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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. POE of Texas).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 17, 2011.

I hereby appoint the Honorable TED POE 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.

HONORING THE LIFE OF DR. ETHEL HARRIS HALL

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

Ms. SEWELL. Mr. Speaker, I rise today to honor the life and legacy of Dr. Ethel Harris Hall, who passed away last Saturday at the age of 83. Dr. Ethel Hall was one of Alabama's premier educators and one of our Nation's strongest advocates for children. She was the first African American to serve on the Alabama State Board of Education, and she was the first African American and the longest-serving vice chairman of the board of education. She served as the State board of education's vice president for 10 years and presided over meetings in the absence of the Governor. Dr. Ethel Hall retired 10 months ago after serving on the Alabama State Board of Education for 24 years.

Dr. Ethel Hall was born to Harry and Fannie Mae Harris on February 23, 1928. The Harris family lived in Morgan County, Alabama, and due to the limited educational opportunities in their area, they sent their daughter to live with her grandparents in Jefferson County so she could attend school in north Birmingham.

She attended Parker High School in Birmingham until she moved back home with her parents to attend Council Training School, a laboratory high school of Alabama A&M. She graduated valedictorian of her high school class and then attended Alabama A&M University, where she graduated with a Bachelor of Science degree cum laude in 1948.

Dr. Ethel Hall went on to obtain master's degrees from the University of Chicago and Atlanta University. She taught in the Hale County, Jefferson County, and Birmingham city school systems, and later became the first African American faculty member of the University of Montevallo. Dr. Ethel Hall continued to further her education by attending the University of Alabama where she earned a Doctorate of Social Work in 1979. She later taught in the School of Social Work at the University of Alabama.

After decades of teaching, Dr. Ethel Hall entered politics, and she was elected the first African American member of the Alabama State Board of Education on January 19, 1987. She went on to serve six terms before becoming vice chair in 1994. Dr. Ethel Hall served on the State board of education for 24 years and was named vice president emerita.

Dr. Hall served on the State board of education during many of its tumultuous battles over issues such as funding levels in schools, teacher testing, accountability standards for schools, and academic standards for students. In making these tough decisions, she also remained principled, putting Alabama's children first.

Dr. Ethel Hall wrote about her long career in education in a recently published autobiography, ''My Journey: A Memoir of the first African American to Preside Over the Alabama Board of Education.''

I rise today to remember Dr. Ethel Hall on the floor of the United States Congress as a trailblazing Alabamian, a gifted teacher, and a strong advocate for the education of our Nation's children.

Dr. Hall was a mentor to so many educators throughout the State of Alabama and this Nation, including my own mother, Mrs. Nancy Gardner Sewell. Through her numerous mentoring relationships, Dr. Hall encouraged teachers to use their talents to positively affect the lives of the students they taught. Not only did she lead by example; she also trained and mentored the next generation of educational leaders.

Indeed, my generation owes pioneers like Dr. Hall a debt of gratitude. Dr. Ethel Hall sowed the seeds for the opportunities that now flourish for so many. I know that I stand on the shoulders of many great giants like Dr. Ethel Hall.

On election night, November 2, 2010, several trailblazing Alabama women made the trip to Selma, Alabama, to be there when I was elected. I will never forget that Dr. Ethel Hall was one of them. Her presence meant so much to me, more than she will ever know. It was her light that guided the path that led me to become Alabama's first African American Congresswoman.

Dr. Ethel Hall was the epitome of a servant leader. She led by example and was motivated by a driving passion

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that all children deserve a quality education.

Dr. Hall was preceded in death by her husband of 55 years, Mr. Alfred Hall. She is survived by two children, Donna and Alfred, and a host of family and friends who will miss her dearly.

Today, I ask my colleagues in the United States House of Representatives to join me in celebrating the life and legacy of this extraordinary Alabamian. Let Dr. Hall's life stand as a testament to the courage and strength of one individual's ability to shape the lives of so many. We should be renewed by her love of learning and recommit ourselves to providing the resources that our Nation's greatest advocate—its children—need. I ask that we all pay tribute and homage to Dr. Ethel Hall.

HONORING FORMER CONGRESSMAN MEL HANCOCK

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

Mr. LONG. Mr. Speaker, there once was a man named Mel, and when he stepped to this microphone, he'd give 'em Mel.

I rise today to recognize a former Member of this body and a friend and mentor, Congressman Mel Hancock. He would sign all of his letters or emails, whatever he'd sign, with the same thing: ''Yours for better but less government.'' That's what Mel believed.

When Senator Jim Talent first came to this body, he asked Mel to help him vote. He said: Mel, can you show me how to use the voting machine here?

Mel said: Sure, Jim, come over here. You see, if you want to vote ''no,'' you push the red button. And if you have a conflict, you can't vote on an issue, you push the yellow button for ''P'' for ''present.'' And he turned and walked off.

Senator Talent said: Hey, Mel, what's the green button?

Mel turned around and said: I don't know, never used it.

Mel died peacefully in his home in his sleep on November 6 in Springfield, Missouri. Mel was a champion of limited government. Mel knew that our Founding Fathers understood the corrupting influence of power on the human character, which is why they championed personal freedom, the idea that a government by the people and for the people should preserve liberty for future generations. Like our Founders, Mel was a wise man, a good man, who worked tirelessly to defend people's liberty. Mel was a true Ozarkian.

He was born in Cape Fair, Missouri, in 1936. He graduated from college and enlisted in the Air Force in 1951 where he would serve in active duty until 1953. Following active duty, Mel stayed in the Air Force Reserves until 1965 where he attained the rank of first lieutenant.

After military service, Mel went into business, co-founding a security system equipment leasing company. However, Mel's dedication to his country did not end with his military service. As a businessman and a voter, Mel was upset with the way things were being done in the State of Missouri and Washington, DC. In 1977, Mel founded the Taxpayer Survival Association—I can still see the bumper sticker today with a lifesaver on it, like you'd throw off of a boat or a ship—a not-for-profit organization dedicated to advancing a constitutional amendment to limit taxes. He was a one-man show. He would go around Missouri getting signatures. You might see him up in Kansas City standing in a parking lot in front of a mall in a rainstorm getting people to sign his tax-and-spending amendment petition to put on the ballot.

Through his hard work, the ''Hancock amendment'' was added to the Missouri Constitution in 1980. Mel used its passage to continue his advocacy for responsible government and for the rights of individuals to be free from overburdensome government.

Mel's convictions took him to Congress in 1988 where he represented southwest Missouri for 8 years. I always called Mel the reluctant Congressman. He didn't want to be a Congressman; he didn't want to come to Washington, DC, but he was just pulled in that direction by people who said: Mel, you've got to go. You've got to do it.

□ 1010

I am honored to now occupy that same Congressional seat, Missouri 7.

During his time in Congress, from 1988 to 1996, Mel worked at the House Ways and Means Committee to advance the cause of liberty. He also championed a balanced budget amendment, his signature issue, and I'm proud to say we're going to vote on a balanced budget amendment this week.

Mel retired from Congress in 1996. He didn't retire because he couldn't win another election, but because he had promised the people of southwest Missouri that he would not serve more than four terms in office. With Mel, a promise made was a promise kept, something that Washington would do well to learn today. And I am honored to now occupy that same congressional seat, Missouri 7.

Now, over 30 years since the passage of the Hancock amendment, our current budget problems reveal just how right Mel was. We would not have a $15 trillion debt or massive runaway government spending if we had a Hancock amendment on a national level.

Mel was much beloved by his many neighbors, friends, and family in Missouri's Seventh District and was one of my mentors. Our thoughts and prayers are with his wife, Sug, whom Mel always referred to as the Boss, his sons, Lee and Kim, and his daughter, Lu Ann, and their families.

Mel will be missed, but the legacy that he has created and the ideas that he championed will continue. His legacy will forever be a part of Missouri through the Hancock amendment and his service to his constituents. Mel meant the world to me, and I will continue to champion the ideas that he dedicated his life fighting for.

CREATE JOBS AND REDUCE THE DEFICIT THROUGH LARGE-SCALE INFRASTRUCTURE INVESTMENTS

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

Mr. HIGGINS. Mr. Speaker, we are approaching the deadline for the supercommittee to propose a debt reduction plan. Most economists are in agreement on what we need to do: in the long term, reduce the debt by at least $4 trillion over 10 years through a mix of added revenue and reduced spending. And in the short term, make immediate investments to create jobs and to reduce unemployment.

I encourage the supercommittee not to ignore the second of those priorities because now is the perfect time to create jobs by making large-scale investments in American infrastructure. Since World War II, every economic contraction was followed by a period of economic expansion; but although economists tell us the recession has ended, we have had no economic expansion. Unemployment remains at 9 percent, and economic growth is projected to be moderate at best. The reason our economy is taking so long to recover is because this recession was more severe than any since the Great Depression, something that seemingly few in government, finance, or academia realized at the time.

Because of the historic severity of this recession, American households, local and State governments—even European governments—find themselves in debt like never before. Consequently, consumer demand is and will be depressed while households and governments reduce spending. And when demand falls, businesses don't hire. It is that simple.

Some believe this period of decreased demand will last 5 to 7 years. A policy of fiscal austerity will make matters only worse. We only have to look back at the United States in 1937, Japan in the 1990s, and Europe last year and this year to understand that when consumers are not spending, the worst thing a government can do is stop spending itself.

The New America Foundation report makes the case that investing $1.2 trillion over the next 5 years in rebuilding our infrastructure will create 22 million jobs—22 million jobs over a 5-year period. That is more than the 22 million jobs that were created under President Clinton. And the job creation of the 1990s raised so much revenue that our Federal budget reached record surplus. Times were so good that we were debating, at that time, the implications of repaying the entirety of the

Nation's debt. The lesson is that the greatest debt-and-deficit reduction tool is job creation. That is why the supercommittee must include significant job creation components in its recommendations.

Let me add, Mr. Speaker, that our infrastructure is sorely in need of massive investment. Our roads, bridges, airports, energy grid, and water infrastructure are all in horrible condition. The World Economic Forum ranks America 23rd in infrastructure quality. The American Society of Civil Engineers gives our infrastructure a D grade. Transportation for America reports that there are 63,000 structurally deficient bridges in our country—including 99 in my community in western New York. The Chamber of Commerce has said that unless we repair our infrastructure, we will suffer $336 billion in lost growth over the next 5 years.

To my colleagues who believe that we can't afford to make investments at this time, I say we can't afford not to. Delaying the repair or replacement of infrastructure by just 2 years can increase the cost of doing those repairs by a factor of five.

I also note that we just spent $62 billion nation-building in Iraq and $73 billion nation-building in Afghanistan. There was no objection then to borrowing to finance that nation-building, nor should there be objection now when we're proposing to do nation-building right here at home.

And given the current economic conditions, financing American infrastructure projects will never be cheaper. Interest rates are extremely low, the cost of labor and materials are low due to lack of demand, and the equipment is cheap because it is idle. Repairing and expanding our infrastructure is work that we need to do to stay globally competitive, and it will never be cheaper to do it than it is today. Quite simply, there is much work to be done, and a lot of Americans need to do work. Now is the best time to do that.

Mr. Speaker, a large scale, $1.2 trillion, 5-year investment in infrastructure would create 27 million American jobs that cannot be shipped overseas. It will reduce unemployment, it will reduce the deficit and, in the end, we will have an infrastructure our country needs and our country deserves.

PANCREATIC CANCER RESEARCH AND EDUCATION ACT

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

Mr. MEEHAN. Mr. Speaker, I rise today in support of H.R. 733, the Pancreatic Cancer Research Education Act. Oftentimes, we talk about numbers, Mr. Speaker, but often there's the occasion to actually talk to the people who are behind the bills. One of the most moving experiences I have had is to have had a visit to my office by a young woman by the name of Sienna Gonzalez, who visited with her mother and her family. You see, Sienna's mother is a victim of pancreatic cancer; and Sienna is on a mission, along with many of her friends, to help people fight to find a cure for pancreatic cancer.

She took a lead by urging so many of her friends and colleagues in her classroom, and I hold in my hand just one of the volumes of hundreds upon hundreds of letters that came and were so moving.

The facts speak for themselves: 43,000 Americans will be diagnosed with pancreatic cancer; 36,000 will die just this year; and the life expectancy after announcement of that is about 3 to 6 months. I think the words are better said, however, by some of the students.

People are losing a lot of friends and family, writes Aly, because of this horrible, horrifying disease. We are trying to help. Did you know that this disease is one of the few cancers for which survival has not improved substantially? In over 40 years, survival rates have not changed. The average life span after diagnosis is 3 to 6 months. Please use more of your research money to help these people if you can. Thank you.

That's just one of the hundreds of letters.

I want to express my deep appreciation of Dr. Timothy Quinn, the superintendent of the Methacton School District; Mrs. Melissa Gora, the principal; but, mostly, the hundreds and hundreds of students who have taken the time to ensure that their voices are heard. As they said: pancreatic cancer: know it, fight it, end it.

Thank you for your role in making sure that my colleagues understand the importance of this great challenge and the opportunity that we have to fight for those with pancreatic cancer.

□ 1020

FIRST TROOP PHILADELPHIA CITY CAVALRY'S 237TH ANNIVERSARY

Mr. MEEHAN. Mr. Speaker, I rise to honor the First Troop Philadelphia City Cavalry on the occasion of their 237th anniversary. This volunteer cavalry troop was the first of its kind organized in the defense of our country during the American Revolution. Through those hard-fought years is where the original members forged concepts of service and a body of tradition which is kept alive today by its current members.

The First Troop Cavalry is a private military organization whose membership is comprised of members of the Pennsylvania Army National Guard who serve with A Troop 1st Squadron, 104th Cavalry in the 28th Infantry Division. Many of their members have served overseas, including Afghanistan and Iraq. Their service to our country is immeasurable, and we should all be extremely thankful.

POVERTY AND UNEMPLOYMENT IN AMERICA

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

Ms. LEE of California. Mr. Speaker, I rise again to really beat the drum about the ongoing crisis of poverty and unemployment in America.

On November 6, the Associated Press reported that we have crossed a terrible threshold. More job seekers now in America have run out of unemployment benefits than are receiving them. Simply put, the majority of Americans who are struggling to find a job are no longer getting unemployment benefits.

We need to extend unemployment benefits and we need to do it now, not just for those who are about to run out, but for the millions of Americans whose benefits ran out a long time ago—the millions who ran out of time to establish their careers, the millions who ran out of time to safeguard their families' futures, and the millions who ran out of time to ignite the fires of the American Dream.

Congressman BOBBY SCOTT and I have a bill, H.R. 589, which will give millions of families just a little more time to find a good job, to make a secure home, and would provide a bridge over troubled waters while our Nation and the economy recovers.

Extending benefits for the 99ers is the right thing to do for millions of Americans who were laid off through no fault of their own. They watched as corporations took over their government and ran the economy into the ground. They watched as the banks raided the Nation's treasury and lined their pockets with massive bonuses while millions of Americans lost their jobs. They watched as our Nation's future was traded away for needless wars and tax cuts for billionaires.

Mr. Speaker, the American people are sick and tired. They don't want to watch anymore. They don't want to wait anymore. They have run out of time.

Nearly 50 million Americans are already living in poverty, struggling to feed their families and keep a roof over their heads. Countless millions more are living on the edge. They are desperately trying to stay one step ahead of disaster, living from paycheck to paycheck and waiting for the other shoe to drop.

The American people really have run out of patience. They don't want to hear that the most powerful nation in the world is broke. They don't believe it when they are told that we can't afford Medicare or Medicaid or Social Security or unemployment benefits when we are spending $1 trillion on wars halfway around the world. They don't want to hear empty promises from Republicans in Congress about taking responsibility to ensure that the poor in America have ''food in their stomachs and they have a roof over their head,''

even while they pass bills that slash affordable housing programs and cut nutrition funding for women and children, a program which is very important.

Americans know that the rich should pay their fair share and that working men and women of America deserve more. They don't want this generation to be the first generation of Americans who won't do better than the last one. Americans want to move ahead, and they want those who have benefited the most from our economy to pay what they owe to the 99 percent of the American people who are the real engines of our economy and the heart of our democracy. The generation that is marching in the streets right now is asking what went wrong in the pursuit of the American Dream.

So let's pass H.R. 589 and give Americans a little more time to land that job that gets their family back on their feet. You know, when you run out of unemployment benefits after 99 weeks, that's it. That's it. So we must extend unemployment benefits, but we also need to extend, as our bill says, at least an additional 14 weeks so that those who have hit the 99-week wall have some form of survival until we can figure out a way to create jobs.

So we must pass the American Jobs Act to reinvest in the future of this country and build up our roads and bridges, repair our sewer lines, and build 21st century schools for all of our students.

Let's put America back on track with American jobs, American manufacturing, American ingenuity, and American leadership toward a brighter tomorrow for all Americans.

We must build these ladders of opportunity. We have to remove these barriers and obstacles. And let me tell you, not having a job is a huge barrier and a huge obstacle to reigniting the American Dream.

And so we must extend unemployment benefits, but we must not forget that there are those who have had 99 weeks who are no longer even eligible for unemployment benefits. And as the AP article says, we now have over 2 million people who won't even be eligible for unemployment compensation. That's 2.2 million people that won't even be eligible even if we extend unemployment benefits.

So let's work to try to figure out how to, one, create jobs, but to provide some safety net for those who really do want to work. And people want to work.

[From the Associated Press, Nov. 6, 2011]

MOST UNEMPLOYED AMERICANS ARE NO LONGER RECEIVING UNEMPLOYMENT BENEFITS

WASHINGTON, DC.—The jobs crisis has left so many people out of work for so long that most of America's unemployed are no longer receiving unemployment benefits.

Early last year, 75 percent were receiving checks. The figure is now 48 percent—a shift that points to a growing crisis of long-term unemployment. Nearly one-third of America's 14 million unemployed have had no job for a year or more.

Congress is expected to decide by year's end whether to continue providing emergency unemployment benefits for up to 99 weeks in the hardest-hit states. If the emergency benefits expire, the proportion of the unemployed receiving aid would fall further.

The ranks of the poor would also rise. The Census Bureau says unemployment benefits kept 3.2 million people from slipping into poverty last year. It defines poverty as annual income below $22,314 for a family of four.

Yet for a growing share of the unemployed, a vote in Congress to extend the benefits to 99 weeks is irrelevant. They've had no job for more than 99 weeks. They're no longer eligible for benefits.

Their options include food stamps or other social programs. Nearly 46 million people received food stamps in August, a record total. That figure could grow as more people lose unemployment benefits.

So could the government's disability rolls. Applications for the disability insurance program have jumped about 50 percent since 2007.

''There's going to be increased hardship,'' said Wayne Vroman, an economist at the Urban Institute.

The number of unemployed has been roughly stable this year. Yet the number receiving benefits has plunged 30 percent.

Government unemployment benefits weren't designed to sustain people for long stretches without work. They usually don't have to. In the recoveries from the previous three recessions, the longest average duration of unemployment was 21 weeks, in July 1983.

By contrast, in the wake of the Great Recession, the figure reached 41 weeks in September. That's the longest on records dating to 1948. The figure is now 39 weeks.

''It was a good safety net for a shorter recession,'' said Carl Van Horn, an economist at Rutgers University. It assumes ''the economy will experience short interruptions and then go back to normal.''

Weekly unemployment checks average about $300 nationwide. If the extended benefits aren't renewed, growth could slow by up to a half-percentage point next year, economists say.

The Congressional Budget Office has estimated that each $1 spent on unemployment benefits generates up to $1.90 in economic growth. The CB0 has found that the program is the most effective government policy for increasing growth among 11 options it's analyzed.

Jon Polis lives in East Greenwich, R.I., one of the 20 states where 99 weeks of benefits are available. He used them all up after losing his job as a warehouse worker in 2008. His benefits paid for groceries, car maintenance and health insurance.

Now, Polis, 55, receives disability insurance payments, food stamps and lives in government-subsidized housing. He's been unable to find work because employers in his field want computer skills he doesn't have.

''Employers are crying that they can't find qualified help,'' he said. But the ones he interviewed with ''weren't willing to train anybody.''

From late 2007, when the recession began, to early 2010, the number of people receiving unemployment benefits rose more than fourfold, to 11.5 million.

But the economy has remained so weak that an analysis of long-term unemployment data suggests that about 2 million people have used up 99 weeks of checks and still can't find work.

Contributing to the smaller share of the unemployed who are receiving benefits: Some of them are college graduates or others seeking jobs for the first time. They aren't eligible. Only those who have lost a job through no fault of their own qualify.

The proportion of the unemployed receiving benefits usually falls below 50 percent during an economic recovery. Many have either quit jobs or are new to the job market and don't qualify.

Today, the proportion is falling for a very different reason: Jobs remain scarce. So more of the unemployed are exhausting their benefits.

Federal Reserve Chairman Ben Bernanke has noted that the long-term unemployed increasingly find it hard to find work as their skills and professional networks erode. In a speech last month, Bernanke called long-term unemployment a ''national crisis'' that should be a top priority for Congress.

Lawmakers will have to decide whether to continue the extended benefits by the end of this year. If the program ends, nearly 2.2 million people will be cut off by February.

Congress has extended the program nine times. But it might balk at the $45 billion cost. It will be the first time the Republican-led House will vote on the issue.

BRING OUR TROOPS HOME

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

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

I again will keep coming to the floor twice a week when we're in session to talk about bringing our troops out of Afghanistan. Bin Laden is dead, and we need to start thinking about, as the lady said before me, let's think about what America needs and not what Afghanistan needs. And that brings me to this point of the talk I want to give today, Mr. Speaker.

On February 16, 2011, then-Secretary of Defense Gates testified before the House Armed Services Committee, which I serve on, and I'd like to read his comments:

''By the end of this calendar year, we expect less than 100,000 troops to be deployed in both of the major post-9/11 combat theaters, virtually all of those forces being in Afghanistan. That is why we believe that, beginning in fiscal year 2015''—and that's important, Mr. Speaker. ''That is why we believe that, beginning in fiscal year 2015, the United States can, with minimal risk, begin reducing Army active duty end strength by 27,000 and the Marine Corps by somewhere between 15,000 and 20,000. These projections assume that the number of troops in Afghanistan would be significantly reduced by the end of 2014, in accordance with the President's strategy.''

Mr. Speaker, I read that because I read the same statement to the new Secretary of Defense, Mr. Panetta, whom I have great respect for, and I asked him, Do you have the authority to change those timelines? He said no, because this is what the President has agreed to.

Well, Mr. President, I'm calling on you to reconsider. Because beside me is a poster, and beside that poster is a flag-draped coffin coming off of a plane at Dover. And the headlines in the

Greensboro paper said, ''Get Out.'' It is time to bring our troops home. They've done everything they've been asked to do.

And that reminds me, a few weeks ago, I went to Walter Reed at Bethesda—it's the new consolidated military hospital here in Washington—and I saw four marines from my district, Camp Lejeune. Three of the four had lost both legs. The one that had not lost both legs was a lance corporal who asked me, with his mom in the room, Congressman, why are we still in Afghanistan? And I looked into the young man's face and I said, I don't know why we're still there. You all have won many, many battles, and it's time to bring you home. And the only thing he said, Mr. Speaker, was, Thank you.

That brings me to a letter that I received from a retired marine down in my district about a year ago. He said, ''I am writing this letter to express my concern over the current Afghanistan war. I am a retired marine officer with 31-plus years of active duty.''

Let me go down in the letter because there is another point I want to make.

''Our senior military leaders in Afghanistan continue to say that we are making progress, but at what cost to our country? This war is costing the United States billions of dollars a month to wage and we still continue to get more young Americans killed. The Afghanistan war has no end state for us. I urge you to make contact with all the current and newly elected men and women in Congress and ask them to end this war and bring our young men and women home.''

□ 1030

''If any of my comments will assist you in this effort, you are welcome to use them and my name.''

Mr. Speaker, I don't know why we are—we've got this debt crisis facing our country, and yet we've got a corrupt leader in Afghanistan named Karzai that one day likes America, and the next day he hates America; and we send him $10 billion a month, and it's borrowed money from the Chinese.

And yet we're going to say to the American people we're going to cut the programs for little children; we're going to cut the programs for senior citizens. But Mr. Karzai, you'll get your $10 billion.

And that brings me toward the end of my comments, Mr. Speaker. I contacted a marine general who's been a very dear friend of mine for a number of years, and he sends me questions to ask in committees to the Secretary of Defense and others who might be testifying.

But something that has always stuck with me is what he closes this email with—and I have many emails—''What do we say to the mother and father or the wife of the last marine killed to support a corrupt government and a corrupt leader in a war that cannot be won?''

That is the question. And I hope the American people will call on Congress, both parties, to bring our troops home before 2014.

Mr. Speaker, I close by asking God to please bless our men and women in uniform, ask God to please bless the families of our men and women in uniform. I ask God, in His loving arms, to hold the families who've given a child dying for freedom in Afghanistan and Iraq. I ask God to bless the House and Senate that we will do what is right in the eyes of God for His people, and I ask God to give wisdom, strength, and courage to President Obama that he will do what is right in the eyes of God for His people.

And three times I ask, God please, God please, God please continue to bless America.

Let's bring our troops home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to a perceived audience.

SMART SECURITY: PROTECTING AMERICA BY RELYING ON THE VERY BEST OF AMERICAN VALUES

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

Ms. WOOLSEY. Mr. Speaker, every one of us in this Congress believes that keeping the Nation safe, as well as providing benefits to our veterans as promised, is our very top priority. It's a question, however, of just how do we do that. And a decade of war and military occupation is not the best way.

Whenever spending cuts are on the agenda, as they are right now with the supercommittee racing to meet its deadline, military and defense programs continue to get a pass. Why should the Pentagon get a blank check while safety-net programs have to look for ''change in the couch cushions'' to keep their programs going?

It's time for the Pentagon to share in the sacrifice, especially since it's been so generously funded over the years, a 50 percent increase in the DOD budget over the last decade, bigger in real dollars today than it was at the height of the Cold War.

Ending the war in Afghanistan would save at least $10 billion a month—actually, it's more like 12 now—to say nothing of the lives we would save and the injuries that would be avoided.

But I think we should go further in cutting the base Pentagon budget. Just to give a few examples, I'm a longtime advocate of eliminating the V–22 Osprey aircraft. It's a program that, if we eliminated it, would save $10 billion, and it's a program that is notorious for cost overruns and for huge safety concerns.

And we can dramatically reduce the Nation's nuclear arsenal. Why do we need—I ask you this—why do we need 5,000 warheads when just one is enough to destroy life on Earth?

We can wring huge savings out of the system by fundamentally changing how we think and how we deal with national security. For pennies on the dollar we can keep America safe by implementing a smarter security policy, by supporting a civilian surge over a military surge.

My SMART Security platform, which is H. Res. 19, would make war a very last resort and adopt a different posture toward the rest of the world. It's not isolationism. When I say I want to bring our troops home from Iraq and Afghanistan, I'm not saying we abandon those countries. I'm saying we must engage them in a different way. That means investing in their people and their capacity to lead lives free of deprivation and despair.

So instead of weapons systems, let's invest more on development in humanitarian aid, more on maternal health programs, more on mosquito nets to prevent malaria, more on education, health care, microlending, et cetera, et cetera.

You know what would promote our national security, Mr. Speaker, like nothing else is a genuine, well-funded commitment to eradicating poverty and malnutrition in the developing world. Instead of invasions and occupations, SMART Security emphasizes diplomacy. It emphasizes the civilian surge, multilateralism, and peaceful conflict resolution.

It also calls for more investment in energy independence, nuclear nonproliferation, democracy promotion, and civil society programs abroad. Isn't that a better way to combat terrorism than sending 100,000 troops to a part of the world known for widespread anti-American sentiment?

We must stop equating national security with armed aggression because that's how we ended up with out-of-control Pentagon budgets and an ever more dangerous world. In fact, Mr. Speaker, military force has been proven to oftentimes undermine our security instead of enhancing it.

SMART Security protects America because it relies on the very best of American values, moral leadership, compassion, our commitment to peace and freedom. It costs pennies on the dollar. It is efficient and fiscally responsible.

So let's bring our troops home, cut the Pentagon budget, and implement SMART Security now. Then we can have real cost savings in the United States.

And, Mr. Speaker, that's just the way it is.

PFC CODY NORRIS—TEXAS SOLDIER

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

Mr. POE of Texas. Mr. Speaker, halfway around the world, in the desert of the sun and the valley of the gun, the American warrior stands fighting the forces of the enemy.

But one such soldier returns from battle to America with a flag-draped coffin. He is Cody Norris, Army private first class, a machine gunner in the infantry, just 20 years old, barely an adult, but still an all-American man.

For the Norris family in La Porte, Texas, Cody was a son and a little brother. He died in a gun battle last week in Afghanistan for our country. He was the 38th warrior in my area of Texas to give his life for his country.

Cody grew up in La Porte. He graduated from La Porte High School just last year, but he quickly volunteered for the United States Army in October.

In high school, Cody loved to restore old military trucks. He restored a 1952 Dodge M–37 Army truck and drove it to school. He was a member of the Junior ROTC Color Guard at La Porte High School. But this year, his former classmates and peers in the Color Guard honored his life.

He was assigned to the 2nd Battalion, 34th Armor Regiment, 1st Heavy Brigade Combat Team, 1st Infantry Division at Fort Riley, Kansas, before deploying to Afghanistan. It was his first deployment in Afghanistan.

October 1 marked his 1-year anniversary in the United States Army. Cody was killed in Kandahar province last week on November 9 when the enemy forces attacked his unit with small-arms fire.

Kandahar province in Afghanistan has been called the birthplace and fanatical home of the notorious Taliban. It is a dangerous part of the world. I've been to Afghanistan several times, and the sun is unbearable in the summer and the cold is brutally piercing in the winter. And our soldiers fight on, undeterred, tenaciously focused.

They go to battle in a land seemingly cursed by God. Our military in Afghanistan go where others fear to tread and the timid are not found.

When I spoke to Cody's mother, Teresa Denise Norris, she told me Cody marched to the beat of his own drum. He didn't care what others thought of him; he did what he thought was right.

She said Cody was proud to be a solider and that their family believes in the red, white and blue; and they all love this country. That pride is carried through in Cody's older brother, Michael Norris. He's a cadet in his last year at the United States Military Academy at West Point.

□ 1040

The Norris family is a soldier's family. Cody's Facebook page is filled with heartfelt messages from his friends, classmates, and fellow soldiers. It is evident how much he made people laugh in his very young life.

Cody wrote on his Facebook in the ''About Me'' section, ''I'm in the Army and I am an infantryman. I love what I do as my job and my dream in life, and no one can take that away from me. I am trained by the best, and I will be the best I can. Wanna do all I can for the ones I love and my country—to keep us all free, even if it means death, so that every American can live their dreams out as well.''

Cody loved what he did. He loved his country. He was selfless, and he was an American patriot.

For his service in the United States Army, Cody has been awarded the Army Commendation Medal, the National Defense Service Medal, the Afghanistan Campaign Medal with two campaign stars, and the NATO Medal and the Combat Infantry Medal.

Cody Norris was a part of the rare breed, the American breed—soldiers who take care of the rest of us and watch for the evildoers who would bring us harm. They prove their commitment to America by giving their lives for this Nation.

General George Patton said of the fallen soldiers, ''Let us not only mourn for the men who have died fighting, but let us be grateful to God that such men ever lived.''

Mr. Speaker, we are grateful to Private First Class Cody Norris and that he lived. He was a Texan, a soldier, an American Warrior.

And that's just the way it is.

NATIONAL ADOPTION DAY

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

Ms. BASS of California. Mr. Speaker, I rise today in recognition of the 12th Annual National Adoption Day this Friday, November 18. As we prepare for Thanksgiving festivities with loved ones, many of us take for granted our opportunity to spend time with family and friends. But for thousands of foster youth around the country, celebrating a holiday with a permanent family remains out of reach.

In the United States today there are more than 400,000 children in foster care, some waiting years to be adopted by a permanent, loving family. Although the number of youth without a home seems discouraging, there is hope.

This week, in recognition of National Adoption Day, an unprecedented number of courts in 400 communities throughout the country will open their doors to finalize the adoption of thousands of children from the foster care system.

National Adoption Day is a nationwide effort to raise awareness of children in foster care who are eligible and waiting for adoption, as well as to celebrate families that have been chosen to make a lasting difference in the life of a child through adoption or relative-based care.

Since 2000, more than 35,000 children have been adopted through National Adoption Day activities. This year, nearly 5,000 adoptions will be finalized. In California alone, my home State, 500 youth will be adopted through these special events.

While the number of children in foster care has significantly decreased over the past decade, the number of adoptions has remained unchanged. Youth often wait years in foster care before finding a permanent family through adoption. During their time in foster care, children are moved from home to home, changing schools, losing friends, coping with separation from siblings, and wondering if they will ever have anyone to call Mom or Dad again.

What's worse is that nearly 28,000 youth age out of foster care each year never having been adopted, often going through life alone without the support systems children with permanent families have, not to mention sharing holiday traditions or a family meal.

As the cochair of both the Congressional Coalition on Adoption and the Foster Youth Caucus, I look forward to continuing to work in a bipartisan fashion to identify solutions to improve the quality of life for our Nation's most vulnerable children.

National Adoption Day reminds us that it is our responsibility and in our best interest to find solutions to ensure children have the opportunity to live in a safe and loving home. Nearly 48 million Americans have considered adopting from foster care, according to a recent national survey. If just one in 500 of these adults adopt, all the 107,000 children in foster care waiting for adoption would have permanent families to help create Thanksgiving traditions of their own.

In closing, in this spirit of giving thanks, I'd like to express sincere gratitude to all of the adoptive parents, relative caregivers, and child welfare caseworkers. Their commitment to improving the lives of today's youth is truly commendable.

BALANCED BUDGET AMENDMENT

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

Mrs. HARTZLER. Washington has a problem. It spends more than it brings in, and it has been doing that for a long time. That's why we are over $15 trillion in debt. That's over $46,000 of debt for every American man, woman, and child. Washington is currently borrowing 36 cents out of every dollar it spends, and under President Obama, our national debt has increased 34 percent. That's the fastest increase in the debt under any U.S. President in history.

Our government is digging a hole it might never get out of. We don't have the money, yet Big Government hasn't been able to restrain itself and keeps putting more and more of its spending on a credit card—our children's credit card.

Our national debt-to-GDP ratio rivals that of countries like Ireland, Portugal, and Greece, which are facing sovereign debt crises. Soon our Nation's Federal debt will equal our GDP. It is a losing proposition. It's like

someone's total credit card debt equalling the total amount of income that they bring in each year.

And so what do people do? If they do that at home, unfortunately a lot of people go and get another credit card and they borrow money from that to pay the minimum on the first credit card. But then they have to go and get another credit card to pay the minimum on that one to pay the minimum on that one. It doesn't work. It spirals down and down until finally it ends in bankruptcy. It's unsustainable.

Most American families understand that. They live within their means. Washington should, too.

I grew up watching my mom and my dad wrestle with balancing the budget on our family farm. They would sit down around the kitchen table at the start of the year and develop a cash flow projection for the upcoming year listing the expenses that would be necessary to put in the crops and projecting the anticipated yields and prices to see how we were going to fare and to ensure that we didn't go over budget.

Then my parents would monitor it throughout the year to see how it was doing. My mother would spend hours with her pencil erasing and adjusting the budget as conditions changed either up or down. They used to make my sister and me sit down and participate in the process with them. And I can tell you, as a child, we weren't that thrilled with this tedious task because sometimes it would take hours. But now I'm thankful that they did, and they had the foresight to teach us the importance of balancing a budget.

I conveyed that importance to my students when I used to teach personal family finance as a home economics teacher. I told the students that when you budget, the expenses shouldn't be more than the income. They got it. Washington should, too.

Now we have the opportunity this week to bring the common sense and the business sense of American families and American small businesses to Washington to force it to live within its means by passing the balanced budget amendment. I firmly believe that this constitutional amendment is the best way to restrain the out-of-control Federal spending of Big Government. Forty-nine States have some form of a balanced budget requirement, and it works for them. I know it works for Missouri, and I believe it will work in our Nation's capital, too.

When I was a Missouri State representative, we budgeted according to the revenue projection given us and designed our budget to match the income. If we didn't have the money, we didn't spend it. Because of that, Missouri is on sound financial footing. Clearly, Washington is not because it has failed to balance its budget.

Passing the balanced budget amendment will force Washington to cut up these credit cards and to start living within its means. Families are tightening their belts at home to make ends meet. Our Federal Government needs to do likewise.

President Ronald Reagan understood the importance of the balanced budget amendment. He said, ''Only a constitutional amendment will do the job. We've tried the carrot, and it failed. With the stick of a balanced budget amendment, we can stop government squandering, overtaxing ways, and save our economy.''

□ 1050

That's why I am excited about this historic vote that we're going to take tomorrow, and I urge all of my colleagues, Republicans and Democrats, to get behind this commonsense provision that will set us back on the path to a strong financial footing. Now is the time to stop the reckless course that we are on and get things right. I look forward to applying the cash-flow knowledge I learned around the kitchen table as a child to our Federal budget. It worked at home. It's time to make it work in Washington.

REFLECTIONS OF A LIFE

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

Mr. AL GREEN of Texas. Mr. Speaker, there are unsung heroes and heroines among us. These are the persons who overcome great challenges just to do the ordinary. They're not born into plenty—they're often born into poverty—but they have lives that are rich in that they overcome great obstacles in life just so that they can be of benefit to the lives of others.

One such heroine was born on January 26, 1934. She passed last week on November 9, 2011. Her story is one that I would hope we would remember simply because it exemplifies the life of a person who met challenges, who did everything that was required, who played by the rules—and sometimes these persons go unnoticed.

Lola Mae Bolton Davis was born in Anderson, Texas, to Arllie Pratt Sanders and Charlie Bolton. She was their second born. She attended Allen Farm School up to the eighth grade. She joined Rockwest Baptist Church.

At the age of 16, she moved to Houston, Texas, where she acquired her first job as a housekeeper. At the age of 18, she met the love of her life, Ruben George Davis, Sr. A year later, they had their first child, Pamela. She went on to attend Franklin Beauty School. Eventually, she opened her own business, and it was known as the Lola Davis Beauty Nook. She later had three additional children—Ruben, Paula and Renwick.

She was hired by Texas Instruments in 1969. While she was working there, she received her GED. Later, she received her associate's degree from Houston Community College. She enrolled at Texas Southern University and graduated with a degree in education. She taught in the Houston Independent School District.

Mind you, this is a person who dropped out of high school, who received a GED, who went on to get an associate's degree, who got her degree in education, and now she's teaching in the Houston Independent School District.

She was known as ''Grandma Davis'' to her students. Her son Ruben became a constable in Harris County. He is still a constable, but is now in Fort Bend County. Her children have done well.

She played by the rules. She did not receive all of the awards that one might receive who has excelled and made a great contribution by way of an invention or maybe made a great contribution of having been elected to public office, but she did do this—she was a good citizen who did the right thing: took care of her family and produced offspring who have done well.

So, today, I salute her as an unsung heroine. Thank God for the many unsung heroes and heroines who are at the very foundation of what makes this Nation great. God bless you.

God bless the United States of America, and God bless our unsung heroes and heroines.

LET US PASS A BALANCED BUDGET AMENDMENT

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

Mr. GARRETT. Mr. Speaker, I rise today to speak in favor of a balanced budget amendment, and some would say it's the only solution to our current fiscal crisis.

Statesmen throughout the history of our Republic have stressed the importance of fiscal responsibility, but it's the voice of Thomas Jefferson that, I think, we must pay particular attention to.

Thomas Jefferson bore the burden of debt throughout his entire life, and some historians have argued that Jefferson's personal experiences influenced his thinking about the public debt as well. Jefferson inherited a significant amount of debt at the young age of 31, and some say his own spending added to that and worsened his financial condition personally during his life. When he died, he, unfortunately, passed his debt on to his descendants, which is exactly what this Federal Government is doing now to future generations today.

So, if the Federal Government says that it's so concerned about the welfare of our children and the next generation and the next generation, then we should be taking the time right now to address this staggering public debt that our children and our grandchildren will stand to inherit if our leaders here in Congress fail to have the courage to—what?—cut spending and to balance our budget and to live within our means.

Jefferson had a moral message to the future public servants in this regard. He believed that those who are entrusted by their constituents to represent them, as he said, ''shall consider themselves unauthorized to saddle posterity with our debts and are morally bound to pay them ourselves.''

Jefferson expanded on this message in a letter he wrote to James Madison in 1798. He said, ''Neither the representatives of a nation, nor the whole nation itself assembled, can validly engage debts beyond what they may pay in their own time.''

Still writing to Madison, he explicitly endorsed a balanced budget amendment, stating, ''With respect to future debts, would it not be wise and just for a nation to declare in its constitution that neither the legislature nor the nation, itself, can validly contract more debt than it may pay within its own age.''

So what would Jefferson think about where we are in this country today?

The CBO, the Congressional Budget Office, has projected that maintaining all of our current spending would eventually require that the middle class in this country would have to have a tax rate of almost two-thirds of all their income—63 percent—and that the small businesses in this country would have to see their tax rates skyrocket up to 88 percent in order to cover all the spending.

These numbers have a real impact on the lives of individuals, on families, and on businesses. So, if Congress were then to keep on spending and have to raise taxes as much as the CBO has prescribed, Congress would do what? Congress would basically doom our families to a crushing tax burden, and this would smother the ability of businesses to expand and, therefore, to create jobs.

See, the economics of all this is very clear. If we refuse to address our spending problems, tax rates are going to have to rise, and they will rise in such a manner that would commit future generations to a tax burden to pay for—what?—the spending of today.

So we now, as often is the case, stand at a crossroads. We can continue to do as we have done in the past, which is to overspend and borrow and put this burden on our children, or we can do something else. We can demonstrate our commitment to a balanced budget by making it the supreme law of the land in this country.

Let me conclude then with a final quote from Jefferson:

''To preserve the people's independence, we must not let our government load us up with perpetual debt. We must make our selection between economy and liberty or profusion and servitude.''

So let's make Jefferson's dream a reality. Let us pass a balanced budget amendment.

MF GLOBAL

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

Ms. KAPTUR. Mr. Speaker, thank goodness some Americans continue to analyze the real causes of job loss and turmoil in our economy. While all eyes are on Europe, the problem just isn't in Greece.

On October 31, U.S.-based MF Global Holdings, Limited filed for chapter 11. It reportedly is the eighth largest bankruptcy in U.S. history. Its failure, like the crash in 2008, revolves around the actions of money traders using slick instruments called ''credit derivatives.'' As analysts try to piece together what happened at MF Global, one word seems to keep popping up: fraud.

I would like to include in the RECORD a few recent articles on the Wall Street perpetrators of this crisis.

[From Reuters, Nov. 7, 2011]

FRUSTRATION MOUNTS FOR MF GLOBAL CLIENTS

(By Lauren Tara LaCapra)

The sudden collapse of MF Global Holdings Ltd is leaving some small and independent futures traders angry and frustrated.

Customers of the bankrupt firm are starting to complain about getting checks that bounced, having requests to transfer funds denied and receiving inaccurate account statements.

The growing litany of woes is adding to the tasks for the receiver assigned to liquidate MF Global and causing some investors to voice concern about the basic plumbing of the financial services system.

Steve Meyers, an independent futures trader in Florida, said he asked for $500,000 from his MF Global account to be wired back to him on October 28 because he was concerned about the firm filing for bankruptcy.

The money never was wired.

Instead, on November 2, Meyers received several checks from MF Global that were dated October 28. By the time he went to deposit the checks, MF Global had filed for bankruptcy on October 31 and the checks were not honored for payment.

Between himself and several clients he manages money for, Meyers said he has several millions of dollars still tied up with MF Global.

''I am sitting with hundreds of thousands of dollars in returned checks,'' said Meyers. ''I just think the industry has suffered irreparable damage from this.''

Other clients of the firm led by former New Jersey Governor Jon Corzine are telling similar stories.

Chris Ries, who co-manages a commodities brokerage and grain dealer in Iowa that cleared trades through MF Global, said several clients had checks bounce even though they deposited them before MF Global's bankruptcy on October 31.

The situation has been made worse, he said, because customers' account balances appear as though they received the cash even though the checks did not clear.

''Eventually it may all get cleared up,'' said Ries, ''but for now, accounts with bounced checks don't reflect the balance that they should.''

Missing $600 Million

Some clients' checks were drawn on an MF Global account held at a Harris Bank branch in Illinois. Harris Bank is a subsidiary of Bank of Montreal.

Jim Kappel, a spokesman for Harris, said the bank began denying payment and returning checks on November 1, at the direction of the bankruptcy trustee. While some checks might have been dated before October 31, he said, they were likely debited at a later date.

Clients' issues with bounced checks come as MF Global and its regulators continue to hunt for $600 million in client money that has gone missing. It is not clear if some of the bounced checks are part of the unaccounted money.

It appears MF Global began issuing checks to customers seeking funds—instead of wiring the money—as a way to buy some time for the firm, which was hoping to arrange a last-minute sale to Interactive Brokers, some of the customers say. The deal fell apart last Monday when the issue of the missing customer money arose.

A week later, regulators have yet to provide an answer on what became of the missing $600 million, although some money has been located in an account with JPMorgan Chase.

Brokers who cleared through MF Global say they have been allowed to move some of their money to new firms, but not all of it. They have been waiting for guidance from the trustee or regulators on when they will get access to all of their funds.

Frustration

MF Global's trustee, James Giddens, had frozen 150,000 accounts when the firm filed for bankruptcy protection.

On Monday, Giddens said $1.5 billion worth of client money had been transferred to other firms. But the trustee and CME Group Inc, which regulates futures exchanges, have held back some $1 billion in customer funds as they search for the missing money, angering clients who can trade again but are still frozen out of their excess collateral and cash.

''We can understand the frustration of customers,'' Kent Jarrell, a spokesman for the trustee, told Reuters. ''That is why we are working around the clock to facilitate the transfer and return of customer assets. Unfortunately, this will take time as we conduct our independent and thorough investigation and maximize the estate for all stakeholders in a fair process.''

Some traders who tried to move their money from MF Global to other clearing firms or banks even before the company went belly-up have also been left in the lurch.

One independent options trader in Chicago said he placed a wire request on the morning of October 28 to transfer $1.25 million from MF Global to JPMorgan Chase.

The transfer never occurred.

An MF Global representative said JPMorgan rejected the transfer because of errors in the account number, the trader said, but upon double-checking the wire request form he found no mistakes. The funds have remained frozen at MF Global since its bankruptcy, he said.

''We pretty much have zero clarity,'' said the trader, who did not want to be identified. ''I have a feeling the wire instructions probably just got lost in the turmoil.''

□ 1100

In a recent posting, attorney William Black describes the failure of our justice system to investigate ''accounting control fraud as a systemic risk that underlies the damage still being done.''

The collapse of MF Global has garnered massive attention, partly because Jon Corzine sat at its helm. Mr. Corzine is a former chief executive officer of infamous Goldman Sachs. He is also a former U.S. Senator and former

Governor of New Jersey. Mr. Corzine's firm even held a special status as a primary dealer at the New York Federal Reserve. That's like the Good Housekeeping stamp of approval. Mr. Corzine isn't the only former government leader whose cozy relationship with the financial services industry is being publicly questioned.

Former Speaker of this House Newt Gingrich appears to have had a significant financial relationship with Freddie Mac, one of the mortgage industry giants led by its management into financial ruin. Freddie Mac played a key role in the financial meltdown. As countless American families have lost their homes, Freddie Mac assumed the toxic assets that were handed to it from the banks. And it is now under conservatorship of the Federal Government, living off the taxpayer dime. Mr. Gingrich is apparently $1.8 million richer, though he claims he isn't sure how much Freddie paid him.

I now see why Congress has consistently failed to investigate what happened at Freddie Mac along with Fannie Mae to determine exactly what decisions, by whom—by whom and when led to this financial ruin. I have a bill to do just that. H.R. 2093, the Fannie Mae and Freddie Mac Commission Act. It's well past time to pass it, and I invite Members to join me in this effort.

