act:*** Senate insisted on its amendments to H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, agreed to a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Kohl, Harkin, Feinstein, Johnson (SD), Nelson (NE), Pryor, Brown (OH), Inouye, Murray, Mikulski, Blunt, Cochran, McConnell, Collins, Moran, Hoeven, Hutchison, and Shelby. **Pages S7113–14**

**Internet and Broadband Industry Practices Regulating—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, the Republican Leader, or his designee, be recognized to move to proceed to consideration of S.J. Res. 6, disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices; that there be up to four hours of debate on the motion to proceed, with the time equally divided and controlled between the two Leaders, or their designees; that upon the use or yielding back of time, Senate vote on the adoption of the motion to proceed; that if the motion is successful, then the time for debate with respect to the joint resolution be equally divided between the two Leaders, or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and Senate vote on passage of the joint resolution; and that all other provisions of the statute governing consideration of the joint resolution remain in effect. **Page S7141**

**Cross-Border Air Pollution—Agreement:** A unanimous-consent-time agreement was reached providing that the order with respect to S.J. Res. 6, also apply to S.J. Res. 27, disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act, with the only exception being two hours of debate equally divided between the two Leaders, or their designees, prior to the vote on the motion to proceed. **Page S7141**

**Wallach Nomination—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, the Senate begin consideration of the nomination of Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit; that there be 15 minutes for debate, equally divided in the usual form; that upon the use or yielding back of time, Senate vote, without intervening action or debate, on confirmation of the nomination. **Page S7142**

**Nominations Confirmed:** Senate confirmed the following nominations:

Richard G. Andrews, of Delaware, to be United States District Judge for the District of Delaware. **Pages S7114–16, S7144**

By a unanimous vote of 96 yeas (Vote No. EX. 197), Scott Wesley Skavdahl, of Wyoming, to be United States District Judge for the District of Wyoming. **Pages S7114–16, S7144**

Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers. **Pages S7141, S7144**

**Messages from the House:** **Pages S7124–25**

**Measures Referred:** **Page S7125**

**Measures Placed on the Calendar:** **Page S7125**

**Measures Read the First Time:** **Pages S7125, S7143**

**Enrolled Bills Presented:** **Page S7125**

**Executive Communications:** **Pages S7125–26**

**Executive Reports of Committees:** **Pages S7126–27**

**Additional Cosponsors:** **Pages S7127–28**

**Statements on Introduced Bills/Resolutions:** **Pages S7128–39**

**Additional Statements:** **Page S7124**

**Amendments Submitted:** **Pages S7139–40**

**Notices of Intent:** **Page S7140**

**Notices of Hearings/Meetings:** **Page S7140**

**Authorities for Committees to Meet:** **Page S7141**

**Record Votes:** Three record votes were taken today. (Total—197) **Pages S7113, S7115–16**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:43 p.m., until 2 p.m. on Monday, November 7, 2011. (For Senate's program, see the remarks of the Majority Leader in today's RECORD on page S7143.)

## Committee Meetings

*(Committees not listed did not meet)*

### CONSUMER FINANCIAL MARKETPLACE

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine empowering and protecting servicemembers, their families and veterans in the consumer financial marketplace, after receiving testimony from Hollister K. Petraeus, Assistant Director, Office of Servicemember Affairs, Consumer Financial Protection Bureau; Bonnie Spain, Rushmore Consumer Credit Resource Center, Rapid City, South Dakota; Admiral Steve Abbot, USN (Ret.), Navy-Marine Corps Relief Society, and Frank Pollack, Pentagon Federal Credit Union, both of Washington, D.C.; and Kevin Bergner, United Services Automobile Association, San Antonio, Texas.

### SPECULATION AND COMPLIANCE WITH THE DODD-FRANK ACT

*Committee on Homeland Security and Governmental Affairs:* Permanent Subcommittee on Investigations concluded a hearing to examine speculation and compliance with the "Dodd-Frank Act", after receiving testimony from Gary Gensler, Chairman, Commodity Futures Trading Commission; and Paul N. Cicio, Industrial Energy Consumers of America (IECA), Tyson Slocum, Public Citizen, and Wallace C. Turbeville, Better Markets, Inc., all of Washington, DC.

### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

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, and Miranda Du, to be United States District Judge for the District of Nevada.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 32 public bills, H.R. 3332–3363; and 7 resolutions, H.J. Res. 83; H. Con. Res. 84–85; and H. Res. 454–457 were introduced. **Pages H7329–32**

**Additional Cosponsors:** **Pages H7332–33**

**Reports Filed:** Reports were filed today as follows:

H.R. 2840, to amend the Federal Water Pollution Control Act to regulate discharges from commercial vessels, and for other purposes, with an amendment (H. Rept. 112–266) and

H. Res. 455, providing for consideration of the bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes (H. Rept. 112–267). **Page H7329**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Fitzpatrick to act as Speaker pro tempore for today. **Page H7259**

**Recess:** The House recessed at 11:31 a.m. and reconvened at 12 noon. **Page H7268**

**Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012:** The House disagreed to the amendments of the Senate to H.R. 2112, making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and requested a conference with the Senate. **Pages H7374–79, H7288–89**

Agreed to the Dicks motion to instruct conferees on the bill by a yea-and-nay vote of 265 yeas to 160 nays, Roll No. 822. **Pages H7374–79, H7288–89**

The Chair appointed the following conferees: Representatives Rogers (KY), Young (FL), Lewis (CA), Wolf, Kingston, Latham, Aderholt, Emerson, Culberson, Carter, Bonner, LaTourette, Dicks, DeLauro, Olver, Pastor, Price (NC), Farr, Fattah, and Schiff. **Page H7289**

**Access to Capital for Job Creators Act:** The House passed 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, by a recorded vote of 413 ayes to 11 noes, Roll No. 828. **Pages H7279–88, H7289–95, H7311–14**

Rejected the DeFazio motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 190 ayes to 236 noes, Roll No. 827. **Page H7313**

Pursuant to the rule, 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. **Page H7289**

Rejected:

Miller (NC) amendment (printed in part B of H. Rept. 112–265) that sought to require disclosure of bonus compensation structures and ''golden parachute'' arrangements in advertising materials associated with an exempted offering (by a recorded vote of 190 ayes to 234 noes, Roll No. 826). **Pages H7294–95, H7311–12**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H7314**

H. Res. 453, the rule providing for consideration of the bills (H.R. 2930) and (H.R. 2940) was agreed to by voice vote after the previous question was ordered by a yea-and-nay vote of 241 yeas to 184 nays, Roll No. 821. **Page H7288**

**Entrepreneur Access to Capital Act:** The House passed H.R. 2930, to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, by a recorded vote of 407 ayes to 17 noes, Roll No. 825. **Pages H7279–88, H7295–H7311**

Rejected the Holt motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 187 ayes to 237 noes, Roll No. 824. **Pages H7310–11**

Pursuant to the rule, the amendment recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H7300**

Agreed to:

McHenry amendment (No. 1 printed in part A of H. Rept. 112–265) that makes technical corrections. The amendment also requires the issuer to state a target offering amount and a deadline to reach the target offering amount. It requires that the Securities and Exchange Commission is provided a notice upon completion of the offering, which shall include the aggregate offering amount and the number of purchasers. Clarifies the disqualification provision to ensure that both issuers and intermediaries, as well as their predecessors, affiliates, officers, directors, or persons fulfilling similar roles, are disqualified from the exemption established in this bill should they have a history of committing securities fraud; **Pages H7301–02**

Fincher amendment (No. 2 printed in part A of H. Rept. 112–265) that indexes to inflation the $1 million and $2 million aggregate annual amounts raised through the issue of the securities as authorized in the bill. The index for inflation would be measured by the annual change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics; **Pages H7302–03**

Quayle amendment (No. 3 printed in part A of H. Rept. 112–265) that indexes the $10,000 individual investment cap to inflation; and **Page H7303**

Perlmutter amendment (No. 6 printed in part A of H. Rept. 112–265) that preserves a state's right to enforce securities laws with respect to fraud, deceit or unlawful conduct. **Pages H7306–08**

Rejected:

Barrow amendment (No. 5 printed in part A of H. Rept. 112–265) that sought to require the Commission to establish a website that provides the public with crowdfunding website safety tips for investing in securities described under section 4(6) and **Pages H7304–06**

Velázquez amendment (No. 4 printed in part A of H. Rept. 112–265) that sought to require crowdfunding intermediaries to disclose their method of compensation to potential investors (by a recorded vote of 189 ayes to 234 noes, Roll No. 823). **Pages H7303–04, H7308–09**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H7314**

H. Res. 453, the rule providing for consideration of the bills (H.R. 2930) and (H.R. 2940) was agreed to by voice vote after the previous question was ordered by a yea-and-nay vote of 241 yeas to 184 nays, Roll No. 821. **Page H7288**

**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 Kaptur and Honda. **Page H7314**

**Senate Messages:** Message received from the Senate by the Clerk and subsequently presented to the House today and a message received from the Senate today appear on pages H7233, H7308, H7322 and H7324.

**Senate Referrals:** S. 271, S. 535, S. 684, S. 897, and S. 997 were referred to the Committee on Natural Resources and S. 278, S. 683, and S. 808 were held at the desk. Page H7273

**Quorum Calls—Votes:** Three yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H7288, H7288–89, H7309, H7310–11, H7311, H7311–12, H7313 and H7314. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 9:03 p.m.

# *Committee Meetings*

## CHESAPEAKE BAY TMDL WATERSHED IMPLEMENTATION PLANS

*Committee on Agriculture:* Subcommittee on Conservation, Energy, and Forestry held a hearing to review the Implementation of Phase II of the Chesapeake Bay TMDL Watershed Implementation Plans and their impacts on rural communities. Testimony was heard from Shawn M. Garvin, Region 3 Administrator, Environmental Protection Agency; Michael Krancer, Secretary, Pennsylvania Department of Environmental Protection; and public witnesses.

## INSTITUTIONALIZING IRREGULAR WARFARE CAPABILITIES

*Committee on Armed Services:* Subcommittee on Emerging Threats and Capabilities held a hearing on Institutionalizing Irregular Warfare Capabilities. Testimony was heard from Major General Peter Bayer, USA, Director of Strategy, Plans and Policy, U.S. Army; Rear Admiral Sinclair M. Harris, USN, Director, Navy Irregular Warfare Office, U.S. Navy; Brigadier General Daniel O'Donohue, USMC, Director, Capabilities Development Directorate, U.S. Marine Corps; and Brigadier General Jerry P. Martinez, USAF, Director for Joint Integration, Directorate of Operational Capability Requirements, U.S. Air Force.

## SEAPOWER AND PROJECTION FORCES

*Committee on Armed Services:* Subcommittee on Seapower and Projection Forces; and the Subcommittee on Readiness held a joint hearing on a day without Seapower and Projection Forces. Testimony was heard from Vice Admiral Bruce W. Clingan, USN, Deputy Chief of Naval Operations for Operations, Planning and Strategy (N3/5), Lieutenant General Richard P. Mills, USMC, Deputy Commander for Combat Development and Integration, Marine Corps Combat Development Command, and Major General John W. Hesterman III, USAF, Assistant Deputy Chief of Staff for Operations, Plans, and Requirements (A3/5), U.S. Air Force.

## FAIR LABOR STANDARDS ACT

*Committee on Education and the Workforce:* Subcommittee on Workforce Protections held a hearing entitled ''Examining Regulatory and Enforcement Actions Under the Fair Labor Standards Act.'' Testimony was heard from Nancy J. Leppink, Deputy Administrator, Wage and Hour Division, Department of Labor; and public witnesses.

## EXECUTIVE OFFICE OF THE PRESIDENT AND THE OFFICE OF THE VICE PRESIDENT

*Committee on Energy and Commerce:* Subcommittee on Oversight and Investigations held a business meeting to consider a motion authorizing the issuance of subpoenas for certain records of the Executive Office of the President and the Office of the Vice President. The Chairman was authorized to issue subpoenas.

## MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Subcommittee on Energy and Power held a markup of H.R. 1633, the ''Farm Dust Regulation Prevention Act of 2011.'' The bill was forwarded, as amended.