The allegations against MF Global are serious. Mr. Corzine's firm had essentially placed a $6.3 billion bet on the sovereign debt of several European governments. After its most recent quarterly returns showed almost $200 million in losses, MF Global's stock lost 67 percent of its value. But this is not just a case of an investment firm being lured by the higher returns of riskier bonds. CME Group, Inc., who audited MF Global's accounts, found that Mr. Corzine's company violated key requirements to keep its accounts separate from its clients'. The details are still being sorted out, but as much as $600 million appears to be missing from customer accounts.

The financial press is reporting a staggering amount of malfeasance in the days before MF Global filed for bankruptcy. In an apparent effort to buy themselves time, MF Global sent checks instead of wiring money. The checks turned out to be bogus. There are stories of requests to transfer funds being denied and even inaccurate account statements being issued. Even more egregious are accounts of people receiving bounced checks, going back and finding that their accounts were also altered inappropriately. If this isn't fraud, what is?

What should concern all of us is the knowledge that fraud is not limited to a case here or there. In the financial services sector, fraud has become systemic. In 2009, the FBI testified before the House Judiciary Committee, ''The current financial crisis has produced one unexpected consequence: It has exposed prevalent fraud schemes that have been thriving in the global financial system. These fraud schemes are not new, but they are coming to light as a result of market deterioration.''

This isn't the first time our country has seen a massive crime wave in the financial services industry. In the 1980s, it was the savings and loan crisis, and the FBI responded with a staff of 1,000 agents and forensic experts based in 27 cities. That crisis was much smaller than what we are seeing today, yet today the FBI only has a couple hundred agents able to investigate. I have a bill, H.R. 1350, that asks that number to be increased by 1,000. I ask my colleagues to help cosponsor it, and let's bring some reason and prudence back to the financial markets of our country and let's exact real justice for the American people.

THE VIRGIN CRISIS: SYSTEMATICALLY IGNORING FRAUD AS A SYSTEMIC RISK

(By William K. Black)

One of the most revealing things about this crisis is the unwillingness to investigate whether ''accounting control fraud'' was a major contributor to the crisis. The refusal to even consider a major role for fraud is facially bizarre. The banking expert James Pierce found that fraud by senior insiders was, historically, the leading cause of major bank failures in the United States. The national commission that investigated the cause of the S&L debacle found:

''The typical large failure [grew] at an extremely rapid rate, achieving high concentrations of assets in risky ventures. . . . [E]very accounting trick available was used. . . . Evidence of fraud was invariably present as was the ability of the operators to ''milk'' the organization.'' (NCFIRRE 1993) Two of the nation's top economists'' study of the S&L debacle led them to conclude that the S&L regulators were correct—financial deregulation could be dangerously criminogenic. That understanding would allow us to avoid similar future crises. ''Neither the public nor economists foresaw that [S&L deregulation was] bound to produce looting. Nor, unaware of the concept, could they have known how serious it would be. Thus the regulators in the field who understood what was happening from the beginning found lukewarm support, at best, for their cause. Now we know better. If we learn from experience, history need not repeat itself' (George Akerlof & Paul Romer. ''Looting: the Economic Underworld of Bankruptcy for Profit.'' 1993: 60).

The epidemic of accounting control fraud that drove the second phase of the S&L debacle (the first phase was caused by interest rate risk) was followed by an epidemic of accounting control fraud that produced the Enron era frauds.

The FBI warned in September 2004 that there was an ''epidemic'' of mortgage fraud and predicted that it would cause a financial ''crisis'' if it were not contained. The mortgage banking industry's own anti-fraud experts reported in writing to nearly every mortgage lender in 2006 that:

''Stated income and reduced documentation loans speed up the approval process, but they are open invitations to fraudsters.'' ''When the stated incomes were compared to the IRS figures: [90%] of the stated incomes were exaggerated by 5% or more. [A]lmost 60% were exaggerated by more than 50%. [T]he stated income loan deserves the nickname used by many in the industry, the 'liar's loan' '' (MARI 2006).

We know that accounting control fraud is itself criminogenic—fraud begets fraud. The fraudulent CEOs deliberately create the perverse incentives that that suborn inside and outside employees and professionals. We have known for four decades how these perverse incentives produce endemic fraud by generating a ''Gresham's'' dynamic in which bad ethics drives good ethics out of the marketplace.

''[D]ishonest dealings tend to drive honest dealings out of the market. The cost of dishonesty, therefore, lies not only in the amount by which the purchaser is cheated; the cost also must include the loss incurred from driving legitimate business out of existence.'' George Akerlof (1970).

Akerlof noted this dynamic in his seminal article on markets for ''lemons,'' which led to the award of the Nobel Prize in Economics in 2001. It is the giants of economics who have confirmed what the S&L regulators and criminologists observed when we systematically ''autopsied'' each S&L failure to investigate its causes. Modern executive compensation has made accounting control fraud vastly more criminogenic than it once was as investigators of the current crisis have confirmed.

''Over the last several years, the subprime market has created a race to the bottom in which unethical actors have been handsomely rewarded for their misdeeds and ethical actors have lost market share. . . . The market incentives rewarded irresponsible lending and made it more difficult for responsible lenders to compete.'' Miller, T. J. (August 14, 2007). Iowa AG.

Liar's loans offer what we call a superb ''natural experiment.'' No honest mortgage lender would make a liar's loan because such loans have a sharply negative expected value. Not underwriting creates intense ''adverse selection.'' We know that it was overwhelmingly the lenders and their agents that put the lies in liar's loans and the lenders created the perverse compensation incentives that led their agents to lie about the borrowers' income and to inflate appraisals. We know that appraisal fraud was endemic and only agents and their lenders can commit widespread appraisal fraud. Iowa Attorney General Miller's investigations found:

''[Many originators invent] non-existent occupations or income sources, or simply inflat[e] income totals to support loan applications. Importantly, our investigations have found that most stated income fraud occurs at the suggestion and direction of the loan originator, not the consumer.''

New York Attorney General (now Governor) Cuomo's investigations revealed that Washington Mutual (one of the leaders in making liar's loans) developed a blacklist of appraisers—who refused to inflate appraisals. No honest mortgage lender would ever inflate an appraisal or permit widespread appraisal inflation by its agents. Surveys of appraisers confirm that there was widespread pressure by nonprime lenders and their agents to inflate appraisals.

We also know that the firms that made and purchased liar's loans followed the respective accounting control fraud ''recipes'' that maximize fictional short-term reported income, executive compensation, and (real) losses. Those recipes have four ingredients:

1. Grow like crazy
2. By making (or purchasing) poor quality loans at a premium yield
3. While employing extreme leverage, and
4. Providing only grossly inadequate allowances for loan and lease losses (ALLL) against the losses inherent in making or purchasing liars loans

Firms that follow these recipes are not ''gamblers'' and they are not taking ''risks.'' Akerlof & Romer, the S&L regulators, and criminologists recognize that this recipe provides a ''sure thing.'' The exceptional (albeit

fictional) income, real bonuses, and real losses are all sure things for accounting control frauds.

Liar's loans are superb ''ammunition'' for accounting control frauds because they (and appraisal fraud) allow the fraudulent mortgage lenders and their agents to attain the unholy fraud trinity: (1) the lender can charge a substantial premium yield, (2) on a loan that appears to relatively lower risk because the lender has inflated the borrowers' income and the appraisal, while (3) eliminating the incriminating evidence of fraud that real underwriting of the borrowers' income and salary would normally place in the loan files. The government did not require any entity to make or purchase liar's loans (and that includes Fannie and Freddie). The states and the federal government frequently criticized liar's loans. Fannie and Freddie purchased liar's loans for the same reasons that Merrill, Lehman, Bear Stearns, etc. acquired liar's loans—they were accounting control frauds and liar's loans (and CDOs backed by liar's loans) were the best available ammunition for maximizing their fictional reported income and real bonuses.

Liar's loans were large enough to hyper-inflate the bubble and drive the crisis. They increased massively from 2003–2007.

''[B]etween 2003 and 2006 . . . subprime and Alt-A [loans grew] 94 and 340 percent, respectively.

The higher levels of originations after 2003 were largely sustained by the growth of the nonprime (both the subprime and Alt-A) segment of the mortgage market.'' ''Alt-A: The Forgotten Segment of the Mortgage Market'' (Federal Reserve Bank of St. Louis 2010).

The growth of liar's loans was actually far greater than the extraordinary rate that the St. Louis Fed study indicated. Their error was assuming that ''subprime'' and ''alt-a'' (one of the many misleading euphemisms for liar's loans) were dichotomous. Credit Suisse's early 2007 study of nonprime lending reported that roughly half of all loans called ''subprime'' were also ''liar's'' loans and that roughly one-third of home loans made in 2006 were liar's loans. That fact has four critical implications for this subject. The growth of liar's loans was dramatically larger than the already extraordinary 340% in three years reported by the St. Louis Fed because, by 2006, half of the loans the study labeled as ''subprime'' were also liar's loans. Because loans the study classified as ''subprime'' started out the period studied (2003) as a much larger category than liar's loans the actual percentage increase in liar's loans from 2003–2006 is over 500%. The first critical implication is that it was the tremendous growth in liar's loans that caused the bubble to hyper-inflate and delayed its collapse.

The role of accounting control fraud epidemics in causing bubbles to hyper-inflate and persist is another reason that accounting control fraud is often criminogenic. When such frauds cluster they are likely to drive serious bubbles. Inflating bubbles optimize the fraud recipes for borrowers and purchasers of the bad loans by greatly delaying the onset of loss recognition. The saying in the trade is that ''a rolling loan gathers no loss.'' One can simply refinance the bad loans to delay the loss recognition and book new fee and interest ''income.'' When entry is easy (and entry into becoming a mortgage broker was exceptionally easy), an industry becomes even more criminogenic.

Second, liar's loans (and CDOs ''backed'' by liar's loans) were large enough to cause extreme losses. Millions of liar's loans were made and those loans caused catastrophic losses because they hyper-inflated the bubble, because they were endemically fraudulent, because the borrower was typically induced by the lenders' frauds to acquire a home they could not afford to purchase, and because the appraisals were frequently inflated. Do the math: roughly one-third of home loans made in 2006 were liar's loans and the incidence of fraud in such loans was 90%. We are talking about an annual fraud rate of over one million mortgage loans from 2005 until the market for liar's loans collapsed in mid-2007.

Third, the industry massively increased its origination and purchase of liar's loans after the FBI warned of the developing fraud ''epidemic'' and predicted it would cause a crisis and then massively increased its origination and purchase of liar's loans after the industry's own anti-fraud experts warned that such loans were endemically fraudulent and would cause severe losses. Again, this provides a natural experiment to evaluate why Fannie, Freddie, et alia, originated and purchased these loans. It wasn't because ''the government'' compelled them to do so. They did so because they were accounting control frauds.

Fourth, the industry increasingly made the worst conceivable loans that maximized fictional short-term income and real compensation and losses. Making (or purchasing) liar's loans that are also subprime loans means that the originator is making (or the purchaser is buying) a loan that is endemically fraudulent to a borrower who has known, serious credit problems. It's actually worse than that because lenders also increasingly added ''layered'' risks (no downpayments and negative amortization) in order to optimize accounting fraud. Negative amortization reduces the borrowers' short-term interest rates, delaying delinquencies and defaults (but producing far greater losses). Again, this strategy maximizes fictional income and real losses. Honest home lenders and purchasers of home loans would not act in this fashion because the loans must cause catastrophic losses.

To sum it up, the known facts of this crisis refute the rival theories that the lenders/purchasers originated/bought endemically fraudulent liar's loans because (a) ''the government'' made them (or Fannie and Freddie) do so, or (b) because they were trying to maximize profits by taking ''extreme tail'' (i.e., an exceptionally unlikely risk). The risk that a liar's home loan will default is exceptionally high, not exceptionally low. The known facts of the crisis are consistent with accounting control frauds using liar's loans (in the United States) as their ''ammunition of choice'' in accordance with the conventional fraud ''recipe'' used that caused prior U.S. crises.

It is bizarre that in such circumstances the automatic assumption of the Bush and Obama administrations has been that fraud isn't even worth investigating or considering in connection with the crisis. It is as if millions of liar's loans purchased and resold as CDOs largely by systemically dangerous institutions are an inconvenient distraction from campaign fundraising efforts. Instead, we have the myth of the virgin crisis unsullied by accounting control fraud. Indeed, contrary to theory, experience, and reality, the Department of Justice has invented the faith-based fiction that looting cannot occur.

Benjamin Wagner, a U.S. Attorney who is actively prosecuting mortgage fraud cases in Sacramento, Calif., points out that banks lose money when a loan turns out to be fraudulent. ''It doesn't make any sense to me that they would be deliberately defrauding themselves,'' Wagner said. Wagner's statement is embarrassing. He conflates ''they'' (referring to the CEO) and ''themselves'' (referring to the bank). It makes perfect sense for the CEO to loot the bank. Looting is a ''sure thing'' guaranteed to make the CEO wealthy. ''Looting'' destroys the bank (that's the ''bankruptcy'' part of Akerlof & Romer's title) but it produces the ''profit'' for the CEO. It is the deliberate making of masses of bad loans at premium yields that allows the CEO to profit by looting the bank. When the top prosecutor in an epicenter of accounting control fraud defines the most destructive form of financial crime out of existence he allows elite fraud to occur with impunity.

As embarrassing as Wagner's statement is, however, it cannot compete on this dimension with that of his boss, Attorney General Holder. I was appalled when I reviewed his testimony before the Financial Crisis Inquiry Commission (FCIC). Chairman Angelides asked Holder to explain the actions the Department of Justice (DOJ) took in response to the FBI's warning in September 2004 that mortgage fraud was ''epidemic'' and its prediction that if the fraud epidemic were not contained it would cause a financial ''crisis.'' Holder testified: ''I'm not familiar myself with that [FBI] statement.'' The DOJ's (the FBI is part of DOJ) preeminent contribution with respect to this crisis was the FBI's 2004 warning to the nation (in open House testimony picked up by the national media. For none of Holder's senior staffers who prepped him for his testimony to know about the FBI testimony requires that they know nothing about the department's most important and (potentially) useful act. That depth of ignorance could not exist if his senior aides cared the least about the financial crisis and made it even a minor priority to understand, investigate, and prosecute the frauds that drove the crisis. Because Holder was testifying in January 14, 2010, the failure of anyone from Holder on down in his prep team to know about the FBI's warnings also requires that all of them failed to read any of the relevant criminology literature or even the media and blogosphere.

In addition to claiming that the DOJ's response to the developing crisis under President Bush was superb, Holder implicitly took the position that (without any investigation or analysis) fraud could not and did not pose any systemic economic risk. Implicitly, he claimed that only economists had the expertise to contribute to understanding the causes of the crisis. If you don't investigate; you don't find. If you don't understand ''accounting control fraud'' you cannot understand why we have recurrent, intensifying financial crises. If Holder thinks we should take our policy advice from Larry Summers and Bob Rubin, leading authors of the crisis, then he has abdicated his responsibilities to the source of the problem. ''Now let me state at the outset what role the Department plays and does not play in addressing these challenges'' [record fraud in investment banking and securities].

''The Department of Justice investigates and prosecutes federal crimes. . . .''

''As a general matter we do not have the expertise nor is it part of our mission to opine on the systemic causes of the financial crisis. Rather the Justice Department's resources are focused on investigating and prosecuting crime. It is within this context that I am pleased to offer my testimony and to contribute to your vital review.'' Two aspects of Holder's testimony were preposterous, dishonest, and dangerous.

''I'm proud that we have put in place a law enforcement response to the financial crisis that is and will continue to be is aggressive, comprehensive, and well-coordinated.''

DOJ has obtained ten convictions of senior insiders of mortgage lenders (all from one obscure mortgage bank) v. over 1000 felony convictions in the S&L debacle. DOJ has not conducted an investigation worthy of the

name of any of the largest accounting control frauds. DOJ is actively opposing investigating the systemically dangerous institutions (SDIs).

Holder's most disingenuous and dangerous sentence, however, was this one:

''Our efforts to fight economic crime are a vital component of our broader strategy, a strategy that seeks to foster confidence in our financial system, integrity in our markets, and prosperity for the American people.'' Yes, the ''confidence fairy'' ruled at DOJ. It is the rationale now for DOJ's disgraceful efforts to achieve immunity for the SDIs' endemic frauds. The confidence fairy trumped and traduced ''integrity in our markets'' and ''prosperity for the American people.'' Prosperity is reserved for the SDIs and their senior managers—the one percent.

PUT AMERICA BACK ON A PATH TO PROSPERITY

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

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I rise today to talk about passing a balanced budget amendment today. I will tell you, there's been a global debate most recently over the finances of the world. And even in Europe, in the eurozone, Merkel and Sarkozy are proposing that balanced budget amendments be a part of the constitutions of those countries that make up the eurozone. It's not often that you will find me agreeing with President Sarkozy. He is certainly not the great leader that Benjamin Netanyahu is. But on this one, I do believe that he was right to come out of his foxhole and support the balanced budget amendments.

Every year, our Americans sit down at the kitchen table, pencil and paper in hand, and balance their budgets in their households. Every American business owner will tell you that they cannot continually deficit spend the way this country has well over the last decade.

Mr. Speaker, the people of Georgia's Eighth Congressional District are hardworking and responsible people. They expect the same of their government leaders. They work each day to ensure that the future remains bright for their children and grandchildren, and they sent me here to do the same.

The work that will be required by the balanced budget will not be easy, but Americans are counting on us. They are counting on us to make tough decisions and put America back on a path to prosperity. Passing the balanced budget amendment is the first step to that.

THE TROJAN HORSE BALANCED BUDGET AMENDMENT

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

Ms. MOORE. Later on today we will be considering the so-called balanced budget amendment. And while I join my colleagues in sharing the view that we need to gain control of our national debt, I rise to commiserate our loss of a balanced perspective on what we, as elected Representatives of the people of the United States of America, regard as assets and liabilities on our American Government balance sheet. I am appalled, Mr. Speaker, at our loss of perspective on what good government really means as we balance our policy priorities in this moral document, our budget.

Mr. Speaker, we have perverted the concept of a healthy balance sheet as we worship at the feet of a religion that tones that government should be limited and, perhaps, have no role in the health, welfare, and safety of the American people.

Balancing the budget sounds so simple, so appealing, but that's not a truthful description of what this balanced budget amendment would do. This amendment is nothing more than a Trojan horse hiding the Republicans' true ambition, which is requiring major cuts to vital programs, dramatically shrinking the legitimate role of government, and enshrining this agenda in the United States Constitution.

A balanced budget? A balance sheet contains both assets and liabilities.

I would submit, Mr. Speaker, that it is a perversion of our American values to see our children, our future, as mere liabilities; our students, who need the government to invest in their higher educations, as mere liabilities; our communities, the economic engines of our economy who may be subjected to natural disasters such as hurricanes and other liabilities, who need to rebuild modern transportation systems, to see these as mere liabilities; and American folks, who need to breathe clean air and drink clean water, as mere liabilities on the Federal Government balance sheet.

According to an analysis released this week by the Center on Budget and Policy Priorities, the amendment we are considering today would force cuts to all programs by an average of 17.3 percent by 2018. And if revenues are not raised, which there seems to be an anathema to doing that, all these programs will be cut by the same percentage. Social Security cut by $184 billion in 2018 alone; Medicare cut by $117 billion in 2018; Medicaid and the Children's Health Insurance Program cut by $80 billion in 2018.

We have constructed a balance sheet where our people are not viewed as assets. Our American universities, our students, the next generation of inventions and innovators are seen as welfare recipients when we provide them with Pell Grants. Seniors who have earned retirement security are now seen as a drain on our system. These seniors who built our economy through their ingenuity and sweat, Medicare and Social Security for them is seen as socialism.

Mr. Speaker, we have heard the constant drumbeat demanding that we severely restrain the benefits and the rights we provide to our seniors and our people. And what do we regard as our assets on our balance sheet? Our bloated, cold war-era military buildup.

And what kind of balance sheet, Mr. Speaker, expends trillions of dollars on tax breaks to millionaires and expatriate corporations and treats revenue loss needed for the legitimate operation of the government like assets?

□ 1110

This is a balance sheet reminiscent of a corporate raider that strips down all of the assets and leaves the company limping lifeless in the dust.

What kind of country lauds a balanced budget that achieves this balance on the backs of children, students, working class families, the disabled, the hungry, the infirm, the elderly, the environment, victims of natural disasters, and wounded veterans returning to unemployment and a jobless economy? Is this a balanced budget, Mr. Speaker, or is this our unbalanced priorities?

Mr. Speaker, I thank you for your indulgence in listening to me today.

THE ABLE ACT

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

Mr. CRENSHAW. Mr. Speaker, I just wanted to make my colleagues aware of some legislation that I filed this week, along with 28 original cosponsors, Democrats and Republicans. The legislation was filed in the Senate, as well, so it's a bipartisan, bicameral effort. It's going to be known as the ABLE Act, Achieving a Better Life Experience. This is legislation that will paint a brighter future, make a brighter pathway for individuals with disabilities to meet the uncertainties that they face.

I think we all recognize that individuals with disabilities, be it autism, be it Down's syndrome, they face tremendous challenges today. They face struggles, both financial struggles and personal struggles, that most of us can't even imagine. And they face those struggles without the advantage that our Tax Code offers for a lot of people in our society.

For instance, if you want to save for college, you can set up a tax-free savings account. The proceeds grow tax free, and you can use those moneys to pay your college tuition. If you want to save for retirement, you can set up a tax-free savings account. Those proceeds grow tax free, and you can use those dollars in your retirement years. If you want to save for medical insurance premiums, you can set up a health savings account and that account has tax advantages. And yet there are no vehicles like that for individuals with disabilities.

You can imagine, there are real-world examples where individuals with disabilities, they receive certain government benefits; but if they accumulate more than $2,000 of assets in their

own name, then they're penalized. We have examples of individuals who have had to say ''no'' when somebody wanted to give them a birthday check, to say ''no'' when somebody said I'd like to help you with your housing.

We have to ask ourselves, is this any way to treat those among us who are the most disadvantaged? Of course it's not. The answer is, no. That's why we have created this legislation. That's why we proposed this ABLE Act. It's very simple; it's very straightforward. It's understandable. What it does is allow individuals with disabilities to set up a tax-free savings account as long as those proceeds are used for qualified expenses like maybe special equipment, maybe educational needs, maybe transportation or housing. It's only fair that we make our Tax Code deal with the injustice that goes on today. It's trying to make that Tax Code more fair to treat everyone more equal.

I think those of us who are more fortunate have an obligation to help those who are less fortunate. So, Mr. Speaker, I urge my colleagues to take a look at this. Again, it is bicameral, bipartisan; and it shows that we can work together to meet the needs of those among us who need our help. It is much needed and it's long overdue, and I hope we can pass it this year.

TRIBUTE TO GLEN A. KEHREIN

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Glen Kehrein, a neighbor, a good friend, and one of the most dedicated, committed, and focused individuals that I've ever known. He was founder and CEO of Circle Urban Ministries in Chicago, Illinois. A few days ago, Glen Kehrein passed away, but he leaves a legacy that will live for many, many years to come.

More than 30 years ago, Glen and his family and a circle of a few friends moved into the Austin community of Chicago which was undergoing rapid change from a predominantly white community to what is now a more than 95 percent black, or African American, community. With his circle of friends, Glen organized Circle Urban Ministries, which has lasted for more than 30 years and has become one of the most effective faith-based urban redevelopment organizations in the Nation.

Under Glen's leadership, programs in health care, legal assistance, housing rehabilitation, management, youth outreach, leadership development, homelessness, ex-offender reentry, food distribution, and education are bringing hope and help to thousands of people each year.

Glen coauthored an award-winning book with a black minister and friend of his, Reverend Raleigh Washington, entitled ''Breaking Down Walls,'' a model of reconciliation in an age of racial strife. He has traveled extensively to speak on the topic of racial reconciliation and has been a frequent guest on television and radio. He has been a contributing author of three other books about inner-city life and work, and has written many other articles for publication.

Glen has a B.A. in Bible theology from the Moody Bible Institute and a B.A. in sociology from Wheaton College. Except for a brief 2-year period while studying at Wheaton College, Glen; his wife, Lonnie; and their three children have lived in the Austin community for more than 30 years. In 1997, he was recognized for his contributions by becoming the first American to be awarded a Doctorate of Peacemaking from Westminster College. In receiving this honor, he joined the ranks of previous grantees: Nobel Laureate Mairead Maguire of Northern Ireland; Mrs. Leah Rabin, wife of the slain prime minister of Israel; and the Grand Mufti of Egypt, Dr. Muhammad Sayed Tantawi, the highest authority on Islamic law in Egypt.

Glen is a legend in our community. His family, neighbors, friends, and community will truly miss him; and may he rest in peace.

PROTECTING CHILDREN FROM SEXUAL ABUSE

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

Mr. RUSH. Mr. Speaker, earlier this month some of our darkest fears came to light. As parents and mentors of young children, we were horrified to hear and read about news allegations of a sexual abuse scandal involving the Penn State University football program.

In piecing the news together, there were clues and red flags along the way, suggesting that the allegations are regrettably and probably true. Based on what is known now, it is also not inconceivable that the horrible actions alleged to have occurred at Penn State could have just as easily occurred at any other major collegiate sports program in the country.

□ 1120

What this sad and tragic episode affirms is that the abuse of children is real and alive in the sports world today. And it is just as alive and real in collegiate sports as it could be in any institutional system that has commonalities with big-time college sports.

A little more than a week ago, even before the news of this scandal broke, I hosted two collegiate sports roundtables here in our Nation's Capitol. I invited sports journalists, economists, parents of former big division athletic scholarship recipients, and current professionally qualified basketball players and former collegiate student athletes to speak openly.

They were asked what they thought about some of the NCAA's new proposed reforms, like compensating student athletes with a stipend and increasing academic accountability of student athletes who play in Bowl Conference Series tournaments. The roundtables dispelled some of the widely held myths about the manner in which the colleges go about recruiting high school athletes. They also corrected some persistent misunderstandings about what and how much NCAA athletic scholarships and medical insurance cover. And they did an excellent job of exposing hardships that student athletes and their families face for being unable to come up with the extra money to pay the differences in the medical costs and the costs of these athletic scholarships.

The roundtables sadly affirmed that, just as the scandal does, the business of college sports is not beneath using—and can even thrive upon, in too many instances—collusion, corruption, and cover-ups.

As part of its core purpose, the NCAA says its mission is to ''integrate intercollegiate athletics into higher education so that the educational experience of the student athlete is paramount.'' But, unfortunately, I must say that I am highly suspicious of this creed, in that the NCAA system culture has increasingly become more shadowy and exceedingly exploitative. Exploitation maximizes revenues for colleges and conferences. Exploitation also helps member conferences and athletic programs hide behind flimsy excuses that doing more to support student athletes financially would be unprincipled and unacceptable.

Mr. Speaker, as a Nation, we must hear the voices of young victims, pray for their healing, and dedicate ourselves to doing all that we can to end outrageous abuse of vulnerable children. We, as Members of Congress, have two primary responsibilities: one, to protect our Nation against foreign enemies, and, two, to protect our children.

God bless America, and God bless our children.

THE FAIR TAX

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

Mr. WOODALL. Mr. Speaker, it's always nice to come to the House floor after someone has just said ''God bless America.'' It makes me feel good, sir, and I want to associate myself with those remarks.

Candidly, I'm a little worried about what happens here in this country. Mr. Speaker, I know you have the pleasures I do of seeing all the folks from across America who come here to see the procedures that go on here on the House floor, and I know folks often wonder and probably ask you, Mr. Speaker, Where is everybody? What's going on? Well, of course, with the exception of those of us on the House floor, everybody is in their office watching on the

closed-circuit TV so you can multitask and do it all. I came down here to bring words to those folks who are watching on TV.

But really, Mr. Speaker, it's about the youngest folks we have in the country. It's about the economy that you and I are going to leave to the next generation of Americans. And we can do things here in this House today that guarantee a better economy in the years to come. Right now—right now—I don't tweet. I don't use Twitter. I'm not that interesting that I have something to say to folks every moment of the day, but if I were tweeting, I would say that right now in the Joint Economic Committee there's a hearing on fundamental tax reform, asking the question can tax reform boost investment and job creation? And the answer is absolutely, it can.

Here, in this country, what we tax, we destroy. Think about that. The power to tax is the power to destroy.

Mr. Speaker, when I go to speak to high school students, I say, okay, I've got a $20-an-hour job working in my congressional office. Who wants to come work for me? Everybody raises their hand. I said, I'm going to need to tax you about $19 an hour on that, so you're only going to get to take home 1. Who wants to come work for me? And all the hands go down. The hands go down because they don't want to work for $1 an hour. They want to keep what they earn.

The power to tax is the power to destroy. Today, in this country, we tax income. We are the only Nation in the OECD that does not have a consumption tax. We tax income. And when you tax income, which is productivity, you destroy productivity.

I have a proposal that is the most widely cosponsored fundamental tax reform proposal in either the House or the Senate, and it's called the Fair Tax. It's H.R. 25 here on the House side. And I have the great pleasure of working with so many of my colleagues to push that bill forward. It abolishes the income tax in favor of a consumption tax.

Now, when we're in a tough economy like this, folks say, But Rob, I'm cutting back on my consumption. Would we still be able to bring in the revenue that we need with a consumption tax? Well, I bring charts. What you see here in the blue line is personal consumption, and what you see in the red line is personal income. The red line represents what we tax in the income tax, and the blue line represents what we would tax in the consumption tax. And what you see are two things. Number one, they are roughly the same—roughly the same.

Yes, we can tax consumption and bring in the same revenue we get today by taxing income, but when they're different, it's because the volatility of the income is greater than the volatility of consumption. When you tax income, all you get to tax is income. When you tax consumption, you end up taxing income, plus savings people are spending, plus borrowing that they're doing. It's a much more stable tax.

Why is that important? Mr. Speaker, what you know in your time here in the House, as I know from my time here in the House, is that if you give this House more money, we're going to spend it. I don't want to spend it. I wish we wouldn't. And I'm going to vote ''no,'' but I'm going to lose.

If you tax something that's volatile, in the boom years, the money comes pouring in. Do you think we save it for a rainy day? We don't. We spend it. And then when the down year comes, folks are accustomed to a high spending level. What do we do? We borrow it from our children and our grandchildren and spend it anew.

Having a stable income stream that doesn't have the highs and doesn't have the lows will lead to a better Federal budgeting process. And taxing consumption, which is what we take out of the economy, instead of taxing the income, which is what we put into the economy, will grow it;

Mr. Speaker, a few years ago, the Joint Tax Committee here did a study and said, How would we evaluate consumption tax? We don't even have a model for it. How would we do it if we did away with the income tax and brought in the consumption tax? They brought in economic groups from the left and the right. Of course they disagreed about absolutely everything, those groups from the left to the right, all the way across the spectrum, except for one thing, Mr. Speaker. Every single economic model and group agreed that if we moved to a consumption tax from today's income tax, America's economy would grow faster.

Mr. Speaker, every dollar we can grow, every job we can create, they matter today. And I encourage folks to take a look at H.R. 25, the Fair Tax, as a mechanism for making that happen.

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 30 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

Reverend Martin R. Springer, Trinity Lutheran Ministries, Edwardsville, Illinois, offered the following prayer:

In the name of the Father and of the Son and of the Holy Spirit, amen.

Almighty God, grant Your blessings to our land. Thank you for the freedoms that are ours as Americans. Help us to be mindful of the principles on which it was founded: freedom and equality, justice and humanity. Grant Your blessings to the Members of the United States House of Representatives, that they may serve our Nation with honesty and integrity and they may seek Your guidance as they make these important decisions that affect us all.

Protect all who serve in the Armed Forces of this land. Bless their families during times of military deployment and give Your peace to those whose loved ones have paid the ultimate price in the defense of liberty. Protect our Nation from terrorist threat.

Hear these prayers and grant us Your peace, which passes all understanding. These things we pray in the name of Jesus Christ our Lord.

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 Indiana (Mr. DONNELLY) come forward and lead the House in the Pledge of Allegiance.

Mr. DONNELLY of Indiana 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.

WELCOMING REVEREND MARTIN R. SPRINGER

The SPEAKER. Without objection, the gentleman from Illinois (Mr. JOHNSON) is recognized for 1 minute.

There was no objection.

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor our guest chaplain, Pastor Marty Springer, who has served as both an example of his faith and civic duty.

Pastor Springer was raised in southern California, the youngest son of Marshall and Doris Springer. After graduating from high school, he worked in a bank while attending junior college and joined the United States Air Force in December of 1982. During his time serving on active duty, he was selected for the honor of serving in the Office of Presidential Protocol at Andrews Air Force Base during the Presidency of President Ronald Reagan.

He entered the Air Force Reserve in 1986 and also took a civil service position at Scott Air Force Base where he was the director of personnel for an Air Force telecommunications agency responsible for all aspects of manpower, personnel, and training. During Operations Desert Storm and Desert Shield,

Pastor Springer was recalled to serve in active duty and received the Air Force Achievement Medal for his service.

After 15 years of service to his Nation, Pastor Springer was called to serve God and entered Concordia Seminary in St. Louis in 1977. After graduating, Pastor Springer was ordained as a pastor of the Lutheran Church-Missouri Synod in 2000.

He received his first call to Saint John Evangelical Lutheran Church and School in Chester, Illinois. His service to his church and his community, including his work as chairman of the Chester Veterans Memorial Committee, earned him the honor of Outstanding Citizen of Chester in 2001.

Today, Pastor Springer serves as senior pastor of Trinity Lutheran Ministries of Edwardsville, Illinois, where he oversees a church, Christian day school, and a day school center. He has completed three mission trips to Kazakhstan, Haiti, and Honduras and is working to complete his clinical pastoral education at Alexian Brothers Medical System in St. Louis.

Pastor Springer has been a model of service for his community, his church, and his Nation; and it's truly my honor, Pastor, to join my colleagues in welcoming you as our guest chaplain. It's a privilege to represent you, and it's a privilege that you're here today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

BALANCED BUDGET AMENDMENT

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

Mr. FLEISCHMANN. Mr. Speaker, I rise today in support of a balanced budget amendment to our Constitution.

For 24 years, I ran my own small business with my wife. We had to balance our budget every month and every year. I've also raised three boys with my wife, and we've had to balance our budget as a family in order to live within our means.

I believe the United States Constitution is one of the greatest documents ever written, and I don't take amending it lightly. However, we must curb the voracious appetite of the Federal Government and get our fiscal House in order.

We passed the $15 trillion mark in our national debt yesterday, and we are seeing other countries around the world succumb to their debt. We must fix our debt crisis before it's too late.

I am proud to be a cosponsor of this balanced budget amendment to our Constitution, and I urge all of my colleagues to vote in favor of House Joint Resolution 2. Our kids and grandkids are depending on it.

SANCTITY OF VEGETABLES

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

Mr. BLUMENAUER. Congress seems determined to undermine recent nutrition standards proposed by the Obama administration. It's shameful that we are poised to intervene to make sure that pizza continues to count as a vegetable and that we protect the privileged status of French fries on the lunch tray.

The problem we have in front of us is the institution of vegetables has been weakened in this country, and the effort to redefine it on this vast social experiment that we have going on, redefining vegetables differently than they have ever been defined by mankind before. This effort of this vast social experiment, the early data that we see from other places harms the institution of the family, the raising of the next generation, and is harmful to the future of the Republic.

BALANCED BUDGET AMENDMENT

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

Mr. SAM JOHNSON of Texas. You know, this month the national debt will reach the unprecedented level of $15 trillion. That's nearly $48,000 per American.

Under President Obama, the national debt's increased faster than any other U.S. President in history. Now more than ever, it's time to get our Nation's fiscal house in order to prevent another big, fat Greek catastrophe.

The American people have made it abundantly clear that Congress should balance the Federal budget just like families and business owners across the country have to do every single day. A balanced budget amendment is the solution we need to break Washington's reckless spending habit.

I implore the President and my colleagues in the Senate to join the House in passing the balanced budget amendment and send it to the States. We can't endure this any longer, and we need to fix it. Americans want, need, and deserve to know we're going to live within our means just as they all live within their means.

PRESERVE MEDICARE AND SOCIAL SECURITY

(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 strong opposition to cuts in Medicare and Social Security.

In these last few days and the most important days that we face, I challenge the supercommittee to put politics aside and to work together to come up with a balanced, bipartisan deal that will strengthen and preserve our Nation's most successful health care and anti-poverty health programs.

Across-the-board cuts, which will result from the supercommittee's failure to work together, will do nothing more than increase health care costs to seniors and the disabled and weaken our already vulnerable economy.

I have received countless phone calls, stacks of letters, boxes of cards from concerned constituents all over north Texas who wait in fear to hear the fate of their economic future. I urge the supercommittee to reject any policies that will result in higher costs for our Nation's sick and elderly.

BALANCED BUDGET AMENDMENT

(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, last week a constituent from Washingtonville, New York, wrote this to me:

''I balance my family budget, so please explain to me why we don't have the will to balance the Federal budget? Pass a balanced budget amendment and future generations will be far better off. If not, we will have left them our errors.''

Another one of my constituents—his first name is Joseph—and Joseph, I want to assure you that I agree with you completely. These are my sons. This is my family. These are Will and Jack. Together, as our distinguished colleague from Texas just told us, they owe nearly $100,000 to the national debt as of today. They had no part at all in creating it.

Every dollar that the Federal Government spends has 40 cents in debt. That is unconscionable intergenerational theft. It must stop, and we must stop it this week. I urge all of our colleagues across the aisle to pass the balanced budget amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to direct their remarks to the Speaker and not to a perceived viewing audience.

□ 1210

A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

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

Mr. DONNELLY of Indiana. Mr. Speaker, I rise in strong support of the balanced budget amendment to the Constitution.

The fact is for too long Washington has not made the necessary and tough decisions that need to be made to get our budget deficit under control. Working families in Indiana know all too

well the importance of balancing their budgets even when times are tight. Just as Hoosier families must make tough decisions about how to manage their budgets, so, too, must we in Congress make those tough choices about where to invest and what to cut.

I have always supported a balanced budget amendment because it is another important tool that can be used to help get our fiscal house in order. Having a balanced budget amendment in place is crucial to the country going beyond speaking about tough decisions and actually making them. I am aware this will not be easy and that tough decisions that affect many people will have to be made to match our revenues with our spending priorities. We have to live within our means.

We are facing significant fiscal challenges, and the American people expect us to come together on a bipartisan basis and to do something that will more effectively deal with them.

BALANCED BUDGET AMENDMENT

(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, today we begin debate on H.J. Res. 2, the balanced budget amendment. This resolution is similar to the amendment that nearly passed the Congress over 15 years ago. I can only imagine how much improved our current fiscal situation would be today if the amendment would have passed then. In that time, we have seen the national debt increase from just over $5 trillion then to more than $15 trillion now.

This rapid rise in public debt endangers our currency and creates deep economic uncertainty. For some of that time, we had a balanced budget; and we did it with a government divided between the political parties. It was not easy to negotiate, but we made it happen. We need to get back to balanced budgets and go further to pay down our debt. A balanced budget amendment will require us to take that action.

We cannot endlessly pile up debt. That is a recipe for disaster, and we have to turn things around. To help us accomplish that, we need a constitutional amendment ratified by the American people.

H.R. 3346, THE EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT

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

Mr. COHEN. This past week, I joined with Congressman LLOYD DOGGETT and with many other Democratic colleagues to introduce the Emergency Unemployment Compensation Extension Act.

If Congress fails to pass this bill by the end of the year, Americans who have lost their jobs not by any fault of their own will begin losing their unemployment benefits in January. By mid-February, 2.1 million will have lost their benefits, and by the end of 2012, six million will have, which includes 34,600 Tennesseans.

Congress has never allowed emergency unemployment benefits to expire when the unemployment rate is anywhere close to where it is now—9 percent. This extension not only will help the unemployed, but it will also promote economic recovery.

The Congressional Budget Office has declared that unemployment benefits are ''both timely and cost-effective in spurring economic activity and employment.'' The Economic Policy Institute has estimated that preventing UI benefits from expiring could prevent the loss of over 500,000 jobs. They are timely, targeted and temporary—the best way to stimulate our economy. In addition, there are benefits for the States that are having problems with their unemployment insurance programs and with certain extensions there.

I urge the Republicans to join with us in passing this Emergency Unemployment Compensation Extension Act.

BALANCED BUDGET AMENDMENT

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

Mr. LAMBORN. Mr. Speaker, the big spending policies of the Obama administration have failed America. Millions of Americans have lost their homes, their jobs—and even their hopes for a brighter future. Our economy has stalled, and the American people are looking for solutions.

This week, the House will vote on a balanced budget amendment. It is an honest and bipartisan solution to the problem of overspending that threatens our economic recovery and prevents job creation. Forty-nine States, including Colorado, comply with a balanced budget amendment. Spending cuts, caps and promises, though helpful, are only temporary. A balanced budget is permanent.

When the Federal Government starts living within its means, the Nation's job creators will have the confidence to create more jobs. That certainty is essential to restoring our economy and putting Americans back to work. In an otherwise bleak economy, a balanced budget amendment is our brightest ray of hope.

OUR RIGHT TO VOTE IS UNDER ATTACK

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

Mr. JOHNSON of Georgia. Mr. Speaker, our right to vote is under attack. Photo ID laws on the books in nearly a dozen States, including in my home State of Georgia and pending in 35, are most troubling.

Proponents say State-issued photo ID laws prevent voter fraud, but in-person voting fraud has not been a significant problem throughout the years. The problem was that too many people went to vote for President Obama. An estimated 21 million people do not have current government-issued photo IDs. The numbers are even higher for blacks and Hispanics and other minorities. The Texas legislature passed one of the worst laws whereby a concealed-weapon permit qualifies as a voter ID while a student ID does not. The Justice Department should vigorously challenge these voter ID laws.

Nothing is more fundamental, ladies and gentlemen, than our right to vote. We must reject any attempts to curb citizens in the exercise of their right.

SUPPORTING THE PASSAGE OF A BALANCED BUDGET AMENDMENT

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

Mr. MARCHANT. Mr. Speaker, today the House is scheduled to consider House Joint Resolution 2. This bill proposes a balanced budget amendment to the Constitution. I am a very proud cosponsor of this legislation.

Earlier this year, the Texas Legislature called on Congress to propose and submit to the States a balanced budget amendment. I am pleased that the House is taking the first step today to fulfill this request by Texas and other States. As a former city council member and mayor and State representative, I was always required to present a balanced budget.

We must act now before we further ruin the economic futures of our children and grandchildren. We cannot ignore our fiscal situation any longer. The Federal Government should balance its budget.

I strongly urge my colleagues to join me today in voting in favor of this resolution.

SUPPORT THE STOCK ACT

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

Mr. WALZ of Minnesota. Mr. Speaker, it has been 4 days since the CBS News program ''60 Minutes'' ran a troubling piece on insider trading in this very House. Mr. Speaker, you and I and our colleagues are the only people in this august body today who are exempt from insider trading rules.

How do we expect the public to take us seriously about anything we do when there is the belief that people here are enriching themselves from the knowledge they gain on the job? Even the perception of wrongdoing undermines the trust in the democracy.

The good news is that Ms. SLAUGHTER, myself, and now 55 of our colleagues have joined together to put an

end to this practice. The STOCK Act that I rise and encourage my colleagues to join us on would stop trading on congressional knowledge. It would put Congress on the same playing field of every teacher, firefighter, small business owner, and investor. Then we can get down to the business of making America right—by creating jobs. I encourage my colleagues to join me.

□ 1220

BREAK THE CYCLE OF RECKLESS SPENDING

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

Mr. FITZPATRICK. Mr. Speaker, I rise today in favor of House Joint Resolution 2 and sending a balanced budget amendment to the United States Senate and to the States. Congress has nobly, yet unexpectedly, tried seven times to stop the increasingly massive growth in our national debt. At the first attempt in 1985, with the Gramm-Rudman-Hollings Act, our national debt was $2 trillion, or $8,700 for every American. Today our national debt is $15 trillion, $48,500 for every American, higher than it has ever been in American history. Our current spending environment has failed to create jobs and is threatening our standard of living and our national security.

While the Founding Fathers could not foresee a nation this stricken with debt, they did recognize the danger to our prosperity and instilled a constitutional process that gives us the flexibility to deal with this crisis. As Thomas Jefferson said: I place economy among the first and most important republican virtues, and public debt as the greatest of dangers to be feared.

Congress has a rare opportunity to break the cycle of reckless spending that has taken us to this current fiscal breaking point and ensure the fiscal financial stability and prosperity for our children and our grandchildren. I urge adoption of the resolution.

SANTA BARBARA COUNTY VETERAN TREATMENT COURT

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

Mrs. CAPPS. Mr. Speaker, I rise to recognize the opening of Santa Barbara County's first veteran treatment court. Last week our country came together to remember and pay respect to our veterans, and I was humbled and honored to participate in memorial services honoring our veterans, 50,000 of whom live on California's central coast. Their sacrifice is never forgotten, just as our work to support them is never finished. And that's why I support this new innovative and collaborative treatment court in my congressional district, which will better serve our veterans, especially those struggling with substance abuse, mental health issues, or other disorders. This veterans court fills a critical gap in care for our veterans by helping former servicemembers who are struggling and in pain.

Mr. Speaker, it's our duty to serve those who have served us so gallantly. Our veterans have sacrificed and shown their unquestioning commitment to this country; and veteran treatment courts, like the one in Santa Maria, provide another straightforward way for us to better serve them. So I urge my colleagues to join me in recognizing Santa Barbara County for taking this critical step in supporting our veterans by establishing this veteran treatment court.

THE BALANCED BUDGET AMENDMENT

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

Mr. PALAZZO. Mr. Speaker, every month Americans sit down at kitchen tables or computers to balance their checkbooks and bank accounts to ensure their spending doesn't overwhelm their way of living. I've been at that kitchen table for those discussions. Now the United States Congress is finally coming to the table to have a similar discussion with the American people.

By passing a balanced budget amendment to the Constitution, we tell the American people we are serious about putting our financial house in order. No longer will we overpromise and overspend at the expense of trillions of dollars and our children's future.

This week I will stand with my colleagues to support a notion that seems foreign within the beltway, that we cannot spend more than we take in. The fact that this is a radical concept in Washington, D.C., demonstrates just how out of touch this town has become and how far we have to go. But getting to where we need to be won't occur without the critical step we take this week to pass a balanced budget amendment. This action puts us in line towards economic recovery, sustainability, and, above all else, with the needs and priorities of the American people.

I urge my colleagues to support the balanced budget amendment.

WELCOMING ESPN TO HOUSTON

(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, I rise today to welcome ESPN's College GameDay to the campus of the University of Houston. This is the first time in the history of that show that the University of Houston and the city of Houston has been given this honor.

The University of Houston Cougars, led by Heisman hopeful Case Keenum, is the highlighted game, as the 10–0 Cougars face the SMU Mustangs this Saturday. The Cougars will push for an undefeated season and potential at-large BCS bowl opportunity.

The University of Houston has a long, storied tradition of athletic success, including 55 NCAA individual championships and 17 NCAA team titles, 19 college football bowl appearances, five NCAA men's basketball Final Fours, and a trip to the College World Series.

The University of Houston has received the Tier-One research university distinction from the Carnegie Foundation. The University of Houston is one of only three Carnegie-designated Tier-One public research universities in Texas.

The University of Houston is also known as a first-generation school, for many of the students are the first in their families to attend college. Our undergraduates choose from 120 majors and minors. The University of Houston also offers 139 master's, 54 doctoral, and three professional degree programs.

The University of Houston is the second most ethnically diverse major research university in the United States. Students come from as many as 137 nations and from across the Nation.

As a proud alumnus of the University of Houston, I salute the successes of the athletic and academic programs and welcome ESPN to our campus today.

JOBS FAIR

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

Mr. REICHERT. Mr. Speaker, we've heard some of the partisan comments this morning, and I think America is tired of that. America needs jobs now, and they're looking at us to work together.

There's been a lot of discussion and debate around job creation and economic recovery—rightly so. But I believe we all want to put America back to work, Democrats and Republicans together. We all want that. We must work together now to make that happen. Just because we have different ideas doesn't mean we can't work together.

ADAM SMITH and I, both from Washington State, in fact, next week will be putting together a jobs fair that we call Helping Identify Real Employment in America. We're going to do that together, a Democrat and a Republican. There will be 75-plus different vendors, different businesses who have jobs, actually have jobs waiting. We're going to match employees with employers, bring them together so they can find jobs. And our hope is that before Christmas, before Thanksgiving, ADAM SMITH and I can get some people back

to work and energize their families and help energize our community.

Mr. Speaker, I urge all of us in this House to do the same—work together to identify jobs.

BIPARTISAN JOB FAIR IN WASHINGTON STATE

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

Mr. SMITH of Washington. I rise in support of a bipartisan effort to create jobs.

Just as Congressman REICHERT said, he and I are hosting a job fair next week. At a time when unemployment is over 9 percent in this country, when our economy desperately needs to put people back to work, I think this is the way we need to do it, in a bipartisan manner. At the end of the day, we're not going to have any job creation bills that aren't bipartisan because of the nature of Congress.

I applaud Congressman REICHERT for working with me on this idea, and it's really a very good idea in terms of job creation.

Yes, there's huge unemployment, but less well known is there are actually employers out there that have jobs that are trying to find people to fill them. Matching the skills necessary with those jobs is critical. And that's what the HIRE America job fair that we're going to do next week in Kent is all about—bringing in 75 employers that actually have jobs available, with unemployed people looking for work, to match them up, to try to put people to work to get this economy moving again. It's a great idea.

I thank Congressman REICHERT for working with me to do this. It's bipartisan. And it's focused on the number one most important issue this country faces, getting Americans back to work and getting our economy moving.

NATIONAL DEBT HITS $15 TRILLION

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

Mr. YODER. Mr. Speaker, yesterday was another landmark day in Washington's borrow-and-spend legacy. The national debt now stands at a staggering $15 trillion. This comes at a time when our economy is struggling, the unemployment rate is high, and Americans are tightening their belts and doing more with less. It remains clear that the Washington theory of borrowing and spending to create wealth and grow jobs simply is a fraud on the American people.

Both political parties know that this staggering debt is a cancer on the future of our Nation and something we can no longer ignore. I ask my colleagues to join together and save the future of this country, to stop the suffocating debt and spending. Let's pass a constitutional amendment that requires a balanced budget, that prohibits Congress from borrowing from the future, and let's pass a legacy of prosperity and wealth to the next generation.

INCOME TAX RETURN IDENTITY THEFT

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

Ms. CASTOR of Florida. Mr. Speaker, there is a growing problem across America involving identity theft and tax fraud. This new kind of criminal will steal Social Security numbers and then file for a fraudulent tax return.

The City of Tampa Police Department recently uncovered a multi-million-dollar fraud scheme, lost moneys to the taxpayers. So Congressman RICH NUGENT and I, a Republican colleague from Florida, have been working together to tackle this problem.

I intend to file a bill this week that would, one, give local law enforcement the tools it needs to be an effective participant with the IRS in these tax fraud investigations. Right now Federal law doesn't allow local law enforcement to be an active participant. And, two, for folks that have their identities stolen, often months and months and months go by before the IRS is able to fix their return and their credit, and we've got to do that. It's leaving them hanging for months.

So I encourage my colleagues to join in our efforts to tackle tax fraud and this criminal enterprise.

□ 1230

LISTEN TO AMERICA'S JOB CREATORS

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

Ms. FOXX. Mr. Speaker, if the Obama administration is serious about helping create jobs for the American people, then it should start by listening to America's job creators. House Republicans understand the importance of freeing our Nation's businessmen and entrepreneurs from the confidence-killing threat of higher taxes and more regulations so that they can invest, grow, and hire again.

This means protecting job creators from needless tax burdens. This means reforming Federal spending. This means supporting a fairer, flatter and simpler Tax Code. This means stopping job-killing regulations that constrain employers from hiring more workers.

On each of these issues, House Republicans have already acted. Following our Plan for America's Job Creators, we've passed more than 20 job-creation bills so far this year.

The path to new jobs has been paved by House Republicans. It's long past time for Senate Democrats and President Obama to follow our lead and enact these jobs bills.

GETTING AMERICANS BACK TO WORK

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

Ms. SLAUGHTER. Mr. Speaker, in the past few days, many Americans have contacted me through Facebook and Twitter with their thoughts, and their message was very clear: They want jobs, and they want them now. On behalf of these Americans, I urge the leaders of the House to respond by passing major legislation that will create high-paying jobs.

They write to me: ''I hope you mean living-wage jobs that are meaningful, filled with dignity, and generated locally.

''Job creation begins at home. Close the loopholes that send jobs overseas and make it tougher to bring the profits and products back here.

''An additional suggestion would be to fund a Works Program Administration modeled after the first one implemented by Franklin Roosevelt, a new deal for the new millennium.

''We need to stop the manufacturing drain going out of the country, revisit the WPA to jump-start the economy, and fix our aging infrastructure.

''Heck, we need someone to clean weeds out of sidewalks. We need an energy policy and concrete plans to accelerate the use of renewables. Too much of our fuel costs end up in our trade imbalance.''

These are the words from my constituents that I'm glad to share with you as we work very hard to get Americans back to work at meaningful jobs.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2112, CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 467 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 467

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I

may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Ms. FOXX. House Resolution 467 is a closed rule providing for consideration of H.R. 2112, the Consolidated and Further Continuing Appropriations Act, also known as the mini-bus.

Mr. Speaker, this conference report was approved by the conference committee on a wide bipartisan basis with all but one of 38 House and Senate conferees signing off on the report. The bill contains a continuing resolution to avoid a government shutdown and continue Federal operations until December 16, 2011, or until Congress completes the remaining nine FY 2012 appropriations bills. It is important to highlight that this CR is a clean extension and includes no new funding provisions.

In accordance with the Budget Control Act, this conference report upholds the overall discretionary spending level of $1.043 trillion and includes $2.3 billion in disaster relief funding, which falls under the disaster designation cap set by the act.

The Agriculture agencies and programs in this bill will receive a total of $136.6 billion in both discretionary and mandatory funding, a reduction of $4.6 billion from the President's request based on the administration's midsession review. Discretionary funding in the legislation totals $19.8 billion, a reduction of $350 billion below last year's level and a cut of $2.5 billion from the President's request.

It is important to note that mandatory food and nutrition programs within the Department of Agriculture—including SNAP, also known as food stamps, as well as child nutrition—are funded at $98.6 billion. This funding will allow all individuals and families who meet the programs' criteria for aid to receive all the benefits available to them, and includes $3 billion in reserve funds in case of unanticipated increases in participation or food price increases.

Additionally, school lunch and school breakfast programs will receive $18.2 billion in mandatory funding in the agreement. This funding will help low-income students with free or reduced-price meals at schools in every community in the Nation.

The conference agreement includes provisions to prevent overly burdensome and costly regulations and provide greater flexibility for local school districts to improve the nutritional quality of meals in the national school lunch and school breakfast programs. Without these provisions, the cost of these important programs would balloon by an additional $7 billion over the next 5 years, leaving States and local school districts in the lurch.

The WIC program is funded at $6.6 billion. This funding will provide supplemental foods, as well as nutritional and other preventative health services, to low-income participants.

I am pleased to report that the bill places restrictions on the implementation of a Grain Inspection and Packers and Stockyards Administration, GIPSA, proposed rule that would have allowed harmful government interference in the private market for livestock and poultry.

The Commerce, Justice, and Science section of the conference report includes a base total of $52.7 billion, a decrease of $583 million below last year's level, and a decrease of almost $5 billion below the President's request.

The conference agreement includes numerous provisions that protect the Second Amendment right to keep and bear arms. Three of these protections are made permanent law beginning in fiscal year 2012. These three provisions prohibit the Department of Justice from consolidating firearms sales records, electronically retrieving the records of former firearms dealers, and maintaining information on persons who have passed firearms background checks. The conference agreement also contains numerous 1-year firearms protections and new language prohibiting DOJ from requiring imported shotguns to meet a sporting purposes test.

The bill extends important provisions related to Guantanamo Bay, including a prohibition on the transfer or release of any detainee into the U.S. and a prohibition on the acquisition or construction of any new prison to house detainees. Under no circumstances should we endanger our communities by allowing some of the most dangerous people in the world to set foot on American soil.

The conference agreement includes important provisions to protect unborn human life, including a ban on abortion funding for Federal prisoners and a conscience protection for prison employees, and a prohibition on the Legal Services Corporation funds for organizations that engage in abortion-related litigation.

The Transportation, Housing and Urban Development section of the conference report includes a base total of $55.6 billion, representing a decrease of $19.4 billion below the President's request.

□ 1240

The conference agreement provides $500 million for National Infrastructure Investments, commonly referred to as the TIGER program, and includes language prioritizing rail, highway, and transit projects that improve or expand existing systems.

The conference agreement provides $39.9 billion for the Federal highway program, which is the annual spending level set by the latest Surface Transportation Extension Act.

The agreement provides $1.66 billion for the Federal Highway Administration's Emergency Relief program, which assists States in rebuilding Federal highways that were damaged by major natural disasters such as Hurricane Irene and the flooding of the Missouri River.

Included in the conference agreement is $12.5 billion for the FAA. The agreement provides $3.35 billion for airports and $2.7 billion for facilities and equipment. Language is included to restore the Block Aircraft Registry Request program, or BARR, and to prohibit future changes to the program. Also included is $878 million for FAA Next Generation funding to ease congestion and reduce air traffic delays.

The legislation includes a total of $37.3 billion for the Department of Housing and Urban Development, a decrease of $3.8 billion below last year's level and $4.7 billion below the President's request.

The bill does not extend the increased maximum loan limits for Fannie Mae and Freddie Mac. These entities have been under public scrutiny for their questionable business practices and use of billions in Federal bailout funds, some of which have been used for extravagant management bonuses. The bill does allow an increase in the conforming loan limits to the Federal Housing Authority, FHA, which is subject to greater congressional scrutiny and oversight.

Mr. Speaker, I am appreciative of the members of the conference committee and cognizant of the tough jobs they had to get to this bipartisan agreement coming to the floor for consideration. It is for this reason that I urge my colleagues to support the rule, and I reserve the balance of my time.

Ms. SLAUGHTER. I thank my colleague for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this is a sad day for the House of Representatives—another demonstration that the House has failed to meet its basic responsibility to the American people. The new budget year began over 6 weeks ago, but not a single routine appropriations bill, not a single one, has been enacted. Instead, we are considering a massive $100 billion hodgepodge of unrelated programs and agencies all crammed into a single bill that no Member of the House saw before this week.

In fact, most of the provisions in this bill have never been considered by the House at any time in any form. Let me repeat that. A massive $100 billion bill, most of which has never been considered by the House, brought up for a single, all-or-nothing vote under a completely closed process. And what's worse, we will be back here in a few weeks with another massive omnibus bill to keep the rest of the government open. As I said, Mr. Speaker, this is a sad day for the House.

Fortunately, there is one hint of good news in this mess. The bill does

reject some of the absurd cuts proposed on the other side of the aisle. For example, the bill does not contain proposed cuts that would have denied 700,000 women, infants and children valuable nutritional supplements or defunded the COPS program.

But those welcome steps are not enough to make this a good bill. I am especially disturbed by the unwise and shortsighted cuts to programs important to America's role as a competitive global power. High-speed and intercity passenger rail, for example, gets no funding under this agreement. The bill allows the country to maintain Amtrak at its current state, but does nothing to help us keep pace with countries like China and Germany, who have already built a rail infrastructure that will expand their economies well into the 21st century. If our country hopes to remain a global superpower in the 21st century, we have to do more to invest in our country than the meager steps that we are taking today.

Especially in tough economic times like these, we need to rebuild our infrastructure, to be educating our children, and creating jobs for the millions of unemployed. Instead of the Band-Aid measure we are considering today, we have to truly begin to invest in our future and ensure that we not only survive, but that we thrive, in the century to come.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I just want to say to my colleague from New York that I think the American people are beginning to realize that government spends money; it doesn't invest money.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts, a member of the Committee on Rules, Mr. MCGOVERN.

Mr. MCGOVERN. I thank my ranking member for yielding to me.

Mr. Speaker, there are some good things in this minibus. I'm especially pleased with the funding levels for the SNAP and the WIC programs, which will ensure that hungry people have access to nutritious food during these tough economic times. And I regret very much that those programs were under attack by the Republican majority in this House, but in this minibus, those levels are adequate. And I'll likely support the final passage of this bill.

But, Mr. Speaker, for the life of me, I can't understand why policy riders were allowed to be included in the final bill. Some were even airdropped in the dark of night without being considered by either the House or the Senate. Most troubling, the underlying bill includes a special carve-out for Maine and Vermont to allow 100,000-pound trucks on their interstate highways for the next 20 years.

Mr. Speaker, current law allows only trucks up to 80,000 pounds to travel on interstates—and for good reason. Bigger, heavier trucks are an enormous safety threat. Oversized rigs are more likely to be involved in crashes, not to mention that it's unnerving to see one in your rearview mirror bearing down on you on the highway. And if the safety risks are not convincing enough as to why heavier trucks are a bad idea, consider the economic arguments. We're here talking about deficit reduction, and already bigger trucks don't pay their fair share for the damage they incur on our roads and our bridges. An 80,000-pound truck only pays 80 percent of its damage costs, and a 97,000-pound truck would pay only half of the damage it causes.

Our Nation's infrastructure is crumbling, and the highway trust fund is woefully underfunded. Where are we going to get this money to repair our infrastructure? And the Maine and the Vermont exemptions will only make this problem worse.

And it also starts us down a slippery slope of allowing other States to ask for special weight-limit exemptions. We'll end up with a patchwork of truck-size and truck-weight laws that will make the business of transporting goods by truck across State lines a confusing mess.

Mr. Speaker, there were no hearings—none, zero—no hearings held in the House on the Maine and Vermont exemption. The House didn't even consider a Transportation Appropriations bill. So to be making such a major policy change without thoughtful consideration and vigorous debate is absurd.

I would remind my colleagues that there's bipartisan opposition to increasing truck size and truck weight. I have a bill to freeze truck size and truck weight at 80,000 pounds across the entire national highway system, and it has 60 bipartisan cosponsors. The issue of increasing truck size and weight needs to be fully understood and debated before making any long-term policy changes. I strongly oppose the Maine and Vermont policy rider in this appropriations bill; and I regret very, very much that this was included without the appropriate hearings, without the appropriate oversight, and without doing it out in the open so people could understand what the policy implications are by making this exemption.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Colorado, a member of the Committee on Rules, Mr. POLIS.

Mr. POLIS. I thank the gentlelady from New York.

Mr. Speaker, I have to voice my opposition to an insidious provision that has been added to this bill at the last minute by agribusiness and the frozen food industry, and that is a change that allows pizza to be counted as a vegetable. They started with French fries; now they've moved on to pizza. This language equates pizza with vegetables and weakens otherwise good school nutrition standards.

This false equivalency harkens back to the ludicrous labeling of ketchup as a vegetable made infamous 30 years ago by President Ronald Reagan. Again, this bill's actual language requires crediting of tomato paste—again, crediting of tomato paste from page 90 of this bill—as a vegetable under the school lunch program to be subsidized by taxpayers as a vegetable.

□ 1250

I had a family from my district, from Eagle County, Colorado, in my office earlier this morning and I asked the mom, I said, When your kid is eating, do you count pizza as his vegetable? And she said, No. And parents across the Nation agree.

Pizza can be incorporated into a healthy diet. I eat pizza. Most of my constituents eat pizza. But when we're talking about taxpayer subsidies for healthy vegetables, to make sure that they're available for kids on the side of pizza, making sure there's some broccoli, making sure there's some spinach, making sure there's something healthy for them to eat at the school lunch counter, pizza alone—particularly pizza with no vegetables on it, just tomato paste—it's common sense that it's not a vegetable. What's next? Are Twinkies going to be considered a vegetable?

Rather than having a deliberative effort, we have special interests inserting these provisions into these bills, contrary to the public health. And we wonder why Congress is so unpopular nationally. No one can help but to look at us and scratch their heads when we say that french fries count as a healthy, nutritious vegetable, that pizza counts as a healthy, nutritional element.

You know, poor children's health is something we all have a stake in. Not only are the kids and the families affected, but we're all affected. The costs of Medicaid and Medicare, government spending, rising obesity rates. The empty calories in french fries are not equal to truly nutritious vegetables like carrots, spinach, lettuce, broccoli, cucumbers.

I know it's hard to get kids to eat vegetables. I have a 9-week-old. He hasn't been weaned yet, so we haven't had to deal with that yet. But you know what? You don't define vegetables down. You don't call a Twinkie a vegetable. You don't call pizza a vegetable. What you do is you have to make sure that kids know how to incorporate healthy food into their diet so they can grow up strong and keep all of our costs down and make sure to keep America healthy.

Mr. Speaker, this bill has many important provisions, but I feel it's critical to highlight the ludicrous definition that Congress is giving by redefining nutrition down and providing taxpayer subsidies for unhealthy food in our schools.

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

Our colleagues across the aisle often try to distract from what are the real

issues facing our country and get into the weeds, and bills like this give them a perfect opportunity to do that. But when I'm home every weekend and talk to my constituents, what they're concerned about is they have incredible outrage with the inaction of the liberal Democrat-controlled Senate.

My constituents are aware of the many bills that the House has passed but which are stalled in the Senate, and many of these bills deal directly with promoting jobs, which remains the prevailing issue of so many Americans.

Our colleagues are upset about the quality of the free lunches that we provide. Well, we have more people in poverty and getting free lunches because the Democrat-controlled Senate refuses to work with the Republicans in the House to set an environment where more jobs can be created and fewer people would be dependent on food stamps and be dependent on getting free breakfast and free lunches in the schools.

My constituents understand the colossal failure of the Obama stimulus bill and the general policies that existed when the Democrats were in control of the House for 4 years. My constituents understand that government can create jobs only for more government bureaucrats. And those bureaucrats must justify their existence by creating more regulations that wind up killing more private sector jobs.

The liberal Democrat elites in Washington keep asking for one Republican jobs bill. Well, Mr. Speaker, we've passed at least 20 jobs bills that help the private sector—the only sector of our economy that can actually create real jobs through growth in their businesses.

The liberals keep buying into the false 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 very hard to come by.

Mr. Speaker, Republicans have been listening to our constituents, and we're acting to provide private business owners and entrepreneurs with the tools that they need to create jobs. However, the bills we pass and send over to the Senate just sit there and nothing is done with them.

Mr. Speaker, we could reduce the number of children, again, on free and reduced lunches by creating jobs and getting people out of poverty in this country. That's what we should be focused on right now. We could solve a lot of the problems in this country by doing that.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Ohio, a member of the Committee on Appropriations, Ms. KAPTUR.

Ms. KAPTUR. I thank the ranking member, Congresswoman SLAUGHTER, for her incredible work and rise today, Mr. Speaker, to support the rule for fiscal year 2012 appropriations for agriculture, transportation, training and justice. Technically—or maybe untechnically—this bill is called the ''mini-bus.'' I completely commend the conferees for including language based on legislation we introduced directing additional resources for the Federal Bureau of Investigation's White-Collar Crime Division for Wall Street financial crime prosecution.

Moreover, with the Federal deficit requiring our rigor, this mini bill makes difficult cuts, but also provides support for those most hurt by the current recession. Let me state for the record that the trillions of dollars of deficit being racked up in this country come from some pretty clear sources: first of all, two wars—the longest wars in American history, lasting over a decade now; also, the cost of unemployment to this economy caused by Wall Street malfeasance; and, finally, looking back, the tax cuts for the rich enacted during the last Bush administration that continue to rack up mounting deficits every year. It's very clear what's happening to cause the deficits. And then with the rising deficit, the cost of added interest is included in the debt total.

This bill meets the spending caps set in the Budget Control Act compromise and includes a clean continuing resolution to prevent a government shutdown, which would only further hurt our economy.

With over 15 percent of Americans living in poverty now, our moral responsibility as a Congress must be to help our fellow citizens weather this storm—which they didn't create. Thus this bill maintains funding for key programs, such as for food for needy children and poor women who are pregnant, for food commodities for food banks across this country that are strapped with rising need, and for food sustainment for the unemployed.

In particular, this bill includes language, based on legislation I authored, to allow the FBI to hire hundreds of new agents to fully investigate white-collar crime in the financial services sector. People across Ohio, from Toledo to Cleveland, are hurting because of the recklessness of Wall Street. Those who broke the law in order to get rich at the expense of everybody else should be prosecuted to the fullest extent of the law. I commend the conferees for including my language to help provide the FBI with the necessary resources to investigate those who are responsible.

I urge my colleagues to support the rule and the underlying bill, which is quite balanced despite the very difficult choices that they had to make.

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

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

Ms. JACKSON LEE of Texas. I thank the gentlelady from New York for her kindness in yielding. I thank the hard work of the Appropriations Committee. I thank the gentlelady from Virginia for managing. And I thank Mr. DICKS as well for accepting the challenge in these very difficult times.

It's not a happy time to come to the floor and indicate that this is what we have to do, but it's important to acknowledge some challenges that we still have. And those challenges are: the many food programs that have to be capped in spite of the numbers of people who are hungry in this country; the dumbing down of food resources, in particular, as my colleague from Colorado mentioned, listing tomato paste and french fries as vegetables; and then an issue that I hope that I will be able to continue to work on with the U.S. Department of Agriculture, and that is food deserts, where there are pockets in rural and urban centers where we have no food access, good healthy food, vegetables.

But I am glad that the New Starts, under the transportation bill, includes the north and southeast lines for the city of Houston, creating jobs, putting people to work, and improving mobility, some $94,616,000.

□ 1300

I am also delighted that TIGER grants are in at $500 million, but disappointed in the community planning, that we have lost some $830 million for community block grants, $1.6 billion below the President. That's where we help rebuild communities and jobs.

The Legal Services Corporation that I've been a supporter of and actively was on our local board, board of directors, now has been reduced by $348 million; but it has been reduced, which creates what we call the justice gap.

I also am concerned about providing more developmental training for our law enforcement that covers our Federal sectors. In particular, I am concerned about the police in the Supreme Court and the Chief of Police there, and the concern for the lack of professionalism and the need for training.

I believe that in the Capitol Police scenario, there is an orderly process of the Chief, the Sergeant-at-Arms, and we work wonderfully together with these outstanding men and women. It's a shame for those who have to protect the other body of government, the Supreme Court, to have individuals who do not recognize IDs, are not professional in their handling of their business. And I will be raising this issue with the Department of Justice and relating it to the funding which I think is necessary to either provide them with more funding or to put more stringent guidelines in their hiring policies and the way they train people.

So I rise today to say that I am glad that we will have the government open, and that we have funded agriculture programs, not at the best; we've funded infrastructure. But we can do more. And I believe we should not adhere to any cuts going forward, and I hope the

supercommittee will not do that. I ask for support of the underlying bill.

Ms. FOXX. Mr. Speaker, I would advise my colleague from New York that I have no requests for time. I do have some more comments that I will make that I am reserving until a little bit later in the time.

I continue to reserve the balance of my time.

Ms. SLAUGHTER. I am prepared to close.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Speaker, although I'm encouraged that we were able to reverse some of the most severe cuts proposed, I am disappointed that our budget process has come to this, $100 billion packed with provisions that the House has never considered. Therefore, on process, I urge a ''no'' vote on the rule.

I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, the rule before us today allows us to proceed to the general debate of a bill that encompasses three major appropriation measures. I want to thank the conferees for their work on this agreement.

As we move forward with the debate, we must keep in mind the dire fiscal situation that our country is in, and we must continue to work in a fiscally responsible manner.

With that, I urge my colleagues to vote for this rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

Ms. SLAUGHTER. 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.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 466 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 466

Resolved, That it shall be in order at any time through the legislative day of November 18, 2011, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV, relating to the joint resolution (H.J. Res. 2) proposing a balanced budget amendment to the Constitution of the United States. Debate on such a motion shall be extended to five hours.

SEC. 2. The Chair may postpone further consideration of a motion considered pursuant to this resolution to such time as may be designated by the Speaker.

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

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

GENERAL LEAVE

Mr. NUGENT. 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 Florida?

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of this rule, House Resolution 466. The rule provides for consideration of what may be the very single most significant piece of legislation that I've had the opportunity to vote on since coming to this body over 10 months ago.

This rule is what allows the House of Representatives to move forward and vote on H.J. Res. 2, a balanced budget amendment to the United States Constitution.

My resolution that we're considering here today suspends the rules and allows the House to vote on H.J. Res. 2. I'm sure that some of my colleagues may be concerned we're moving to consider the balanced budget amendment under suspension of the rules for fear it would somehow limit debate.

I agree with them. Amending the United States Constitution is not to be taken lightly. This is why the rule provides for 5 hours of debate on this vital issue, because, you see, Mr. Speaker, what we're doing here today is something that should be discussed, something that must be discussed.

We're fundamentally challenging the way Washington works. And you know what? It's about time. It's about time we had real conversation about how our Nation spends its money. It's about time that we made the Federal Government budget the way I did when I was a sheriff of a county in Florida.

It's about time that we balance the Federal checkbook the way American families do every day. It's about time. That's what I think and, more importantly, that's what the majority of the American people think.

The mere fact that we're here today is a failure of leadership. For decades, Washington politicians have kicked the can down the road, choosing deficit spending over fiscal responsibility, choosing frivolous pork projects, wasteful programs, and easy answers over making tough decisions and cutting back. Republicans did it when they were in power, and Democrats did it when they were in power too. Nobody is blameless in getting us to where we are today.

But the days of finger-pointing are over. We don't have the luxury of time to look back and play the blame game. We need to move forward and find a solution to get us out of the hole that we're already in. A balanced budget amendment is a vital part of doing just that.

Yesterday, the United States surpassed $15 trillion in debt. Let me say that again: we're now $15 trillion in debt. While recognizing this sad landmark, I can't help but think about the fact that this didn't have to be the way it is.

In 1997, the House of Representatives passed a balanced budget amendment. Unfortunately, the Senate failed to pass this amendment by one vote. One vote, Mr. Speaker, one vote that would separate us from a road towards fiscal responsibility to where we are today. So here we go again, 14 years later, having the same debate.

I can't stand here today without thinking about my three sons. With a debt of $15 trillion, each of my boys owes over $48,000 in national debt. It means the children and grandchildren of each and every person in this room owes $48,000 to the Federal Government, $48,000 that they didn't spend, that they didn't ask for, and that they now are saddled with by a government of excesses.

Only one Senator stood between where we are now and $15 trillion in debt and where we could have been. So today I stand up in support of this rule and support H.J. Res. 2. I stand up for my kids, my future grandkids, and for all Americans who are saddled with that $48,000 in debt from the day that they're born.

□ 1310

I stand up for giving Congress a second chance, a chance to get it right this time. Unfortunately, I understand the Democratic leadership is whipping against this.

Mr. Speaker, I don't know how else to say this. This simply baffles me. Thanks to the whipping efforts of the Democratic leadership, there are Members in the House who voted for the balanced budget amendment in 1997 who now say they're going to oppose it. In fact, two members of the Democrats' three-person leadership team voted for the 1997 amendment.

I've only been here in D.C., like I said, for a little over 10 months, but of all of the inexplicable things I've seen since coming to Congress, this just stumps me more than just about anything else I've seen here. What could these Members have been seeing between 1997 and today that makes them say, Yeah, you know what? Spending is right on target. Let's just stick with the status quo. It's dumbfounding.

It's often said the definition of insanity is to do the same thing over and over and over again and expect a different outcome. I don't understand how anybody can argue that we can continue to spend the way we do and expect to free ourselves from this monstrous, burdensome debt. We need to break the cycle. We've got to hold Congress' feet to the fire now and into the future. A balanced budget amendment

is the change away from the status quo and back to sanity.

I don't think I can say it better than Congressman DEFAZIO said in his letter to his Democratic colleagues when he wrote that Democrats who walk away from sincere bipartisan effort will have let the American electorate down. If any of us walk away from this effort, we will have let all Americans down.

We've been working without a budget, this greatest Nation, for over 900 days now. Continuing resolutions and debt ceiling increases are not the answer. Supercommittees and sequestration is not the answer. Enough's enough.

Today we have a clear choice: whether you want to change the status quo or you don't; either you believe that the government must operate responsibly on a balanced budget or you don't; either you want to rescue our Nation, ourselves, our children, and our children's children from crippling debt or you don't.

I would like to close with the words of Ronald Reagan, who once said this: ''The congressional budget process is neither reliable nor credible. In short, it needs to be fixed. We desperately need the power of a constitutional amendment to help us balance our budget.''

Now, that is presidential leadership.

With that, I encourage my colleagues to vote ''yes'' on the rule, ''yes'' on the underlying legislation, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my friend for yielding the time, and I yield myself such time as I may consume.

What we have before us today should not be called the balanced budget amendment. What it should be called is the unbalanced budget amendment because that is what this bill is—unbalanced. It upends prudent fiscal policies, makes a mockery of congressional authority, and does nothing to address the economic struggles of millions of Americans.

This proposed amendment no more balances the budget than passing legislation to declare the tooth fairy as real. Saying it out loud doesn't make it true. What this proposal says, instead, is that Congress needs to enact legislation that balances the budget. It doesn't tell us how to do it, just what we must do.

Well, if we could do that, Mr. Speaker, we wouldn't need a constitutional amendment telling us to do it, would we? If Congress could enact legislation that balanced the budget, it could do that without a constitutional amendment requiring a balanced budget. Merely imposing a mandate within the Constitution does not mean that Congress will be able to fulfill it.

With this kind of circular reasoning, we could go back and forth until the next election and never have to spend one more minute on creating jobs to improve the economy. But that is exactly what my colleagues on the other side want.

They've been in the majority for nearly a year now in the House of Representatives and have failed to put forth any kind of plan to create jobs and improve the well-being of millions of Americans, unless you count reaffirming ''In God We Trust'' as the national motto, weakening the Environmental Protection Agency, or watering down gun safety laws.

I was here in 1995 when this body passed a balanced budget amendment. And let us not forget that under President Clinton and, yes, Speaker Newt Gingrich, we did manage to balance the Federal budget and leave a hefty surplus for President Bush. But then President Bush and the Republican Party squandered that surplus on two wars. And people should never forget that. They squandered it on tax cuts for the richest Americans, and they squandered it on unpaid-for prescription drug benefits, leaving a big old doughnut hole that we've been talking about ever since.

Now the Republicans in this body are so extremist that they refuse to consider any tax increases of any kind on even the best off of us in America. Instead, they're leaving it up to the struggling middle class and poor people to bear the burdens of the Republican Party's free-spending ways over the last decade. And I wish I had the time to really lay all of that out.

In fact, Mr. Speaker, the Republican Party's intransigence makes this amendment's voting requirements particularly unbalanced. This proposal requires a two-thirds vote, 290 votes here in the House, to pass an increase in the debt ceiling. Do you know what the definition of insanity is, as said by my friend? Repeating the same thing over and over again. And real crazy insanity is just doing it over and over and over and over again and expecting the same result. Or as Ronald Reagan put it, ''There you go again.''

The Republican majority wants to enshrine in the Constitution a permanent hostage crisis for our economy. This supermajority requirement for basic economic management will ensure that we will, on a regular basis, bring our economy to the brink of collapse. Just look at the Republican's performance over the debt ceiling vote. I don't have any confidence that they'll act rationally just because there's a constitutional amendment telling them to do so. That is why this proposal is unbalanced.

By mandating so many onerous, supermajority votes, this amendment guarantees permanent gridlock in the budgeting process. And without the inclusion of a general emergency waiver, this amendment imperils our national security. Let me repeat that. Without the inclusion of a general emergency waiver, this amendment imperils our national security by creating a scenario in which Congress cannot agree whether or not to vote on funding for national emergencies such as a military conflict.

Mr. Speaker, this unbalanced proposal does not even include a clear enforcement mechanism. I asked about that at the Rules Committee, and I got an answer that I still don't understand.

Making the balanced budget a constitutional requirement means that budget disputes would be solved by America's court system. This body has already failed to pass a balanced budget when the power of the purse is already our constitutional obligation. How can we be expected to pass one when each and every provision is also subject to years of litigation?

The Republican majority wants to hand off our constitutional obligations to the Federal courts that will have the power to raise revenue. No less an authority than Judge Robert Bork made a statement regarding that.

□ 1320

He opposed a balanced budget constitutional amendment, declaring ''the result would likely be hundreds, if not thousands, of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results.''

Celebrated late-Professor Archibald Cox of Harvard Law School predicted ''there is a substantial chance, even a strong probability, that Federal courts all over the country would be drawn into its interpretation and enforcement.''

Since my friend used President Reagan, the former Solicitor General to President Reagan, Professor Charles Fried, has testified ''the amendment would surely precipitate us into subtle and intricate legal questions, and the litigation that would ensue would be gruesome, intrusive, and not at all edifying.''

The former Attorney General to President George H. W. Bush, William Barr, opined that judicial power could be invoked ''to address serious and clear-cut violations.''

The Republican majority wants to hand off our constitutional obligations to these courts that will then have the power to raise revenue, impose taxes, cut spending, and reform major government programs.

I guess, if that's the case, we can all just go home now, Mr. Speaker.

This body has previously considered balanced budget amendments on numerous occasions, initiated by both Democrats and Republicans. The majority party has always ensured sufficient floor time for debate and to allow the minority to offer alternatives; but here we are in a situation where the proposal before us was never marked up in committee, never had a hearing, and, in fact, was drafted late this past Thursday night by some mysterious tweaking of H.J. Res. 1 that became H.J. Res. 2. This version was changed in secret and was filed with last-minute surprises that fundamentally changed the nature of the legislation and will come under a procedure that doesn't even allow a motion to recommit.

This is no way to amend the Constitution.

By all means, Mr. Speaker, if we want to balance the budget, let's not do it on the backs of the hardest hit in America. I don't need a constitutional amendment to tell me that balancing the budget without raising taxes on those of us who are best off in this country is unbalanced.

Where Americans need the Federal Government to support the economy, Republicans are trying to strangle it. Where Americans need us to put politics aside, Republicans are bringing forward legislation written in secret. Where Americans need this Congress to focus on economic issues, Republicans are insisting that we vote on God and gays and guns. We don't need to be voting on God and gays and guns. What we need are some guts to tell the American people that, yes, we can do this and that we can't wait any longer for those who are waiting for us to create jobs.

Now the Republican majority wants to pass a constitutional amendment to tell us that we have to balance the budget every year in a way that no individual, State or local government or business does: no borrowing, no trust funds, no way to plan for long-term projects like highway construction, national defense, and public schools.

This amendment guarantees budgetary gridlock forever and moves budget decisions to the Federal courts, not to Congress. This proposed amendment locks into the Constitution the most far right of the Republican Party's policies, forcing future generations to reap the pain imposed by the callous disregard for the least among us—the ones who need the most help.

Mr. Speaker, as of yesterday, there were 273 national organizations that oppose H.J. Res. 2, the balanced budget amendment. It's too lengthy to place into the RECORD or to put forward, but some of them are among the most celebrated organizations in our country.

I also would recommend to the membership an article written by the American Constitution Society for Law and Policy, a nonpartisan group that discusses how unnecessary this particular provision is, and it ends with the following paragraph:

The threat a balanced budget amendment would pose to our constitutional order is unavoidable. Congress, of course, remains free to enact a balanced budget if it believes this is sound economic policy. It also remains fully equipped to institute effective controls to ensure restraint and balance in the budgeting process. Therefore, there is no sufficient reason to incur the dramatic risks that the balanced budget amendment would entail for our Constitution and our Nation.

This is not a balanced budget amendment, Mr. Speaker—but it is an unbalanced one.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield such time as he may consume to the gentleman from California, the chairman of the august Rules Committee, Mr. DREIER.

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

Mr. DREIER. Mr. Speaker, I want to begin by expressing my appreciation to both of my friends from Florida who serve on the Rules Committee.

This is a very, very important debate. It's a debate that we haven't had since January of 1995, which is the last time that the House of Representatives had a vote on the issue of a balanced budget amendment to the U.S. Constitution.

Back in 1995, when we had just won our majority, Mr. Speaker, I was one of the enthusiastic supporters, one of the two-thirds of the House of Representatives who voted in favor of the constitutional amendment requiring a balanced budget. I felt very strongly at the time that as we looked at the fiscal challenges that we as a Nation faced that the only thing that we could do to achieve a balanced budget would be to have an amendment to the U.S. Constitution that would call for that.

Mr. Speaker, I have changed my mind. I have changed my mind, and I will be voting against the constitutional amendment calling for a balanced budget.

Now, this is not something that I have done lightly. My friend from Spring Hill was absolutely right when he said that looking at the tough challenge of amending the Constitution is something that needs to be addressed; but I will say that I agree with a number of the arguments that were put forward by my friend from Fort Lauderdale and with a lot of the arguments put forward by my friend from Spring Hill. At the end of the day, I concluded that we should not amend the U.S. Constitution in calling for a balanced budget.

I said I've changed my mind, and I am reminded of a statement that was made by our former colleague, the mentor of our friend JEB HENSARLING, who is working tirelessly to ensure that we get our fiscal house in order with the work of the Joint Select Committee. His mentor was Phil Gramm—a Democrat, then a Republican—who served in the House and the Senate. Phil Gramm once said that ours is one job where you can never admit to having learned anything.

Mr. Speaker, I believe that I've learned something, and I'd like to take just a few minutes to explain why it is that I've come to the conclusion that I have.

I said at the outset that I believed when I cast that vote in January of 1995 in favor of a balanced budget amendment to the Constitution that it was the only way that we would be able to achieve a balanced budget. I was wrong. Two short years later, we balanced the Federal budget. We balanced the Federal budget, and that went on for several years. It went on until 2001.

My friend was talking about the fact that we had two wars. We've got to remember that it took literally billions and billions of dollars to deal with national security issues, like establishing the Department of Homeland Security and many other things that were very, very costly; but what I found, Mr. Speaker, is that we were able to balance the Federal budget without touching that inspired document, the U.S. Constitution.

Now, James Madison in Federalist No. 58, I believe, gave the real description of the power that lies here in the House of Representatives. He said that the power over the purse is the most complete and effectual weapon that can empower any group of elected representatives of the people.

We in this institution, Mr. Speaker, have the power of the purse. We have the power of the purse, and we proved in the late 1990s that we have the will to balance the Federal budget without touching that inspired document, the U.S. Constitution. Those were the words of James Madison in Federalist No. 58, that the power over the purse is the most complete and effectual weapon that elected representatives have.

□ 1330

Now some people point to Thomas Jefferson who famously, in a letter to John Taylor written November 26, 1798, talked about how it was essential for us to have a single amendment to the Constitution that would call for a balanced budget. Well, I've got to say, Mr. Speaker, it appears that Thomas Jefferson obviously learned something as well, because 5 short years later, in the third year of the first term of his Presidency, he embarked on the largest deficit expenditure to take place since the Revolutionary War. It was not a war expenditure. It was not any kind of emergency expenditure. It was the 1803 Louisiana Purchase. And that was a decision that Thomas Jefferson made that most of us inferred led to a change in his position from the November 1798 letter that he wrote to John Taylor.

As we look at some of the other arguments—my friend from Fort Lauderdale went through the Fried, Barr, Archibald, Bork arguments on the court. I think it's important for us to look at not just that part of it, but we also need to look at the enumerated powers provision in the U.S. Constitution. I believe that not only could we create, as these brilliant jurists said, a real problem within the court structure, but what we create is a transfer of power from the first branch to the third branch of government, something that is completely contrary to Article I, section 7 of the U.S. Constitution, where the power lies right here in the United States House of Representatives. Why? Because most have said that if we were to get into these protracted legal battles, this could end up in the court, and we could have, several years from now, a court deliberating over a budget that had passed, again, literally years before.

So, as we look at these arguments, Mr. Speaker, I will tell you that I will take a backseat to no one when it comes to our commitment to get our fiscal house in order. I do happen to believe that our former colleague Jack Kemp was right when he said we shouldn't have to worship at the altar of a balanced budget; but we all know that with this $15 trillion figure that my friend from Spring Hill pointed to, we need to do everything we can to reduce that debt and our annual deficit. But it's important for us to focus on economic growth. And that's why I congratulate those on the Joint Select Committee who are working on that, and I believe that that's something that we need to do.

But having a balanced budget does not guarantee job creation and economic growth. Yes, of course having a degree of fiscal solvency goes a long way towards generating a climate that can make that happen; but we need to have pro-growth economic policies, and fiscal restraint is only one of those tools. That's why I believe that, as we look at the challenges that lie ahead, I don't want to say to the American people that I'm going to protect you from your future leaders that you are going to elect.

The American people deserve the Congress that they elect. I personally think they deserve better than some of what we have had here over the past several years. Right now we all know we've got a 9 percent approval rating. But the American people cannot have Representatives who say, We are going to say to you that you can't have the leaders that you elect do what you think is right. Maybe there is another Louisiana Purchase out there, and that decision is something that should be made by leaders.

I believe in very carefully amending the Constitution. And I will say that I have always been troubled by some who argue that the level of your commitment to a public policy issue is based only on your willingness to amend the Constitution to implement it. Well, I think that's silly. I think that's ridiculous. I think that someone can be passionately committed to an issue like saying we shouldn't burn the American flag and yet be willing to say it shouldn't be enshrined in the U.S. Constitution. I feel the same way about the issue of a balanced budget.

I'm proud to have voted to bring about these kinds of spending cuts. I'm proud to have done everything possible to try to reduce the size and scope and reach of the Federal Government. I do think that a lot of work has to be done. And my friend from Spring Hill, again, correctly pointed to the fact that both sides have responsibility for increases in spending. But I think we can come together. I think we can have the will to do this.

Even if we pass a balanced budget amendment to the Constitution, we all know very well we're not going to balance the budget overnight with a $15 trillion debt and now multitrillion-dollar deficits. We're not going to do it overnight. But we have to get ourselves on that road, and I'm convinced that we can. And I don't think that amending the Constitution is going to do anything to help us get there.

So I do support the rule, and I think the rule—by the way, I should say to my friend—is one that was used when the Equal Rights Amendment passed the House of Representatives. The argument was made that somehow having this done under suspension of the rules is not fair. There's going to be 5 hours of debate. There's going to be an opportunity to do this.

I've had the opportunity to say my peace. I know that I'm in the minority in my party. I know that there's not a lot of enthusiastic support on my side. I know that there are many Democrats who are going to be supporting the amendment to this. So we are going to have a chance to discuss these as we move through today and tomorrow.

I do support the rule and the work of the Rules Committee. We've worked long and hard on this. But at the end of the day, I have come to the conclusion that I have.

With that, Mr. Speaker, I thank my friend for yielding.

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

I wish to compliment the chairman of the Rules Committee.

Mr. DREIER. Will the gentleman yield?

I don't want to get into any more trouble than I already have. So if the gentleman could withdraw his compliment, I would be very appreciative of that, Mr. Speaker.

Mr. HASTINGS of Florida. I am delighted to withdraw the compliment.

What I wanted you to be able to do, since you had become so enlightened about the balanced budget amendment, was to be equally enlightened with reference to the rules and allow us a motion to recommit.

Mr. Speaker, if we defeat the previous question, I am going to offer an amendment to the rule to provide that immediately after the House adopts this rule, it will bring up H.R. 639, the Currency Reform for Fair Trade Act, which will help create jobs in the United States by making American-manufactured products more attractive to Chinese consumers.

At this time, I am pleased to yield 3 minutes to my good friend from the State of Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, today we have another triumph for the Republican public relations office. Their job is to hide the fact that the select committee of 12 isn't going to get anything done and their members are going home for Thanksgiving. But what will they talk about? A failure? No. They want to give them something. So this balanced budget amendment—that's why we're out here debating a rule on a job-destroying, poorly thought-out amendment to the Constitution. This House is considering an amendment to the Constitution that did not go through the regular order, is not even the product of any committee debate. It has not been an open and thoughtful process.

Mr. Speaker, the job of this Congress at this time should be creating jobs. For 11 months, the Republicans have talked about it but have done nothing. Now, instead of wasting the people's time with this doomed and irresponsible constitutional amendment, we should deal with this country's serious economic concerns, one of which is the Chinese currency manipulation and how it hurts American businesses and our workers. It's time for this House to vote on the Currency Reform for Fair Trade Act.

The Speaker needs to stop standing in the way of this important legislation. We've been discussing this issue with the Government of China for more than 8 years. American manufacturers should not be forced to compete against a 28 percent discount on imports from China, all because of China's predatory currency practices. This legislation will help to provide meaningful relief to U.S. companies and our workers who are injured by the currency manipulation of China.

This is a bipartisan measure. The China currency bill passed the House last year with a strong majority of Republicans. The majority of the House has cosponsored this bill, including 62 Republicans, and we can't get it up.

□ 1340

The Senate has already passed a similar bill with a strong bipartisan vote. The Speaker is the one who has his foot on it because he's got his foot on the Rules Committee, and they won't bring it out.

American workers expect every one of us on both sides of this aisle to fight against China's predatory trade policies and to fight for American workers. We should be fighting for the American economy rather than pandering to the Republican base with this terrible attempt to use the Constitution as a partisan playground and a way to hide from the American people that we're not doing what they sent us here to do, which was to create jobs.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SCOTT), a Rules Committee member.

Mr. SCOTT of South Carolina. Let me first thank Sheriff NUGENT from Florida. Sheriff, you're doing a fantastic job with this rule, and I thank you for leading this important debate.

Mr. Speaker, I would like to ask a simple question of my friends who oppose the whole concept of a balanced budget amendment: What makes us, the Federal Government, any different than the State and local governments

who have to abide under a simple balanced budget concept? But more importantly, what makes us any different than the 74 percent of Americans in a CNN poll who simply say a balanced budget amendment is in the best interests of the citizens of this country?

Simply put, Washington needs to stop this runaway train of spending. So often, too often even, it seems that this town has lost sight of the fact that taxpayer dollars don't just appear from some magical piggy bank but rather are paid by hardworking American families. We have a duty to spend these dollars wisely. And, unfortunately, in this town that simply doesn't happen very often at all. The last 3 years, not the last 30 years, not the last three decades, but the last 3 years we have seen the largest increase in the debt of this Nation, in the history of this Nation, and it is very clear that a constitutional amendment is the strongest option we have today to ensure that this doesn't happen again.

How can we expect to create a proper environment for job creation when we can't even keep the Federal Government's checkbook in balance? How does the current administration think we can continue to force small businesses to completely revamp their budgets under an onslaught of burdensome regulations while Washington does not have to do the same thing?

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

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

Mr. SCOTT of South Carolina. It simply doesn't make sense. We should get this work done. We should get this fixed today. I will say as part of the majority-making class of 2010, with 86 out of the 87 freshmen on the Republican side supporting some form of the balanced budget amendment, we should move forward now. The American people demand it, and they should get it.

Mr. HASTINGS of Florida. Mr. Speaker, my friend on the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN), I'm sure has views that are similar to mine. I yield to him 3½ minutes at this time.

Mr. MCGOVERN. Mr. Speaker, my friends on the other side of the aisle claim to be about fiscal prudence; that they are here to get our fiscal house in order; that a balanced budget amendment is the only way to do so. Once again, Mr. Speaker, my friends on the other side of the aisle are wrong. The right way to balance the Nation's budget is by making good, solid, smart policy, something the Republicans have proven to be incapable of over the past decade.

President Bush was handed a gift by President Bill Clinton. He was given a budget surplus. And instead of crafting a smart, long-term fiscal plan, he blew it in a couple of big spending sprees in the first few months of his term, with a lot of help from congressional Republicans. Let me be as clear as I can be. You don't squander a surplus on tax cuts for the rich, and you don't put two wars on your credit card. You certainly don't do those two things at the same time. But that's exactly what the Republicans did, and they drove this economy into a ditch with unpaid tax cuts and unpaid wars. And now they want to amend the Constitution with a balanced budget amendment. You've got to be kidding.

What's worse, the Republican leadership has decided to break their transparency pledge. Not only are they thumbing their nose at their own rules, they are actually bringing a bill to the floor that has never been read, amended, or voted on in a committee. That's right, Mr. Speaker. Despite all of their rhetoric, this balanced budget amendment was never marked up in committee. And, even worse, it was changed without a vote before it came to the Rules Committee. Even though there has been no official consideration of this specific bill by the Judiciary Committee, something this new Republican Congress promised to do, the sponsor of this bill had the audacity to say that this bill and the changes made in the dark of night were supported by the committee.