## LEGISLATIVE MEASURES

*Committee on Financial Services:* Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing on legislation regarding the ''Private Mortgage Market Investment Act.'' Testimony was heard from Edward J. DeMarco, Acting Director, Federal Housing Finance Administration; and public witnesses.

## RENTAL ASSISTANCE DEMONSTRATION PROPOSAL

*Committee on Financial Services:* Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled ''The Obama Administration's Rental Assistance Demonstration Proposal.'' Testimony was heard from Sandra B. Henriquez, Assistant Secretary, Public and Indian Housing, Department of Housing and Urban Development; Ismael Guerrero, Executive Director, Housing Authority, City and County of Denver; and public witnesses.

## CONGRESSIONAL–EXECUTIVE COMMISSION ON CHINA

*Committee on Foreign Affairs:* Full Committee held a hearing entitled ''Congressional-Executive Commission on China: 2011 Annual Report.'' Testimony was heard from Rep. Smith of New Jersey; Rep. Walz of Minnesota; and public witnesses.

## AFGHANISTAN AND PAKISTAN

*Committee on Foreign Affairs:* Subcommittee on the Middle East and South Asia held a hearing entitled ''2014 and Beyond: U.S. Policy toward Afghanistan

and Pakistan, Part I.'' Testimony was heard from public witnesses.

## TSA REFORM

*Committee on Homeland Security:* Subcommittee on Transportation Security held a hearing entitled ''TSA Reform: Exploring Innovations in Technology Procurement to Stimulate Job Growth, Part III.'' Testimony was heard from Nick Nayak, Chief Procurement Officer, Department of Homeland Security; Robin E. Kane, Assistant Administrator, Security Technology, Transportation Security Administration; Paul Benda, Chief of Staff, Director, Homeland Security Advanced Research Projects Agency; Department of Homeland Security; and Charles K. Edwards, Acting Inspector General, Department of Homeland Security.

## FEDERAL ELECTION COMMISSION

*Committee on House Administration:* Subcommittee on Elections held a hearing entitled ''Federal Election Commission: Reviewing Policies, Processes and Procedures.'' Testimony was heard from the following Federal Election Commission officials: Cynthia L. Bauerly, Chair, Federal Election Commission; Caroline C. Hunter, Vice Chair; Donald F. McGahn II, Commissioner; Matthew S. Petersen, Commissioner; Steven T. Walther, Commissioner; and Ellen L. Weintraub, Commissioner.

## MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Full Committee held a 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. H.R. 2369 was ordered reported, without amendment. H.R. 1254 and H.R. 3010 were both ordered reported, as amended.

## FLORIDA EVERGLADES RESTORATION

*Committee on Natural Resources:* Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs held a hearing entitled ''Florida Everglades Restoration: What are the Priorities?'' Testimony was heard from Jo-Ellen Darcy, Assistant Secretary of the Army (Civil Works), Department of Defense; Rachel Jacobson, Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior; and public witnesses.

## LEGISLATIVE MEASURES

*Committee on Natural Resources:* Subcommittee on National Parks, Forests and Public Lands held a 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''. Testimony was heard from Sen. Hatch; Sen. McCain; Sen. Bennet; Rep. Franks of Arizona; Rep. Flake; Rep. Runyan; Rep. Johnson of Ohio; Rep. Tipton; Robert V. Abbey, Director, Bureau of Land Management; Department of the Interior; Mary Wagner, Associate Chief, Forest Service, Department of Agriculture; Robert V. Abbey, Director, Bureau of Land Management, Department of the Interior; Mary Wagner, Associate Chief, Forest Service, Department of Agriculture; Buster Johnson, Supervisor, Mohave County, Arizona; Karen Wenrich, Research Geologist, Geological Survey, (ret.); Robert V. Abbey, Director, Bureau of Land Management, Department of the Interior; Mary Wagner, Associate Chief, Forest Service, Department of Agriculture; and public witnesses.

## LEGISLATIVE MEASURES

*Committee on Natural Resources:* Subcommittee on Indian and Alaska Native Affairs held a 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''. Testimony was heard from Rep. Cole; Rep. Heinrich; and Michael S. Black, Director, Bureau of Indian Affairs.