And if this process weren't bad enough, these changes actually allow war funds to be exempt from the balanced budget amendment. These wars have gone on too long, and they should be paid for. They should have been paid for from day one. That's a mistake we should learn from instead of repeating. We have already spent $1.3 trillion on the wars in Iraq and Afghanistan. That's $1.3 trillion that's unpaid for, $1.3 trillion on our grandchildren's credit cards.

Mr. Speaker, I oppose these wars. I want them to end now. But if you support them, the least you can do is pay for them. And yet the Republicans are repeating their same mistakes. And I shouldn't be surprised. This is the party that decries government spending, but turns to FEMA with outstretched hands in times of need. This is the party that says the Recovery Act doesn't work, but shows up at ribbon cuttings for projects paid for by the Recovery Act. And now this is the party that says we should balance the budget, but we shouldn't pay for the wars that increase our debt.

Mr. Speaker, the fiscal hypocrisy takes my breath away. This is a bad bill being brought up under a bad process. Vote ''no'' on the rule and vote ''no'' on the bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Michigan, the ranking member of the Committee on Ways and Means, Mr. LEVIN.

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

Mr. LEVIN. Mr. HASTINGS has indicated that if we vote down the previous question, we will bring up H.R. 639.

It's a fact that China's currency manipulation is hurting U.S. businesses and workers. According to a recent study, imports from China account for 25 to 50 percent of the manufacturing jobs we have lost over the past decade. That's 1 million to 2 million jobs, and our trade deficit with China continues to grow.

An important factor in this picture is currency manipulation. American manufacturers are forced to compete against an estimated 25 percent discount on imports from China due to that manipulation. That's on top of China's massive subsidies and other policies.

Dr. Fred Bergsten, who heads the Peterson Institute, says that elimination of China's undervalued currency would create a million jobs mainly in manufacturing, and that manipulation is by far the largest protectionist measure adopted by any country since the Second World War—and probably in all history.

Meanwhile, the Chinese government is pushing production of high-end manufacturing products that compete head on with American products—high-tech products, solar panels, wind turbines, automobiles, aircraft, and others.

This is a bipartisan measure. A majority of the House, 230 Members, have cosponsored the bill, including 62 Republicans. The time has come for action. Eight years of talk have yielded meager results. American workers and businesses cannot wait any longer, and the U.S. economy cannot wait any longer. The time is now for action.

Defeat the previous question.

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

Mr. HASTINGS of Florida. Mr. Speaker, would you be kind enough to tell me how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 9 minutes remaining. The gentleman from Florida (Mr. NUGENT) also has 9 minutes remaining.

Mr. HASTINGS of Florida. Thank you very much, Mr. Speaker.

I am very pleased to yield 2 minutes to my good friend, the gentlewoman from Ohio (Ms. KAPTUR).

□ 1350

Ms. KAPTUR. I thank my able colleague from Florida, Congressman HASTINGS, for yielding and rise in support of Congressman CRITZ's effort here to focus attention on this whole issue of Chinese currency manipulation. When Congress passed permanent most-favored-nation status with China over my objection, we were told by supporters of the agreement that trade with China would create jobs, more economic opportunity and trade surpluses for our country. Well, if you look at the numbers, you'll see since that was passed what's happened is we've got more and more and more and more trade deficits every year, totaling in 2010 over $273 billion. With Chinese

currency manipulation, that's almost an inflated number because it would be cut in half, it would be cut substantially if goods were marked to their true value, not their inflated value.

China has never opened up its market. That's why we get these huge trade deficits. And they aggressively use government intervention through currency manipulation to rig the markets. We know they're the largest intellectual property thief, they counterfeit their goods, and they use industrial policy to promote and protect Chinese industries at the expense of American jobs and factories. Some call these tactics market Leninism because we see state-managed capitalism in China locking down on industry after industry.

Regions like the one I represent in northern Ohio have been especially hard-hit as production shifted from the coasts of the Great Lakes to the shores of China. We can see this draining of wealth from the United States. Last year, our trade deficit again was over a half-trillion dollars globally, and with China, they had over half of that trade deficit.

If you look at the trade data, we're on track to send at least as many jobs to China this year. You can see the jobs being shipped to China in every community in this country. Even scrap metal is being sent over there, for heaven's sake.

Economists tell us that every trillion dollars in trade deficit translates into 14,000 lost American jobs. If we could get the currency manipulation issue solved, we could bring some of those jobs back to this country.

It's time for China to play on a level playing field.

Mr. NUGENT. Mr. Speaker, I just want to make sure that everybody that may be watching this at home understands we are talking about a balanced budget amendment.

I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. I would have my friend to know that we also are talking about the previous question, for which at this time I am pleased to yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. I thank the gentleman from Florida for yielding.

Mr. Speaker, I had prepared remarks that I was going to talk about to defeat this previous question so that we could bring the Chinese currency manipulation bill to the floor. But we've been talking about this on a weekly basis. We've been talking about this on the floor of the House on a weekly basis. And I think back to 10 months ago when Speaker BOEHNER made the statement that the House works best when it's allowed to work its will.

This same bill passed the House last year overwhelmingly. A similar bill passed the Senate earlier this year overwhelmingly. This bill has broad bipartisan support. Sixty-two Republicans are cosponsors of this bill. Four months ago, I brought a discharge petition, which is now just 30 signatures shy of forcing this bill to the floor. It needs Republican help. I'm imploring the Speaker to bring this bill to the floor of the House.

This is so important. As Congressman LEVIN said earlier, we're talking about jobs. I did a telephone town hall last evening. The topic of discussion was jobs. Everyone wants to know when are we going to put our heads together and work to get this country back to work? Milling jobs. Manufacturing jobs. This is an issue that everyone knows about and everyone can agree on. We just want to level the playing field. This is giving this country the teeth it needs to go after countries such as China that manipulate their currency and hurt American manufacturing companies.

This is about locking arms with the American public and moving forward. So I urge those Republicans, those 62 that are on H.R. 639, anyone can see those names, anyone can call and say, you need to support this bill. You need to support the discharge petition, get on it, let's talk about this. You can't hide behind the Speaker any longer. We're going to continue this fight day in and day out, week in and week out. I urge defeat of the previous question so that we can talk about jobs for the American people.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from Texas (Ms. JACKSON LEE).

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

Mr. Speaker, the underlying resolution has to do with a balanced budget amendment, which most Americans might say ''yea'' to, but this is a deja vu because we debated this so many years ago, and it was found that a balanced budget amendment for the Federal Government will not work with all of the restraints and necessities of serving the American people.

But Mr. CRITZ's bill and the idea of correcting the currency manipulation of China will work. It will create jobs. The World Trade Organization cannot help. All the negotiations with China will not help. I would love for them to stand up and be counted in the world family so that we can continue to churn the economy, which all of us would benefit from. But as the euro crumbles and possibly the dollar will step in—I opposed the euro many years ago—we've got to get a currency that responds to all of us. Decent pay for a decent day's work—that does not happen when you have a manipulation of product cost so that some products are so much cheaper than the ones made by Americans.

We are not envious, and we are not jealous, but this resolution or Mr. CRITZ's bipartisan effort can move forward if we vote ''no'' on the previous question, and then we can begin to help create jobs. And we might say to the supercommittee that we thank you for your service, but we can go into 2012 deliberatively and thoughtfully looking at a plan that raises revenue and cuts the areas that do not leave the vulnerable along the highway of despair.

I support Mr. CRITZ's effort. I want to move beyond the supercommittee and fund this government and create jobs in the way that the people elected us to do.

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

Mr. HASTINGS of Florida. Mr. Speaker, I would advise my friend from Florida that I am going to be the last speaker, and if he is ready to close, I will go forward doing same.

Mr. NUGENT. Yes.

Mr. HASTINGS of Florida. I thank the gentleman.

Mr. Speaker, this unbalanced amendment does not belong in our Constitution. It enshrines far-right ideology and makes a mockery of congressional authority to set forth the Nation's fiscal policy. This hardly belongs in the same company as freedom of speech, the abolition of slavery, and a woman's right to vote. This proposal does not balance the budget; it only demands that Congress do so, and yet it does not provide a mechanism to enforce that rule.

So in a situation of partisan gridlock, the Federal budget might very well end up in the courts. This is no way to govern. If this Congress could balance the budget, we wouldn't need a constitutional amendment to tell us to do so. But the fact remains that the Republican majority has steadfastly failed to set forth legislation that will create jobs and grow this economy.

Given their inflexibility, a balanced budget constitutional amendment hardly seems like the magic wand Republicans claim it will be. This Congress needs to be serious about the real causes of economic hardship in this country. Focusing on God, gays, and guns and not having the guts to tell people we're not doing anything to create jobs, that isn't going to keep people in their homes, and it isn't going to help Americans obtain quality health care and education.

These are the critical issues facing our Nation. Wasting our time—and that's exactly what this is, it's going nowhere fast—wasting our time with political gimmicks like an unbalanced constitutional amendment is just that, wasting our time.

Mr. Speaker, I ask unanimous consent to insert the text of my 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 Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question so we can debate and pass real jobs legislation today, not little old stuff that is appealing to the right wing of the people who are pushing nothing more than symbolism and talking about it being in our United States Constitution. I urge a ''no'' vote on the rule, and I yield back the balance of my time.

□ 1400

Mr. NUGENT. Mr. Speaker, I want to thank my good friend from Florida for a lively debate. The issue, though, that has sort of gotten muddled is about a balanced budget amendment, not about anything else that you've heard about on the floor. It is about a balanced budget amendment.

But just to remind everybody, when we talk about jobs, we've passed over 21 jobs bills that are currently sitting idle in the Senate. So I don't know what else you can do, except it gets kind of frustrating that we send great pieces of legislation over to the Senate and nothing happens.

We've heard a lot of debate here about a balanced budget amendment, pros and cons. You're going to hear 5 hours of debate in the very near future about the pros and cons of a balanced budget amendment.

This Congress has done things that are amazing. We used emergency funding to fund the census. Now, I know the census probably snuck up on everybody around here, but I don't understand why you had to use emergency funding to do that.

You know, we talk about the Clinton years. We talk about budget surpluses and how quickly they disappeared. But remember one thing: Part of the Clinton surpluses also hollowed out our force, which required us to put our servicemen and -women at risk for way too long. Some of them weren't allowed to retire through stop-loss, and others had to serve 15 months in combat positions because we had hollowed out our force.

Patrick Henry once said the Constitution is not an instrument for the government to restrain the people; it's an instrument for the people to restrain the government. Today we start building upon those restraints. A balanced budget amendment is more of an instrument to check bloated government, a government that wants to be everything to everyone.

Today we're borrowing 40 cents on every dollar we spend. We're writing checks that we can't cash, hoping future generations will be able to figure out how to get out of this mess on their own. This spending is just unsustainable.

I wasn't happy with the Budget Control Act, but I voted for it simply so we could vote today on a rule to allow us to vote on a balanced budget later this week so we can fundamentally change where we're going.

After 10 months in Congress, I'm convinced that there are not enough people in Washington with the determination, the dedication, nor the fortitude to make the tough decisions for the good of this country. The Constitution has saved us in the past, and it can save us in the future. A balanced budget amendment would give Americans a reason to believe that more efficiently and effectively than any other proposal I've heard of.

One of the things I hear consistently back home is that you all have made decisions in Congress that have put us so far into debt. Our unborn children are facing a debt of $48,000 for every child who's born this year. How can we stand up and look at people and say this Congress can fix it on its own? How can we look people in the eye and say, You know what. Just give us another chance; we've done so well over the last 30 years.

I don't believe that the American people believe that we can do that, and I think that's why they're asking for fundamental changes. I think it's why they're asking us to step forward and do the right thing, Mr. Speaker, not kick the can down the road anymore.

I have the utmost respect for our chairman and for my good friend from Florida (Mr. HASTINGS), but I adamantly disagree. I think that we've had a change in government because there's a necessary need for a change in government. I think that you can't continue to do the status quo, because if we do, we're just going to wind up $15 trillion in debt today, $20 trillion in debt 2 years from now. When does it end, Mr. Speaker?

So I encourage my colleagues on both sides of the aisle to support this strongly bipartisan legislation.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 466 OFFERED BY MR. HASTINGS OF FLORIDA

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.

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

The SPEAKER pro tempore (Mr. DOLD). 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. HASTINGS of Florida. 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 the adoption of House Resolution 466, if ordered, and adoption of House Resolution 467.

The vote was taken by electronic device, and there were—yeas 243, nays 173, not voting 17, as follows:

[Roll No. 854]

YEAS—243

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
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
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
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)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
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
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
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—173

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costello
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
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
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
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—17

Bachmann
Biggert
Bishop (GA)
Conyers
Courtney
Gardner
Garrett
Giffords
Hirono
Lucas
Manzullo
Napolitano
Paul
Rogers (MI)
Rokita
Roskam
Shimkus

□ 1430

Messrs. HEINRICH, ROTHMAN of New Jersey, CLARKE of Michigan, and Mrs. MALONEY changed their vote from ''yea'' to ''nay.''

Messrs. HULTGREN, PETERSON, and Mrs. NOEM changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. GARRETT. Mr. Speaker, on rollcall No. 854, had I been present, I would have voted "yea."

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote No. 854 in order to attend an important event in my district. Had I been present, I would have voted "nay" on the Motion on Ordering the Previous Question on the Rule providing for consideration of motions to suspend the rules.

The SPEAKER pro tempore (Mr. DOLD). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 169, not voting 16, as follows:

[Roll No. 855]

YEAS—248

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

Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
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—169

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
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
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
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

NOT VOTING—16

Bachmann
Biggert
Bishop (GA)
Courtney
Gardner
Garrett
Giffords
Gohmert
Hirono
Lucas
Manzullo
Napolitano
Paul
Roskam
Shimkus
Yarmuth

□ 1439

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GARRETT. Mr. Speaker, on rollcall No. 855, had I been present, I would have voted "yea."

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote No. 855 in order to attend an important event in my district. Had I been present, I would have voted "nay" on H. Res. 466—Rule providing for consideration of motions to suspend the Rules.

CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 467) providing for consideration of the conference report to accompany 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, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 262, nays 156, not voting 15, as follows:

[Roll No. 856]

YEAS—262

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berman
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (CA)
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
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
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schiff
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sherman
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—156

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Critz
Crowley
Cuellar
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Filner
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Nadler
Neal
Olver
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter

Peters	Sanchez, Loretta	Tierney
Pingree (ME)	Sarbanes	Tonko
Polis	Schakowsky	Towns
Price (NC)	Schrader	Tsongas
Quigley	Schwartz	Van Hollen
Rahall	Scott (VA)	Velázquez
Rangel	Scott, David	Visclosky
Reyes	Serrano	Walz (MN)
Richardson	Sewell	Wasserman Schultz
Richmond	Sires	Waters
Rothman (NJ)	Slaughter	Watt
Roybal-Allard	Smith (WA)	Waxman
Ruppersberger	Speier	Welch
Rush	Stark	Wilson (FL)
Ryan (OH)	Sutton	Woolsey
Sánchez, Linda T.	Thompson (CA)	Yarmuth
	Thompson (MS)	

NOT VOTING—15

Bachmann	Gardner	Napolitano
Biggert	Giffords	Paul
Bishop (GA)	Hirono	Roskam
Cardoza	Lucas	Schock
Courtney	Manzullo	Shimkus

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1446

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote No. 856 in order to attend an important event in my district. Had I been present, I would have voted "nay" on H. Res. 467—Rule providing for consideration of the Conference Report to H.R. 2112—Agriculture, Rural Development, Food & Drug Administration and Related Agencies Appropriations Act.

PERSONAL EXPLANATION

Ms. HIRONO. Mr. Speaker, on rollcall Nos. 854, 855, and 856, had I been present, I would have voted "nay" on all the above.

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Speaker, I missed rollcall Nos. 854, 855, and 856. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2112.

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

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to House Resolution 467, agreed to earlier today, I call up the conference report on 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 ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 467, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 14, 2011, at page H743.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 5 minutes.

I rise today to present the conference report on H.R. 2112, the Consolidated and Further Continuing Appropriations Act of 2012. The House passed H.R. 2112, the bill making appropriations for the Department of Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on June 16. The bill has since been amended to include the Commerce-Justice-Science and the Transportation-HUD appropriations bills as well as a continuing resolution to keep the rest of the government operating until December 16.

With the help of our ranking member, the gentleman from Washington, NORM DICKS, we successfully negotiated with our Senate counterparts to craft this agreement, which is the first appropriations conference report to hit this floor since 2009. This report is the next step in meeting the spending targets set by the Budget Control Act, which will save the taxpayers billions and help continue the effort to bring the Nation's deficit under control. In fact, this bill keeps us on track to cut regular discretionary spending by $98 billion compared to the President's fiscal year 2012 request and some $47 billion below the fiscal year 2010 level.

When all appropriations work this year is completed, it will be the second year in a row that we have reduced total discretionary spending, a remarkable and historic achievement. Yet while we've made significant cuts, we were also able to fund important priorities, such as food and drug safety, Federal law enforcement, agricultural and scientific research, trade, infrastructure, and economic growth. Additionally, we're helping communities, States, businesses, and families deeply affected by a record-breaking year of destructive natural disasters and catastrophes.

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We scrubbed the information from the agencies and were able to reduce the disaster spending in this bill by $850 million compared to the Senate-passed bill. These funds are only for disaster assistance and do not grow the baseline budgets or the scope of the Federal agencies.

This bill, Mr. Speaker, is the next step in breaking the status quo of excess Federal spending that's throwing our budgets out of whack.

Our House conferees thoroughly examined each and every program and agency to ensure that we are reducing spending wherever possible. In this bill, this includes terminating wasteful, poorly planned and controversial programs such as high-speed rail, NOAA's Climate Change Office, and the Livable Communities program. In fact, Mr. Speaker, we have terminated 20 programs for a savings of $456 million.

This legislation also reins in executive branch overreach by including several important policy items. These provisions kill job-killing regulations that create economic uncertainty and limit government involvement in issues of life and liberty, including several provisions protecting human life and the Second Amendment right to keep and bear arms.

Finally, this legislation includes a continuing resolution that will keep the remainder of the government operating until December 16, allowing us an appropriate amount of time, I think, to finish negotiations on the remaining nine appropriations bills so that we will have all 12 out of the way, leaving the Appropriations Committee clear sailing in January to bring to the floor of the House 12 separate appropriations bills.

I'm very pleased that we were able to reach agreement on this bill. It has become all too rare a thing in this Congress to come to an agreement such as this, and I'm proud to say that this conference report was approved by all but one of the 38 House and Senate conferees from both parties, which goes to show us we work best when we work together. While there are no doubt items where Members might disagree in the bill, there are many achievements in this bill of which we can be justly proud.

However, we could not have done this without the tremendous help from our ranking member, NORM DICKS, as well as the dedicated conferees on both sides of the aisle from both Chambers. Chairman WOLF, Chairman KINGSTON, Chairman LATHAM, Ranking Members FARR, FATTAH, and OLVER, as well as our dedicated staff, have worked tirelessly over the last few weeks to bring this bill to completion, and they have all of our sincere thanks and appreciation for a job well done.

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

Mr. ROGERS of Kentucky. I yield myself an additional 1 minute.

I am proud, Mr. Speaker, that your Appropriations Committee is presenting to you the first Appropriations Conference Report since 2009 and the first conference report of this Congress. Your Appropriations Committee is working.

In closing, I strongly urge my colleagues to support this bill. It's vital we pass this bill to prevent a government shutdown, rein in overzealous regulations, and help put our budgets and our economy on track.

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2012
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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I - AGRICULTURAL PROGRAMS				
Production, Processing, and Marketing				
Office of the Secretary	5,051	5,883	4,550	-501
Office of Tribal Relations	498	1,015	448	-50
Healthy Food Financing Initiative	---	35,000	---	---
Executive Operations:				
Office of Chief Economist	12,008	15,196	11,177	-831
National Appeals Division	14,225	15,254	12,841	-1,384
Office of Budget and Program Analysis	9,417	9,436	8,946	-471
Office of Homeland Security	1,496	4,272	1,321	-175
Office of Advocacy and Outreach	1,422	7,000	1,209	-213
Office of the Chief Information Officer	39,920	63,579	44,031	+4,111
Office of the Chief Financial Officer	6,247	6,566	5,650	-597
Subtotal, Executive Operations	84,735	121,303	85,175	+440
Office of the Assistant Secretary for Civil Rights	893	895	848	-45
Office of Civil Rights	22,692	24,922	21,000	-1,692
Office of the Assistant Secretary for Administration	804	820	764	-40
Agriculture buildings and facilities and rental payments	(246,476)	(255,191)	(230,416)	(-16,060)
Payments to GSA	178,113	164,470	164,470	-13,643
Department of Homeland Security	13,473	13,800	13,800	+327
Building operations and maintenance	54,890	76,921	52,146	-2,744
Hazardous materials management	3,992	5,125	3,592	-400
Departmental Administration	29,647	35,787	24,165	-5,482
Office of the Assistant Secretary for Congressional Relations	3,869	4,041	3,576	-293
Office of Communications	9,480	9,722	8,065	-1,415
Office of Inspector General	88,548	90,755	85,621	-2,927
Office of the General Counsel	41,416	46,058	39,345	-2,071
Total, Departmental Administration	538,101	636,517	507,565	-30,536
Office of the Under Secretary for Research, Education, and Economics	893	911	848	-45
Economic Research Service	81,814	85,971	77,723	-4,091
National Agricultural Statistics Service	156,447	165,421	158,616	+2,169
Census of Agriculture	(33,139)	(41,639)	(41,639)	(+8,500)
Agricultural Research Service:				
Salaries and expenses	1,133,230	1,137,690	1,094,647	-38,583
National Institute of Food and Agriculture:				
Research and education activities	698,740	708,107	705,599	+6,859
Native American Institutions Endowment Fund	(11,880)	(11,880)	(11,880)	---
Extension activities	479,132	466,788	475,183	-3,949
Integrated activities	36,926	29,874	21,482	-15,444
Hispanic-Serving Agricultural Colleges and Universities Endowment Fund	---	(10,000)	---	---
Total, National Institute of Food and Agriculture	1,214,798	1,204,769	1,202,264	-12,534
Office of the Under Secretary for Marketing and Regulatory Programs	893	911	848	-45
Animal and Plant Health Inspection Service:				
Salaries and expenses	863,270	832,706	816,534	-46,736
Assistance, goods, or services (user fees) NA	---	(141,000)	---	---
Buildings and facilities	3,529	4,712	3,200	-329
Total, Animal and Plant Health Inspection Service	866,799	837,418	819,734	-47,065

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Agricultural Marketing Service:				
Marketing Services	86,538	94,755	82,211	-4,327
Standardization activities (user fees) NA	(65,000)	(66,000)	(66,000)	(+1,000)
(Limitation on administrative expenses, from fees collected)	(60,947)	(62,101)	(62,101)	(+1,154)
Funds for strengthening markets, income, and supply (Section 32):				
Permanent, Section 32	1,065,000	1,080,000	1,080,000	+15,000 M
Marketing agreements and orders (transfer from section 32)	(20,056)	(20,056)	(20,056)	--- M
Payments to States and Possessions	1,331	2,634	1,198	-133
Total, Agricultural Marketing Service program	1,213,816	1,239,490	1,225,510	+11,694
Grain Inspection, Packers and Stockyards Administration:				
Salaries and expenses	40,261	44,192	37,750	-2,511
Limitation on inspection and weighing services	(47,500)	(50,000)	(49,000)	(+1,500)
Office of the Under Secretary for Food Safety	811	828	770	-41
Food Safety and Inspection Service	1,006,503	1,011,393	1,004,427	-2,076
Lab accreditation fees	(1,000)	(1,000)	(1,000)	---
Total, Production, Processing, and Marketing	6,193,419	6,303,410	6,068,601	-124,818
Farm Assistance Programs				
Office of the Under Secretary for Farm and Foreign Agricultural Services	893	911	848	-45
Farm Service Agency:				
Salaries and expenses	1,208,290	1,357,065	1,198,966	-9,324
Equal Credit Opportunity claims (leg. proposal)	---	40,000	---	---
(Transfer from Food for Peace (P.L. 480))	(2,806)	(2,812)	(2,500)	(-306)
(Transfer from export loans)	(354)	(355)	(355)	(+1)
(Transfer from ACIF)	(304,977)	(313,173)	(289,728)	(-15,249)
Subtotal, transfers from program accounts	(308,137)	(316,340)	(292,583)	(-15,554)
Total, Salaries and expenses	(1,516,427)	(1,713,405)	(1,491,549)	(-24,878)
State mediation grants	4,177	4,369	3,759	-418
Grassroot source water protection program	4,241	---	3,817	-424
Dairy indemnity program	876	100	100	-776 M
Subtotal, Farm Service Agency	1,217,584	1,401,534	1,206,642	-10,942
Agricultural Credit Insurance Fund (ACIF) Program Account:				
Loan authorizations:				
Farm ownership loans:				
Direct	(475,000)	(475,000)	(475,000)	---
Guaranteed	(1,500,000)	(1,500,000)	(1,500,000)	---
Subtotal	(1,975,000)	(1,975,000)	(1,975,000)	---
Farm operating loans:				
Direct	(950,000)	(1,050,090)	(1,050,090)	(+100,090)
Unsubsidized guaranteed	(1,500,000)	(1,500,000)	(1,500,000)	---
Subsidized guaranteed	(122,343)	---	---	(-122,343)
Subtotal	(2,572,343)	(2,550,090)	(2,550,090)	(-22,253)
Indian tribe land acquisition loans	(3,940)	(2,000)	(2,000)	(-1,940)
Conservation loans:				
Guaranteed	---	(150,000)	(150,000)	(+150,000)
Indian Highly Fractionated Land Loans	---	(10,000)	(10,000)	(+10,000)
Boll weevil eradication loans	(100,000)	(60,000)	(100,000)	---
Total, Loan authorizations	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Loan subsidies:				
Farm ownership loans:				
Direct	32,804	22,800	22,800	-10,004
Guaranteed	5,689	---	---	-5,689
Subtotal	38,493	22,800	22,800	-15,693
Farm operating loans:				
Direct	57,425	59,120	59,120	+1,695
Unsubsidized guaranteed	34,880	26,100	26,100	-8,780
Subsidized guaranteed	16,886	---	---	-16,886
Subtotal	109,191	85,220	85,220	-23,971
Indian Highly Fractionated Land Loans	---	193	193	+193
Individual Development Accounts	---	2,500	---	---
Total, Loan subsidies	147,684	110,713	108,213	-39,471
ACIF administrative expenses:				
Salaries and expense (transfer to FSA)	304,977	313,173	289,728	-15,249
Administrative expenses	7,904	7,920	7,904	---
Total, ACIF expenses	312,881	321,093	297,632	-15,249
Total, Agricultural Credit Insurance Fund	460,565	431,806	405,845	-54,720
(Loan authorization)	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)
Total, Farm Service Agency	1,678,149	1,833,340	1,612,487	-65,662
Risk Management Agency, Administrative and operating expenses	78,842	82,325	74,900	-3,942
Total, Farm Assistance Programs	1,757,884	1,916,576	1,688,235	-69,649
Corporations				
Federal Crop Insurance Corporation:				
Federal crop insurance corporation fund	7,613,232	3,142,375	3,142,375	-4,470,857 M
Commodity Credit Corporation Fund:				
Reimbursement for net realized losses	13,925,575	14,071,000	14,071,000	+145,425 M
Hazardous waste management (limitation on expenses)	(5,000)	(5,000)	(5,000)	---
Total, Corporations	21,538,807	17,213,375	17,213,375	-4,325,432
Total, Title I, Agricultural Programs	29,490,110	25,433,361	24,970,211	-4,519,899
(By transfer)	(328,193)	(336,396)	(312,639)	(-15,554)
(Loan authorization)	(4,651,283)	(4,747,090)	(4,787,090)	(+135,807)
(Limitation on administrative expenses)	(113,447)	(117,101)	(116,101)	(+2,654)
TITLE II - CONSERVATION PROGRAMS				
Office of the Under Secretary for Natural Resources and Environment	893	911	848	-45
Natural Resources Conservation Service:				
Conservation operations	870,503	898,647	828,159	-42,344
Watershed rehabilitation program	17,964	---	15,000	-2,964
Total, Natural Resources Conservation Service	888,467	898,647	843,159	-45,308
Total, Title II, Conservation Programs	889,360	899,558	844,007	-45,353

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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE III - RURAL DEVELOPMENT				
Office of the Under Secretary for Rural Development...	893	911	848	-45
Rural Development:				
Rural development expenses:				
Salaries and expenses.....	191,603	234,301	182,023	-9,580
(Transfer from RHIF).....	(453,474)	(411,779)	(430,800)	(-22,674)
(Transfer from RDLFP).....	(4,931)	(4,941)	(4,684)	(-247)
(Transfer from RETLP).....	(38,297)	(39,959)	(36,382)	(-1,915)
Subtotal, Transfers from program accounts.	(496,702)	(456,679)	(471,866)	(-24,836)
Total, Rural development expenses.....	(688,305)	(690,980)	(653,889)	(-34,416)
Rural Housing Service:				
Rural Housing Insurance Fund Program Account:				
Loan authorizations:				
Single family direct (Sec. 502).....	(1,121,406)	(211,416)	(900,000)	(-221,406)
Unsubsidized guaranteed.....	(24,000,000)	(24,000,000)	(24,000,000)	---
Subtotal, Single family.....	(25,121,406)	(24,211,416)	(24,900,000)	(-221,406)
Housing repair (Sec. 504).....	(23,360)	---	(10,000)	(-13,360)
Rental housing (Sec. 515).....	(69,512)	(95,236)	(64,478)	(-5,034)
Site loans (Sec. 524).....	(5,052)	---	---	(-5,052)
Multi-family housing guarantees (Sec. 538)	(30,960)	---	(130,000)	(+99,040)
Multi-family housing credit sales.....	(1,448)	---	---	(-1,448)
Single family housing credit sales.....	(10,000)	---	(10,000)	---
Self-help housing land develop. (Sec. 523)	(4,966)	---	(5,000)	(+34)
Farm Labor Housing (Sec.514).....	(25,724)	(27,288)	(20,791)	(-4,933)
Total, Loan authorizations.....	(25,292,428)	(24,333,940)	(25,140,269)	(-152,159)
Loan subsidies:				
Single family direct (Sec. 502).....	70,060	10,000	42,570	-27,490
Housing repair (Sec. 504).....	4,413	---	1,421	-2,992
Rental housing (Sec. 515).....	23,399	32,495	22,000	-1,399
Multi-family housing guarantees (Sec. 538)	2,994	---	---	-2,994
Site development loans (Sec. 524).....	293	---	---	-293
Multi-family housing credit sales.....	555	---	---	-555
Farm labor housing (Sec.514).....	9,853	9,319	7,100	-2,753
Self-help land dev. housing loans (Sec523)	288	---	---	-288
Total, Loan subsidies.....	111,855	51,814	73,091	-38,764
Farm labor housing grants.....	9,854	9,873	7,100	-2,754
RHIF administrative expenses (transfer to RD).	453,474	411,779	430,800	-22,674
Total, Rural Housing Insurance Fund program.	575,183	473,466	510,991	-64,192
(Loan authorization).....	(25,292,428)	(24,333,940)	(25,140,269)	(-152,159)
Rental assistance program:				
Rental assistance (Sec. 521).....	948,704	900,653	900,653	-48,051
New construction (Sec. 515).....	2,026	3,000	1,500	-526
New construction (Farm Labor Housing).....	2,994	3,000	2,500	-494
Total, Rental assistance program.....	953,724	906,653	904,653	-49,071
Rural housing voucher program.....	13,972	16,000	11,000	-2,972
Multi-family housing revitalization program	14,970	---	2,000	-12,970
Multifamily housing preservation revolving loans..	998	---	---	-998
Total, Multi-family housing revitalization..	29,940	16,000	13,000	-16,940
Mutual and self-help housing grants.....	36,926	---	30,000	-6,926
Rural housing assistance grants.....	40,319	11,520	33,136	-7,183

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Rural community facilities program account:				
Loan authorizations:				
Community facility:				
Direct	(290,526)	(1,000,000)	(1,300,000)	(+1,009,474)
Guaranteed	(167,747)	---	(105,708)	(-62,039)
Total, Loan authorizations	(458,273)	(1,000,000)	(1,405,708)	(+947,435)
Loan subsidies and grants:				
Commmunity facility:				
Direct	3,856	---	---	-3,856
Guaranteed	6,613	---	5,000	-1,613
Grants	14,970	30,000	11,363	-3,607
Rural community development initiative	4,990	8,400	3,621	-1,369
Economic impact initiative grants	6,986	---	5,938	-1,048
Tribal college grants	3,964	---	3,369	-595
Total, RCFP Loan subsidies and grants	41,379	38,400	29,291	-12,088
Subtotal, grants and payments	118,624	49,920	92,427	-26,197
Total, Rural Housing Service	1,677,471	1,446,039	1,521,071	-156,400
(Loan authorization)	(25,750,701)	(25,333,940)	(26,545,977)	(+795,276)
Rural Business-Cooperative Service:				
Rural Business Program Account:				
(Guaranteed business and industry loans)	(889,111)	(822,900)	(822,886)	(-66,225)
Loan subsidies and grants:				
Guaranteed business and industry subsidy	44,899	52,500	45,341	+442
Grants:				
Rural business enterprise	34,930	29,874	24,318	-10,612
Rural business opportunity	2,478	7,483	2,250	-228
Delta regional authority	2,973	---	2,900	-73
Total, RBP loan subsidies and grants	85,280	89,857	74,809	-10,471
Rural Development Loan Fund Program Account:				
(Loan authorization)	(19,181)	(36,376)	(17,710)	(-1,471)
Loan subsidy	7,385	12,324	6,000	-1,385
Administrative expenses (transfer to RD)	4,931	4,941	4,684	-247
Total, Rural Development Loan Fund	12,316	17,265	10,684	-1,632
Rural Economic Development Loans Program Account:				
(Loan authorization)	(33,077)	(33,077)	(33,077)	---
Limit cushion of credit interest spending	(207,000)	(241,794)	(155,000)	(-52,000)
(Rescission)	-207,000	-241,794	-155,000	+52,000
Rural cooperative development grants:				
Cooperative development	7,908	8,924	5,800	-2,108
Appropriate technology transfer for rural areas	---	2,800	2,250	+2,250
Cooperative research agreement	---	300	---	---
Value-added agricultural product market development	18,829	20,367	14,000	-4,829
Grants to assist minority producers	3,456	3,463	3,000	-456
Total, Rural Cooperative development grants	30,193	35,854	25,050	-5,143
Rural Microenterprise Investment Program Account:				
(Loan authorization)	---	(8,700)	---	---
Loan subsidy	---	2,850	---	---
Grants	---	2,850	---	---
Total, Rural Microenterprise Investment	---	5,700	---	---

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Rural Energy for America Program				
(Loan authorization)	(10,785)	(10,645)	(6,491)	(-4,294)
Loan subsidy	2,495	2,788	1,700	-795
Grants	2,495	34,000	1,700	-795
Total, Rural Energy for America Program	4,990	36,788	3,400	-1,590
Total, Rural Business-Cooperative Service	-74,221	-56,330	-41,057	+33,164
(Loan authorization)	(952,154)	(911,698)	(880,164)	(-71,990)
Rural Utilities Service:				
Rural water and waste disposal program account:				
Loan authorizations:				
Direct	(898,263)	(770,000)	(730,689)	(-167,574)
Guaranteed	(75,000)	(12,000)	(62,893)	(-12,107)
Total, Loan authorization	973,263	782,000	793,582	-179,681
Loan subsidies and grants:				
Direct subsidy	76,917	73,788	70,000	-6,917
Guaranteed subsidy	---	190	1,000	+1,000
Water and waste revolving fund	497	497	497	---
Water well system grants	993	993	993	---
Colonias and AK/HI grants	68,600	65,000	66,500	-2,100
Water and waste technical assistance	19,110	19,000	19,000	-110
Circuit rider program	14,700	14,000	15,000	+300
Solid waste management grants	3,434	4,000	3,400	-34
High energy cost grants	11,976	---	9,500	-2,476
Water and waste disposal grants	331,717	311,510	327,110	-4,607
Total, Loan subsidies and grants	527,944	488,978	513,000	-14,944
Rural Electrification and Telecommunications Loans Program Account:				
Loan authorizations:				
Electric:				
Direct, 5%	(100,000)	(100,000)	(100,000)	---
Direct, FFB	(6,500,000)	(6,000,000)	(6,500,000)	---
Guaranteed underwriting	(500,000)	---	(424,286)	(-75,714)
Subtotal, Electric	(7,100,000)	(6,100,000)	(7,024,286)	(-75,714)
Telecommunications:				
Direct, 5%	(145,000)	(145,000)	(145,000)	---
Direct, Treasury rate	(250,000)	(250,000)	(250,000)	---
Direct, FFB	(295,000)	(295,000)	(295,000)	---
Subtotal, Telecommunications	(690,000)	(690,000)	(690,000)	---
Total, Loan authorizations	(7,790,000)	(6,790,000)	(7,714,286)	(-75,714)
Loan subsidies:				
Electric:				
Guaranteed underwriting	699	---	594	-105
RETLP administrative expenses (transfer to RD)	38,297	39,959	36,382	-1,915
Total, Rural Electrification and Telecommunications Loans Program Account	38,996	39,959	36,976	-2,020
(Loan authorization)	(7,790,000)	(6,790,000)	(7,714,286)	(-75,714)

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Distance learning, telemedicine, and broadband program:				
Loan authorizations:				
Broadband telecommunications	(400,000)	---	(212,014)	(-187,986)
Total, Loan authorizations	(400,000)	---	(212,014)	(-187,986)
Loan subsidies and grants:				
Distance learning and telemedicine:				
Grants	32,435	30,000	21,000	-11,435
Broadband telecommunications:				
Direct	22,276	---	6,000	-16,276
Grants	13,379	17,976	10,372	-3,007
Total, Loan subsidies and grants	68,090	47,976	37,372	-30,718
Total, Rural Utilities Service	635,030	576,913	587,348	-47,682
(Loan authorization)	(9,163,263)	(7,572,000)	(8,719,882)	(-443,381)
Total, Title III, Rural Development Programs	2,430,776	2,201,834	2,250,233	-180,543
(By transfer)	(496,702)	(456,679)	(471,866)	(-24,836)
(Loan authorization)	(35,866,118)	(33,817,638)	(36,146,023)	(+279,905)
TITLE IV - DOMESTIC FOOD PROGRAMS				
Office of the Under Secretary for Food, Nutrition and Consumer Services	811	828	770	-41
Food and Nutrition Service:				
Child nutrition programs	12,042,407	18,770,571	18,150,176	+6,107,769 M
Competitive grants	---	5,000	---	---
School breakfast program grants	---	10,000	1,000	+1,000
Childhood Hunger challenge grants	---	25,000	---	---
Transfer from section 32	5,277,574	---	---	-5,277,574 M
.2 Percent (rescission) (discretionary)	-48	---	---	+48
Total, Child nutrition programs	17,319,933	18,810,571	18,151,176	+831,243
Special supplemental nutrition program for women, infants, and children (WIC)	6,734,027	7,390,100	6,618,497	-115,530
Supplemental nutrition assistance program:				
(Food stamp program)	65,206,790	68,173,308	77,401,722	+12,194,932 M
Reserve	---	5,000,000	3,000,000	+3,000,000 M
Center for Nutrition Policy and Promotion	---	1,500	---	---
Grants to States and technical assistance	---	9,000	---	---
.2 Percent (rescission) (discretionary)	-97	---	---	+97
Total, Food stamp program	65,206,693	73,183,808	80,401,722	+15,195,029
Commodity assistance program:				
Commodity supplemental food program	175,697	176,788	176,788	+1,091
Farmers market nutrition program	19,960	20,000	16,548	-3,412
Emergency food assistance program	49,401	50,000	48,000	-1,401
Pacific island and disaster assistance	1,068	1,081	1,000	-68
IT modernization and support	---	1,750	---	---
Total, Commodity assistance program	246,126	249,619	242,336	-3,790
Nutrition programs administration	147,505	170,471	138,500	-9,005
Total, Food and Nutrition Service	89,654,284	99,804,569	105,552,231	+15,897,947
Total, Title IV, Domestic Food Programs	89,655,095	99,805,397	105,553,001	+15,897,906

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2012
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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS				
Foreign Agricultural Service				
Salaries and expenses	185,628	229,730	176,347	-9,281
(Transfer from export loans)	(6,452)	(6,465)	(6,465)	(+13)
Total, Salaries and expenses	192,080	236,195	182,812	-9,268
Food for Peace Title I Direct Credit and Food for Progress Program Account, Administrative Expenses				
Farm Service Agency, Salaries and expenses (transfer to FSA)	2,806	2,812	2,500	-306
Food for Peace Title II Grants:				
Expenses	1,497,000	1,690,000	1,466,000	-31,000 150
Commodity Credit Corporation Export Loans Program Account (administrative expenses):				
Salaries and expenses (Export Loans):				
General Sales Manager (transfer to FAS)	6,452	6,465	6,465	+13
Farm Service Agency S&E (transfer to FSA)	354	355	355	+1
Total, CCC Export Loans Program Account	6,806	6,820	6,820	+14
McGovern-Dole international food for education and child nutrition program grants	199,101	200,500	184,000	-15,101 150
Total, Title V, Foreign Assistance and Related Programs	1,891,341	2,129,862	1,835,667	-55,674
(By transfer)	(6,452)	(6,465)	(6,465)	(+13)
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION				
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Food and Drug Administration				
Salaries and expenses, direct appropriation	2,447,021	2,730,910	2,497,021	+50,000
Prescription drug user fees	(667,057)	(856,041)	(702,172)	(+35,115)
Medical device user fees	(61,860)	(67,118)	(57,605)	(-4,255)
Animal drug user fees	(19,448)	(21,768)	(21,768)	(+2,320)
Generic animal drug user fees	(5,397)	(5,706)	(5,706)	(+309)
Tobacco product user fees	(450,000)	(477,000)	(477,000)	(+27,000)
Food and Feed Export Certification user fees	---	(12,364)	(12,364)	(+12,364)
Food Reinspection fees	---	(14,700)	(14,700)	(+14,700)
Voluntary qualified importer program fees	---	(36,000)	---	---
Subtotal (including user fees)	(3,650,783)	(4,221,607)	(3,788,336)	(+137,553)
Mammography user fees	(19,318)	(19,318)	(19,318)	---
Export certification user fees	(10,400)	(10,400)	(11,667)	(+1,267)
Voluntary qualified importer program fees	---	---	(71,066)	(+71,066)
Subtotal, FDA (with user fees)	(3,680,501)	(4,251,325)	(3,890,387)	(+209,886)
FDA New User Fees (Leg. proposals):				
Generic drug review user fees	---	(40,122)	---	---
Reinspection fees	---	(14,108)	---	---
International express courier import fees	---	(5,338)	---	---
Subtotal, FDA new user fees (Leg Proposals)	---	(59,568)	---	---
Buildings and facilities	9,980	13,055	8,788	-1,192
Total, FDA (w/user fees, including proposals)	(3,690,481)	(4,323,948)	(3,899,175)	(+208,694)
Total, FDA (w/enacted user fees only)	(3,690,481)	(4,264,380)	(3,899,175)	(+208,694)
Total, FDA (excluding user fees)	2,457,001	2,743,965	2,505,809	+48,808

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2012
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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
INDEPENDENT AGENCIES				
Commodity Futures Trading Commission 1/	202,270	308,000	205,294	+3,024
Financial regulation user fees (leg proposal)	---	(117,000)	---	---
Farm Credit Administration (limitation on administrative expenses)	(59,400)	(62,000)	(61,000)	(+1,600)
Total, Title VI, Related Agencies and Food and Drug Administration	2,659,271	3,051,965	2,711,103	+51,832
TITLE VII - GENERAL PROVISIONS				
Limit fruit and vegetable program (Sec.726(15))	-117,000	-114,478	-133,000	-16,000
Section 32 (rescission) (Sec.726(15))	---	---	-150,000	-150,000
Forestry Incentives program (Sec.722) (rescission)	---	---	-6,017	-6,017
Great Plains Conservation (Sec.722) (rescission)	---	---	-547	-547
Supplemental Nutrition Assistance Program Employment and Training (rescission) (Sec.723)	-15,000	---	-11,000	+4,000
Limit Conservation stewardship (Sec.726(1))	-39,000	-2,000	-76,516	-37,516
Limit Dam Rehab (Sec.726(2))	-165,000	-165,000	-165,000	---
Limit Environmental Quality Incentives program (Sec.726(3))	-350,000	-342,000	-350,000	---
Limit Farmland Protection program (Sec.726(4))	---	---	-50,000	-50,000
Limit Grasslands reserve (Sec.726(5))	---	-50,000	-30,000	-30,000
Limit Wetlands reserve (Sec.726(6))	-119,000	-9,000	-200,000	-81,000
Limit Wildlife habitat incentives (Sec.726(7))	---	-12,000	-35,000	-35,000
Limit Voluntary Public Access program (Sec.726(8))	---	---	-17,000	-17,000
Limit Biomass Crop Assistance program (Sec.726(14))	-134,000	---	-28,000	+106,000
Limit Bioenergy Program for Advanced Biofuels (Sec.726(9))	---	---	-40,000	-40,000
Limit Rural Energy for America (Sec.726(10))	---	---	-48,000	-48,000
Limit Microenterprise investment program (Sec.726(11))	---	---	-3,000	-3,000
Limit Crop Insurance Good Performance (Sec.726(12))	-25,000	---	-25,000	---
Limit Agriculture management assistance (section 1524) (Sec.726(13))	---	-5,000	-5,000	-5,000
Hardwood Trees (Reforestation Pilot Program)(Sec.727)	639	---	600	-39
Geographic Disadvantaged farmers (Sec. 724)	1,996	---	1,996	---
Agricultural Research Service, Buildings and and facilities (rescission)	-229,582	-223,749	---	+229,582
Broadband loan balances (rescission)	-39,000	---	---	+39,000
NIFA, Buildings and Facilities (rescission) (Sec.722)	-1,037	-1,037	-2,490	-1,453
Wildlife Habitat Incentives unobligated (rescission)	---	-10,188	---	---
Water Bank Act unobligated (rescission)	---	-745	---	---
NRCS expired accounts (rescission)	-13,937	---	---	+13,937
Outreach for socially disadvantaged farmers (rescission)	-2,137	---	---	+2,137
Rural community advancement program (rescission)	-993	---	---	+993
Agriculture Marketing Services (rescission)	-717	---	---	+717
Common Computing Environment (rescission)	-3,111	---	---	+3,111
Animal and Plant Health Inspection Service (APHIS) Buildings and Facilities (rescission)	-629	---	---	+629
Agriculture Buildings and Facilities (rescission)	-45,000	---	---	+45,000
Animal and Plant Health Inspection Service (APHIS) (rescission)	-10,887	---	---	+10,887
Broadband grants (rescission)	-25,000	---	---	+25,000
Export credit (rescission)	-331,000	---	---	+331,000
Trade Adjustment Assistance for for Farmers (Sec.729) (rescission)	---	---	-90,000	-90,000
OAO (rescission) (Sec.722)	---	---	-4,000	-4,000

DIVISION A: AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION-AND RELATED AGENCIES - FY 2012
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	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Ocean freight (rescission) (Sec.722)	---	---	-3,235	-3,235
P.L. 480 Title I (rescission) (Sec.722)	---	---	-2,336	-2,336
Foreign Currency Program (rescission) (Sec.722)	---	---	-273	-273
Export credit (rescission) (Sec.722)	---	---	-20,237	-20,237
Water Bank (Sec.748)	---	---	7,500	+7,500
Sec.735:				
Emergency Conservation Program (Disaster Relief)	---	---	122,700	+122,700
Emergency Forest Restoration (Disaster Relief)	---	---	28,400	+28,400
Emergency Watershed Protection (Disaster Relief)	---	---	215,900	+215,900
Total, Title VII, General provisions	-1,664,395	-935,197	-1,118,555	+545,840
Grand total 1/	125,351,558	132,586,780	137,045,667	+11,694,109
Appropriations	(126,276,588)	(133,064,293)	(137,123,802)	(+10,847,214)
Rescissions	(-925,030)	(-477,513)	(-445,135)	(+479,895)
Disaster relief 2/	---	---	(367,000)	(+367,000)
(By transfer)	(831,347)	(799,540)	(790,970)	(-40,377)
(Loan authorization)	(40,517,401)	(38,564,728)	(40,933,113)	(+415,712)
(Limitation on administrative expenses)	(172,847)	(179,101)	(177,101)	(+4,254)

1/ Includes CFTC funding for FY2011 provided in Financial Services and General Government Appropriations Act
2/ Budget Control Act 2011 (Sec.251(b)(2)(D)/PL112-25)

RECAPITULATION

Title I - Agricultural programs	29,490,110	25,433,361	24,970,211	-4,519,899
Mandatory	(22,604,683)	(18,293,475)	(18,293,475)	(-4,311,208)
Discretionary	(6,885,427)	(7,139,886)	(6,676,736)	(-208,691)
Title II - Conservation programs (discretionary)	889,360	899,558	844,007	-45,353
Title III - Rural development (discretionary)	2,430,776	2,201,834	2,250,233	-180,543
Title IV - Domestic food programs	89,655,095	99,805,397	105,553,001	+15,897,906
Mandatory	(82,526,771)	(91,943,879)	(98,551,898)	(+16,025,127)
Discretionary	(7,128,324)	(7,861,518)	(7,001,103)	(-127,221)
Title V - Foreign assistance and related programs (discretionary)	1,891,341	2,129,862	1,835,667	-55,674
Title VI - Related agencies and Food and Drug Administration (discretionary)	2,659,271	3,051,965	2,711,103	+51,832
Title VII - General provisions (discretionary)	-1,664,395	-935,197	-1,118,555	+545,840
Total 1/	125,351,558	132,586,780	137,045,667	+11,694,109

1/ Includes CFTC funding for FY2011 provided in Financial Services and General Government Appropriations Act

DIVISION B - DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF COMMERCE				
International Trade Administration				
Operations and administration	450,106	526,091	465,000	+14,894
Offsetting fee collections	-9,439	-9,439	-9,439	---
Direct appropriation	440,667	516,652	455,561	+14,894
Bureau of Industry and Security				
Operations and administration	68,862	79,845	69,721	+859
Defense function	31,279	31,342	31,279	---
Total, Bureau of Industry and Security	100,141	111,187	101,000	+859
Economic Development Administration				
Economic Development Assistance Programs	245,508	284,300	220,000	-25,508
Disaster relief category	---	---	200,000	+200,000
Subtotal	245,508	284,300	420,000	+174,492
Salaries and expenses	37,924	40,631	37,500	-424
Total, Economic Development Administration	283,432	324,931	457,500	+174,068
Minority Business Development Agency				
Minority Business Development	30,339	32,322	30,339	---
Economic and Statistical Analysis				
Salaries and expenses	97,060	112,937	96,000	-1,060
Bureau of the Census				
Salaries and expenses	258,506	272,054	253,336	-5,170
Periodic censuses and programs	891,214	752,711	635,000	-256,214
Total, Bureau of the Census	1,149,720	1,024,765	888,336	-261,384
National Telecommunications and Information Administration				
Salaries and expenses	40,568	55,827	45,568	+5,000
Public Telecommunications Facilities, Planning and Construction	1,000	---	---	-1,000
Total, National Telecommunications and Information Administration	41,568	55,827	45,568	+4,000
United States Patent and Trademark Office				
Salaries and expenses, current year fee funding	2,090,000	2,678,000	2,678,000	+588,000
Offsetting fee collections	-2,090,000	-2,678,000	-2,678,000	-588,000
Total, United States Patent and Trademark Office	---	---	---	---
National Institute of Standards and Technology				
Scientific and Technical Research and Services	506,984	678,943	567,000	+60,016
(transfer out)	(-9,000)	(-9,000)	(-9,000)	---
Industrial Technology Services	173,253	237,622	128,443	-44,810
Manufacturing extension partnerships	(128,443)	(142,616)	(128,443)	---
Technology innovation program	(44,810)	(74,973)	---	(-44,810)
Baldrige performance excellence program	---	(7,727)	---	---
Advanced manufacturing technology consortia	---	(12,306)	---	---
Construction of research facilities	69,860	84,565	55,381	-14,479
Working Capital Fund (by transfer)	(9,000)	(9,000)	(9,000)	---
Total, National Institute of Standards and Technology	750,097	1,001,130	750,824	+727

DIVISION B - DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
National Oceanic and Atmospheric Administration				
Operations, Research, and Facilities	3,179,511	3,377,607	3,022,231	-157,280
(by transfer)	(90,239)	(66,200)	(109,098)	(+18,859)
Promote and Develop Fund (transfer out)	(-90,239)	(-66,200)	(-109,098)	(-18,859)
Coastal zone management transfer	3,000	---	---	-3,000
Subtotal	3,182,511	3,377,607	3,022,231	-160,280
Procurement, Acquisition and Construction	1,332,682	2,052,777	1,817,094	+484,412
Pacific Coastal Salmon Recovery	79,840	65,000	65,000	-14,840
Fishermen's Contingency Fund	---	350	350	+350
Coastal Zone Management Fund	-1,000	---	---	+1,000
Fisheries Finance Program Account	-6,000	-10,000	-11,000	-5,000
Fisheries Enforcement Asset Forfeiture Fund	---	8,000	8,000	+8,000
Offsetting receipts	---	-8,000	-8,000	-8,000
Sanctuaries Enforcement Asset Forfeiture Fund	---	1,000	1,000	+1,000
Offsetting receipts	---	-1,000	-1,000	-1,000
Total, National Oceanic and Atmospheric Administration	4,588,033	5,485,734	4,893,675	+305,642
Departmental Management				
Salaries and expenses	57,884	64,871	57,000	-884
Renovation and Modernization	14,970	16,150	5,000	-9,970
Office of Inspector General	26,946	33,520	26,946	---
Enterprise cybersecurity monitoring and operations	---	22,612	---	---
Total, Departmental Management	99,800	137,153	88,946	-10,854
Total, title I, Department of Commerce	7,580,857	8,802,638	7,807,749	+226,892
Appropriations	(7,580,857)	(8,802,638)	(7,607,749)	(+26,892)
Disaster relief category	---	---	(200,000)	(+200,000)
(by transfer)	99,239	75,200	118,098	+18,859
(transfer out)	-99,239	-75,200	-118,098	-18,859
TITLE II - DEPARTMENT OF JUSTICE				
General Administration				
Salaries and expenses	118,251	134,225	110,822	-7,429
National Drug Intelligence Center	33,955	25,000	20,000	-13,955
Justice Information Sharing Technology	60,164	54,307	44,307	-15,857
Tactical Law Enforcement Wireless Communications	99,800	102,751	87,000	-12,800
Total, General Administration	312,170	316,283	262,129	-50,041
Administrative review and appeals	300,084	332,583	305,000	+4,916
Transfer from immigration examinations fee account	-4,000	-4,000	-4,000	---
Direct appropriation	296,084	328,583	301,000	+4,916
Detention Trustee	1,515,626	1,595,360	1,580,595	+64,969
Office of Inspector General	84,199	85,057	84,199	---
United States Parole Commission				
Salaries and expenses	12,833	13,213	12,833	---
Legal Activities				
Salaries and expenses, general legal activities	863,367	955,391	863,367	---
Vaccine Injury Compensation Trust Fund	7,833	7,833	7,833	---
Salaries and expenses, Antitrust Division	162,844	166,221	159,587	-3,257
Offsetting fee collections - current year	-96,000	-108,000	-108,000	-12,000
Direct appropriation	66,844	58,221	51,587	-15,257
Salaries and expenses, United States Attorneys	1,930,135	1,995,149	1,960,000	+29,865
United States Trustee System Fund	218,811	234,115	223,258	+4,447
Offsetting fee collections	-214,250	-234,115	-223,258	-9,008
Direct appropriation	4,561	---	---	-4,561

DIVISION B - DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Salaries and expenses, Foreign Claims Settlement Commission	2,113	2,124	2,000	-113
Fees and expenses of witnesses	270,000	270,000	270,000	---
Salaries and expenses, Community Relations Service	11,456	12,967	11,456	---
Assets Forfeiture Fund	20,948	20,990	20,948	---
Total, Legal Activities	3,177,257	3,322,675	3,187,191	+9,934
United States Marshals Service				
Salaries and expenses	1,123,511	1,243,570	1,174,000	+50,489
Construction	16,592	15,625	15,000	-1,592
Total, United States Marshals Service	1,140,103	1,259,195	1,189,000	+48,897
National Security Division				
Salaries and expenses	87,762	87,882	87,000	-762
Interagency Law Enforcement				
Interagency Crime and Drug Enforcement	527,512	540,966	527,512	---
Federal Bureau of Investigation				
Salaries and expenses	3,385,216	3,358,000	3,376,000	-9,216
Overseas contingency operations (emergency)	101,066	---	---	-101,066
Counterintelligence and national security	4,332,873	4,636,991	4,660,991	+328,118
Subtotal	7,819,155	7,994,991	8,036,991	+217,836
Construction	107,095	80,982	80,982	-26,113
Total, Federal Bureau of Investigation	7,926,250	8,075,973	8,117,973	+191,723
Drug Enforcement Administration				
Salaries and expenses	2,305,947	2,354,114	2,347,000	+41,053
Diversion control fund	-290,304	-322,000	-322,000	-31,696
Subtotal	2,015,643	2,032,114	2,025,000	+9,357
Construction	---	10,000	10,000	+10,000
Total, Drug Enforcement Administration	2,015,643	2,042,114	2,035,000	+19,357
Bureau of Alcohol, Tobacco, Firearms and Explosives				
Salaries and expenses	1,112,542	1,147,295	1,152,000	+39,458
Federal Prison System				
Salaries and expenses	6,282,410	6,724,266	6,551,281	+268,871
Buildings and facilities	98,957	99,394	90,000	-8,957
Limitation on administrative expenses, Federal Prison Industries, Incorporated	2,700	2,700	2,700	---
Total, Federal Prison System	6,384,067	6,826,360	6,643,981	+259,914
State and Local Law Enforcement Activities				
Office on Violence Against Women:				
Prevention and prosecution programs	417,663	431,750	412,500	-5,163
Salaries and expenses (by transfer)	---	(23,148)	---	---
Subtotal	417,663	454,898	412,500	-5,163
Office of Justice Programs:				
Research, evaluation and statistics	234,530	178,500	113,000	-121,530
State and local law enforcement assistance	1,117,845	1,173,500	1,162,500	+44,655
Juvenile justice programs	275,423	280,000	262,500	-12,923
Salaries and expenses	---	271,833	---	---
(transfer out)	---	(-63,478)	---	---
Subtotal	---	208,355	---	---

DIVISION B - DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Public safety officer benefits:				
Death benefits	61,000	62,000	62,000	+1,000
Disability and education benefits	9,082	16,300	16,300	+7,218
Subtotal	70,082	78,300	78,300	+8,218
Total, Office of Justice Programs	1,697,880	1,918,655	1,616,300	-81,580
Community Oriented Policing Services:				
COPS programs	494,933	669,500	198,500	-296,433
Salaries and expenses (by transfer)	---	(40,330)	---	---
Subtotal	494,933	709,830	198,500	-296,433
OJP, OVW, COPS Salaries and expenses	186,626	---	---	-186,626
Total, State and Local Law Enforcement Activities	2,797,102	3,083,383	2,227,300	-569,802
Total, title II, Department of Justice	27,389,150	28,724,339	27,407,713	+18,563
Appropriations	(27,288,084)	(28,724,339)	(27,407,713)	(+119,629)
Emergency appropriations	(101,066)	---	---	(-101,066)
(by transfer)	---	63,478	---	---
(transfer out)	---	-63,478	---	---
TITLE III - SCIENCE				
Office of Science and Technology Policy	6,647	6,650	4,500	-2,147
National Aeronautics and Space Administration				
Science	4,935,409	5,016,800	5,090,000	+154,591
Aeronautics	533,930	569,400	569,900	+35,970
Space Technology	---	1,024,200	575,000	+575,000
Exploration	3,800,683	3,948,700	3,770,800	-29,883
Space Operations	5,497,483	4,346,900	4,233,600	-1,263,883
Education	145,508	138,400	138,400	-7,108
Cross-agency Support	3,105,177	3,192,000	2,995,000	-110,177
Construction and environmental compliance and restoration	393,511	450,400	390,000	-3,511
Office of Inspector General	36,327	37,500	37,300	+973
Total, National Aeronautics and Space Administration	18,448,028	18,724,300	17,800,000	-648,028
National Science Foundation				
Research and related activities	5,496,011	6,185,540	5,651,000	+154,989
Defense function	67,864	68,000	68,000	+136
Subtotal	5,563,875	6,253,540	5,719,000	+155,125
Major Research Equipment and Facilities Construction	117,055	224,680	167,055	+50,000
Education and Human Resources	861,034	911,200	829,000	-32,034
Agency Operations and Award Management	299,400	357,740	299,400	---
Office of the National Science Board	4,531	4,840	4,440	-91
Office of Inspector General	13,972	15,000	14,200	+228
Total, National Science Foundation	6,859,867	7,767,000	7,033,095	+173,228
Total, title III, Science	25,314,542	26,497,950	24,837,595	-476,947
TITLE IV - RELATED AGENCIES				
Commission on Civil Rights				
Salaries and expenses	9,381	9,429	9,193	-188
Equal Employment Opportunity Commission				
Salaries and expenses	366,568	385,520	360,000	-6,568
State and local assistance	---	---	---	---
Total, Equal Employment Opportunity Commission	366,568	385,520	360,000	-6,568

DIVISION B - DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
International Trade Commission				
Salaries and expenses	81,696	87,000	80,000	-1,696
Payment to the Legal Services Corporation				
Salaries and expenses	404,190	450,000	348,000	-56,190
Marine Mammal Commission				
Salaries and expenses	3,243	3,025	3,025	-218
Office of the U.S. Trade Representative				
Salaries and expenses	47,730	51,251	51,251	+3,521
State Justice Institute				
Salaries and expenses	5,121	5,131	5,121	---
Total, title IV, Related Agencies	917,929	991,356	856,590	-61,339
TITLE V - RESCISSIONS				
Emergency steel, oil gas guarantees prgm (rescission)	-48,000	-43,064	-700	+47,300
NTIA, Information Infrastructure grants (rescission)	---	-2,000	-2,000	-2,000
NTIA, Public Telecommunications Facilities, Planning and Construction	---	---	-2,750	-2,750
NTIA, Spectrum Fund (rescission)	-4,800	---	---	+4,800
Bureau of the Census (rescission)	-1,740,000	---	---	+1,740,000
Census, Working capital fund (rescission)	-50,000	---	---	+50,000
Foreign Fishing Observer Fund (rescission)	---	-350	-350	-350
Digital TV Transition Public Safety Fund (rescission)	---	-4,300	-4,300	-4,300
DOJ, Working Capital Fund (rescission)	-26,000	-40,000	-40,000	-14,000
DOJ, Assets Forfeiture Fund (rescission)	-495,000	-620,000	-675,000	-180,000
US Marshals Service,salaries and expenses (rescission)	---	-7,200	-2,200	-2,200
DEA, Salaries and expenses (rescission)	---	-30,000	-10,000	-10,000
FPS, Buildings and facilities (rescission)	---	-35,000	-45,000	-45,000
Office of Justice programs (rescission)	-42,000	-42,600	-55,000	-13,000
Community oriented policing services (rescission)	-10,200	-10,200	-23,605	-13,405
Violence against women prevention and prosecution programs (rescission)	---	-5,000	-15,000	-15,000
NASA (rescission)	---	---	-30,000	-30,000
Total, title V, Rescissions	-2,416,000	-839,714	-905,905	+1,510,095
Grand total	58,786,478	64,176,569	60,003,742	+1,217,264
Appropriations	(61,101,412)	(65,016,283)	(60,709,647)	(-391,765)
Rescissions	(-2,416,000)	(-839,714)	(-905,905)	(+1,510,095)
Emergency appropriations	(101,066)	---	---	(-101,066)
Disaster relief category	---	---	(200,000)	(+200,000)
(by transfer)	99,239	138,678	118,098	+18,859
(transfer out)	-99,239	-138,678	-118,098	-18,859

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF TRANSPORTATION				
Office of the Secretary				
Salaries and expenses	102,481	118,842	102,481	---
Immediate Office of the Secretary	(2,626)	---	(2,618)	(-8)
Immediate Office of the Deputy Secretary	(984)	---	(984)	---
Office of the General Counsel	(20,318)	---	(19,515)	(-803)
Office of the Under Secretary of Transportation for Policy	(11,078)	---	(10,107)	(-971)
Office of the Assistant Secretary for Budget and Programs	(10,538)	---	(10,538)	---
Office of the Assistant Secretary for Governmental Affairs	(2,499)	---	(2,500)	(+1)
Office of the Assistant Secretary for Administration	(25,469)	---	(25,469)	---
Office of Public Affairs	(2,051)	---	(2,020)	(-31)
Office of the Executive Secretariat	(1,655)	---	(1,595)	(-60)
Office of Small and Disadvantaged Business Utilization	(1,496)	---	(1,369)	(-127)
Office of Intelligence, Security, and Emergency Response	(10,579)	---	(10,778)	(+199)
Office of the Chief Information Officer	(13,189)	---	(14,988)	(+1,799)
Subtotal	102,481	118,842	102,481	---
National infrastructure investments	526,944	---	500,000	-26,944
Multi-year investment initiative	---	2,000,000	---	---
Livable communities initiative	---	10,000	---	---
Financial management capital	4,990	17,000	4,990	---
Cyber security initiatives	---	---	10,000	+10,000
Office of Civil Rights	9,648	9,661	9,384	-264
Transportation planning, research, and development	9,799	9,824	9,000	-799
Working capital fund	(147,301)	(192,000)	(172,000)	(+24,699)
Minority business resource center program	921	922	922	+1
(Limitation on guaranteed loans)	(18,330)	(18,367)	(18,367)	(+37)
Minority business outreach	3,068	3,100	3,068	---
Payments to air carriers (Airport & Airway Trust Fund)	149,700	123,254	143,000	-6,700
Rescission of excess compensation for general aviation operations (Sec. 106)	---	-3,000	-3,254	-3,254
Total, Office of the Secretary	807,551	2,289,603	779,591	-27,960
National infrastructure bank (investment initiative)	---	5,000,000	---	---
Federal Aviation Administration				
Operations	9,513,962	9,823,000	9,653,395	+139,433
Air traffic organization	(7,473,299)	---	(7,442,738)	(-30,561)
Aviation safety	(1,253,020)	---	(1,252,991)	(-29)
Commercial space transportation	---	---	(16,271)	(+16,271)
Finance and management	---	---	(582,117)	(+582,117)
Human resources programs	---	---	(98,858)	(+98,858)
Staff offices	---	---	(200,286)	(+200,286)
NextGen	---	---	(60,134)	(+60,134)
Facilities & equipment (Airport & Airway Trust Fund)	2,730,731	2,870,000	2,730,731	---
Multi-year investment initiative	---	250,000	---	---
Research, engineering, and development (Airport & Airway Trust Fund	169,660	190,000	167,556	-2,104
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization)	(3,550,000)	(3,600,000)	(3,435,000)	(-115,000)
(Limitation on obligations)	(3,515,000)	(3,515,000)	(3,350,000)	(-165,000)
Administration	(93,422)	(101,000)	(101,000)	(+7,578)
Airport Cooperative Research Program	(15,000)	(15,000)	(15,000)	---
Airport technology research	(22,472)	(29,250)	(29,250)	(+6,778)
Small community air service development program	(6,000)	---	(6,000)	---
Multi-year investment initiative	---	(3,100,000)	---	---

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Aviation insurance revolving fund (Sec. 115)	---	-1,000	---	---
Total, Federal Aviation Administration	12,414,353	13,132,000	12,551,682	+137,329
(Limitations on obligations)	(3,515,000)	(3,515,000)	(3,350,000)	(-165,000)
Total budgetary resources	(15,929,353)	(16,647,000)	(15,901,682)	(-27,671)
Federal Highway Administration				
Limitation on administrative expenses	(413,533)	(437,172)	(412,000)	(-1,533)
Federal-aid highways (Highway Trust Fund):				
(Liquidation of contract authorization)	(41,846,000)	(70,414,000)	(39,882,583)	(-1,963,417)
(Limitation on obligations)	(41,107,000)	(42,025,000)	(39,143,583)	(-1,963,417)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---
Multi-year investment initiative	---	(27,650,000)	---	---
Emergency relief (disaster relief category)	---	---	1,662,000	+1,662,000
Rescission of contract authority (Highway Trust Fund)	-2,500,000	---	---	+2,500,000
Rescission of old demos	-630,000	-630,000	---	+630,000
Total, Federal Highway Administration	-3,130,000	-630,000	1,662,000	+4,792,000
Appropriations	---	---	---	---
Rescissions of contract authority	(-3,130,000)	(-630,000)	---	(+3,130,000)
(Limitations on obligations)	(41,107,000)	(69,675,000)	(39,143,583)	(-1,963,417)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---
Total budgetary resources	(38,716,000)	(69,784,000)	(41,544,583)	(+2,828,583)
Federal Motor Carrier Safety Administration				
Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization)	(245,000)	(276,000)	(247,724)	(+2,724)
(Limitation on obligations)	(245,000)	(276,000)	(247,724)	(+2,724)
Motor carrier safety grants (Highway Trust Fund)				
(Liquidation of contract authorization)	(310,070)	(330,000)	(307,000)	(-3,070)
(Limitation on obligations)	(310,070)	(330,000)	(307,000)	(-3,070)
CVISN contract authority (Sec. 131)	---	---	1,000	+1,000
Rescission of contract authority	---	---	-1,000	-1,000
Total, Federal Motor Carrier Safety Administration	---	---	---	---
(Limitations on obligations)	(555,070)	(606,000)	(554,724)	(-346)
National Highway Traffic Safety Administration				
Operations and research (general fund)	140,146	---	140,146	---
Vehicle safety	---	170,709	---	---
Operations and research (Highway Trust Fund)				
(Liquidation of contract authorization)	(105,500)	(133,191)	(109,500)	(+4,000)
(Limitation on obligations)	(105,500)	(133,191)	(109,500)	(+4,000)
National driver register (Highway Trust Fund)				
(Liquidation of contract authorization)	(4,000)	---	---	(-4,000)
(Limitation on obligations)	(4,000)	---	---	(-4,000)
National driver register modernization	3,343	---	---	-3,343
Highway traffic safety grants (Highway Trust Fund)				
(Liquidation of contract authorization)	(619,500)	(556,100)	(550,328)	(-69,172)
(Limitation on obligations)	(619,500)	(556,100)	(550,328)	(-69,172)
Highway safety programs (23 USC 402)	(235,000)	(235,000)	(235,000)	---
Occupant protection incentive grants(23 USC 405)	(25,000)	(35,000)	(25,000)	---
Safety belt performance grants (23 USC 406)	(124,500)	---	(48,500)	(-76,000)
Distracted driving prevention	---	(50,000)	---	---
State traffic safety information system improvement(23 USC 408)	(34,500)	(34,500)	(34,500)	---
Impaired driving countermeasures (23 USC 410)	(139,000)	(139,000)	(139,000)	---
Grant administration	(18,500)	(18,600)	(25,328)	(+6,828)
High visibility enforcement	(29,000)	(37,000)	(29,000)	---
Child safety and booster seat grants	(7,000)	---	(7,000)	---
Motorcyclist safety	(7,000)	(7,000)	(7,000)	---

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Rescission of contract authority	-76,000	---	---	+76,000
Total, National Highway Traffic Safety Admin.	67,489	170,709	140,146	+72,657
Appropriations	(143,489)	---	(140,146)	(-3,343)
Rescissions of contract authority	(-76,000)	---	---	(+76,000)
(Limitations on obligations)	(729,000)	(689,291)	(659,828)	(-69,172)
Total budgetary resources	(796,489)	(860,000)	(799,974)	(+3,485)
Federal Railroad Administration				
Safety and operations	176,596	223,034	178,596	+2,000
Offsetting fee collections	---	-40,000	---	---
Subtotal	176,596	183,034	178,596	+2,000
Railroad research and development	35,030	40,000	35,000	-30
Rail line relocation and improvement program	10,511	---	---	-10,511
System preservation	---	1,546,000	---	---
Multi-year investment initiative	---	2,500,000	---	---
Subtotal	---	4,046,000	---	---
Network Development	---	1,000,000	---	---
Multi-year investment initiative	---	3,000,000	---	---
Subtotal	---	4,000,000	---	---
Capital assistance for high speed rail corridors and intercity passenger rail service	---	---	---	---
Rescission	-400,000	---	---	+400,000
National Railroad Passenger Corporation:				
Operating grants to the National Railroad Passenger Corporation	561,874	---	466,000	-95,874
Capital and debt service grants to the National Railroad Passenger Corporation	921,778	---	952,000	+30,222
Subtotal	1,483,652	---	1,418,000	-65,652
Total, Federal Railroad Administration	1,305,789	8,269,034	1,631,596	+325,807
Federal Transit Administration				
Administrative expenses	98,713	---	98,713	---
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)	(9,400,000)	---	(9,400,000)	---
(Limitation on obligations)	(8,343,171)	---	(8,360,565)	(+17,394)
Research and technology deployment	---	166,472	---	---
Transit Formula Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)	---	(10,000,000)	---	---
(Limitation on obligations)	---	(4,691,986)	---	---
Multi-year investment initiative	---	(3,000,000)	---	---
Transit expansion and livable communities (liquidation of contract authorization)	---	(600,000)	---	---
(limitation on obligations)	---	(233,514)	---	---
Capital investment grants	---	2,235,556	---	---
Multi-year investment initiative	---	1,000,000	---	---
Subtotal	---	3,235,556	---	---
Operations and safety	---	166,294	---	---
Administrative programs	---	(129,700)	---	---
Rail transit safety programs	---	(36,594)	---	---
Research and University Research Centers	58,882	---	44,000	-14,882
Bus and rail state of good repair (liquidation of contract authorization)	---	(3,000,000)	---	---
(limitation on obligations)	---	(3,207,178)	---	---
Multi-year investment initiative	---	(7,500,000)	---	---
Capital investment grants	1,596,800	---	1,955,000	+358,200

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Energy efficiency and greenhouse gas reduction grants.	49,900	---	---	-49,900
Rescission	-280,000	---	-58,500	+221,500
Washington Metropolitan Area Transit Authority capital and preventive maintenance	149,700	150,000	150,000	+300
Total, Federal Transit Administration	1,673,995	3,718,322	2,189,213	+515,218
(Limitations on obligations)	(8,343,171)	(18,632,678)	(8,360,565)	(+17,394)
Total budgetary resources	(10,017,166)	(22,351,000)	(10,549,778)	(+532,612)
Saint Lawrence Seaway Development Corporation				
Operations and maintenance (Harbor Maintenance Trust Fund)	32,259	33,996	32,259	---
Maritime Administration				
Maritime security program	173,652	174,000	174,000	+348
Operations and training	151,446	161,539	156,258	+4,812
Rescission	---	---	-980	-980
Ship disposal	14,970	18,500	5,500	-9,470
Assistance to small shipyards	9,980	---	9,980	---
Maritime Guaranteed Loan (Title XI) Program Account:				
Administrative expenses	3,992	3,740	3,740	-252
Rescission	---	-54,100	-35,000	-35,000
Guaranteed loans subsidy	4,990	---	---	-4,990
Subtotal	8,982	-50,360	-31,260	-40,242
Total, Maritime Administration	359,030	303,679	313,498	-45,532
Pipeline and Hazardous Materials Safety Administration				
Administrative expenses:				
General Fund	21,454	21,519	20,721	-733
Pipeline Safety Fund	638	639	639	+1
Pipeline Safety information grants to communities.	(998)	(1,000)	(1,000)	(+2)
Subtotal	22,092	22,158	21,360	-732
Hazardous materials safety	39,020	50,089	42,338	+3,318
Offsetting collections (legislative proposal)	---	-12,000	---	---
Subtotal	39,020	38,089	42,338	+3,318
Pipeline safety:				
Pipeline Safety Fund	87,838	93,854	90,679	+2,841
Oil Spill Liability Trust Fund	18,867	21,510	18,573	-294
Pipeline Safety Design Review Fund (leg proposal).	---	4,000	---	---
Pipeline Safety Special Permit Fund (leg proposal)	---	500	---	---
Pipeline safety user fees	-88,014	-94,493	-91,318	-3,304
Additional Pipeline user fees (leg proposal)	---	-6,000	---	---
Subtotal	18,691	19,371	17,934	-757
Emergency preparedness grants:				
Limitation on emergency preparedness fund	(28,318)	(28,318)	(28,318)	---
(Emergency preparedness fund)	(188)	(188)	(188)	---
Total, Pipeline and Hazardous Materials Safety Administration	79,803	79,618	81,632	+1,829
Research and Innovative Technology Administration				
Research and development	12,981	17,600	15,981	+3,000
Office of Inspector General				
Salaries and expenses	74,964	89,185	79,624	+4,660

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Surface Transportation Board				
Salaries and expenses	29,010	31,250	29,310	+300
Offsetting collections	-1,250	-1,250	-1,250	---
Total, Surface Transportation Board	27,760	30,000	28,060	+300
Total, title I, Department of Transportation	13,725,974	32,503,746	19,505,282	+5,779,308
Appropriations	(17,611,974)	(33,190,846)	(17,942,016)	(+330,042)
Rescissions	(-680,000)	(-57,100)	(-97,734)	(+582,266)
Disaster relief category	---	---	(1,662,000)	(+1,662,000)
Rescissions of contract authority	(-3,206,000)	(-630,000)	(-1,000)	(+3,205,000)
(Limitations on obligations)	(54,249,241)	(96,217,969)	(52,068,700)	(-2,180,541)
Total budgetary resources	(67,975,215)	(128,721,715)	(71,573,982)	(+3,598,767)
TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Management and Administration				
Executive direction	26,801	30,408	---	-26,801
Administration, operations and management	523,990	530,117	537,789	+13,799
Program Office Salaries and Expenses:				
Public and Indian Housing	188,696	189,610	200,000	+11,304
Community Planning and Development	96,795	99,815	100,000	+3,205
Housing	381,123	397,660	391,500	+10,377
Policy Development and Research	19,100	21,390	22,211	+3,111
Fair Housing and Equal Opportunity	71,656	70,733	72,600	+944
Office of Healthy Homes and Lead Hazard Control	7,137	7,167	7,400	+263
Office of Sustainable Housing and Communities	---	3,100	---	---
Subtotal	764,507	789,475	793,711	+29,204
Total, Management and Administration	1,315,298	1,350,000	1,331,500	+16,202
Public and Indian Housing				
Tenant-based rental assistance:				
Renewals	16,669,283	17,143,837	17,242,351	+573,068
Tenant protection vouchers	109,780	75,000	75,000	-34,780
Administrative fees	1,447,100	1,647,780	1,350,000	-97,100
Family self-sufficiency coordinators	59,880	60,000	60,000	+120
Veterans affairs supportive housing	49,900	75,000	75,000	+25,100
Sec. 811 Mainstream voucher renewals	34,930	114,046	112,018	+77,088
Disaster housing assistance program	---	50,000	---	---
Homeless vouchers demonstration program	---	56,906	---	---
Subtotal (available this fiscal year)	18,370,873	19,222,569	18,914,369	+543,496
Advance appropriations	4,000,000	4,000,000	4,000,000	---
Less appropriations from prior year advances	-3,992,000	-4,000,000	-4,000,000	-8,000
Total, Tenant-based rental assistance appropriated in this bill	18,378,873	19,222,569	18,914,369	+535,496
Transforming rental assistance demonstration program	---	200,000	---	---
Public Housing Capital Fund	2,040,112	2,405,345	1,875,000	-165,112
Public Housing Operating Fund	4,616,748	3,961,850	3,961,850	-654,898
Revitalization of severely distressed public housing	99,800	---	---	-99,800
Choice neighborhoods	---	250,000	120,000	+120,000
Native American housing block grants	648,700	700,000	650,000	+1,300
Native Hawaiian housing block grant	12,974	10,000	13,000	+26
Indian housing loan guarantee fund program account	6,986	7,000	6,000	-986
(Limitation on guaranteed loans)	(919,000)	(428,000)	(360,000)	(-559,000)
Native Hawaiian loan guarantee fund program account	1,042	---	386	-656
(Limitation on guaranteed loans)	(41,504)	---	(41,504)	---
Housing Certificate Fund	---	50,000	---	---
Rescission	---	-50,000	-200,000	-200,000
Total, Public and Indian Housing	25,805,235	26,756,764	25,340,605	-464,630

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Community Planning and Development				
Housing opportunities for persons with AIDS	334,330	335,000	332,000	-2,330
Community development fund	3,500,984	3,781,368	2,948,090	-552,894
Indian CDBG	---	---	60,000	+60,000
Disaster relief	---	---	300,000	+300,000
(Disaster relief category)	---	---	100,000	+100,000
Subtotal	3,500,984	3,781,368	3,408,090	-92,894
Community development loan guarantees (Section 108):				
(Limitation on guaranteed loans)	(275,000)	(500,000)	(240,000)	(-35,000)
Credit subsidy	5,988	---	5,952	-36
HOME investment partnerships program	1,606,780	1,650,000	1,000,000	-606,780
Self-help and assisted homeownership opportunity program	81,836	---	53,500	-28,336
Capacity building	---	50,000	---	---
Homeless assistance grants	1,901,190	2,372,000	1,901,190	---
Total, Community Planning and Development	7,431,108	8,188,368	6,700,732	-730,376
Housing Programs				
Project-based rental assistance:				
Renewals	8,932,100	9,139,672	9,050,672	+118,572
Contract administrators	325,348	289,000	289,000	-36,348
Subtotal (available this fiscal year)	9,257,448	9,428,672	9,339,672	+82,224
Advance appropriations	400,000	400,000	400,000	---
Less appropriations from prior year advances	-392,885	-400,000	-400,000	-7,115
Total, Project-based rental assistance appropriated in this bill	9,264,563	9,428,672	9,339,672	+75,109
Housing for the elderly	399,200	757,000	374,627	-24,573
Housing for persons with disabilities	149,700	196,000	165,000	+15,300
Housing counseling assistance	---	88,000	45,000	+45,000
Rental housing assistance	39,920	15,733	1,300	-38,620
Rent supplement (rescission)	-40,600	-6,600	-231,600	-191,000
Manufactured housing fees trust fund	15,982	14,000	6,500	-9,482
Offsetting collections	-7,000	-7,000	-4,000	+3,000
Subtotal	8,982	7,000	2,500	-6,482
Total, Housing Programs	9,821,765	10,485,805	9,696,499	-125,266
Appropriations	(9,869,365)	(10,499,405)	(9,932,099)	(+62,734)
Rescissions	(-40,600)	(-6,600)	(-231,600)	(-191,000)
Offsetting collections	(-7,000)	(-7,000)	(-4,000)	(+3,000)
Federal Housing Administration				
FHA - Mutual mortgage insurance program account:				
(Limitation on guaranteed loans)	(399,200,000)	(400,000,000)	(400,000,000)	(+800,000)
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---
Offsetting receipts	-960,000	-4,427,000	-4,427,000	-3,467,000
Proposed offsetting receipts (HECM)(Sec. 210)	---	-286,000	-286,000	-286,000
Additional offsetting receipts	-2,076,000	---	---	+2,076,000
Additional offsetting receipts (Sec. 145)	-35,000	---	---	+35,000
Additional offsetting receipts (Sec. 238)	---	---	-59,000	-59,000
Administrative contract expenses	206,586	230,000	207,000	+414
Working capital fund (transfer out)	---	(-72,000)	(-71,500)	(-71,500)
FHA - General and special risk program account:				
(Limitation on guaranteed loans)	(20,000,000)	(25,000,000)	(25,000,000)	(+5,000,000)
(Limitation on direct loans)	(20,000)	(20,000)	(20,000)	---
Offsetting receipts	-315,000	-400,000	-400,000	-85,000
Credit subsidy	8,583	8,600	---	-8,583
Total, Federal Housing Administration	-3,170,831	-4,874,400	-4,965,000	-1,794,169

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Government National Mortgage Association (GNMA)				
Guarantees of mortgage-backed securities loan guarantee program account:				
(Limitation on guaranteed loans)	(500,000,000)	(500,000,000)	(500,000,000)	---
Administrative expenses (legislative proposal)	11,073	30,000	19,500	+8,427
Offsetting receipts (legislative proposal)	---	-100,000	-100,000	-100,000
Offsetting receipts	-720,000	-521,000	-521,000	+199,000
Offsetting receipts (Sec. 145)	-9,000	---	---	+9,000
Offsetting receipts (Sec. 238)	---	---	-5,000	-5,000
Proposed offsetting receipts (HECM) (Sec. 210)	---	-24,000	-24,000	-24,000
Total, Gov't National Mortgage Association	-717,927	-615,000	-630,500	+87,427
Policy Development and Research				
Research and technology	47,904	57,000	46,000	-1,904
Fair Housing and Equal Opportunity				
Fair housing activities	71,856	72,000	70,847	-1,009
Office of Lead Hazard Control and Healthy Homes				
Lead hazard reduction	119,760	140,000	120,000	+240
Office of Sustainable Housing and Communities				
Sustainable Housing Initiative	---	150,000	---	---
Management and Administration				
Working capital fund	199,600	243,000	199,035	-565
(By transfer)	---	(72,000)	(71,500)	(+71,500)
Office of Inspector General	124,750	126,455	124,000	-750
Transformation initiative	70,858	---	50,000	-20,858
Total, Management and Administration	395,208	369,455	373,035	-22,173
(Grand total, Management and Administration)	(1,710,506)	(1,719,455)	(1,704,535)	(-5,971)
General Provisions				
Rescission of prior year advance (Sec. 236)	---	---	-650,000	-650,000
Total, title II, Department of Housing and Urban Development	41,119,376	42,079,992	37,433,718	-3,685,658
Appropriations	(40,881,976)	(43,501,592)	(39,841,318)	(-1,040,658)
Rescissions	(-40,600)	(-56,600)	(-431,600)	(-391,000)
Advance appropriations	(4,400,000)	(4,400,000)	(4,400,000)	---
Rescissions of prior year advances	---	---	(-650,000)	(-650,000)
Offsetting receipts	(-4,115,000)	(-5,758,000)	(-5,822,000)	(-1,707,000)
Offsetting collections	(-7,000)	(-7,000)	(-4,000)	(+3,000)
(by transfer)	---	72,000	71,500	+71,500
(transfer out)	---	-72,000	-71,500	-71,500
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)	---
(Limitation on guaranteed loans)	(920,435,504)	(925,928,000)	(925,641,504)	(+5,206,000)
TITLE III - OTHER INDEPENDENT AGENCIES				
Access Board	7,285	7,400	7,400	+115
Federal Maritime Commission	24,087	26,265	24,100	+13
Amtrak Office of Inspector General	19,311	22,000	20,500	+1,189
National Transportation Safety Board				
Salaries and expenses	97,854	102,400	102,400	+4,546
Neighborhood Reinvestment Corporation	232,734	215,300	215,300	-17,434
United States Interagency Council on Homelessness	2,675	3,880	3,300	+625
Fannie Mae/Freddie Mac (Sec. 146)	155,000	---	---	-155,000
Total, title III, Other Independent Agencies	538,946	377,245	373,000	-165,946

DIVISION C - DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT
AND RELATED AGENCIES, FY 2012 (H.R. 2112)
(Amounts in thousands)

	FY 2011 Enacted	FY 2012 Request	Conference	Conference vs. Enacted
Grand total (net)	55,384,296	74,960,983	57,312,000	+1,927,704
Appropriations	(59,032,896)	(77,069,683)	(58,156,334)	(-876,562)
Rescissions	(-720,600)	(-113,700)	(-529,334)	(+191,266)
Disaster relief category	---	---	(1,762,000)	(+1,762,000)
Rescissions of contract authority	(-3,206,000)	(-630,000)	(-1,000)	(+3,205,000)
Advance appropriations	(4,400,000)	(4,400,000)	(4,400,000)	---
Rescissions of prior year advances	---	---	(-650,000)	(-650,000)
Negative subsidy receipts	(-4,115,000)	(-5,758,000)	(-5,822,000)	(-1,707,000)
Offsetting collections	(-7,000)	(-7,000)	(-4,000)	(+3,000)
(Limitation on obligations)	(54,249,241)	(96,217,969)	(52,068,700)	(-2,180,541)
(by transfer)	---	72,000	71,500	+71,500
(transfer out)	---	-72,000	-71,500	-71,500
Total budgetary resources	(109,633,537)	(171,178,952)	(109,380,700)	(-252,837)
Discretionary total	(55,367,000)	(74,960,983)	(55,550,000)	(+183,000)

I reserve the balance of my time.

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

The appropriations bill we will consider today includes within it three bills: Agriculture; Commerce-Justice-Science; and Transportation-HUD, along with a clean continuing resolution covering the remaining nine bills. The CR prevents a government shutdown. It is a simple date change to December 16. No anomalies are added; everything but the date is carried forward from the last CR.

The agreement provides disaster relief of $2.3 billion, including the full amount needed to address the backlog of eligible disaster repairs for highways, roads, and bridges, and funds to address agricultural disasters.

The conference report also drops controversial riders on Dodd-Frank financial reform, women's health, and climate change.

The minibus restores funding that was cut in the initial House bill to nutrition and food safety programs.

The conference agreement provides $6.6 billion for the Women, Infants, and Children program, WIC, an increase of $570 million over the level in the House-passed bill and $36 million above the Senate level. At this level, WIC can provide for the estimated 700,000 women, children, and infants that would have been turned away under the previous bill. The impact of food prices will still need to be monitored to ensure the program has sufficient funding.

The conference report provides $177 million for the Commodity Supplemental Food Program, which provides food assistance to particularly vulnerable low-income elderly, as well as mothers and young children. At this level, the program will avoid dropping the 100,000 applicants, as would have been required in the House bill.

The conference agreement restores funding to FDA, $334 million over the House-passed bill, to allow implementation of the Food Safety Modernization Act, and provides $1 billion for the Food Safety and Inspection Service, $32 million over the House level, to maintain the current workforce of meat inspectors.

The agreement restores funding for the COPS programs that were zeroed out in the House-reported bill. COPS grants enable State and local law enforcement agencies to hire and retain police officers, provide equipment to tribal law enforcement agencies, and provide training on community-oriented policing.

The agreement restores much-needed funding for science and innovation. The conference agreement provides $7 billion for the National Science Foundation, an increase of $173 million above the FY11 level and the House-reported bill. While we need to be investing much more in basic research at NSF, the additional funding in the conference agreement is an important step in the right direction.

The conference agreement provides $924 million for NOAA's Joint Polar Satellite System. While still below the request, the conference level will go farther than either the House or Senate levels in helping to minimize the anticipated satellite data gaps.

The agreement provides funding for NASA's James Webb Space Telescope, which the House had zeroed out. The new telescope will be 100 times more powerful than the Hubble Space Telescope, allowing us to see images of the first glows after the Big Bang and greatly enhancing our scientific understanding of the universe.

Finally, the minibus restores funding for transportation and housing programs. The minibus includes $12 billion more than the House subcommittee bill for the Federal-aid highway program, consistent with the annual funding levels assumed in the Surface Transportation Extension Act. The bill includes $10.5 billion for transit programs, $2.5 billion more than the earlier bill.

The agreement also includes $1.4 billion for Amtrak capital and operating grants and deletes onerous language from the House subcommittee-passed bill that would have eliminated service on 26 short-distance routes, affecting 15 States and more than 9 million passengers.

The bill includes funding for the TIGER grant program, which will help advance national and regional transportation projects that will benefit both passenger and freight mobility as well as create jobs. This bill will create a lot of jobs.

The conference agreement provides $45 million in funding for housing counseling assistance. This program provides grant funds to local nonprofit agencies for reverse mortgage, rental, home pre-purchase and foreclosure prevention counseling. This program had been eliminated in 2011.

The Choice Neighborhoods Initiative is funded at $120 million in the conference agreement. Choice is a grant program to revitalize public housing and blighted private housing in mixed-income neighborhoods. This program provides quality low-income housing, while the vast majority of these funds create needed construction jobs. The House subcommittee bill proposed eliminating the program.

The Interagency Council on Homelessness is funded at $3.3 million in the conference agreement. The agency was also eliminated in the House subcommittee bill. The Council enhances the Federal response to homelessness by coordination between agencies, addressing duplicative programs, and identifying best practices.

The conference agreement provides $75 million for the Veterans Affairs Supportive Housing program, equal to the President's budget request. VASH provides long-term housing to homeless veterans. This is an increase of $25 million over the FY11 level.

□ 1500

I'm not happy with every single element of this, but I haven't seen a bill around here yet that is perfect. I also want to say that we did not get as good a compromise as we hoped on the Legal Services Corporation. I wish we could do more because there certainly is a justice gap in this country.

I want to commend the chairman and his staff, both the majority staff and the minority staff, who I think worked very well together with the other body in reaching resolutions in a very timely way on these three bills. And I want to commend the chairman for bringing six bills to the floor.

Now, I could make the case that we actually did 18 bills because we had 12 bills in the '11 omnibus, H.R. 1, that took us a whole week, if you remember, to go through 12 separate bills. So 12 and 6 is 18. That's a pretty good day for the Appropriations Committee.

Mr. ROGERS of Kentucky. Will the gentleman yield?

Mr. DICKS. I yield to the chairman.

Mr. ROGERS of Kentucky. And in that H.R. 1, the fiscal year '11 omnibus bill, as you recollect, we had some 500 amendments.

Mr. DICKS. Everybody got a shot.

Mr. ROGERS of Kentucky. Everybody.

Mr. DICKS. I want to commend the chairman for his commitment to regular order and openness, and I hope that next year we can really do all 12 bills. If we can get them done this year in December, then we can focus on the 12 bills for next year and hopefully bring them all to the floor so that Members have a chance to vote. It's important, I think. And I think the fact that so many people wanted to offer an amendment indicates that the membership of the House wants to see an open process. And it's certainly important for the minority, too, to have an opportunity to offer amendments.

I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the chairman of the Commerce, Justice, Science Subcommittee, a very hardworking chairman who also happens to be a colleague of mine in the class of 1980, the so-called Reaganauts, Chairman FRANK WOLF.

Mr. WOLF. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in support of this conference report, which includes the fiscal year 2012 Commerce, Justice, Science and Related Agencies Appropriations Act.

I want to thank my colleague and ranking member, the gentleman from Pennsylvania (Mr. FATTAH), for his support throughout this process. I also want to thank Senate counterparts, Senators MIKULSKI and HUTCHISON, and I also want to particularly thank Chairman ROGERS of the full committee and Ranking Member Mr. DICKS. This was a very, very open process. Also I want to thank the CJS subcommittee staff, including Mike Ringler, Leslie Albright, Stephanie Meyers, Diana Simpson, Colin Samples and Scott Sammis, as well as Todd

Culligan in my office, and Darek Newby and Bob Bonner on the minority staff.

Working together, we were able to produce a conference report that reduces discretionary spending in line with the Budget Control Act, while the supercommittee works to control entitlement spending which is the primary driver of our unsustainable debt and reform the Tax Code.

The final CJS bill before the House is $583 million below—below—fiscal year 2011 and $4.9 billion, 8.5 percent, below the President's request.

Since Republicans assumed the majority, we have reduced spending by more than $11 billion for agencies funded in the CJS appropriations bill.

At the same time, the bill also provides funding for a variety of critical national priorities. The conference report fully funds the FBI at $8.1 billion to protect the Nation from further terrorist attacks. The bill includes important increases for FBI national security programs and the investigation of cyberintrusions.

The bill also makes important progress in the fight against the horrible and pervasive crime of human trafficking. Human trafficking is spreading through this Nation, and this funding bill will also support State and local human trafficking task force activities and victim assistance services. The conference agreement will require—will require—each U.S. Attorney to establish a human trafficking task force.