## MISCELLANEOUS MEASURES

*Committee on Oversight and Government Reform:* Full Committee held a 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'' The following were ordered reported, without amendment: H.R. 3289; H.R. 298; H.R. 2079; H.R. 2158; H.R. 2415; H.R. 2422; H.R. 2660; H.R. 2767; H.R. 3004; H.R. 3220; H.R. 3246; H.R. 3247; H.R. 3248; and S. 1412. The following were ordered reported, as amended: H.R. 3029; H.R. 3289; H.R. 3237; and H.R. 2297.

## COAST GUARD AND MARINE TRANSPORTATION ACT OF 2011

*Committee on Rules:* Full Committee held a hearing on H.R. 2838, the ''Coast Guard and Marine Transportation Act of 2011.'' The Committee granted, by record vote of 8 to 4, a structured rule providing one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill. The rule makes in order as original text for purpose of amendment the Rules Committee Print of H.R. 2838 dated October 28, 2011 and provides that the print shall be considered as read. The rule waives all points of order against the Rules Committee Print. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in the report.

The rule provides that the Chairman of the Committee on Transportation and Infrastructure or his designee may offer amendments en bloc consisting of amendments printed in the Rules Committee report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure or their designee, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc. The rule provides one motion to recommit with or without instructions. Finally, the rule provides that it shall be in order at any time on the legislative day of November 4, 2011, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing the applicability of the coastwise trade laws.

Testimony was heard from Rep. LoBiondo; Rep. Larsen of Washington; Rep. Bishop of New York; Rep. Napolitano; Rep. Richardson; Rep. Palazzo; Rep. Thompson of Mississippi; and Rep. Baldwin.

## STEM IN ACTION

*Committee on Science, Space, and Technology:* Subcommittee on Research and Science Education held a hearing entitled ''STEM In Action: Transferring Knowledge from the Workplace to the Classroom.'' Testimony was heard from public witnesses.

## PRO-GROWTH TAX POLICY

*Committee on Small Business:* Subcommittee on Economic Growth, Tax and Capital Access held a hearing entitled ''Pro-Growth Tax Policy: Why Small Businesses Need Individual Tax Reform.'' Testimony was heard from public witnesses.

# *Joint Meetings*

## AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT

*Conferees* met to resolve the differences between the Senate and House passed versions of H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, but did not complete action thereon, and recessed subject to the call.

## COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 4, 2011

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

*Committee on Energy and Commerce,* Subcommittee on Communications and Technology, hearing on H.R. 3035, the ''Mobile Informational Call Act of 2011.'' 9 a.m., 2123 Rayburn.

*Committee on the Judiciary,* Subcommittee on Crime, Terrorism, and Homeland Security, hearing entitled ''21st Century Law Enforcement: How Smart Policing Targets Criminal Behavior.'' 10:30 a.m., 2141 Rayburn.

*Committee on Natural Resources,* Subcommittee on Energy and Mineral Resources, hearing entitled ''Jobs at Risk: Waste and Mismanagement by the Obama Administration in Rewriting the Stream Buffer Zone Rule.'' 10:30 a.m., 1324 Longworth.

*Committee on Oversight and Government Reform,* Subcommittee on Government Organization, Efficiency and Financial Management, hearing entitled ''Identity Theft and Tax Fraud: Growing Problems for the Internal Revenue Service.'' 9:30 a.m., 2154 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing entitled ''A Review and Analysis of the Proposed $400 Million Los Angeles, California Federal Courthouse Project.'' 10 a.m., 2167 Rayburn.

### Joint Meetings

*Joint Economic Committee:* to hold hearings to examine the employment situation for October 2011, 10 a.m., 210, Cannon Building.

*Next Meeting of the* SENATE

2 p.m., Monday, November 7

Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 5 p.m.), Senate will resume consideration of the motion to proceed to consideration of H.R. 674, 3% Withholding Repeal and Job Creation Act, and vote on the motion to invoke cloture on the motion to proceed to consideration of the bill at 5:30 p.m.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

9 a.m., Friday, November 4

House Chamber

**Program for Friday:** Consideration of H.R. 2838—Coast Guard and Maritime Transportation Act of 2011 (Subject to a Rule).

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