In the Department of Commerce, the conference agreement includes new initiatives to bring jobs back to America, including a job repatriation task force and a new grant program to enable U.S. companies to bring off-shored activities back to economically distressed regions of this Nation. It is time for these American companies who have gone to China and Mexico to return home, particularly, I may say, GE, who just moved their health care facilities from Wisconsin to Beijing. They should come back to Wisconsin.

The bill also includes important increases for fundamental scientific research. $7 billion is included for the NSF, an increase of $173 million. NIST research activities receive an increase of over 10 percent—math, science, physics, chemistry and biology, doing the things that make a difference to create jobs.

Research is a primary driver of innovation, growth and job creation, and these investments must be preserved, even in times of budgetary austerity.

The conference agreement includes $17.8 billion for NASA, including funding above the request for America's next generation space exploration system and for cutting-edge technology.

In closing, as other countries are challenging U.S. leadership in space, this conference report includes funding for a comprehensive independent assessment of NASA's strategic direction and agency management to chart a future course that is bold and achievable.

I urge support for the bill.

Mr. DICKS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania, the ranking member of the Appropriations Subcommittee on Commerce, Justice and Science, Mr. FATTAH.

Mr. FATTAH. I thank the ranking member, I thank the chairman of the full committee, and, most importantly, I thank my colleague, Chairman FRANK WOLF. We've had an opportunity to work through the issues on this bill, and he has afforded every courtesy to the minority as we have worked through this. It's been truly a bipartisan effort; and even though there are things that we would make different final calculations on, I think that there's nothing else to be said other than that truly this is a product that reflects both input from the majority and the minority, and I thank Chairman WOLF and Chairman ROGERS for the courtesies extended.

This is a bill that I believe funds the most important agencies of our government in terms of securing our citizens, in terms of innovation and advancement in technology and science, in terms of dealing with the challenges of severe weather, and dealing with our oceans and the navigation of crafts throughout our waterways.

This is a bill that is critically important, and I'm happy to join with others to urge that the House would favorably consider it.

There are a number of things I would want to point out. One is that the conferees, all of us working together, were able to agree with an initiative focused on brain research, on neuroscience; and we've been able to put together a collaborative effort that I think portends a great deal of progress in terms of addressing brain diseases like Alzheimer's and Parkinson's, dementia, and also dealing with the question of wounded warriors. I had a chance to visit the brain research and repair center over at Bethesda. There's much more work to be done.

And also for those interested in education, the whole cognitive development, this is the first-of-its-kind initiative bringing together all of the important agencies of the Federal Government. I thank Chairman WOLF and our colleagues and counterparts in the Senate for their cooperation around this.

Also, we were able to increase our efforts in terms of manufacturing and advanced manufacturing, creating a new grant program to help companies bring technology onto the plant floor. Manufacturing has to be the basis for long-term prosperity and national security for our country.

The investments in science, the National Science Foundation, there is no more important agency anywhere in the world; and we were able to work to fund it at a level that's appropriate, $7 billion. The investment in NASA, even though $638 million off of last year's number, when you take out the shuttle costs, it really is a significant statement around a new set of priorities for NASA, and investing in particularly space technology at $575 million and the investment in the Commercial Crew Program, knowing with a certainty that American private enterprise can help us deal with the ongoing need in terms of lower orbit travel.

We have a lot to be thankful for in the bill. Most important to me, even though it's a very small number, are the efforts around youth mentoring. Our support for the 4,000 Boys and Girls Clubs and the Big Brothers and Big Sisters and other youth mentoring agencies that are funded in the Justice Department is a way to divert young people from ever getting engaged in our criminal justice system, and the funding for the Second Chance Program, which was renewed in this year's appropriations.

□ 1510

There's a lot more that I could say, but I think, needless to say, what is important now is that we move this process forward. And there are disappointments—legal services, there will be another day. As my ranking member said, we're disappointed in the final outcome, but we remain committed to trying to find ways as we go forward to make sure people have access to our court system on civil matters.

I want to thank the ranking member, Chairman ROGERS, and my colleague FRANK WOLF for his great work on this bill, and all of the staff, both on the majority and minority side.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa, chairman of the Transportation and HUD portion of this bill, a very vital part of the bill—the chairman has handled it very, very well—Chairman TOM LATHAM.

Mr. LATHAM. I thank the chairman for yielding time. And I, first of all, want to thank him for the great work, but also Ranking Member DICKS on the full committee; and then a special thank-you to the ranking member on the subcommittee, Mr. OLVER, for all of his hard work. We've worked together as a team on this bill. And I thank the staff on the minority and certainly the majority staff for all their hard work that they put into this.

This is a great day for two different reasons: one, we're going to get this bill done today; and, number two, it's on the Speaker's birthday, so this will be his present anyway. But I do rise in support of the conference report that's before us today, and I urge my colleagues to support it also. I know it doesn't make everyone happy, but it represents a compromise, and that's what a conference report really is all about.

Overall, the THUD division of the agreement contains $55.6 billion in discretionary, a number that is $19.4 billion below the President's request—and

again, $19.4 billion below the President's request.

The agreement provides $39.9 billion for the annual spending for highways, the number that is contained in the latest extension of the Surface Transportation Act. This level will provide adequate resources for our State highway departments to address their needs.

The THUD division contains various commonsense agreements that are universally important to the Nation. For example, there are increased funds for FAA certification personnel, the individuals who inspect and certify new aircraft to ensure safety and airworthiness.

The HUD portion of the THUD agreement contains $37.3 billion—about $4.7 billion below the President's request. There is sufficient funding to renew vouchers for those individuals and families who were in the program last year. The agreement has sufficient funding to keep veterans' housing on a sound footing, and it also has directive language that requires HUD to review veterans' housing utilization rates in Iowa and other rural States and the housing challenges facing veterans in those areas.

Also, under the HUD title, there are funds set aside for homeownership programs that help add housing capacity in rural States. The subject of rural housing capacity has long been a concern in States like Iowa and a concern to an awful lot of Members here in this Congress.

Finally, under HUD Community Development, there is $400 million that can be used for eligible disaster recovery activities in those areas most impacted by the various disasters of this year. These are funds that can be used for repair and rebuilding activities.

To me, at this point, one of the most important elements of this agreement is the funding for highway and community development disaster repairs. These monies are vitally important for my State and others along the Missouri River, States that suffered enormous damage when the Missouri River flood came this past year.

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

Mr. ROGERS of Kentucky. I yield the gentleman an additional minute.

Mr. LATHAM. The conference agreement contains almost $1.7 billion in emergency disaster money to repair roads and bridges. These funds will supplement existing Federal, State, and local monies and will be used for repairs and reconstruction.

There are areas where State roads are still under water; thus the emergency repair funding for highways in this agreement is vital to ensuring that Iowa roads and the roads in other States are restored to good working condition.

Important to the emergency highway repair category and contained in the agreement is an important waiver that waives the time line of 180 days from the disaster declaration date so that States can receive 100 percent reimbursement.

All in all, this agreement represents the best we could do under the present circumstances. In the end, we've had to come to make some compromises, but we also have a number of important victories in this agreement.

I would urge all Members to support this conference report.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts, the ranking member of the Appropriations Subcommittee on Transportation, Housing and Urban Development, Mr. OLVER.

Mr. OLVER. I thank the ranking member for yielding time.

I rise in support of this conference report. As ranking member on the Transportation and Housing Subcommittee, I first would like to thank Chairman TOM LATHAM for working openly with me throughout the process, and I congratulate him on bringing his first conference report to the floor. Also, I would like to thank staff—for the majority, the subcommittee clerk, Dena Baron, and her excellent staff; and for the minority, Kate Hallahan, Joe Carlile, and Blair Anderson—all for their diligence and hard work in making this a better bill.

Mr. Speaker, this bill contains elements with which I disagree. In particular, I wish CDBG funding was closer to last year's level, and I am disappointed that the bill does not provide funding for the High-Speed and Intercity Passenger Rail Program. Both of these programs are in high demand and would contribute significant value to our communities if funded properly. However, this bill is a reasonable compromise that has improved significantly the Transportation-HUD portion that was marked up in subcommittee.

The agreement ensures that funding for our transportation infrastructure programs is kept stable, allowing the Federal Aviation Administration to continue modernization of our air traffic control system, providing the Federal Highway Administration with funds needed to maintain our highway network, and providing the Federal Transit Administration with sufficient funding to continue investments to expand our regional transit systems.

I am particularly pleased that the bill provides $1.4 billion for Amtrak and removes destructive language that would have halted service along 26 routes in 19 States. Annual ridership on those routes has increased, and a congressionally authorized process is already under way to reduce the operating costs of these services.

In addition, the bill provides $1.66 billion for the Highway Administration's Emergency Relief Program in order to eliminate the of repairs needed as a result of hurricanes, floods, and other natural disasters, as well as $400 million for emergency CDBG funds. I believe we have a responsibility to provide assistance to States that have endured unanticipated natural disasters without conditioning that assistance on cuts to other programs.

Lastly, I am pleased that this bill reinstates HUD's Housing Counseling Program by providing $45 million. With foreclosure rates remaining high, the counseling services provided by this program continue to be vital for families who are struggling in the current economy.

Mr. Speaker, this bill is a good product of a bipartisan process, and I urge my colleagues to support it.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia, the chairman of the Agriculture Subcommittee, a very important part of this bill, Mr. KINGSTON.

Mr. KINGSTON. I thank Chairman ROGERS for the time. I've enjoyed working with him and Ranking Member DICKS, and also the ranking member of our Subcommittee on Agriculture, FDA, and Commodity Futures Trading Commission, the gentleman from California, Mr. SAM FARR. We've held 11 hearings, and we've had probably about 25 hours worth of debate on the floor in which over 50 amendments were offered. This bill is a prime example of what can happen when we get back to regular order.

□ 1520

It was an open process, passed by the subcommittee, full committee, and then finally by the House floor. The bill is $350 million below FY11 in the discretionary portion, and $2.5 billion lower than the President's request for FY12. It is compliant with the Budget Control Act, and a step to show both regular order, compromise and moving us towards a balanced budget.

I also wanted to point out something, Mr. Speaker, that the mandatory portion of this bill is tremendous. Our discretionary total on agriculture is $19.77 billion, but the mandatory is $116.9 billion. School lunch and breakfast and the SNAP program are $98.5 billion alone. If we do not get control of the mandatory spending, we will never be able to balance the budget.

So I urge all Members of Congress to be cognizant of that and work in the important authorizing committees to do some of the reform.

This bill was successful in eliminating a Federal program that goes back to World War I, the mohair subsidy; and that actually was a program designed to get more wool for the World War I soldiers' uniforms. And Ronald Reagan famously said, if you don't believe in resurrection, try killing a government program. And yet, today, the mohair program does get eliminated.

We also reduced the BCAP program, which was something that our committee has been very concerned about the out-of-control spending on it. We've restrained the CFTC with some important bipartisan language regarding user exemptions and cost-benefit

analysis. And we have urged the FDA to stay on its core missions, and we hope that the authorizing committees will look at medical device and drug approval time and transparency so that the FDA can work closer with the providers and the manufacturers rather than in an antagonistic point of view.

We've balanced school safety, inspection, ag research with the many demands that are out there. We have worked with Secretary Vilsack, Dr. Hamburg at FDA, and Mr. Gensler at the CFTC; and we've had an open process throughout the year.

So I urge my colleagues to vote for this and pass this bill. But I also wanted to say thank you to the great staff on both sides. Martin Delgado, head clerk on the majority side; along with Tom O'Brien, Betsy Bina, Andrew Cooper and Allie Thigpen and Mike Donal; and then on the minority side, working for Mr. FARR, Martha Foley, Matt Smith, Troy Phillips and Rochelle Dornatt.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 4, 2011.

Hon. GARY GENSLER,
Chairman, U.S. Commodity Futures Trading Commission, Washington, DC.

Hon. BEN S. BERNANKE,
Chairman of the Board of Governors, Federal Reserve System, Washington, DC.

Hon. MARY L. SCHAPIRO,
Chairman, U.S. Securities and Exchange Commission, Washington, DC.

Hon. MARTIN J. GRUENBERG,
Acting Chairman, Federal Deposit Insurance Corporation, Washington, DC.

DEAR CHAIRMEN GENSLER, SCHAPIRO, BERNANKE AND ACTING CHAIRMAN GRUENBERG: As authors of the Wall Street Reform and Consumer Protection Act (P.L. 111–203) (Wall Street Reform Act), we commend your work implementing Title VII of this important new law. We have an enormous opportunity to set a new global standard for the operation of an efficient, transparent and well-regulated derivatives market. It is in a spirit of support for your efforts that we write with suggestions for how to avoid some unintended consequences that could undermine this objective.

As you know, the existing $600 trillion derivatives market operates as an integrated global market, despite the jurisdictional determinations made in Title VII between the Commodity Futures Trading Commission (CFTC) and the Securities and Exchange Commission (SEC). It is our hope that the two agencies will work closely and collaboratively together and that the new swap regulations can be sequenced and implemented in a logical, coordinated manner that encourages compliance and market competition.

Given the global nature of this market, U.S. regulators should avoid creating opportunities for international regulatory arbitrage that could increase systemic risk and reduce the competitiveness of U.S. firms abroad. Congress generally limited the territorial scope of Title VII to activities within the United States. This general rule should not be swallowed by the law's exceptions, which call for extraterritorial application only when particular international activities of U.S. firms have a direct and significant connection with or effect on U.S. commerce, or are designed to evade U.S. rules. We are concerned that the proposed imposition of margin requirements, in addition to provisions related to clearing, trading, registration, and the treatment of foreign subsidiaries of U.S. institutions, all raise questions consistent with Congressional intent regarding Title VII.

Moreover, U.S. regulators should work with other international regulators to seek broad harmonization of appropriately tough and effective standards. This can be accomplished by an appropriate staging of the adoption or implementation of our rules abroad. Should current harmonization efforts ultimately fail or prove a race to the bottom that would undermine effective regulation, the U.S. would of course reserve the right to proceed to extend the application of its standards to overseas operations.

In addition, as you proceed through the rule-making process, we urge you to respect Congress' intent to protect the ability of end users and pension plans to use swaps in a cost-effective manner. In particular, Congress recognized the need to allow pension funds, states, municipalities and other ''special entities'' to continue to use swaps by expressly rejecting the imposition of a fiduciary duty for swap dealers that is legally incompatible with their legitimate role as market-makers. The withdrawal of the Department of Labor's rules on a fiduciary duty under ERISA gives the agencies an opportunity to work together to prevent such adverse results. We urge you to work to revise the proposed rules in a way that avoids unintended consequences.

As one of the first countries to propose new financial rules following the 2008 crisis, the world is closely watching what we do. As you revise and finalize the proposed rules, we look forward to working together to support your important work in a way that keeps our financial markets the envy of the world.

Sincerely,

SENATOR TIM JOHNSON,
Chairman, U.S. Senate Committee on Banking, Housing, and Urban Affairs.

CONGRESSMAN BARNEY FRANK,
Ranking Member, U.S. House Committee on Financial Services.

DOVER/SHERBORN PUBLIC SCHOOLS,
Dover, MA, April 13, 2011.

TO WHOM IT MAY CONCERN: As a School Food & Nutrition I support the thrust of the proposed rule. We do need to reduce sodium and fat levels and provide more fruits and vegetables to our students and provide minimum and maximum calorie levels in meals.

At the same time I have concerns regarding their ability to meet the requirements of the proposed rule, especially as the impacts of the regulations are theoretical at this point, having never been piloted or studied in ''real world'' School Food Authorities (SFAs). I am concerned that the timeframes within the rule are ambitious given the significant changes which will have to be made to school menus that will, at the same time, meet the rule's requirements, while also retaining student participation.

We all share the goal of having all students participate in school lunch programs, and that nothing is done to overtly identify those students who are receiving free or reduced price meals. I have concerns that, while well intended, the revised meal standards themselves run the risk of unintentionally identifying free and reduced price recipients if paid students are inclined to opt for a la carte choices if the revised paid meal is not acceptable. I am also concerned that there may be unintended consequences of these revisions, including children going off campus for less nutritious foods, or bringing brown bag lunches from home that research has shown are less nutritious than school meals.

My Districts been working to increase the use of lower sodium and lower fat foods, as well as working to increase whole grain products in school lunches. Our experience has taught us that making these changes takes time. Revising meal standards often means that new food products have to be developed, and this development takes time. When new food products are introduced at a gradual rate, the likelihood of student and parent acceptance is enhanced. This also provides time for operational adjustments and staff retraining. If new food products and food preparations are introduced at a too rapid rate, our ability to work with and educate students regarding the changes, and to make them part of the process is more difficult. Rapid change can cause participation rates to drop, complaints from students and parents regarding the changing nature of meals to increase, costs to rise more rapidly than can be prudently managed, and the integrity and acceptability of the school food program may be called into question. Recent record high food price increases exceed the cost projections in the proposed rule and is of great concern in a schools attempt to implement these proposed meal pattern revisions. These price increases are also likely to reduce the volume of USDA Foods received by schools, further complicating the management of school meal programs.

It is worth noting that a substantial lead time was provided when the Department updated the WIC Food Package. The WIC Food Package is far more limited than the school meal package, and all of the items contained in the WIC package were commercially available twenty months prior to the mandatory implication of the changed package. The Department received 46,502 comment letters regarding the WIC Food Package modification, and gave twenty months to implement the rule. We understand that substantially more comments are anticipated to be received regarding the proposed school meal pattern rule. Yet the Department currently plans less time before implementing the rule, with less time for school food program operators to prepare for what will be significant changes. The revision of school meal patterns is certainly a worthwhile and necessary undertaking, but it is far more complex, impacting more operators and recipients. Menus, recipes and products will have to be reformulated. New products will have to be developed and tested for student acceptability. Procurement specifications and related documents will have to be changed. Staff will need to be retrained. Logistical changes will have to be made within front of the house and back of the house operations. This level of change was not the case with the revisions in the WIC package.

For these reasons, I believe it would be prudent to consider delaying the mandatory implementation of the rule until school year 2013–14. The Department could encourage that the revised meal patterns be implemented voluntarily prior to that date, and incentivize the early implementation with the additional reimbursement provided by the Act, just as the Department urged earlier voluntary compliance with the revised WIC food package. SNA also recommends that offer vs. serve be mandated, not discretionary, as part of the final rule when implemented. Mandating the taking of food items will result in plate waste, unnecessary costs creating a perception of wasteful spending in the program, and compromise program integrity.

I think it would prove valuable to our programs that, as was the case with the WIC Meal Package Revision, the rule should be issued as an interim final rule with a comment period following its implementation.

An interim final rule would allow the monitoring of the practical consequences and benefits of the revised meal pattern and afford an opportunity to make appropriate modifications should any be warranted.

I do not support states imposing more restrictive meal components and nutritional requirements, and strongly urge the Department to assist us in ensuring consistent national meal standards. State standards that exceed federal standards are often not based on science, increase school meal costs without compensation, complicate administration of this national program, and make it more difficult for industry to provide acceptable products at reasonable prices.

We will expand upon these points throughout the specific comments that follow.

FRUITS AND VEGETABLES

I consistently supported the increased consumption of a variety of fruits and vegetables by children in the school lunch and school breakfast programs. I also support those requirements outlined in the proposed regulation recognizing the availability and utilization of fruits and vegetables in all forms (i.e. fresh, frozen without sugar, dried or canned in fruit juice, water or light syrups). I am skeptical that children will have sufficient time to consume the higher volumes of fruit and vegetables required by the proposed rule. SFAs are concerned that the consequence will be higher food costs for food items that may not be consumed. Requiring children to take a fruit or vegetable serving rather than providing a true offer vs. serve option has the potential to increase plate waste, and convey the wrong impression regarding the acceptability and quality of school meals.

FRUITS AND VEGETABLES AT LUNCH

I support the requirement for vegetables to come from a variety of sources such as dark green, orange and legumes and support all fruits and vegetables as recognized components of the reimbursable meal. However, I believe that consumption of an array of fruits and vegetables should be encouraged, not prescribed. Instead, the proposed rule should be amended to encourage SFAs to vary vegetable selections for healthier school meals, as is currently done in the HealthierUS School Challenge. In addition I support the following requirements as set forth in the proposed regulation:

Disallowing snack-type fruit or vegetables, such as fruit leathers, fruit strips and fruit drops;

Dried fruit counting as two times the volume;

''Fresh'' leafy greens counted at ½ volume (1 cup = ½ cup).

Specific Recommendations and Concerns:

Crediting of Fruit and Grain Components—SFAs support the recognition of fruit and grain components in items such as crisps and cobblers using volume as the measure.

Crediting Salad Bars and Self-Serve Foods— The final rule needs to provide direction for the Crediting of food served at Salad Bars and Self-Serve areas. While FNS has issued policy memos regarding Salad Bars in the National School Lunch Program (including SP 02–2010—Revised, January 21, 2011), the crediting of foods served at Salad Bars and Self-Serve areas is not expressly addressed within the proposed rule.

Crediting of Tomato Paste—SFAs support continuing current tomato paste crediting as outlined in the Food Buying Guide for Child Nutrition Programs at pages 2–3: ''Vegetable and fruit concentrates are allowed to be credited on an ''as if single-strength reconstituted basis'' rather than on the actual volume as served:'' SNA does not support basing the crediting of tomato paste based on volume served.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California, the ranking member of the Agriculture Appropriations Subcommittee, Mr. FARR.

Mr. FARR. I thank the gentleman for yielding.

I want to thank my co-chair, the chair of the committee who we just heard from, Mr. KINGSTON. We get along very well, and it's wonderful to work with him.

But I'd also like to thank the chair of the committee, Mr. ROGERS, and the ranking member, Mr. DICKS, for letting us do our work in a professional manner, a professional and intellectual manner, which I think is the way we want to have political compromise. You allowed us to do that work, and I think that this report is a good report, and that's why I'm asking my colleagues to support it.

I didn't vote for the original bill; but this conference report is much better, and that's why I urge its support. There are many good things about this bill, especially in comparison to the version that originally passed the House last summer.

I was very pleased that we were able to go to the Senate level for the Food and Drug Administration, which is an increase of about $334 million over the House bill because to increase the funding of FDA's important work on medical countermeasures, that is very important. Medical countermeasures is critical to America's ability to face down biological, radiological, and other similar widespread public health threats. Without it, we'd be vulnerable to germ warfare. That's why I advocate its robust funding.

I might add, this isn't just science fiction that we see in movies. This is real, and this program is really vital to our future security.

In the USDA, the Department of Agriculture, particularly in the domestic food programs, remember, this is the biggest program in America that deals with the War on Poverty. And it's very good what we've done in here. This prevents hunger, improves nutrition, and grows healthier people in this country.

This conference report actually provides $36 million more than the Senate level for the WIC, the Women, Infants and Children program. It increases $570 million over the House bill for low-weight babies and for those kinds of programs that will grow healthier babies, healthier people in this country.

Then there's the Supplemental Nutrition Assistance Program, which we used to call food stamps. Many people may not realize it, but the SNAP program serves 15 percent of our fellow Americans during these difficult times. Fifteen percent of Americans. Over 40 million Americans are now depending on food stamps. That number is up by 7 million people over the last year. Why? Because the economy's downturn has created a lot of hardship for families. That's why the funding level of the SNAP program is so very, very important and why I'm happy that the funding level is a lot more than it was in the original House bill. This is also good news for the working class and distressed families of the United States.

Then we have a program in the Commodities Supplemental Food Program, which is also the Temporary Emergency Food Assistance Program. We've also funded that at a higher level. This is good news because it helps particularly the elderly who have suffered a debilitating life event like a tornado or flood or disaster and they need access to food and nutrition outside of the regular system. I'm so glad we're able to beef up these domestic programs for food assistance.

Then we have the international programs that help our international allies who need food assistance in the Food for Peace program. There's the well-known McGovern-Dole program, which provides donations of agricultural commodities and financial technical assistance for feeding and nutrition projects in low-income countries, countries that suffer from the culture of poverty, which could lead to all kinds of distressed, and certainly even to where we have to send in troops to bail out these countries. So this is a good prevention.

The conference report gave a lot more than what was in the original House level. There's a lot of good in this conference report. But, frankly, I have to say that there's one part that I'm really disappointed with. Under the Dodd-Frank program, we tasked to construct regulations to protect consumers. The President asked for enough money to get the new review process up and running.

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

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

Mr. FARR. Thank you very much for yielding.

And we didn't give it enough money to do that. And then in the last thing, we dropped some crazy part into this program, which I think has gotten a lot of negative attention this week and deserves it, and that is that we, without any discussion or going to the rule, it pre-determines that the new regulations on tomato paste and tomato puree and sodium can be part of the school nutrition program. They didn't consult with us. That's wrong, and that shouldn't be done.

But it's a good compromise bill. It's good. It means food for Americans; it means certainty for our farmers. It means help for the hungry around the world. I ask my colleagues to support it.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to a very distinguished member of our committee, Oklahoma's Mr. COLE.

Mr. COLE. I thank the gentleman for yielding.

There are certainly Members on this floor that are a lot more knowledgeable about this particular piece of legislation than I am. I don't serve on any

of the relevant subcommittees on appropriations. And so they're going to talk about it in more depth and detail than I ever could.

But I tell you what—and certainly I would be the first to say that we do not have a perfect process. I would have preferred individual bills. I think most of us on the Appropriations Committee would. And we didn't cut as much money as I would have liked to have cut.

Having said those things, I want to really congratulate our chairman and our ranking member for beginning the process of restoring us to regular order. And I want to commend them for bringing in a bill that spent less money than we spent last year, that has important elements in it that protect gun rights and gun ownership; and that, frankly, is a very serious effort to deal in a very responsible way with a large portion of our government and, at the same time, attack our larger physical problems.

Now, we're going to hear a lot of Members over the course of the debate that think that the bill spent too much money, and others that think that it spent too little money, and others that tell us that it's not perfect in every detail. I would just remind those individuals on both sides of the aisle, we are the House of Representatives. We're not the House of Commons.

□ 1530

Some of our Members sometimes seem to think that all legislative and all executive authority resides here. It doesn't. Our Framers set up a very different system, and we deal with a United States Senate that's controlled by a different political party. And we obviously have a President, our President, but a President of a different political persuasion than the majority of this House, and that necessitates compromise. That necessitates some give-and-take.

I think the process that has been worked, if you will, by the chairman and by the ranking member and by the various subcommittee chairmen and their ranking member counterparts has been a good and productive effort at compromise. And it's achieved real results, and it deserves real, and will have, real and genuine bipartisan support.

So I urge the passage of this important piece of legislation. I thank the chairman. I thank the committees for their hard work. And let's get back to the business of governing the greatest country on the planet. We made a good step here today.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts, the ranking member of the Financial Services Committee, Mr. FRANK.

Mr. FRANK of Massachusetts. I thank the gentleman from Washington.

I urge Members to vote for this bill, although my enthusiasm is tempered. As I contemplate this bill, I think of the words of a former great Member of this body, a former Speaker of the House from my home State, the late John McCormack, who, not wanting to offend House rules, referred to one of his colleagues as someone whom he held in ''minimum high regard.'' That's essentially what I think about this bill.

I thank my colleague from Massachusetts (Mr. OLVER) for the good work he did on an important provision that means a lot to public housing in Massachusetts involving federalization. I appreciate the increase in the FHA being maintained so the people who live in the areas I represent and in California and elsewhere are not discriminated against. So, for that, I am grateful.

But there is a serious flaw in the bill in two areas, or there are two serious flaws in one area each.

The HUD budget is good in that federalization but severely lacking. I regret the fact that we will be spending more on community development and building important institutions in Afghanistan than we are in America.

And even more important is the issue that the gentleman from California (Mr. FARR) mentioned. It is incredible to me that my Republican colleagues brought out of their subcommittee a bill that would give the Commodity Futures Trading Commission less money this year in the coming year than it got this year. Now, the Senate was able to bring it back up to level funding.

Understand, we are talking about derivative regulation. We're talking about AIG. We are talking about a dangerously unregulated operation. We are talking about the thing that has us concerned now about the extent to which there may be a contagion from Europe to America because of derivatives, credit default drops issued by American banks. I think we have a handle on this, but we would do better if we had the bill fully implemented. You can read today in The New York Times about the role of the CFTC trying to straighten out the MF problem.

It is extraordinary that we give the Commodity Futures Trading Commission a new responsibility. Because of prior foolish moves by this Congress and a President, we had not regulated swaps, a very important new form of derivative. They are a dangerous instrument, and they need to be regulated. And this is a wholly new responsibility for the CFTC. And the members of the Appropriations Committee on the Republican side would have given it, if they had their way, less by a significant amount for the next year than this year. We got it up to even.

But let's be very clear: People who do not want to give the CFTC any additional money are basically telling the American people that they think it was just fine what AIG did. It was just fine that we have these unregulated derivatives, that people were able to accumulate debts far beyond what they could pay.

The CFTC was also given, under our legislation, a specific mandate to deal with speculation. I know there were some on the Republican side who think speculation has nothing to do with oil prices and it has nothing to do with food prices, and I think the evidence is clearly to the contrary. People who can tell me that these ups and downs in the oil market are purely because of supply and demand, I await for them to describe to me when Santa Claus arrives.

The fact is that regulating derivatives is an essential part of preventing the problems that we ran into a few years ago and we are now trying to prevent. And level funding the CFTC—and level funding only because our Senate colleagues insisted on overcoming a Republican effort here to give it less money in the current coming year than in the current year—is a terrible act of irresponsibility.

I hope that we will be able soon to remedy this. But I fear that what you do with this, Mr. Speaker, in this legislation is to open us up to the kind of irresponsible, unregulated financial behavior that led to the greatest crisis we have had in so many years.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, a member of the conference committee, Mr. CARTER.

Mr. CARTER. Mr. Speaker, I rise as a proud member of this conference committee and of this committee.

The Constitution of the United States gives us instructions that we are to watch our treasury and protect it and make sure that the money that we spend out of that treasury is appropriate for the operation of this country. Chairman ROGERS and the three ranking members who have operated in this particular mini-bus have been very noble in that effort.

A commitment was made under the Budget Control Act that we would stay within $1.043 trillion, and this first start of finishing this appropriations process will see to it that we meet that commitment. Chairman ROGERS has been very, very distinct and positive that he will meet that commitment, and this is the first step to meeting that commitment.

It is important that although this is a noble effort, we have funded what is needed, and we have given an open process both in subcommittee, committee, and on this floor. And by that, we have shown the American people that we are making our promises known, that we are on the route to turning this country around and setting it back on a fiscal track that we can sustain.

I want to commend all who have been involved in this process, both the ranking members and the chairmen, for they have done noble work to come up with this product. And this product is deserving of being supported by every member of this conference and of this entire Congress, and I urge them to support this noble product that has been a tough fight, but we have accomplished it.

Mr. DICKS. Mr. Speaker, I yield 1 minute to the gentleman from Maine

(Mr. MICHAUD), whom I've enjoyed working with on these important issues before our committee.

Mr. MICHAUD. I thank the gentleman for yielding.

I rise today in support of a provision in the underlying bill that will move the heaviest trucks traveling in Maine off secondary roads and onto the interstate.

People in the State of Maine already know the benefits of this commonsense provision. That's why it has the support of organizations throughout the State of Maine, such as the Maine Department of Transportation, the Maine Department of Public Safety, the Maine State Police, because they know it's safer to have these trucks on the interstate.

Additionally, letting heavier trucks use the interstate reduces fuel consumption, cuts emissions, reduces travel time, and reduces the competitive disadvantage between Maine and the surrounding States that already have a higher truck weight limit on their interstate.

So I would like to thank my colleagues that supported my efforts to ensure that this provision was included in the final bill, and I would encourage my colleagues on both sides of the aisle to support this bill. I want to thank the chairman and the ranking member for their efforts as well.

Mr. ROGERS of Kentucky. Mr. Speaker, could I ask the remaining time?

The SPEAKER pro tempore (Mr. GRIMM). The gentleman from Kentucky has 11 minutes remaining. The gentleman from Washington has 5½ minutes remaining.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio, a member of the conference committee, Mr. LATOURETTE.

□ 1540

Mr. LATOURETTE. I thank both chairmen for yielding and also for the recognition.

Mr. Speaker, it's like a breath of fresh air has blown through this Chamber. I will tell you what a relief it is.

Congratulations goes to Chairman ROGERS and Ranking Member DICKS and to the subcommittee chairs and the ranking members for getting us to a point that was normal practice for the first 12 years that I was here, which is to do things like have a subcommittee markup. It's where people get to offer amendments—good amendments, bad amendments, in-between amendments—but they were thoughts that they had. We'd debate them; we'd discuss them; and we'd vote on them. The same thing happened in the full committee; the same thing happened on the floor; and we actually had a conference between the House and the Senate. Some people had never been to a conference before because they hadn't been here that long. I had Members come up to me who were new—we have 87, 88 new Republican freshmen, and we even have some sophomores and juniors—who didn't even know what the 5-minute rule was for the discussion of an amendment on the floor.

So everybody in this Chamber understands that sometimes you win and sometimes you lose, but at the end of the day, if you've had a chance to express yourself and to articulate why your position is correct and then it's either accepted or rejected by your colleagues, you can go home and put your head on the pillow and feel pretty good about it.

This product is a result of that.

I'm particularly proud of the piece from the subcommittee that I'm involved in with Mr. LATHAM as the chair and Mr. OLVER as the ranking member. What is remarkable to me is that this wasn't a ''my way or the highway'' negotiation. There were numbers that were important to some of us and not important to others but that were improved between the House version and the conference report. I would cite, for instance, the highway level.

Now, because no one is willing to make the adult decision about what to do with the income stream at the highway trust fund, it was proposed to be a paltry $27 billion. However, through negotiation between the House and the Senate, it's now restored to the authorized level in the extension at $39 billion.

The Community Development Block Grant program as well is recognized in this conference report as being a valuable source of seed money for local communities to add other money and to do good works. Something that is popular and unpopular in certain segments on both sides of the aisle is Amtrak, which is now receiving the money necessary to do its mission.

They've done a good job, and I urge its passage.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to a member of the conference committee, the gentleman from Alabama (Mr. BONNER).

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

Back home, the American people listen to Members of Congress talk about things that are historic, about things that are important. Today, we're talking about something that's very important. Tomorrow, we'll actually be talking about voting on something that truly is historic. But for the moment, let's focus on, as my friend from Ohio just mentioned, something that this Congress has not seen since 2009, which is a conference report.

That's the American legislative system working. It's where Democrats and Republicans, Senators and Members of the House of Representatives, have come together—to produce a perfect document? Of course not. Conservatives would like to cut more. Liberals would like to spend more.

The fact is that, in this conference report, we cut and terminate 20 programs, saving $456 million. It responsibly addresses disaster spending, and many States and even more counties and cities had been affected by disasters earlier this year. It also contains a CR that will run until December 16 at fiscal year 2011 levels to allow our committee to complete its work.

It also represents an effort, I would argue, Mr. Speaker, that both House and Senate appropriators, Democrats and Republicans alike, are doing something that is responsible in order to avoid the plague of a government shutdown by reaching agreement that will put our Nation on a more fiscally sustainable path.

Tomorrow, it will be more historic in nature. Yesterday, the debt clock ticked over $15 trillion. We cannot ignore that threat. Tomorrow, we will bring to the House floor an opportunity for something that Presidents Jefferson and Reagan both envisioned: a balanced budget amendment.

Today's CR, today's minibus appropriations bill, is an important step for the future of this fiscal year and this country that we love and serve. Tomorrow will be an opportunity, for the legacy of future generations not yet born, to do something even more bold.

I thank the chairman for giving me a chance to serve on the committee, and I urge my colleagues to support the report.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Florida, a member of our committee, Mr. DIAZ-BALART.

Mr. DIAZ-BALART. I thank the chairman for this opportunity, and I really congratulate him. This is the first time in many years, since 2009, that we've actually come to the floor with a conference report.

Think about that.

Before, things just kind of came out of the blue, and we were forced to deal with them without having an opportunity to see them and without going through regular order. But this would have not happened without the leadership of our chairman, Chairman ROGERS.

I cannot thank you enough, sir, for, once again, making the people's House do its work and do it in a responsible way.

I also want to commend the ranking member for working hand-in-hand with the chairman.

Look, there is no denying that we are on an unsustainable path of borrowing too much and spending too much. In past appropriations bills, they were judged to be successful by how much more taxpayer money we were spending. I guess Congress felt good because we were spending more money. Well, that has changed dramatically. This bill actually cuts funding. It actually spends less than the previous year's level.

So, again, it is a huge step in the right direction, but it also funds the essential services that the American people depend on.

I want to recognize the work of Chairmen KINGSTON and WOLF, who

have balanced the funding for necessary food safety and for, as an example, law enforcement. They also made some very difficult choices—but necessary choices—to reduce spending.

I had the privilege of serving on the Transportation and Housing Subcommittee, and I want to commend Chairman LATHAM for the work that he has devoted to this bill.

On the transportation side, this bill prioritizes rail and transit projects that improve and expand existing systems. It funds NextGen to help reduce traffic delays, and it funds the Federal highway program. It provides sufficient funding to renew every individual and family voucher, for example, and it includes new oversight reforms at HUD to root out waste, fraud, and abuse, which is such a huge issue.

This conference report prioritizes government spending for vital programs, but it also reduces waste and, again, puts us on a path where we will not bankrupt the United States of America.

I urge my colleagues to join me in supporting this fine piece of legislation. Is it perfect? No. But it's the best piece of legislation and the only one in many, many years that has actually come to the floor through regular process after an amendatory process.

I commend the chairman, and I support the legislation wholeheartedly.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi, a member of our committee and a very valued member, Mr. NUNNELEE.

Mr. NUNNELEE. I thank the chairman for yielding.

As a member of this historic freshman class, we came here committed to cutting government spending because we know that cutting government spending is tied directly to increasing job opportunities in this Nation.

This bill does something that has not happened since World War II. For the second year in a row, we are now on the path to cutting government spending, not by the definition traditionally used by Washington, which is cutting the rate of growth, but by the definition of the people of America: actually cutting spending.

We also came here to change the way Washington does business. President Reagan observed that government programs, once launched, never disappear. Actually, a government bureau is the nearest thing to eternal life we'll ever see on Earth.

This conference report terminates a total of 20 programs from the Federal budget. Now, I wish it would have cut more spending, but when I look at the opportunity to cut 20 programs from our Federal budget—something that rarely happens in this town—I gladly support this conference report.

Thank you, Mr. Chairman, for your work.

Thank you to the ranking member and the minority for working with us to eliminate those 20 programs.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. I thank the chairman for yielding.

Mr. Speaker, I rise in support of the conference report, which includes the CJS approps bill for fiscal year 2012, and I want to pay a special thanks to Chairman WOLF for his help in working out a very difficult problem.

In 2010, a Federal prison was built in Berlin, New Hampshire, which is in my district. However, due to the lack of funding, the facility has been sitting idle now for a year and a half at a significant cost to taxpayers. So I applaud the inclusion of report language that urges the Bureau of Prisons to begin the activation phase of this prison in Berlin, New Hampshire, and others where construction has been completed but where the facilities currently sit idle.

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Additionally, I would like to thank Mayor Grenier in Berlin for his dogged determination and my colleagues on the Appropriations Committee for their special attention to this very serious problem.

Once opened, this prison will house over 1,000 minimum-security and medium-security adult male offenders. It will produce over 300 jobs for the region and bring $40 million to the local economy. It is a very worthwhile program. I thank you for being attentive to this issue with me. I urge final passage of the bill.

Mr. ROGERS of Kentucky. May I inquire of the time remaining.

The SPEAKER pro tempore. The gentleman from Kentucky has 2½ minutes, and the gentleman from Washington has 5½ minutes remaining.

Mr. ROGERS of Kentucky. Mr. Speaker, I am the last remaining speaker on my side, so I will yield to the gentleman.

Mr. DICKS. I yield myself as much time as I may use.

I just want to say that I think that this is a bill that we've worked hard on, we've worked with the other body; and I hope that the Members will support this bill. And I want to remind everybody, this has got the CR in it. We've got to keep the government open. It's clean, as clean as any one that I have seen. So I hope that we can pass this bill with a very strong bipartisan vote. I'm urging my colleagues on the Democratic side to support this bill.

I want to, again, congratulate the chairman and all of our staff for the work that they've done on this bill. It's a good bill. It's not perfect, but it's a lot better than the alternative. And we need to keep moving on these appropriations bills. I hope we can pass the other nine in December, and we have to do that.

I yield back the balance of my time.

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

I want to say a special thanks to my friend from Washington, NORM DICKS, for being a hardworking, cooperative ranking member. We worked together on this bill, and we will continue to do that. And I also want to thank the staff. You know, they don't get enough thanks. These are the people that do practically all the work, day and night, weekends included, holidays included. So thank you to all of the staff, majority and minority, for producing this work.

Let me close, Mr. Speaker, by emphasizing that this conference report is only the first step toward finishing fiscal '12, and I urge my colleagues to support this conference report.

Let me also remind our colleagues that there are no earmarks in this bill. A lot of people said, you cannot pass a bill without earmarks. Well, this bill has no earmarks, not one, not a single one. It also reduces dramatically Federal spending. And when we finish—and I want my colleagues to hear this plainly and clearly—when we finish all 12 bills, we will be at $1.043 trillion, not a penny more. We will be at $1.043 trillion, as provided by the cap under the Budget Control Act. I guarantee that number. I guarantee that number, hear me. So I urge an ''aye'' vote on this first step towards fiscal sanity.

I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I strongly support a number of provisions in H.R. 2112, the Fiscal Year (FY) 2012 Agriculture, Rural Development, Food & Drug Administration and Related Agencies Appropriations Act, such as the vital funding for low-income food assistance programs. I must voice my outrage at language included in this legislation which blatantly ignores and imperils the health of this country's school children.

Just days ago, language was inserted into H.R. 2112 which prevents the United States Department of Agriculture (USDA) from implementing important new school lunch standards that are scheduled to go into effect next year. The language also allows pizza, if it has at least two tablespoons of tomato paste, to be defined as a vegetable.

Childhood obesity is a disease effecting 17% children throughout the country. According the Centers for Disease Control and Prevention, childhood obesity has more than tripled in the past 30 years and in 2008, more than one third of children and adolescents were overweight or obese. Nationally subsidized meals at schools have a responsibility to feed our children healthy and nutritious food. The USDA has developed new school nutrition standards and is ready to implement them. Instead, we are allowing these industries to make and keep our children sick, to put them at risk for serious cardiovascular diseases, type 2 diabetes, stroke, osteoarthritis and several types of cancer.

The needs of special interest groups are being put ahead of the health needs of children across the country. By including these provisions, we are allowing the salt, potato growers and frozen food industries to continue feeding the childhood obesity epidemic. According to the Institute of Medicine, a typical high school lunch contains around 1,600 milligrams of sodium; this is more than half of the daily recommended amount.

One of the largest barriers school nutrition programs face is cost. This is why I have authored a bill that would eliminate the tax deductibility of advertising and marketing of fast food and junk food that targets children. Despite the fact that research shows that marketing and advertising is a primary factor in increasing obesity rates in children, the tax code allows companies to deduct their advertising and marketing costs from tax returns. The government essentially subsidizes childhood obesity. My legislation has the potential to raise billions of dollars to pay for student nutrition programs.

Mr. MARKEY. Mr. Speaker, though the National Oceanic and Atmospheric Administration, NOAA, may not be a household name, Americans rely on this agency every day to provide critical weather information and to support ecologically sustainable and economically vibrant coastal communities. 2011 has been a record year for extreme weather disasters, including floods in the Midwest, extensive drought in Texas, a hurricane in Vermont and a debilitating October snowstorm in New England. The latest insurance analysis finds that the United States has experienced 15 billion-dollar weather disasters thus far in 2011. Despite these substantial costs, the ability to accurately predict and therefore prepare for such events not only prevented additional economic losses, but also saved lives. The funding levels in this bill will support the Joint Polar Satellite System, which provides NOAA with the technology to continue to make timely and accurate weather predictions.

Unfortunately, this bill prevents NOAA from undertaking a budget neutral reorganization to create a Climate Service, which was first proposed by President Bush's administration. Increasingly businesses, communities, and individuals are asking NOAA for climate information so they can make informed long-term decisions that impact the economy, public health, and safety. By continuing to oppose all things 'climate', Republicans have denied NOAA the ability to provide these critical products and services.

This bill also unfortunately reduces funding levels for NOAA's National Marine Fisheries Service to 2005 levels. NOAA is responsible for the conservation and management of fisheries in the United States and adequate funding is needed to protect our iconic American fishing industry. Our fishing industry is a critical component of our national economy. In 2010, the United States landed 8.2 billion pounds of fish valued at $4.5 billion dollars. We know improved data collection and stock assessments allow NOAA to make better and more timely fishery management decisions. We must continue to push for adequate fisheries science funding, which is critical to supporting our fishermen and coastal communities.

I remain concerned that NOAA's role in climate and fisheries science will be hindered by these funding levels, but will support this bill.

Mr. RYAN of Wisconsin. Mr. Speaker, on Tuesday, the national debt surpassed the $15 trillion mark. We cannot borrow and spend our way to prosperity. We must get control of spending. While the Appropriations Committee deserves credit for getting an agreement on the three appropriations bills in this measure, I'm concerned where we are headed on spending based on the use of ''disaster'' funding and the potential use of temporary mandatory savings to permanently increase the base of discretionary spending. The bill also includes damaging housing policies that contributed, along with many government policies, to recent financial crises and increases the financial exposure of the federal government.

Instead of advancing solutions in the face of this crisis, the President has not put forward a credible budget and the Senate under Democratic leadership has failed to pass a budget in over 930 days. Despite their failure to produce a budget, they are working hard to increase deficit spending.

The House of Representatives actually passed a budget, ''The Path to Prosperity,'' which would put us on a path to balancing the budget and saving and strengthening critical programs such as Medicare—without resorting to trillion dollar tax hikes that will damage our economy and hinder job growth. We passed the Budget Control Act, BCA, to cut nearly one trillion of dollars in spending and impose statutory caps on future appropriations. Under Chairman ROGER's leadership, we also cut fiscal year 2011 spending to begin to bring spending under control. Today, we consider H.R. 2112, the conference report on three appropriations bills: Agriculture; Commerce, Justice, and Science; and Transportation, Housing and Urban Development.

Republicans control the House, but with the Senate and the White House controlled by leaders who want to increase spending, and not reduce it, our ability to address this problem is limited. I know our Appropriations Committee has worked hard to try to hold the line on spending. Despite the challenges our Appropriations Committee faced, I have serious concerns regarding the precedent it sets for future spending. H.R. 2112 provides a total of $130.4 billion in new spending, including $2.3 billion of ''disaster relief'' funding. Excluding the disaster funding the bills are $757 million below the levels funded in 2011. Including the disaster relief funding the bills are $1.6 billion above the 2011 levels. In addition, this bill uses changes in mandatory spending, CHIMPS, which are temporary savings, to offset what I fear will be a permanent increase in the base of non-defense spending.

In the House-passed budget, we set a total limit on appropriations of $1.019 trillion for FY 2012. In the Budget Control Act, we increased that limit to $1.043 trillion and got statutory limits on spending for 10 years producing nearly $1 trillion in spending reductions over 10 years. This bill puts us potentially on a very troubling path. The BCA established a new exception to allow funds Congress designates as being for disaster relief to be added on top of the discretionary caps. There is no mandate to increase spending above $1.043 trillion. It is entirely in our control. And, there are conceivably circumstances in which a disaster could be of such severity or immediacy that Congress could choose to provide relief funding above and beyond the discretionary caps. But given the seriousness of the Nation's fiscal problems, such funding should be limited to only the most exigent circumstances. Instead, the Administration and Senate Democrats have insisted on using this disaster relief loophole in a way that, if not closely monitored, will undo the hard-won savings contained in the BCA.

The Budget Control Act language allows for the discretionary cap to be raised by as much as the historical average of past disaster spending, which for fiscal year 2012 would amount to a maximum adjustment of $11.3 billion. But rather than reserving this breathing space for truly dire emergencies, the Senate took this as an opportunity to stretch this exception to cover a number of programs that are not considered our primary disaster relief programs. The primary means for providing immediate disaster relief is through FEMA's Disaster Relief Fund, DRF, which will be included in a future appropriations bill and for which the Administration requests another $7 billion. But Senate Democrats have expanded disaster relief to programs such as funding for the Economic Development Administration, Community Development Block Grants, and agricultural grants. This is funding in this one bill alone. My concern is that the Senate and Administration will push the disaster relief exception to add even more funding in future bills, as a means of spending above the caps we agreed to as part of the debt limit.

The bill also includes $9.1 billion in Changes in Mandatory Program Spending, CHIMPS, that score as savings in the budget year, but that may not actually reduce costs for taxpayers. One provision in this bill related to the Crime Victims Fund creates nominal savings of $6.6 billion this year, essentially offsetting $6.6 billion of other spending in the bill. But all of these savings are reversed in 2013. To the Appropriations Committee's credit, this bill makes some progress in reducing the use of these savings gimmicks—reducing the use of these CHIMPS by about $1 billion compared to last year's bills. But, further vigilance is warranted in the use of such budgetary maneuvers.

Lastly, this bill includes a housing rider increasing conforming loan limits for the Federal Housing Administration. Increasing the federal role in housing markets, in this case by increasing housing subsidies, is bad policy. It increases risk and exposure to the taxpayer, who will have to pay for non-performing loans. Bailouts of Fannie and Freddie have cost taxpayers to date about $170 billion due to risky loans in their portfolios.

We have to offer real leadership in budgeting if we are to successfully resolve our fiscal challenges. This bill reflects the compromises inherent in divided government and we should recognize it both for the progress it makes and for how much further we have to go.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the conference report containing fiscal year 2012 appropriations for Agriculture, Commerce, Justice, Science, Transportation, Housing, and Urban Development. My support is somewhat tempered, as I find several items to cheer in this agreement and several that are of great concern to me. But recognizing the constraints within which the appropriators were working, I thank and applaud them for their hard work to achieve agreement and bring this bill before us today. In particular, I want to thank Chairman WOLF and Ranking Member FATTAH for their long-time support for research and development and STEM education.

As Ranking Member of the Committee on Space, Science, and Technology, today I limit my remarks to those agencies in this conference report that are within my committee's jurisdiction: NIST, EDA, NOAA, OSTP, NASA, NSF, and certain of FAA's activities.

Let me begin with what I think is one of the bright spots in this conference agreement, and

that is the budget for the National Science Foundation. NSF is the only federal agency that supports basic research across the entire range of science and engineering disciplines, continuingly refreshing both our intellectual capital and the new ideas and technologies that combined serve as the backbone for the creation of new industries and jobs in our nation. The Foundation also plays a critical leadership role in the nation in improving the quality of STEM education at all levels and for all students. Therefore I am quite pleased with the 2.5 percent increase proposed for the Foundation. This is exactly what setting priorities during tough budget times should look like.

Likewise, I am pleased that the Scientific and Technical Research Budget at the National Institute of Standards and Technology is increased by 11 percent. I am also pleased that the agreement maintains funding for the Manufacturing Extension Partnership, MEP, program, but I am very disappointed that the agreement eliminates all funding for the Technology Innovation Program and the Baldrige National Quality Award, and fails to provide any funding for the promising AMTech program.

While I am pleased that the agreement proposes $17.8 billion for the National Aeronautics and Space Administration, NASA, a strong sign of support within these challenging fiscal times, we must be mindful that the overall program that NASA is being asked to accomplish with these funds has not changed significantly despite yearly reductions in the agency's appropriations. That said, I am pleased that the bill provides funding to maintain the James Webb Space Telescope program on a schedule for launch in 2018 and that the bill provides funding and direction for NASA to pursue a flagship planetary science mission, if it can be scoped so that NASA's costs can be accommodated within appropriated funding levels. While funding for the Space Launch System, SLS, and Multi-purpose Crew Vehicle, MPCV, proposed in this bill is more than requested by the Administration, it is significantly below authorized levels. This downward trend cannot continue. It is vital that the SLS and MPCV stay on track so that we reinstate a U.S. government capability to launch American crews into orbit, provide a back-up crew and cargo transfer capability for the International Space Station, and return the United States to the forefront of the human exploration of outer space beyond low-Earth orbit.

I am pleased that the conference report provides the National Oceanic and Atmospheric Administration, NOAA, with a $306 million increase above this fiscal year's level. However this increase is insufficient for the many missions that this important agency is being asked to undertake at this time. America has already experienced in this year alone ten extreme weather events with economic costs to date approaching $50 billion. The National Weather Service provides weather and climate forecasts and warnings for the United States and maintains the national infrastructure of observing systems that gather and process data worldwide from the land, sea, and air. The Joint Polar Satellite System weather satellite program, a vital component of this mission, must have consistent and sufficient levels of funding in order to provide these much needed products and services. Further, I am disappointed but not surprised that this bill does not support the Administration's efforts to better align the agency to provide reliable weather and climate products and services now and into the future. If left uncorrected, current political efforts to undermine these services will have significant negative economic consequences down the road.

With respect to the Economic Development Administration, EDA, I am pleased that the agreement provides $5 million in funds for loan guarantees for small- and medium-sized manufacturers, as authorized last year in the America COMPETES Reauthorization Act. And while I am disappointed that the bill does not include a separate line item of funding for the Regional Innovation Strategies program, as also authorized in the America COMPETES Reauthorization Act, I am pleased that the agreement recognizes the importance of EDA's work in regional innovation and encourages it to continue.

However, I am concerned about the budget for the Office of Science and Technology Policy. I fear that the 32 percent cut to OSTP will do significant collateral damage to the formal infrastructure that helps ensure that billions of dollars in federal R&D initiatives are coordinated across the agencies efficiently and effectively. I wish the appropriators would have found another path forward to deal with the disagreements that motivated this cut, and I certainly hope that in the next fiscal year we can see this matter resolved and OSTP made whole again.

Finally, with respect to the FAA, I am encouraged by the conferees' recognition that arbitrary funding reductions imposed earlier by the House Majority were unwise as such cuts negatively affect aviation safety and halt job creation. Furthermore, I appreciate the conferees' support of NextGen air traffic modernization activities because of the importance of NextGen in preventing future gridlock in our skies, while allowing FAA to manage air traffic in a safe and environmentally responsible manner. I agree with the funding level provided to FAA's commercial space regulatory activities, since hearings conducted by the Science, Space, and Technology Committee and its Space and Aeronautics Subcommittee during this session confirmed that commercializing space transportation has not progressed as quickly as expected and thus the need for the additional funding sought in the original FAA budget request was not supportable.

In closing, I once again would like to thank Chairman WOLF, Ranking Member FATTAH, and their colleagues in the House and Senate for all of their work on this agreement, and for their implicit recognition of the critical role that federal investments in R&D and STEM education play in ensuring our nation's long-term health and prosperity.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to debate the conference report on H.R. 2112, containing FY 2012 appropriations. This bill will fund the departments of Agriculture, Commerce, Justice, Transportation, Housing and Urban Development, as well as NASA Additionally, the bill funds the government through December 16, 2011.

I am pleased to see the conferees were able to restore essential funding for jobs, innovation, food safety, and vital investments in infrastructure. Moreover, the bill has come back from conference free of controversial policy riders that put special interest above the interests of the American people.

The conference report contains key investments in infrastructure that will put Americans back to work. Funding for high ay and transit programs has been set at $39.8 billion for the federal aid highway program, and $10.5 billion for transit programs, allowing for 400,000 more jobs than the House version of the bill.

I am extremely pleased that the conference agreement includes funding for METRO rail in the Houston, Texas North Corridor ($94,616,000) and Southeast Corridor ($94,616,000) for a total of $189,232. This funding is critical for the regional mobility of the citizens in and around the 18th Congressional District. At a time when cities around the country are struggling with a backlog of transportation projects amidst high unemployment, this funding is critical to improving transportation infrastructure while creating jobs.

Houston, in particular, needs this infrastructure to relieve congestion and provide adequate public transportation. Furthermore, this investment in the city's New Start Transit Project will create jobs for Houstonians who want to work to support their families and improve their communities.

As the Ranking Member of the House Homeland Security Subcommittee on Transportation Security, I understand the vital importance of ensuring the nation has a developed transit system. Houston has been working for over 20 years to bring these New Start Projects to fruition. I have worked tirelessly to secure the necessary funding to complete the METRO RAIL New Start Projects, and I am very pleased this project was included in the conference report.

This legislation also contains $2.3 billion dollars in funding for disaster relief. Adequate funding for disaster relief is imperative to our nation's emergency preparedness. As a Representative from Texas, I have seen firsthand the necessity for disaster relief funding. During Hurricane Katrina, there were insufficient quantities of generators forced hospitals to evacuate patients. Local governments waited days for commodities like ice, water, MREs, and blue tarps. Evacuees from Texas arrived in Shreveport and Bastrop shelters that were grossly unfit for occupancy, and 2,500 people were forced to use the same shower facility.

Emergency preparedness is only one part of keeping our communities safe. We also need to ensure that our law enforcement agencies have the resources they need to uphold law and order at all times. The Community Oriented Policing Services, COPS, Program for state and local law enforcement will receive $198.5 million dollars in this legislation, including $166 million dollars for COPS hiring to put more police officers on the streets, keeping our citizens safe. As a senior Member of the Homeland Security, I know that strong state and local law enforcement agencies are vital to our national security.

I am also pleased to see funding for the Office of Violence Against Women. The conference agreement includes $412.5 million dollars for programs to prevent violence against women, and assist victims of violent crime. Across the country there are non profits, community based organizations, and religious groups that are diligently working to address all the issues that arise from domestic violence. One such organization is in my hometown of Houston, TX, the Houston Area Women's Center. Programs such as the Houston

Area Women's Center will benefit from the grants made available through this funding.

Throughout the budget and appropriations process, I have been concerned about the adverse effects of spending cuts on minority and underserved populations. I am extremely pleased to see that the Minority Business Resource Center program received $922,000 dollars in funding to provide loans and capital to invest in minority owned businesses. The conference report also allocates $3.06 million dollars for minority business outreach. These efforts show a commitment to revitalizing small business and giving everyone the opportunity to make it in America.

This bill represents an investment in America's future by allocating $4.5 million dollars for the Office of Science and Technology Policy. In the report, the conferees state their support for improvements to the federal Science, Technology, Engineering and Mathematics, STEM, education. STEM education is absolutely imperative for Americans to compete in the increasingly globalized economy. A commitment to improving STEM education is a commitment to our children and our students.

H.R. 2112 also takes steps to further our economic recovery after the 2008 financial crisis. In the wake of the housing crisis, many responsible, hard working Americans lost their homes, not because they neglected to pay their mortgage, but because their rates went up unexpectedly, or because they lost their jobs. In an effort to prevent more families from losing their homes, this bill provides $45 million dollars for non-profits to advise families on foreclosure prevention.

While I support this measure, I also have some reservations. While I am glad to see the Women, Infants, and Children, WIC, nutrition program funded at $6.6 billion, $570 million above the House level, and $36 million above the Senate level, I am concerned that the Supplemental Nutrition Access Program, SNAP, and child nutrition have been funded at $98.6 billion, $2 billion below President Obama's request. Moreover, the decision to render tomato paste and tomato sauce as adequate servings of vegetables undermines efforts to teach children healthy eating habits at a young age.

While the funding levels for SNAP allow all individuals and families that meet the program's criteria for aid to receive benefits, there is nothing in the conference report that addresses the very serious problem of urban food deserts, communities in which residents do not have access to affordable and healthy food options. Food deserts disproportionally affect African American and Hispanic communities. Fast food restaurants and convenience stores line the blocks of low income neighborhoods, offering few, if any healthy options.

Food deserts have greatly impacted my constituents in the 18th Congressional District, and citizens throughout the state of Texas. Texas has fewer grocery stores per capita than any other state. The U.S. Department of Agriculture, USDA, identified 92 food desert census tracts in Harris County alone. These areas are subdivisions of the county with between 1,000 to 8,000 low income residents, with 33 percent of people living more than a mile from a grocery store.

I am also concerned about the decrease in funding for NASA found in this report. While I am very pleased that NASA's budget does include $138 million dollars for education, including the Minority University Research and Education Program, I wholeheartedly believe we need to further the space program. The Johnson Space Center in Houston attracts the best and brightest minds in the nation, and we must give them the resources they need. There is no blueprint for great achievement, but allowing for continued exploration of the universe can lead to great discovery.

Despite these reservations, I am pleased to support this measure, and urge my colleagues to do the same.

Mr. CAMPBELL. Mr. Speaker, I rise in support of H.R. 2112, the Consolidated and Further Continuing Appropriations Act, but want to express serious concern over a provision that would only extend some loan limits, and not others, that are guaranteed, in one form or another, by the United States government.

For several months, I have been advocating for a temporary extension, and now a restoration and temporary extension, of the Government Sponsored Enterprise, GSE, conforming and Federal Housing Administration, FHA, loan limits. GSE conforming and FHA loan limits were increased in 2008 to stabilize the housing market during the economic crisis, and fill a gaping void left by retreating private financial institutions. Unfortunately, the housing market remains troubled and the painful cycle of defaults, distressed sales, foreclosures, and price declines has caused a severe delay in our economic recovery. Even now, private lenders remain incredibly risk-averse, hesitating to provide long-term, fixed-rate mortgages to the vast majority of the market. Until Congress decides how to move forward with broad reform to fix our broken housing finance system, we should not dismantle the few remaining support systems that are preventing the housing industry from collapsing further.

For these very reasons, I introduced H.R. 2508, a bill that would have extended both sets of loan limits for two fiscal years after their expiration on October 1, 2011. Doing so would have given certainty to housing and financial market participants and allowed enough time for Congress to thoughtfully consider broad reform legislation. Unfortunately, Congress chose not to act on my legislation, nor implement any other legislation that would have extended the loan limits out.

Since then, I and many of my colleagues in Congress have received countless calls from frustrated constituents in our districts who are now unable to transact in the housing markets due to the inability to find a private lender willing to finance them. Just yesterday, new data was released on housing market activity in October showing that home sales are down an average of 20 percent in some markets from a year earlier in the segment of the market that was relying on these higher loan limits. In my home district, sales of homes in this market segment fell by 71 percent since September.

As amended by the Senate, H.R. 2112 would have extended both sets of loan limits and mitigated costs to the taxpayer by increasing the guarantee fees assessed on larger loans. However, the compromise made by the Conference Committee to only restore the loan limits for mortgages guaranteed by FHA is a half-measure and one that ignores the tremendous need for restoration of the conforming loan limits. While this is better than no extension of either loan limit, it is not the compromise we should have made. The nature of FHA's guarantee is inherently different than that of the GSEs, the former being more expensive to the taxpayer. Historically, FHA-guaranteed loans have been a narrowly targeted subsidy, a state to which I would like to see FHA eventually return. However, by extending only the FHA loan limits now, we are essentially granting FHA a complete monopoly in this market segment at a time when the FHA is under considerable stress. Independent actuaries have estimated a 50 percent chance that the agency will need a federal bailout of its own in the coming year as it continues to draw down its reserves in a deflating housing market.

It's with this in mind that I will cast my vote in favor of H.R. 2112, but do so with significant reservations.

Ms. KAPTUR. Mr. Speaker, I rise to reluctantly support the Fiscal Year 2012 Appropriations Minibus.

Given current budgetary constraints primarily caused by unnecessary tax cuts for the rich, this bill generally reduces spending but provides additional resources for certain programs that will help create jobs.

For example, the Federal Highway Administration estimates that a $1 Billion expenditure on highway construction supports 30,000 jobs. The underlying bill provides nearly $40 Billion for highway construction.

However, the legislation also includes unnecessary riders that will allow corporate packers and processors to continue to manipulate the livestock market to the detriment of our farmers and ranchers.

Funding is withheld from USDA in this bill from implementing a set of Rules that would restore balance and fairness to the livestock marketplace.

Is it fair that the average chicken grower makes 34 cents per bird while the processing corporation makes $3.23 per bird and this Congress prevents the agency tasked with protecting farmers from doing its job?

It is my sincere hope that USDA implements what remains of the fairness Rule as soon as possible and enforces existing laws to protect farmers and ranchers from corporate abuses.

I urge my colleagues to support the Appropriations Minibus.

Mr. HENSARLING. Mr. Speaker, the legislation before us would increase taxpayer exposure to the housing market by raising conforming loan limits at the Federal Housing Administration (FHA).

Hardworking taxpayers, struggling to make their own mortgage payments, should not be forced to subsidize the purchase of $729,750 homes. Taxpayers have already spent almost $200 billion dollars bailing out the Government Sponsored Enterprises (GSEs), Fannie Mae and Freddie Mac—why should they also be forced to subsidize the purchase of costly homes for affluent borrowers through FHA?

If the GSEs with their implicit guarantee were a problem, then expanding FHA with its explicit 100 percent taxpayer-backed guarantee is a larger problem. I fear that raising conforming loan limits at FHA while allowing the GSE limits to remain at current levels will push all new mortgage originations between $625,500 and $729,750 into full taxpayer backing through FHA.

To make matters worse, FHA's present financial state is precarious. For the past two years, its single family Mutual Mortgage Insurance Fund (MMIF) has been undercapitalized.

This fund, which is supposed to hold sufficient reserves against unexpected future losses on its existing insurance, is statutorily required to maintain a 2% capital cushion. As of FHA's most recent actuarial report, the Agency is currently 88% below their statutorily required minimum capital ratio. To put that number in perspective, FHA is currently more than ten times more leveraged than Lehman Brothers was when it filed for bankruptcy.

Last week, Dr. Joseph Gyourko, an American Enterprise Insitute (AEI) scholar and real estate and finance professor at the University of Pennsylvania's Wharton School, released a report suggesting that FHA is underestimating future losses by many tens of billions of dollars. Dr. Gyourko estimated that the recapitalization required will be at least $50 billion, and likely much more, even if housing markets do not deteriorate unexpectedly.

Dr. Gyourko is not the only one who thinks FHA will need a bailout. In FHA's November 15, 2011, annual report to Congress on the financial status of the MMIF, their independent actuary acknowledged there is a nearly 50% chance they will need a bailout: "With economic net worth being very close to zero under the base-case forecast, the chance that future net losses on the current, outstanding portfolio could exceed current capital resources is close to 50 percent."

Even the Obama Administration has acknowledged a need to scale back taxpayer support for the housing finance system. In its February 2011 report to Congress on options for the future of housing finance, the Administration encouraged Congress to let the elevated loan limits expire. I do not often find myself in agreement with the Obama Administration, but in this instance, we agree that the private sector simply cannot compete with government guarantees. The best way to get private capital in the game is to get the government out.

It is imperative that we work toward comprehensive housing finance reform that will end bailouts and get taxpayers off the hook for bad housing bets. Unfortunately, the underlying legislation works against this goal and for that reason, I must oppose the bill.

Mr. RICHMOND. Mr. Speaker, I missed rollcall vote number 857. Had I been present, I would have voted "yes" on rollcall vote number 857, adoption of the Conference Report on H.R. 2112—the Agriculture, Rural Development, Food & Drug Administration and Related Agencies Appropriations Act.

Mr. Speaker, the conference report is not perfect. I am pleased that it would avert a government shut-down and that the Federal Government can continue to provide services to the American people. Additionally, I am pleased that the conference report provides over $2 billion for emergency disaster relief. That being said, there are many items contained in the legislation that are troubling. At a time of severe economic challenge in many parts of the country, this bill reduces investments in infrastructure, community policing and federal housing programs. I am hopeful that my colleagues can craft the next slate of appropriations bills with a fundamental understanding that we are experiencing an economic emergency in many parts of the country. I look forward to working with them on the remaining appropriations bills for the current fiscal year and to continuing to work to put our economy back on the right track.

The SPEAKER pro tempore. Pursuant to House Resolution 467, the previous question is ordered.

The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 298, nays 121, not voting 14, as follows:

[Roll No. 857]

YEAS—298

Ackerman
Aderholt
Alexander
Altmire
Andrews
Baca
Bachus
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Buchanan
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Flores
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Garamendi
Gerlach
Gibbs
Gibson
Gonzalez
Goodlatte
Gosar
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kissell
Kline
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Renacci
Richardson
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stivers
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)

NAYS—121

Adams
Akin
Amash
Amodei
Austria
Bartlett
Barton (TX)
Blackburn
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Canseco
Chabot
Chaffetz
Clarke (NY)
Coffman (CO)
Conyers
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Farenthold
Fincher
Flake
Fleischmann
Fleming
Foxx
Franks (AZ)
Fudge
Garrett
Gingrey (GA)
Gohmert
Gowdy
Graves (GA)
Griffith (VA)
Grijalva
Guinta
Harris
Hastings (FL)
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Jenkins
Johnson (IL)
Jones
Jordan
King (IA)
Kinzinger (IL)
Kucinich
Labrador
Lamborn
Landry
Lankford
Lee (CA)
Lummis
Mack
Marchant
McClintock
McCotter
McHenry
Meeks
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Paulsen
Pearce
Pence
Petri
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Reyes
Ribble
Rigell
Ross (FL)
Royce
Rush
Ryan (OH)
Ryan (WI)
Schakowsky
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Southerland
Stark
Stearns
Stutzman
Sullivan
Terry
Tipton
Towns
Velázquez
Walberg
Walsh (IL)
Waters
Westmoreland
Wilson (SC)
Woolsey
Young (IN)

NOT VOTING—14

Bachmann
Biggert
Bishop (GA)
Brown (FL)
Courtney
Filner
Gardner
Giffords
Manzullo
Napolitano
Paul
Richmond
Roskam
Shimkus

□ 1619

Messrs. TERRY, POE of Texas, SULLIVAN, YOUNG of Indiana, FLEISCHMANN, Ms. VELÁZQUEZ, Ms. BUERKLE, and Mr. MILLER of Florida changed their vote from "yea" to "nay."

Mr. SESSIONS changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 857, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mrs. NAPOLITANO. Mr. Speaker, I was absent during rollcall vote No. 857 in order to attend an important event in my district. Had I been present, I would have voted "yea" on

Adoption of the Conference Report on H.R. 2112—Agriculture, Rural Development, Food & Drug Administration and Related Agencies Appropriations Act.

Stated against:

Mr. MANZULLO. Mr. Speaker, I missed rollcall No. 857. Had I been present, I would have voted "nay."

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 466, I move to suspend the rules and pass the joint resolution (H.J. Res. 2) proposing a balanced budget amendment to the Constitution of the United States, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 2

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any such waiver must identify and be limited to the specific excess or increase for that fiscal year made necessary by the identified military conflict.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with the fifth fiscal year beginning after its ratification.".

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 466, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 2 hours and 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Americans want the Federal Government to stop excessive government spending and reduce the Federal deficit. The last time the budget was balanced was during the Clinton administration, when Republicans in Congress passed the first balanced budget in over 25 years. Meanwhile, the Federal debt has climbed from less than $400 billion in 1970 to over $15 trillion today.

Mr. Speaker, President Obama has set the wrong kind of new record. The national debt has increased faster under his administration than under any other President in history. America cannot continue to run huge Federal budget deficits. Financing Federal overspending through continued borrowing threatens to drown Americans in high taxes and heavy debt, and it puts a drag on the economy.

The Federal Government now borrows 42 cents for every dollar it spends. No family, no community, no business, no country can sustain that kind of excessive spending. That is the road to insolvency. Unfortunately, this kind of bad behavior has gone unchecked for so long that it has become the norm. The Federal Government has been on a decades-long shopping spree, racking up the bills and leaving them for future generations.

We need a Constitutional mandate to force both the President and Congress to adopt annual budgets that spend no more than the government takes in. Only a balanced budget constitutional amendment will save us from unending Federal deficits.

Just as both parties have joint responsibility for the deficit, we must jointly take responsibility for controlling the deficit by passing the balanced budget amendment. We came very close to passing this balanced budget amendment in 1995, falling just one vote short in the Senate of the required two-thirds majority. In that Congress, the amendment was supported by Congressman HOYER, now minority whip, Congressman CLYBURN, now Assistant Democratic leader, and Senator JOSEPH BIDEN, now Vice President.

As then-Senator BIDEN stated in support of the balanced budget amendment, "In recent decades we have faced a problem that we do not seem to be able to solve. We cannot balance our budget—or more correctly, we will not. The decision to encumber future generations with financial obligations is one that can rightly be considered among the fundamental choices addressed in the Constitution."

Congress is way overdue to pass a balanced budget amendment, and the American people want it. Polls show that 74 percent are in favor of a balanced budget amendment. It took less than a generation for us to get into this mess, we need a fiscal fix that will now last for generations.

If we want to make lasting cuts to Federal spending, a constitutional amendment is the only solution. It is our last line of defense against Congress' unending desire to overspend and overtax.

Thomas Jefferson believed that "the public debt is the greatest of dangers to be feared." Jefferson wished "it were possible to obtain a single amendment to our Constitution taking from the Federal Government the power of borrowing." It is time that we listened to Thomas Jefferson and passed a constitutional amendment to end the Federal Government's continuous deficit spending. We must solve our debt crisis to save the future.

I want to thank Mr. GOODLATTE, the gentleman from Virginia, for introducing the version of the balanced budget amendment we are considering today and for his tireless work in support of the amendment.

Since the 1930s, dozens of proposals offered by both Democrats and Republicans have called for constitutional amendments to address Federal budget deficits. We have the opportunity today to take the first step toward making a balanced budget a reality by passing this legislation.

□ 1630

The American people have not given Congress a blank check. Let's demonstrate to the American people that Congress can be fiscally responsible and get our economic house in order. Borrowing 42 cents for every dollar the government spends and setting a new deficit record is not the road to prosperity. Let's put our country first and pass this amendment.

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

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

Ladies and gentlemen, this balanced budget constitutional amendment is one that surprises me, and very little surprises me anymore. But for us to be seriously, on this day and this time, considering an amendment to the Constitution of the United States that would destroy jobs, that would drastically cut Medicare and Social Security and give members of the Federal judiciary the right to raise taxes and

make spending decisions for us is relatively shocking to me, and I am very much opposed to it.

I want to engage my dear friend, the chairman of the committee, in an exchange of views on this, but let's start off the discussion with this reality. This is not 1995, and that's why so many people that supported the amendment then have changed their minds now, and they will explain this as they go along.

I would like now, Mr. Speaker, to yield to the gentleman from New York, former chairman of the Constitution Subcommittee, JERRY NADLER, for as much time as he may consume.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this misguided attempt to amend our constitution. It is both bad economic policy and bad constitutional policy.

Let's start with the basics. While balancing your budget and paying down your debts is important—and we did that under President Clinton—a balanced budget every year, regardless of the circumstances, even when facing economic crisis, a natural disaster or a terrorist threat, is economically dangerous. We would be risking economic ruin if we enshrined this unyielding rule in the Constitution and shackled future generations to one particular economic policy preference that does not work at all times and in all situations.

In general, the economists tell us, in good times, you should have a balanced budget and pay down the debt. In bad times, when a recession increases demands on government and tax revenues fall, or in emergencies, you need to be able to run a deficit.

The nonpartisan economists at Macroeconomics Advisers, for example, tell us that if this amendment were in effect next year, in fiscal year 2012, it would eliminate 15 million jobs and double the unemployment rate. And this amendment would shackle future generations in such situations.

One thing we can be sure of, this amendment will devastate the economy; destroy Medicaid, Medicare, and Social Security; cripple our government's ability to deal with national emergencies, maintain our vital infrastructure, or deal with new challenges as they emerge.

Let's be clear on what this amendment does not do. It does not require us to balance the budget the way States or businesses or families do. They're not required to spend no more than that year's income. Families borrow money. If they were told you must pay cash—you want to buy a house, pay cash; you want to buy a car, pay cash—they wouldn't have the house, they wouldn't have the car, the standard of living would be much lower.

States borrow money. States have balanced budget amendments generally, but those amendments refer to their operating budgets. They borrow money for their capital budgets to build bridges and roads and highways. The budget of the United States does not make such a distinction, and this balanced budget amendment would say you can never borrow money. You cannot borrow money to build highways, to make investments, to deal with the economy in a recession. It doesn't make sense.

Similarly, we collect payroll taxes to pay for Social Security benefits. We collect gasoline taxes to pay for transportation infrastructure, and we carry over unexpended funds in those trust funds from prior years. Because they were paid in prior years, those revenues would not count, only the expenditures. If you paid $100 in Social Security taxes in 1960 and drew $100 of benefits in 2011, the budget would show a deficit of $100 because the tax was paid in a different year, even though it's the same money. No matter how much money we had put away for a rainy day, we would still be limited to spending no more than that year's tax revenues. No one in this room balances their budget that way.

What happens when you retire and your income drops? Do you not touch your savings because it didn't come in during that year? Of course not. You're not running a deficit when your expenses equals that year's income plus savings.

I know we have a lot of millionaires here, but did anyone pay cash for their home?

But this amendment enshrines crazy bookkeeping and distorted policies into our Constitution. So all the chatter about States and businesses and families balancing their budgets is true, but it's irrelevant to what this amendment actually says.

Because this is a constitutional amendment, it would give Federal judges, those same unelected, lifetenured Federal judges my Republican friends always complain about, the power to cut spending and raise taxes. Anyone could bring a lawsuit if the budget doesn't balance, if the estimated receipts, in his opinion, didn't match the estimated tax revenues, and a judge would have to decide whose revenue and expenditure estimates were correct. And if they didn't match in the judge's opinion, the judge would have to decide to increase taxes or to cut expenditures and which expenditures it cut, an unelected judge.

How is that possible? It's possible because, as a constitutional amendment, the courts will have to have the power to enforce it, just as they do the rest of the Constitution.

The Constitution now gives the power to tax in the first instance to the House. All revenue measures must originate here. That's because we are closest to the people—the people's House. This would go as far away from that wise decision as you possibly can by giving that power ultimately to the only part of government that is not elected by the people and that is not accountable at the ballot box—the judiciary.

The courts could also order reduction in spending to enforce a balanced budget. They could slash military spending or Social Security or eliminate disaster relief. The voters and Congress would be powerless to stop such decisions.

Is this really someone's idea of constitutional conservatism?

This amendment isn't limited to a requirement that we balance the budget. It imposes a three-fifths supermajority requirement to raise the debt ceiling. When we considered that in 1995, it never occurred to anyone that any Member of Congress, much less a majority, would consider allowing the United States to default on its debt. It wasn't just considered crazy; it was considered impossible.

Today, unfortunately, we live in a different world. This year, for the first time in American history, we nearly defaulted on the full faith and credit of the United States and, for the first time in our history, saw our top credit rating downgraded, and that was for difficulty in getting a simple majority. A three-fifths majority would make it much more difficult.

Is this balanced budget amendment necessary?

We have been told it's the only way to impose the necessary discipline to force Congress to balance the budget. We know that's not true because we balanced the budget under President Clinton. We turned in four balanced budgets and ran a surplus. In fact, in 2001, Alan Greenspan, testifying in favor of President Bush's proposed tax cuts, said we had to reduce taxes because we were going to eliminate, pay down the entire national debt in 10 years, and that would be a bad thing, he thought, for various reasons. But that was the danger—we'd pay down and eliminate the national debt.

But President Bush and a Republican Congress succeeded in turning that record surplus into record deficits in record time. They did it with two huge tax cuts, two unfunded wars, a prescription drug benefit that wasn't paid for, and the rejection of the Democratic Congress' pay-as-you-go rule. It was all done off the books.

And I have heard the calumny that it was wild spending by the Obama administration that has brought about our $15 trillion national debt. Well, the truth of the matter is, if you look at non-defense discretionary spending, everything we do, other than defense and Social Security and Medicare and veterans benefits and interest on the debt, adjusted for population and for inflation, it hasn't gone up by a nickel since 2001.

The fault, dear colleagues, is not in our Constitution; it's in an irresponsible Republican President and an irresponsible Republican Congress. Many of those same Republican Members who saw nothing wrong with busting the budget, who sat quietly when Vice President Cheney said that deficits don't matter, now demand this assault

on our founding document instead of delivering the votes for sound fiscal policy.

We should do our jobs, not wreck the Constitution and the economy with snake oil cures like this. I urge a ''no'' vote.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds.

I just want to say to the gentleman from Michigan who spoke earlier that I agree with him. Today is not 1995. In fact, the deficit is worse. Since 1995, the deficit has tripled. It's gone from $5 trillion to $15 trillion, which is all the more reason to support this balanced budget amendment to the Constitution.

□ 1640

Mr. Speaker, I yield 5 minutes to my friend and colleague from Virginia (Mr. GOODLATTE), the sponsor of this resolution.

Mr. GOODLATTE. I thank the chairman for yielding.

Mr. Speaker, this chart tells the story. We have had a number of opportunities over the years to pass balanced budget amendments to the United States Constitution. It's not my idea; it's not a new idea. But as we've gone through time, we've managed debt. Now, as the chairman just noted, in the last 15 years the debt has tripled.

But looking ahead, this chart, which shows the ratio of our debt to our gross domestic product, and shows that by 2080 it will be nine times the total economic output of our country, indicates that what some on the other side have said simply is not the case.

Congress has not made the tough decisions. We have overpromised the American people, and the fact of the matter is, now we need to have something in the Constitution that the American people expect and demand of us. And that is a balanced budget amendment.

Now, we have lots of different balanced budget amendments that have been proposed in this Congress, I think 18 of them that I've seen thus far. And some ask for more stringent requirements—which I very much like—limiting the ability to balance this budget by putting a heavier burden on the American people through taxes. Capping the amount of money that we spend—certainly something that I also think we need to be cognizant of.

Others have said let's take certain things off the table, like Social Security or capital spending or disaster spending.

This balanced budget amendment, which passed this House with 300 votes, including 72 Democrats, strikes the right balance. It enshrines in our Constitution the principle that we should live within our means but gives future Congresses the flexibility to, in times of national emergency, have some years that are not balanced. That, I think, is a reality that we have to deal with.

But the fact of the matter is that in the last 50 years, since 1961, this Congress has balanced the budget of this Nation six times. It should be the other way around. There are certainly 6 years in those 50 that were crises in which you might say we should not balance the budget this year.

But when the gentleman from New York says that in good times we should pay down the debt, and in tough times we should borrow, that has not been what has happened because most of those 50 years have been good times.

Now, there's another important point to make here. Any amendment to the United States Constitution has to, by its very nature, be bipartisan. It requires a two-thirds majority. And many of my friends on the other side of the aisle have worked very hard to build support on their side of the aisle for this. I especially want to thank PETER DEFAZIO and JIM COOPER. Many Members, the Blue Dogs, have endorsed this balanced budget amendment. But it is necessary to have a bipartisan approach to this.

And you know what? This is a bipartisan problem. There have been Republican Presidents and Democratic Presidents, Republican Congresses and Democratic Congresses that have contributed to those 44 years when we've run deficits.

So now today we come and ask for a bipartisan solution to this problem, a solution that, depending upon the poll, 75 to 80 percent of the American people support.

Congress continues to prove it cannot make the tough decisions on its own. The budget has only been balanced six times in 50 years. The American people know what it means to balance their budgets. They are surprised that the Congress does not have this requirement. State governments do—49 out of 50 States, most of which have it in their constitutions. Local governments have to balance their budgets. Families and businesses have to live within their means, and they can't go more than a few years without living within their means.

But to run up a $15 trillion debt which, divided by the population of our country, means that the average person today owes more in debt based upon their share of the government's debt than they have in personal income, is a disgrace. This is not only an economic issue. This is not only something that we should be imposing upon future Congresses for economic reasons. This is also a moral issue.

This is wrong to borrow money year after year after year, over a trillion dollars in each of the last 3 years, so that today the average dollar spent by the Federal Government, 42 percent of it, by far the largest share, is borrowed against our children's and grandchildren's future.

And where does that lead us? It leads us to where Europe is.

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

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

Mr. GOODLATTE. This chart shows government debt as a percentage of GDP for the United States and five European countries—Spain, Portugal, Ireland, Italy, and Greece. When Greece first got into their problem last year, they were at 120 percent of GDP. That's what their debt totaled. Already just a little over a year later, it is 152 percent of GDP because their economy is shrinking because of irresponsibility on the part of their government.

The United States just this week crossed the 100 percent line. The United States owes as much in debt as we have in the total economic output of this Nation for 1 year.

It is time to put a halt to this, and the best way to do it is to enshrine in our Constitution a principle we all understand, we all live by, and that is you cannot live like this, you cannot live beyond your means year after year after year.

I urge my colleagues on both sides of the aisle to join this bipartisan effort to enshrine in our Constitution a principle sought by the vast majority of the American people.

Mr. CONYERS. Mr. Speaker, I am pleased at this time to recognize the minority leader of the House of Representatives who, ever since she has come to Congress, has worked drastically to save and build on Medicare, Social Security, and to create jobs, the gentlewoman from California, NANCY PELOSI.

The SPEAKER pro tempore. The minority leader is recognized for 1 minute.

Ms. PELOSI. I thank the gentleman for yielding and for his kind words and his great leadership on all of the issues that are important to America's working families.

Mr. Speaker, I came to the floor to talk about the balanced budget constitutional amendment, but before I get into my comments specifically to the amendment, I want to acknowledge that the gentleman from Texas, the distinguished chairman of the committee, Mr. SMITH, has talked about what the deficit was in 1995 and how much bigger it is now and the distinguished maker of this resolution today, Mr. GOODLATTE, talked about the problem of having such a big national debt.

Recognizing those two facts, I want to speak up about them.

First of all, if this were just talking about how we can reduce the deficit, the best way to do that is job creation. We know that.

If we want to talk about what happened in the nineties, we have to reference the fact that under President Bill Clinton, the Reagan-Bush deficit that he inherited he turned around, and five of his last budgets, the Clinton budgets, were in balance or were in surplus. He put us on a trajectory, he and the growth of jobs in our country in the public, and largely in the private sector, took us to a path, a trajectory of $5.6 trillion in surplus.

Along comes President George W. Bush and in record time, he reversed that. It was the biggest fiscal turnaround in our Nation's history, taking us to a trajectory of over $5 trillion in deficit, an $11 trillion turnaround. Two unpaid-for wars said the CBO, the nonpartisan Congressional Budget Office. That was because of two unpaid-for wars, the Bush tax cuts, particularly at the high end which did not create jobs, and a giveaway pharmaceutical bill to the pharmaceutical industry.

□ 1650

Those were the three main reasons for the big fiscal turnaround and how we got deeply in debt. I don't remember a lot of complaints coming from the Republican side of the aisle while President Bush was taking us down this path. Mr. GOODLATTE referenced two paths. Well, this is one path that President Bush took us down, so now we have to deal with that because the deficit is a concern to all of us.

We believe that the best way to deal with that is what President Clinton did, which was to have a great economic agenda to generate jobs. Yet here we are, nearly 320 days into the Republican majority, and they have taken no action on any serious job-creating bills. Here we go again: debating legislation that will not create jobs.

In fact, according to experts, the enactment of this proposed amendment to our Constitution would destroy 15 million jobs, double the unemployment rate, and cause the economy to shrink by 17 percent. As Bruce Bartlett said recently, former economic adviser to President Ronald Reagan and to President George Herbert Walker Bush:

''Even if we were not in an economic crisis and fighting two wars, a rapid cut in spending of that magnitude would unquestionably throw the economy into recession just as it did in 1937.''

This legislation is an attack on our economy, and it is an attack on our seniors. According to the nonpartisan Center on Budget and Policy Priorities, it could result in cuts over 10 years of $750 billion to Medicare and $1.2 trillion in cuts to Social Security. These cuts would be devastating to the 40 million seniors who rely on Medicare and Social Security every day. They are even more draconian than the cuts in the Republican budget, which would effectively repeal the Medicare guarantee. And just one week after our Nation celebrated Veterans Day, we are debating potentially cutting $85 billion over the next 10 years from veterans' benefits.

My colleagues on the other side of the aisle claim this is a clean balanced budget amendment. It is not. Because this proposed amendment to our Constitution will require a supermajority in both Chambers of Congress to raise the debt limit, it puts the full faith and credit of the United States of America in the hands of a minority—this after we went through all of the stress and strain and uncertainty and downgrading of our credit rating when we couldn't even get a majority, and now we're thinking of a supermajority vote for the debt limit increase. Again, that was never a requirement when President Bush was President that there would be a supermajority to raise the debt limit.

This amendment promotes further brinkmanship and uncertainty, enshrining extreme ideology into the Constitution at a time when Americans have been very clear that they expect us to set differences aside and to get to work.

It is our duty as Members of Congress—indeed, we take the oath of office—to be the elected guardians of our Constitution, to protect and defend it, and to do no harm to our founding documents. Yet, if this proposed amendment is adopted, it will have far-reaching and adverse consequences.

Mr. Speaker, I repeat that it was a Democratic President, President Clinton, who balanced the budget in the nineties. Five of his budgets were in balance or in surplus. We can do it again without harming our Constitution, our economy, our seniors, or our veterans. We must start by creating jobs and strengthening our economic growth—a key to reducing the deficit.

It was interesting to me to hear others on the other side of the aisle talk about our children and our responsibility to them. Yes, that's what we said when President Bush was amassing his deficit, but I didn't hear anyone on the other side of the aisle talking about that.

This is about our Constitution. We owe it to the vision of our Founders, to the sacrifice of our men and women in uniform, and to the aspirations of our children to get our economic and fiscal houses in order. This is the exact wrong way to do it. We must reignite the American Dream, and we have work to do on that. So let's get to work to create jobs so that many more people can achieve the American Dream.

I urge my colleagues to vote ''no.''

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. FRANKS), who is the chairman of the Constitution Subcommittee of the Judiciary Committee.

Mr. FRANKS of Arizona. I thank the gentleman for yielding.

Mr. Speaker, all financial budgets will eventually balance. The choice faced by those of us in Congress is whether we will balance this budget ourselves through the wise policy before us or whether national bankruptcy and financial ruin will do it for us.

From the very day that Barack Obama walked into the White House, he has, with breathtaking arrogance, absolutely ignored economic and financial reality. It took America the first 216 years of its existence to accumulate the debt that Barack Obama has accumulated in the first 3 years of his Presidency. He has in those short 3 years increased our Federal debt by over $4 trillion.

Just to put that into perspective, if all of a sudden a wave of responsibility swept through this Chamber and if we stopped all deficit spending today and began to pay installments of $1 million every day to pay down the over $4 trillion in new debt that Barack Obama has created in less than 3 years, it would take us more than 10,000 years to pay that off—and that's if we didn't pay one dime of interest in the process.

But you see, we are not paying Mr. Obama's debt down at $1 million per day; we are going deeper into debt, more than 4,000 times that much, every day under Mr. Obama's own submitted budget and deficit projections.

In an ominous prologue to the vote before us, the national debt surpassed $15 trillion yesterday.

Mr. Speaker, we have already tried Mr. Obama's way. We have thoroughly tested Democrat economics 101—the theory that we can tax and deficit spend ourselves into prosperity or, as Vice President BIDEN put it, ''We have to spend money to keep from going bankrupt.''

That theory has utterly failed. We cannot repeal the laws of mathematics.

But now the seminal moment approaches when each of us in this body will have the rare opportunity to cast a single vote that could pull this Nation back from the brink of economic cataclysm. For the sake of our children and our children's children, I pray that we do the right thing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that remarks in debate may not engage in personalities toward the President.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the distinguished gentleman from Virginia, JIM MORAN.

Mr. MORAN. I thank the chairman for yielding.

Mr. Speaker, I have to rise in opposition to this balanced budget amendment. I did vote for a similar measure in 1995, but the events over the last 15 years have brought to mind the axiom ''fool me once, your fault; fool me twice, my fault.'' I could never have imagined back in 1995 the chaos we experienced this summer.

Despite the fact that we only needed to obtain a simple majority vote to raise the debt limit, which we'd raised 17 times during the Reagan administration, that would seem like child's play compared to what we would have to go through if this balanced budget amendment passed.

□ 1700

The events of these last 15 years have proved to us that this bill would have dramatic and dangerous consequences for our economic future. It would force the Federal Government to worsen economic recessions. Since Federal revenues fall while human needs rise in economic downturns, this bill would force spending cuts and tax increases at precisely the point when the economy is reeling, potentially turning a

manageable downturn into a depression. Essentially, this bill would forbid countercyclical spending.

Had this amendment been on the books in 2009, for example, we would not have passed the Economic Recovery Act, which proved to be a critical response to the economic catastrophe that followed the financial crisis. One of the reasons that the Recovery Act was necessary is that State balanced budget amendments forced States to rely on Federal funds in order to make up for budget shortfalls that would have prompted cuts right at the time when State economies could least afford them. The Federal Government was effectively borrowing on behalf of the States that were constitutionally prohibited from doing so; but they desperately needed to in order to maintain their law enforcement, their transportation, and their other responsibilities.

Even in Texas, where Republican Governor Perry and the legislature opposed the Recovery Act, Federal stimulus funds were used to close 97 percent of that State's budget gap. Now that those dollars are gone, many States face a very serious budget crisis.

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

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

Mr. MORAN. I thank the gentleman.

Furthermore, House Joint Resolution 2 would require a three-fifths majority to raise the debt ceiling. This would only increase the likelihood of a catastrophic debt default like the one we barely avoided this summer.

Given the polarization that we're currently experiencing, I have severe doubts that the required supermajority could be secured either to respond to crises or to raise the debt ceiling. This would give preference to military action over economic crises, requiring only a majority for deficit spending for a war—such as the Iraq war, which was never paid for—but a three-fifths majority to respond to a domestic economic crisis. If this were enacted in 2012, it would require drastic cuts that would have unintended, but dire, consequences for our struggling economy.

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

Mr. MORAN. It's the wrong medicine for today's ailing economy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members to heed the gavel.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. GOWDY), a distinguished member of the Judiciary Committee.

Mr. GOWDY. I thank the gentleman from Texas, Chairman SMITH, for his leadership on this issue and so many others on Judiciary.

Mr. Speaker, when Odysseus was returning from the Trojan War, he was passing the islands where the sirens sang. Many a sailor had succumbed to their sweet melodious sound and died. So Odysseus made his men put wax in their ears, and he made them tie him up to the mast. Against his will, he made them tie him up, and he did it because he lacked the will to restrain himself.

When people take our freedom, we recoil. But when we've proven ourselves to be wholly incapable of exercising that freedom, we should give it up. Congress has proven itself to be hopelessly incapable of balancing the budget. We need to be made to do so because we cannot bring ourselves to make the hard decisions required.

As my colleague and friend, the gentleman from Virginia (Mr. GOODLATTE), who's been a leader on this issue, mentioned in his remarks, six times in 50 years is laughable. You would do better than six out of 50 if you just guessed. Six out of 50 is laughable. We are incapable of balancing our own budget.

And when South Carolina, Mr. Speaker—which does have a balanced budget requirement—was facing tough economic times, we had to cut public safety money to prosecutors. I had to cut and furlough employees who were making $19,000 a year. I had to furlough prosecutors who had $100,000 in student loans for 7 days. That's a hard decision to make, but we had to do it for fiscal health.

We need to make hard decisions, even if they're career-ending decisions, in this body; but we have proven ourselves incapable of doing it, so we must bind ourselves, even against our will.

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

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

Mr. GOWDY. Mr. Speaker, we are $15 trillion in debt. We need to tie ourselves up before we wreck this Republic.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey, a distinguished leader in the Congress, BILL PASCRELL.

Mr. PASCRELL. I thank the ranking member.

Mr. Speaker, this attempt to change the Constitution of the United States is a real disaster. We all want to make sure we balance the budgets, but to compare our household budget to the national budget is preposterous because we have different responsibilities as a Federal Government.

Alexander Hamilton, who wrote so many of the Federalist Papers—I thought we understand a great leader, a great American. I thought we understood what the responsibilities of government are.

But talking about disasters, what about natural disasters? How would a balanced budget amendment affect how the Congress looks at when there is a tornado in Joplin, a wipe-out and flooding of New Jersey, a hurricane in Florida, wildfires in Texas? The amendment requires this balanced budget amendment—which is a joke to begin with, how you named it. It doesn't balance the budget. And if the amendment ever got through, it would take 7 years to implement. We have people out of work now. But anyway, the amendment requires a supermajority for every emergency spending case of natural disasters.

Let's take my State of New Jersey. FEMA estimates that it will provide $400 million to help communities and individuals across the State recover and rebuild. Last September, we couldn't even get a majority, let alone a supermajority, to pass disaster aid unless it was offset with partisan budget cuts. Every State will have to go through that.

I want every State to know—you talk about the States. You talk about their budgets. Isn't it interesting that on January of this year, CBO Director Douglas Elmendorf wrote this: ''Amending the Constitution to require this sort of balance raises risks.'' Listen, my friends, brothers, and sisters: ''The fact that taxes fall when the economy weakens and spending and benefit programs increase''—by nature, they have to; people need help, unless we're no longer going to be a first-rate Republic—''when the economy weakens in an automatic way under existing law is an important stabilizing force for the aggregate economy.''

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

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

Mr. PASCRELL. I thank the gentleman.

''The fact that State governments need to work against these effects in their own budgets—need to take action to raise taxes or cut spending in recessions—undoes the automatic stabilizers, essentially, at the State level. Taking those away at the Federal level risks making the economy less stable, risks exacerbating the swings in business cycles.''

We did it together, Democrats and Republican, '98, '99, 2000. We did it without an amendment to the Constitution, which will undermine this institution that we so revere right here today.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to my friend from California (Mr. HERGER), a member of the Ways and Means Committee.

□ 1710

Mr. HERGER. Mr. Speaker, the American people understand the basic principle that you can't spend money you don't have. They live that reality on a daily basis. Unfortunately, Congress has disregarded this idea, choosing instead to imagine that it could spend money endlessly without harming our economy or standard of living. The result is that we're now an unthinkable $15 trillion in debt. Some argue that we don't need to amend the Constitution for Washington to do its job.

I'm proud to say that I served on the Budget Committee in the late 1990s

when we produced four consecutive balanced budgets. But the sad truth is that this kind of fiscal responsibility has been all too rare in recent years. Ultimately, a balanced budget amendment will force Congress to be serious about addressing the core driver of our debt, which is the out-of-control growth of Federal entitlement spending.

As the President has acknowledged, no taxpayer would be willing to pay the amount required to sustain the exponential growth of entitlements, and no amount of budget gimmicks can hide this serious crisis. A balanced budget is a commonsense idea that governs our personal lives, and it should also be at the heart of how Congress operates. I strongly support the balanced budget amendment, and I urge the House to pass it.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from California, JUDY CHU, a member of the Judiciary Committee.

Ms. CHU. Proponents of this bill claim it is about fiscal responsibility, but it is the opposite. This bill makes it impossible, in fact unconstitutional, for the government to save for the future. Under this bill, programs like Social Security or long term Federal highway projects would have to be completely eliminated to comply with the Constitution.

Today, American workers put money into a Social Security trust fund built to pay and save for future benefits. But under this shortsighted constitutional amendment, money coming into the Federal Government must be paid out the same year. That means you can't have a Social Security trust fund, so good-bye Social Security. Good-bye saving for retirement.

Let me tell you how bad this idea is. Let's say for a moment that this was your family's budget. If this constitutional budget amendment applied to you, you would have to spend everything you earned in the same year. No college fund or IRA, no savings account to put a downpayment on a house or, God forbid, to pay for expensive medical treatment. Not only is that ludicrous, it is tragic.

If that weren't bad enough, if this constitutional amendment goes through and no revenues are raised, all government programs will suffer a 17.3 percent cut. That's a $1.2 trillion reduction in Social Security payments through 2021. That is nearly a 20 percent reduction that would directly hurt current and future retirees and senior citizens for the next decade.

This so-called balanced budget amendment balances overzealous budget slashing on the backs of our senior citizens and future retirees. Does Congress really want to send the message now, in the midst of the worst financial crisis since the Great Depression, that saving responsibly for the future is unconstitutional? Is Congress prepared to abandon millions of Americans now? I, for one, am not. And so I urge my colleagues to oppose this reckless constitutional amendment.

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

Mr. GOODLATTE. I thank the chairman, and I just want to make it very clear that some inaccurate assertions have been made about the protection of Social Security and highway trust funds.

The funds can be spent each year, and then any excess funds that need to be retained can be put into a rainy day fund. And so the Social Security trust fund or another type of fund like that is perfectly permissible under this provision. What is not permissible is continuing to run up debt year after year after year, and that is what endangers Social Security and Medicare and important programs for our senior citizens, and that is why this amendment is needed.

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

Mr. BARROW. I want to particularly thank the chairman for yielding me time to speak in support of the balanced budget amendment.

Mr. Speaker, I rise in support of the balanced budget amendment, which I've supported since I first came to Congress. We all agree that our Nation's debt is unsustainable. Our economy is struggling, and folks everywhere are struggling to find work. But facts are stubborn things. And it's a fact that balancing the budget is essential if we're going to protect our future and the future of our children and grandchildren. Balancing the budget will also create the long-term stability our economy needs to fully recover.

Amending our Constitution is not something to take lightly. We shouldn't do it on a whim or because it is politically expedient. Amending the Constitution is something that we as a Nation should undertake only when it is truly needed. Unfortunately, Congress has demonstrated time and again that it cannot and will not balance the budget on its own. It is truly needed now.

Nearly every State in the Union has a balanced budget amendment. Families throughout America have to bring their income and outlays into balance, and so can the Federal Government.

Mr. Speaker, this legislation is bipartisan. It is responsible. It is the right thing to do. And I hope my colleagues on both sides of the aisle will join me and the Blue Dog Coalition in supporting the balanced budget amendment.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York, JERRY NADLER.

Mr. NADLER. Mr. Speaker, I have to correct what the distinguished gentleman from Virginia said a moment ago when he said that this amendment would not affect Social Security because Social Security would be paid for by the trust fund. This amendment says the total outlays cannot exceed receipts. Total outlays should include all outlays of the United States Government except for those for repayment of debt principle. That includes Social Security, which the courts have held is not a debt. Therefore, Social Security would have to be paid out of the same amounts, and they would be counted against the overall outlays when calculating whether the budget is in balance, something that's not the case today. It would throw the budget further out of balance and would require deeper cuts.

If this amendment were in effect today, Medicare would have to be cut by $750 billion, Social Security by $1.2 trillion, and veterans benefits by $85 billion through 2021. Despite anything anyone may say on this floor, that's the simple truth about this amendment.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlelady from Nevada, SHELLEY BERKLEY.

Ms. BERKLEY. Mr. Speaker, I rise in strong opposition to this dangerous balanced budget constitutional amendment. We all agree that we must get America's fiscal house in order by cutting spending and balancing our budget. Nevada families know this. Families across Nevada are doing it by tightening their belts and making great sacrifices. The United States Government should be able to do the same.

However, this balanced budget amendment is wrong for Nevada and it's wrong for the rest of the country. It would force massive cuts to Social Security, Medicare, and veterans benefits, but big oil companies and corporations that ship jobs overseas aren't asked to sacrifice one penny under this balanced budget amendment. That's just not right. But this is what the American people have come to expect from this Congress.

Washington Republicans supported a radical budget proposal, the Ryan budget, that kills Medicare by turning it over to private insurance companies. Now they are supporting a plan that slashes Social Security and Medicare benefits that seniors rely on. It's a question of priorities.

I strongly believe that we need to get our deficit under control, and I believe that a version of the balanced budget amendment could be one way to achieve that. But I cannot and I will not support a balanced budget amendment that doesn't include ironclad protections for Social Security, Medicare, and veterans benefits. We should not be balancing our Nation's budget on the backs of our seniors and our vets.

This balanced budget amendment may be good politics for some, but it is not good policy for America. I urge my colleagues to join me in voting ''no'' on this attack on our seniors and our veterans.

□ 1720

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman

from Oklahoma (Mr. LANKFORD), a member of the Oversight and Government Reform Committee.

Mr. LANKFORD. Mr. Speaker, 27 times the United States Constitution has been amended. It's something we do rarely, and it's something that we should think through in the process. We do it only because it is absolutely required and we have common agreement across the House, the Senate, and the American people. This is one of those moments.

If you ask most every American on the street, ''Should we balance our budget?'' they will nod their head. If you ask them again, ''Should we force Congress to balance the budget?'' again they will nod their head and say yes, this is something we should do.

There is common agreement across the American people because it's common sense. It's hard to explain to any family or any business why they have to balance their budget but Congress does not. It is the ultimate exemption for Members of Congress that they can spend as much as they want as often as they would like without any retribution.

I hear all the doomsday statements that if we balanced our budget, what would possibly happen if we had to live within our means? It makes me smile and say, just like every business and every family, we have to make hard choices, and we have to do it.

But it's not what doomsday prediction happens if we balance our budget. It is look up across the ocean at what is happening in Europe right now to nations that did not balance their budget, and for some reason, we think as Americans we can run up as much debt as we would like with no consequence. We are fooling ourselves.

The doomsday is coming. We must put a boundary around the United States Congress to be able to balance our budget. In 1995, when this failed by one vote, we will forever regret that if this occurs again. It's time for us to balance our budget once and for all.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentlelady from Ohio, MARCIA FUDGE.

Ms. FUDGE. I thank you very much, Mr. Chairman.

Mr. Speaker, I rise today to speak in opposition to the balanced budget amendment, H.J. Res. 2. Despite its name, this amendment does not balance the budget. It would have little effect on our deficit but could seriously harm our economy. It would destroy jobs, drastically cut Medicare and Social Security, and unconstitutionally give Federal judges the power to make spending decisions.

And this amendment does not even require a balanced budget every year. What it does it make it easier to cut taxes and more difficult to raise taxes in order to allocate money to important programs that protect our veterans, our seniors, and our most vulnerable. It could also allow Federal judges to have the final say on taxing and spending decisions.

No one knows if amending the Constitution to require a balanced Federal budget will actually reduce the debt. No one knows if it could prevent the debt from growing in the future. What we do know is that when Democrats controlled Congress, PAYGO was effective in reining in spending. And what we do know is that this amendment is not the answer.

If a balanced budget requirement were to go into effect, it would destroy millions of jobs. If the budget were balanced through spending cuts, those cuts would come to about $1.5 trillion in 2012. This would throw 15 million more Americans out of work, double the unemployment rate to approximately 18 percent, and cause the economy to shrink by 17 percent.

Republicans, as part of their budget proposal, have made it clear they want to cut Medicare, Medicaid, and Social Security. By requiring a balanced budget, these programs would be directly on the chopping block. According to the Center on Budget and Policy Priorities, this amendment could force Congress to cut all programs by an average of 17.3 percent by 2018. If revenues are not raised, Medicare could be cut by about $750 billion.

Democrats have balanced the budget before, and we will do it again without harming the economy. This amendment is nothing more than a Republican political diversion, and I urge my colleagues to vote ''no.''

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

Mr. FORTENBERRY. I thank the gentleman from Texas.

Mr. Speaker, I have long supported a balanced budget amendment to the Constitution, and I don't take the issue lightly of amending our Constitution, which has endured through strife and dramatic historical shifts with very few amendments. Constitutional amendments should be exceedingly rare, as they have the power to spur sweeping change. But I do believe it is necessary that the same process that guaranteed our hallmark freedoms of speech and religion and freedom from slavery be used to protect our children and future generations from economic collapse.

Most States, including Nebraska, have already enacted balanced budget requirements. My State has to live within its means. The Federal Government needs to do the same.

Mr. Speaker, we are standing at history's door. We can either lead and be bold, making the hard decisions necessary to correct this fiscal trajectory, or stay in our timeworn political lanes, continuing with the status quo that has given our Nation this unsustainable debt burden. We can do something big for this country and our future and make deficit spending a thing of the past.

This is a significant moment. I urge my colleagues that we pass this bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the indomitable gentlelady from Illinois, JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. I rise in opposition to the balanced budget amendment. It was just a decade ago that President Clinton left office with not just a balanced budget but a surplus, and we got there by a one-vote margin. No Republican votes whatsoever.

And here we are today, after 8 years and two wars and two tax cuts that were paid for on the credit card and mainly benefiting the wealthy and a devastating recession that could have been prevented had financial regulators not turned a blind eye to Wall Street, and now we're debating an amendment to the Constitution that offers anything but balance.

This amendment would destroy the budget and, in the process, wipe out jobs and eviscerate Social Security, Medicare, Medicaid, extended unemployment benefits, as well as education, cancer research, veterans, bridge repair, and food inspection. You name a program, and this amendment will put it at risk.

A balanced budget amendment could force Congress to cut all programs by an average of 17.3 percent by 2018. This amendment would limit the ability of the Federal Government to respond to national crises, including an economic or natural disaster. It would virtually guarantee that recessions turn into depressions.

This amendment will require a supermajority to raise the debt ceiling—a reckless requirement given how close we came to defaulting earlier this year when just a simple majority was required.

And I'm really tired of hearing Republicans say, well, if States and families must balance their budgets, so should the Federal Government. The States have to balance their operating budgets, but they can still borrow for capital projects. And families have to manage their budgets, but they can do so by incurring debt, home mortgages, student loans, car loans, and payments for medical bills. This amendment blocks the Federal Government from making investments in the same way.

And suppose in 2008, when the deficit seemed manageable, we had a balanced budget amendment. The effect on the economy would be catastrophic. If the 2012 balanced budget were balanced through spending cuts, those cuts, it is predicted by Macroeconomics Advisers——

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

Mr. CONYERS. Mr. Speaker, I yield the gentlelady an additional 15 seconds.

Ms. SCHAKOWSKY. Macroeconomics, a nonpartisan forecasting firm, said that those cuts would throw about 15 million more people out of work, double the unemployment rate from 9 percent to about 18 percent, and cause the economy to shrink by about 17 percent instead of growing at an expected 17 percent. This amendment will only make the economy worse.

Vote ''no.''

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS), a member of the Republican leadership.

Mrs. MCMORRIS RODGERS. I appreciate the gentleman yielding.

James Madison said that the trickiest question the Constitutional Convention confronted was how to oblige a government to control itself. History records not a single nation that spent, borrowed, and taxed its way to prosperity, but it offers us many, many examples of nations that spent, borrowed, and taxed their way to economic ruin and bankruptcy.

And history is screaming to us a warning that nations that bankrupt themselves aren't around very long because before you can provide for the common defense, promote the general welfare, and secure the blessings of liberty, you have to be able to pay for it.

□ 1730

Today I rise in strong support of the balanced budget amendment. This past weekend, I re-read the 1995 House Judiciary Committee report that accompanied the resolution that passed at that time. Incredibly, the same justifications put forward against the balanced budget amendment in 1995 are the same ones that we hear today.

First, the report highlights a $4.7 trillion debt in 1995 and discusses the implications of a $200 billion interest payment. I only wish those were the debt levels that we are responding to today. What this comparison means is that we haven't corrected the government's spending problem on our own.

Our debt has more than tripled and interest payments more than doubled in the last two decades. All we have to show over that time is that we have a spending problem; in fact, we have an addiction. And I don't see that addiction going away unless we pass H.J. Res. 2.

Where would we be today if the balanced budget amendment had passed the Senate in 1997 and it had been sent to the States? I guarantee we would not be facing a total debt of $15 trillion or a $450 billion interest payment. And so we must ask ourselves where will we be 5 to 10 years from now without a balanced budget amendment.

I urge my colleagues to stop the cycle of overspending. Support this amendment.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the former chair of the Progressive Caucus, LYNN WOOLSEY, the gentlelady from California.

Ms. WOOLSEY. I thank the ranking member for this time.

Earlier this year, economist Bruce Bartlett, who served in the Reagan and Bush administrations, had this to say about an earlier Republican balanced budget amendment. He said: ''It looks like it was drafted by a couple of interns on the back of a napkin.'' Granted, he was talking about a different version, but I still say that was pretty unfair to interns, who I think could do a lot better than this amendment that we're debating today.

If the balanced budget were in place today, it would cripple the economy and decimate Social Security, Medicare and veterans programs, among many others. The austerity dogma of the Republican majority—their balanced budget fetish—is hurting America, not helping it. We need more Federal dollars pumped into this economy. We need it to stimulate demand and to create jobs. We don't need less.

If you get caught in a rainstorm—I mean, I wouldn't want to be caught in a rainstorm with anybody on the other side of the aisle because I'd be afraid that they'd propose a constitutional amendment banning umbrellas.

Call me old fashioned, Mr. Speaker, but I think amending the Constitution is a pretty big deal. It should be reserved for correcting gross injustices and expanding fundamental rights. For decades, I've been among those pushing for a constitutional amendment that enshrines the notion that women should be treated equally. Republicans want no part of that, but they're eager for a constitutional amendment that shreds the safety net and could cause another recession for our country. No thanks.

Vote ''no'' on this balanced budget amendment.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. Thank you, Mr. Chairman.

Before I came to this body, I chaired the appropriations committee in the Mississippi Senate. I worked with my counterpart in the other chamber, a Democrat, Chairman Johnny Stringer. We crafted three balanced budgets because Chairman Stringer and I shared a commitment to a principle that you can't spend more money than you take in.

One thing I learned is that there are always more needs and more requests than there are available resources, and that fact causes you to have to make some difficult decisions. We made those difficult decisions in the Mississippi State house. In fact, there are 49 States that require that around the Nation. Municipal, county governments are making those difficult decisions. More importantly, families are making those decisions sitting around the kitchen table, and small businesses are making those decisions tonight. And if they're willing to live within their means, they have every reason to expect their government in Washington to do the same thing.

This balanced budget amendment has been a dream of leaders in this body since Thomas Jefferson. Sixteen years ago we had bipartisan support and came within one vote of getting it adopted. I welcome the support of those Democrats that are stepping up and giving bipartisan support to this measure. We must have a balanced budget amendment to rein in spending so that we can create jobs.

Mr. CONYERS. Mr. Speaker, STENY HOYER has been working in leadership for many years. He is now our distinguished whip, and I recognize him for 5 minutes.

Mr. HOYER. I thank the chairman for yielding.

Mr. Speaker, in 1995 I spoke on the floor in support of a balanced budget amendment. That was 16 years ago. There's a lot of water over the bridge since that time. I said then and I quote: ''I do so because I believe this country confronts a critical threat caused by the continuation of large annual deficits.'' I believed that then, and I believe it now. And I have voted against tax cuts that weren't paid for, I have voted against Social Security benefits that weren't paid for, and I have voted against other items that weren't paid for. I stand by my 1995 statement today. However, as I've said, events in the last 16 years lead me to oppose today's balanced budget amendment.

Only months after we had that debate, my Republican colleagues shut down the government. In 1997 we passed an amendment with bipartisan agreement reaffirming the 1990 agreement that we would have a PAYGO process in place. And without having passed a balanced budget amendment, we did in fact balance the budget 4 years in a row. Why? Because we paid for what we bought, we didn't cut revenues before we cut spending, and we restrained spending—4 years in a row. I tell my Republican friends, none of you in your lifetime has lived during the course of a President who had four balanced budgets. Were you partially responsible? Absolutely. Were we partially responsible? Absolutely. But what was the lesson? That we didn't need an amendment; we needed the will and the courage.

Without having passed that balanced budget amendment under President Clinton, not only were we able to balance the budget, but we also achieved the only President term in the lifetime of anybody in this Chamber or listening to me that had 4 years of balance and a net surplus—hear me—a net surplus at the end of 96 months as President of the United States. We made it happen not with a balanced budget amendment, but because we had the will to do so and by following PAYGO rules.

Sadly, I tell my colleagues and the American people, Mr. Speaker, under President Bush, Republicans exploded the deficit and abandoned PAYGO, along with the principle that we ought to pay for what we buy.

We do not have a spending problem or a revenue problem; we have a pay-for problem. The Republican Congress spent enormous sums on two wars, a prescription drug program, and tax cuts without paying for them. If you have the courage of your convictions, you pay for things.

Spending rose at a level nearly twice the inflation rate that Bill Clinton's rose in spending during the 8 years of the Bush administration when Republicans were in charge of everything for 6 years and had a President who could veto anything that we did.

When the financial crisis hit in 2008, President Bush told us that if we failed to act, there would be a high risk of depression.

□ 1740

What did the President's party do? You say you have a three-fifths vote if there's an emergency. President Bush told us that if we did not act there would be a depression and, in fact, we had a vote, and that vote was 205–228, with two-thirds of the President's party voting against the President in what he called a crisis.

That gives me, I tell my friends on the Republican side, no confidence that in time of danger and crisis, that we could summons three-fifths vote. I believed in 1995 we could summon those votes because, frankly, we were a much more bipartisan and, in my opinion, responsible body. But I do not have that confidence today, and I am not prepared to take that risk.

My party, of course, voted with President Bush because we thought there was a crisis. Now, a few days after that, we came back to vote, and we did pass it.

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

Mr. CONYERS. I grant the gentleman 1 additional minute.

Mr. HOYER. I tell my friends that even on the second vote, when we did, in fact, pass that bill that President Bush asked us to pass because there was a crisis, he could not summon the majority of your party to support him. Barely three-fifths, notwithstanding the President's assertion of crisis, voted to meet that crisis, with 172 Democrats voting with President Bush in a bipartisan response to crisis.

Earlier this year, again, in control of the House, Republicans brought the government to the brink of shutdown. Over the summer we saw them hold the country hostage by pushing us to the brink of default, in the first time in my memory, the United States of America to the brink of default.

I have not changed my beliefs about balancing the budget, and I invite all of you to vote with me on paying for things that we buy, not passing those costs along to my children, my grandchildren, and my two great grandchildren. We have shown we can do it. We balanced the budget for 4 years.

Don't talk about it. Just do it. Don't refuse to pay for it. Don't cut taxes and increase spending.

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

Mr. CONYERS. I grant the gentleman 10 additional seconds.

Mr. HOYER. Don't just preach fiscal responsibility; practice it. It will take no courage to vote for this amendment. But it will take courage to balance our budget by paying for what we buy.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds.

I just want to point out for the record that all of the balanced budgets enacted during the Clinton administration were, in fact, proposed by a Republican Congress. I happened to be a member of the Budget Committee at the time.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentleman for yielding.

Mr. Speaker, our Constitution is certainly the greatest governing document ever created by man. It's the bedrock foundation for this, the United States of America, the greatest nation on Earth.

Mr. Speaker, our Founding Fathers, in their genius, provided us with a way to amend the Constitution to deal with a changing world. James Madison, who, of course, is widely seen as the Father of the Constitution, once said that ''A public debt is a public curse.''

In 1995, this House passed a very similar balanced budget amendment to the one that we are considering today. The amendment received 300 votes in this House, but fell just one vote short in the United States Senate.

Since that time, Mr. Speaker, our national debt has grown by over $9 trillion, yes, $9 trillion, including nearly $4 trillion in new debt in just the last 3 years, and today the debt is over $15 trillion. And the fact of the matter is that our public debt has become the public curse of which Madison warned us.

The American people understand that this level of debt is not sustainable, and that is why they overwhelmingly support this balanced budget amendment. Today we have a choice, Mr. Speaker. Do we answer the call of the American people and embrace fiscal responsibility, or do we continue the status quo of more spending and more borrowing and more debt?

It's time for this Congress to use the tools our Founding Fathers gave us, Mr. Speaker, to amend the Constitution to save further generations from the shackles of unsustainable debt. I would urge my colleagues to join me in supporting this commonsense amendment to balance our Federal budget.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from St. Louis, Missouri, LACY CLAY.

Mr. CLAY. I thank my friend from Michigan for yielding.

My Democratic colleagues have spoken, and will speak, eloquently on the numbers. They have, or will, correctly point to the millions of jobs the balanced budget amendment would certainly destroy.

However, I want to talk about the personal impact of this irresponsible legislation. For example, Social Security recipients should not be held responsible for Congress' reckless acts. Radically cutting Social Security hurts Americans. Drastically cutting Medicare hurts Americans. Enormous cuts to Defense and Homeland Security measures, to food stamps, to veterans' pensions and Supplemental Security Income for the elderly and disabled hurts Americans. It hurts America and makes us less safe and secure.

And make no mistake. This legislation requires these massive cuts. Some have claimed that these cuts will not be necessary under this legislation, or worse, that they are necessary and good. They claim that cutting benefits to the most vulnerable Americans is good, that destroying jobs, destroying lives is good.

Mr. Speaker, it is not. It is not good. It is not good to balance the budget on the backs of those who can least bear the burden. It is not good to balance the budget by taking away from those who have so little.

This is exactly what the balanced budget amendment would do, and it takes away from medical care for seniors. That means more of our elderly unable to afford their medication, unable to get needed tests and treatments, and more Americans hurting.

It destroys jobs. That means more Americans out of work, more Americans unable to pay their bills, and more American families hurting.

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

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

Mr. CLAY. You know, Hubert Humphrey said it best. He said, ''The moral test of government is how that government treats those who are in the dawn of their life, the children; those who are in the twilight of their life, the elderly; and those who are in the shadows of life, the sick, the needy and disabled.''

This reckless legislation fails all tests.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. HERRERA BEUTLER).

Ms. HERRERA BEUTLER. Winston Churchill said that Americans can always be counted on to do the right thing after they've exhausted all other possibilities.

What's interesting about this quote is it actually applies to this institution. What have we tried? We've tried billion-dollar bailouts for auto companies. We've tried billion-dollar bailouts for Wall Street fat cats, not for Main Street. We've done bailouts for automakers. We've thrown money at everything, and we have added so much to our national debt in the last 4 years.

Republicans did it too. It doesn't make it right.

So, are we better off than we were 4 years ago? No. In southwest Washington State, we still have rampant unemployment and joblessness.

I'm no economist. I'm not the distinguished minority leader, whom I respect. I'm just an average American

that understands a very simple truth: You cannot spend more than you have.

That's all this amendment does. That's it. We're not cutting Social Security. We're not cutting Medicare. We would not. We're actually protecting those programs by saying, this Federal Government is going to live within the money that it takes from the taxpayers every year, no more, no less.

□ 1750

It's very, very simple. You don't have to be an economist to understand that if you spend more money than you have every year, you have a problem. Our problem is $15 trillion worth of backbreaking debt. We don't have to look much further than Europe to know that no country can exist under debt like this for too long. We're actually taking steps to protect our poor and vulnerable by putting sideboards around the reckless spending of this Congress.

With this amendment, we're cutting up the credit card that is going to break the backs of the American people and cost us more jobs.

I urge my colleagues to join us in solutions, and bipartisan solutions, that are going to bring an opportunity for America to prosper and succeed. A ''no'' vote is putting people under and putting politics above. We need to reverse that and put people before politics.

I urge a ''yes'' vote.

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

The gentlelady from Washington, I listened to her very carefully, and she has promulgated one of the greatest misunderstandings in this debate, namely, that the Social Security and Highway Trust Fund are not jeopardized by House Joint Resolution 2 because section 7 excludes repayment of debt principle from the definition of total outlays.

Now, according to the Center on Budget and Policy Priorities, the balanced budget amendment could result in Medicare being cut by about $750 billion, Social Security almost $1.2 trillion, and the veterans' benefits $85 billion through 2021 if cuts were spread proportionately. So I hope that there will be fewer and fewer of my colleagues trying to assure us that this bill does not jeopardize those programs. This is from the Center on Budget and Policy Priorities.

I yield 3 minutes to the distinguished member of the committee, the gentlelady from Texas, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the ranking member of this committee.

Many of us could spend a lot of time on educating the public on just what is occurring. We cherish this little book that has lasted in this Nation for some—more than centuries that we can count. As this document was written, the question was going to ask—or was asked whether it could last. And today, we cite the United States as the longest democracy holding on to a Constitution that provides us with the opportunity to even be here.

But it is important to note that in order to amend the Constitution, the Founding Fathers were so serious about how important an action this would be that they indicated that there should be two-thirds votes from both the House and the Senate and three-quarters of our States. The people of the United States must likewise answer the call.

Frankly, let me make a pronouncement. The American people will not answer this foolish call. They will recognize that whether it's supercommittees or Tea Parties and others that want to detract away from the reasonable approach to budgeting, which is revenue enhancement and serious reform, they know that the way they do their budget is thoughtfulness and not rushing to judgement.

A headline on the markup of our bill in committee, though I know this is not, said: SHEILA JACKSON LEE Can't Slow Down Republican Balanced Budget Amendment Freight Train. That train keeps coming, and in the midst of it, there are bloody bodies left along the wayside.

Our Chairman of the Federal Reserve said we really don't want to just cut, cut, cut. Chairman Bernanke said you need to be a little bit cautious about sharp cuts in every near term because of the potential impact on the recovery. That doesn't at all preclude, in fact, I believe it's entirely consistent with a longer-term program that will bring our budget into a sustainable position.

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

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

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

So for us to go this route, it means that even in a war, it is a complicated process of a majority vote, even beside the declaration of war; even in an emergency when our soldiers are needing more resources, we have to come to this body and stop and wait for our soldiers to get what their resources are. We have to stop and wait for our veterans to get the resources that they need.

While veterans hospitals are closing, while centers for posttraumatic stress disorder are closing, we will be fiddling around and the freight train of the balanced budget amendment will drive over the veterans, the soldiers, the President who is trying to save this Nation, Homeland Security resources that are needed, because we wanted to be a political grandstanding for a balanced budget amendment.

We balanced a budget in 1993; some suffered politically. We got the budget balanced in 1997; some suffered politically. But the Democrats knew how to do it. Let's come together. Balance the budget and ignore a complicated, ludicrous process that the Founding Fathers said, stop, wait, do the right thing; do your job, not an amendment to the Constitution.

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

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

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

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

NATIONAL SECURITY—VETERANS AND MILITARY FAMILIES

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

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

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

These deep cuts to research and development and procurement would threaten the safety of the men and women of the Armed Forces. For example, the constraints caused by a balanced budget amendment would seriously endanger the Marine Corps' V–22 Osprey program, as well as the intended order of

340 F–35B Joint Strike Fighters. The effects of a balanced budget amendment would hinder the Navy's planned expansion from 287 to 320 ships.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SOCIAL SECURITY & MEDICARE

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

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

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

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

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

The Founders purposely made the Constitutional amendment process a long and arduous one. Having a Constitutional balanced budget amendment is not a novel idea. Balanced

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

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

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

POTENTIAL IMPACT ON MEDICARE

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

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

POVERTY

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

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

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

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

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

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

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

It is unconscionable that, despite egregiously high poverty rates, Republicans seek to reduce spending by cutting social programs that provide food and health care instead of raising taxes on the wealthiest in the Nation, or closing corporate tax loopholes.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. Mr. Speaker, I've had the honor of serving in both the Army and the Marine Corps, five overseas deployments, two of them in combat.

What has really struck me since I've been in the Congress of the United States and had the honor, as well, to serve on the Armed Services Committee is testimony by former Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, who said the greatest threat to the United States is our national debt. He didn't say it was al Qaeda. He didn't say it was some foreign power of terrorists. He said the greatest threat to the United States is right here. The greatest threat to the United States are the decades of out-of-control spending by the Congress of the United States that is bringing down this country.

We have an opportunity today to change that. We have an opportunity today to put the discipline in place that we are not going to go down the path of Greece.

I would ask the Members of this body to show the same courage and determination that the young men and women show who serve our country in defense of our freedom every day, to do the right thing and to vote for a balanced budget amendment to the United States Constitution.

If not now, when? Let us vote for this. Let us put this country down the right track. And let us not be the greatest threat to the United States.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon, EARL BLUMENAUER.

Mr. BLUMENAUER. I appreciate my friend for the courtesy of permitting me to speak on this.

I am here in honor of the memory of the late, and I think great, United States Senator from Oregon, Republican Mark Hatfield.

When the balanced budget amendment freight train was moving through Congress in 1995 and a number of people piled on, it passed here overwhelmingly, but it failed in the United States Senate by one vote. The only Republican who voted ''no'' was Senator Mark Hatfield, who was chair of the Appropriations Committee. He was visited repeatedly by some of the most ardent proponents of a, quote, balanced budget amendment importuning him for special treatment.

□ 1800

Senator Hatfield understood that, had that balanced budget amendment been approved, it would have been an excuse for people to feel like they'd done their job and that they could go about continuing business as usual. He took a lot of heat. He, in fact, offered his resignation to Bob Dole, which would have reduced the number of Senators, and the balanced budget amendment would have passed.

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

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

Mr. BLUMENAUER. But Senator Hatfield understood that that was wrong. He voted against it. It failed.

And what happened?

We were able to move forward under a Democratic administration to be able to rein in spending. We balanced the budget for 4 consecutive years. What happened was, when the Republicans took over, restraint was lost; deficits skyrocketed; and they put in place tax-cut and spending policies that drive the deficit to this day.

Reject this phony solution. Stand up. Provide a balance of increased revenues and program cuts. Don't pretend something that you're not doing and that's not enforceable as an excuse to avoid our responsibilities.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to a member of the Armed Services Committee, the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. The chairman of the Joint Chiefs of Staff, Mike Mullen, said

that our worst enemy was not any foreign power or al Qaeda—rather, that it's our own national debt. That's right. It's official now. Congress has become basically America's worst enemy.

I wish we would take it upon ourselves to cut spending and to balance budgets. We are failing in doing that, and we have failed repeatedly. I wish the supercommittee would come up with a super solution. That does not look likely.

I regret that we are at the stage now where we need a balanced budget amendment, and I regret that we're at the stage of partisanship when, just 10 years ago, 72 Democrats voted for this, including two out of the three top members of our leadership.

We've got to live within our means. The Nation's future is at stake. It's sad that we have become so lame that we need this crutch, but we need it. America's overspending—our obesity in this body—is so great that we have become America's greatest obesity problem. The balanced budget amendment is the right diet.

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

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois, DANNY DAVIS.

Mr. DAVIS of Illinois. A balanced budget amendment to the Constitution represents bad economics and bad social policy. The ability to borrow to help our States and citizens is a critical tool to aid our Nation during economic crisis.

One of the most egregious consequences of this bill is the dangerous cuts to Social Security, Medicaid, Medicare, and other safety net programs that would result. Given the vast deficit that exists due to reckless tax cuts for the wealthy, this bill would achieve balance on the backs of the elderly, the poor, and the disabled.

To achieve balance in the short term, massive reductions to critical safety net programs would have to occur—$750 billion in cuts from Medicare, $1.2 trillion from Social Security, and $85 billion from veterans' benefits through 2021. Dramatic cuts to other safety net protections for citizens, such as food stamps and supplemental security income for the disabled, poor, and the elderly, would almost certainly occur.

To add insult to injury, nonpartisan economists with Macroeconomic Advisers estimate that a balanced budget amendment would eliminate 15 million jobs, increase unemployment to 18 percent, and shrink the economy by 17 percent—catastrophic economic losses at the same time that Federal safety programs to support citizens experiencing such hardships are eviscerated.

This is a terrible piece of legislation. It's a bad bill. I could not, would not, and I don't think anybody should vote for it.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from South Carolina (Mr. DUNCAN), a member of the Natural Resources Committee.

Mr. DUNCAN of South Carolina. I simply ask: Are you better off today than you were $4 trillion ago?

I say not.

Mr. Speaker, I come to the floor today to discuss the most important issue that we will take up this year, and that is a balanced budget amendment to the United States Constitution.

For much too long, Congress has allowed mountains of debt to pile upon our children and our grandchildren. We are in debt to the tune of $15 trillion, and we continue to spend each year in excess of $1 trillion more than we are bringing in.

In the short time that I have been a Member of Congress, it is evident to me that Washington will never voluntarily make the significant cuts to spending. That's why we need to pass a balanced budget amendment, which would force Washington to do what families and small businesses do each and every year: live within their means and stop the spending insanity. It's common sense not spending more than you have; but maybe that's too simple for those who gain some sort of power by providing services that our Nation cannot afford and by spending money that we don't have.

A balanced budget amendment: the right bill at the right time for America to regain control of its finances.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey, ROB ANDREWS.

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

Mr. ANDREWS. Mr. Speaker, when Congress doesn't want to do something, it forms a committee. We tried, and that doesn't appear to be working. Then when it doesn't want to do something, it kicks the can down the road and sets up a process where somebody else does the hard thing. That's what we're doing here tonight.

If you want to balance the budget, then vote to tell the Federal-operating Departments to do with 5 or 10 percent less money than they got last year. I'm prepared to do that.

If you want to balance the budget, then save money in the Medicare program by saying Medicare can negotiate prices of prescription drugs the way the VA does, and save billions of dollars on prescription costs. I'm prepared to do that.

If you want to balance the budget, bring the troops home from Afghanistan sooner. Since we have the ability to blow up the world 24 times, let's not pay for weapons that blow it up a 25th time. Let's not have 90,000 troops in Europe and Korea who are defending against an enemy that largely doesn't exist anymore.

If you want to balance the budget, then vote to tell the hedge fund managers and all of these other people who are making all this money that maybe they should just pay a little bit more in taxes into the Federal Treasury.

All the heartfelt, pious speeches tonight won't save $1, but the things I just talked about would. They're difficult; they're controversial; but they're real. So let's not fool the American public that some process that somebody else someday might follow will balance the budget. If you want to balance the budget, vote to cut spending. You may have ways that I didn't outline. I'd like to hear them. If you want to balance the budget, then vote for some people who can afford to pay more.

Do something real.

That will create the balanced budget, the confidence, and the jobs the American people need—not just another empty, hollow, meaningless political debate. The right action is to balance the budget, and the right vote on this bill is ''no.''

□ 1810

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from North Carolina (Mr. MCINTYRE), the ranking member of the Seapower Subcommittee of the Armed Services Committee.

Mr. MCINTYRE. Mr. Speaker, I rise today in support of H.J. Res. 2, a balanced budget constitutional amendment. With the national debt topping more than $15 trillion, it is critical that we pass this important legislation to improve our Nation's economic health and national security.

Mr. Speaker, $48,570, that's the price we're putting on the head of every American, the portion that every man, woman, and child owes today to pay off our Nation's skyrocketing Federal debt. It's often said that our children and future generations will pay for the choices we make today. But the truth is that we're incurring debt at such a rapid pace that we'll begin to pay that price sooner than expected. We'll pay now as well as later. As public debt continues to grow, including borrowing from foreign nations such as China, interest costs alone are soaring into the stratosphere. Our economy, our military strength, and the opportunity for future growth are at risk if this problem is not addressed more quickly. That's why I will stand here today to support H.J. Res. 2, a balanced budget amendment.

Since first coming to Washington in 1997, I have cosponsored legislation that would adopt a balanced budget amendment to the Constitution. This critical legislation would require the Federal Government to balance its budget like most States are required to do. In fact, 49 of the 50 States have some form of a balanced budget requirement. So this is not something

novel or unusual. It's something that makes sense. My home State of North Carolina has one of the most stringent requirements to do so.

Let's stand together today for common sense. Let's send a message to the American people that we can keep our fiscal house in order, that we can balance our budget, and we can do the right thing with the American taxpayers' dollars to put our Nation on a path of economic strength and vitality.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to another gentleman from North Carolina, DAVID PRICE.

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I rise to oppose the Tea Party Caucus' latest misguided attempt to derail Federal fiscal and economic policy.

I understand the appeal of a simple, sound bite-friendly solution to all that ails us. In fact, some people think that balancing the budget is just a matter of cutting foreign aid and converting to a flat income tax. Many of our colleagues have stoked such nonsense and similar claims that are mathematically impossible. They know very well that balancing the budget through cuts alone would require eliminating every penny of discretionary spending, including the entire Department of Defense. I don't believe that's really what they want.

Why, then, would they vote for this amendment? Well, there is no real risk in establishing a constitutional requirement that can't be enforced. It would likely never, ever produce a balanced budget. In fact, it would make balance harder to achieve. It does absolutely nothing to create jobs or strengthen the economy, and it would put Social Security, Medicare, and Medicaid in real jeopardy. But in the short term, proponents are counting on a political payoff. They will be brandishing their ''aye'' vote as proof that they're the most fiscally responsible folks in the land. In fact, these emperors have no clothes.

Many of my colleagues seem to have forgotten this, but we balanced the budget once before, not so long ago. It started with the bipartisan vote in 1990 and the subsequent vote by Democrats alone in 1993. Our country not only had a balanced budget, we ran 4 years with surpluses. And we did it without a balanced budget amendment. In fact, if the amendment we're considering tonight had been in place then, these critical agreements would have failed!

The other lesson of the 1990s is that the best cure for budget deficits is a healthy economy. Here, too, the so-called balanced budget amendment would actually make things worse, tying our hands during periods of economic downturn or high unemployment, locking in recessions and making them deeper.

Mr. Speaker, in earlier years, we had some true fiscal conservatives in this body. They knew that raising the revenue needed to invest in our people and secure our economic success was a lot wiser than drawing ideological lines in the sand. They didn't need a balanced budget amendment to take tough votes, to make compromises, or to stand up for the future of our Nation in the face of uncompromising ''pledges'' demanded by some group or another.

As we watch the ''supercommittee'' on the brink of failure, I don't know what further proof we need that there isn't a silver bullet in the fight for fiscal security. The real answer—and I believe colleagues know this very well—isn't a matter of gimmickry; it's about mustering the political will to do the right thing. I understand it's hard to revolt against King Norquist. But any Tea Party worth of its name ought to be prepared to challenge the monarchy, not to do its bidding. I urge my colleagues to vote against this amendment.

Mr. GOODLATTE. Mr. Speaker, I yield myself 15 seconds to say that the last time that the Congress balanced a budget with a Democratic controlled Congress was 1969, more than 42 years ago.

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

Mr. MCCOTTER. I thank the gentleman from Virginia.

I would like to take a quick second to add that in 1969, the Democratic Congress had a Republican President to help them do it.

I rise in support of a constitutional balanced budget amendment. In this debate, we have heard that Social Security, Medicare, and Medicaid will be doomed by a balanced budget amendment. But if we do nothing, those entitlement programs will continue to be doomed by today's fiscal implosion. We have heard that tax hikes will somehow manage to balance the budget all by themselves. But we've heard this talk before, and after all the tax hikes of the past, today we face a fiscal implosion.

We have heard that there was a brief glowing era when a Democratic President and a Republican Congress managed to balance the budget. That is the exception that proves the necessity of a balanced budget amendment because, again, today we are fiscally imploding.

We have heard the differences between how families borrow and how the government borrows, and these are absolutely accurate. When a family borrows money, it is personally liable for that debt. It must prioritize its finances and pay it back with its own money. But today we are fiscally imploding because Big Government is not personally liable for that debt. It does not prioritize, and it can't even pay it back with other people's money.

What is the solution? I believe that Big Government is addicted to spending, so we must turn it over to a higher power called the United States Constitution. Only in this way, when Congress spends your money, will you be allowed in the room to sit over their shoulder and say ''no,'' because as we know, today's fiscal implosion is here. And under statutory limitations, the Congress has not been able to balance your budget. Go to the highest law of the land, force them to live within your means, and ensure that the doom and gloom we hear about being able to spend less money to help America actually occurs.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlelady from Oakland, California, BARBARA LEE.

Ms. LEE of California. I want to thank the gentleman for yielding and for continuing to fight the good fight on behalf of the American people.

Many of my Republican colleagues have come to the floor to keep telling us that the Federal Government must balance the budget, just like every American family. Well, it sounds like it makes sense to me, but it's nonsense. How would those families and businesses feel about Congress passing a constitutional amendment making it illegal to borrow money to invest in their futures? What if they could not get a mortgage to buy a house? What if they could not get credit to buy a car or get a credit card just to buy some clothes? What if they could not get a loan to grow their businesses? That's what this fundamental change to America's Constitution would do to the entire country. Can you imagine opening up the Constitution to make it impossible for people to invest in their future?

In addition, millions of families across America are taking in less income than they need to survive because of failed Republican economic policies that drove our economy into the ditch. Why would you now want to balance the budget on the backs of these people—seniors, the poor, our children, the most vulnerable? Now that people need a helping hand, Republicans want to tie the hands of government and restrict our budget so that exactly when Americans need more, you want to hurt them more.

□ 1820

This is really a moral disgrace. Let's stop wasting time on ridiculous efforts to amend our Constitution when millions of Americans need jobs now. Let's stop wasting time keeping campaign promises to Republican Tea Party supporters and pass real legislation that will create jobs like the American Jobs Act. Let's stop wasting time when nearly 50 million Americans—mind you, 50 million—in the richest and most powerful country in the world are living in poverty.

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

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

Ms. LEE of California. Thank you very much for the 30 seconds, and I just

want to remind us all that 50 million Americans are living in poverty in the wealthiest and most powerful country in the world. And millions of job seekers are about to lose their unemployment benefits.

We do not need to radically alter our Nation's founding document to do what is right. We just have to take a balanced approach to reducing our deficits and balancing our budgets, and you do this by creating jobs.

So let the unwise Bush tax cuts expire, end the wars, cut the bloated and wasteful Pentagon spending, and protect the social safety net that protects millions of Americans.

Mr. GOODLATTE. Mr. Speaker, it is my distinct pleasure to yield 4 minutes to the gentleman from Texas (Mr. HENSARLING), the chairman of the House Republican Conference.

Mr. HENSARLING. I thank the gentleman for yielding, and I thank him for his leadership on the balanced budget amendment.

Mr. Speaker, since the President was elected, our Nation has now seen its first trillion-dollar deficit, its second trillion-dollar deficit, and its third trillion-dollar deficit. The President and the previous Congress have been on a spending spree the likes of which this Nation has never seen before. And yesterday, Americans were greeted with the news that our national debt has now topped $15 trillion—$128,000 for every household. We are borrowing almost 40 cents on the dollar, much of it from the Chinese, and sending the bill to our children and grandchildren. In short, there is a debt crisis. The debt is not just unsustainable, it is immoral.

And the American people know that it's because Washington spends too much, not because they are undertaxed. The problem is on the spending side. Now, taxes are temporarily down due to the economy, but they're going to come back. It is spending that is exploding from 20 percent of our economy to 40 percent over the course of the next generation. If that's solved on the taxing side, we'd be the most highly taxed industrialized nation in the world.

Now, the crisis should be solved on the spending side of the equation. I wish we were debating a spending limit amendment to the Constitution. We're not. We had no takers. I know of no takers on the other side of the aisle. So we're debating what is known as the classic balanced budget, the jump ball balanced budget, the clean balanced budget; equal opportunities for spending restraint and tax increases. Now, it's not my preferred policy; yet so many Democrats, Mr. Speaker, will come to the floor and say we need a balanced approach. But the question is: How many believe we need a balanced budget?

Now, we all agree that amending the Constitution is something that should be taken with great reverence, with great deliberation. It is a sacred responsibility.

Mr. Speaker, we know that our Founding Fathers set up a process by which to amend the Constitution, and no less of a Founding Father than Thomas Jefferson said: ''I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government; I mean an additional article taking from the Federal Government the power of borrowing.''

Forty-nine of 50 States have some form of balanced budget requirement. Every family in America has to balance their budget. Every small business. Should we expect anything less from a great nation?

Sixteen years ago was the last opportunity we had in the United States Congress to vote on a balanced budget. We came within one vote, one vote in the United States Senate. Imagine where we would be today had that one vote made the difference and we had this amendment. It's sad.

I can tell you, Republicans and Democrats can't seem to agree on spending. We can't seem to agree on taxes. But as Americans, can't we at least agree it's past time, past time to stop mortgaging our children's future and bankrupting the greatest Nation in the history of the world?

There is a real crisis, and to paraphrase Winston Churchill: Haven't we now exhausted every other possibility? Isn't it finally time to do the right thing?

Amend the Constitution, save the country, balance the budget.

Mr. CONYERS. Mr. Speaker, I yield myself 5 seconds.

I hope that those words will help us in the supercommittee that the gentleman from Mississippi is working on night and day.

I now yield 5 minutes to the distinguished gentleman from Virginia, BOBBY SCOTT, the former subcommittee chair of the Crime Subcommittee and a former member of the Budget Committee.

Mr. SCOTT of Virginia. Mr. Speaker, the supporters of this legislation have spoken at length about how nice it would be to balance the budget and how dangerous deficits are. The speeches, there are great speeches about the budget, but the one thing they have not talked about is how the provisions of this legislation will actually help balance the budget.

Now, we had a hearing earlier this month where the former Governor of Pennsylvania talked about the Pennsylvania balanced budget amendment and how their constitutional provision was such a good thing; but he had to acknowledge that other than the title, there is nothing in H.J. Res. 2 that can be found in the Pennsylvania Constitution.

We also found that the gentleman from Arizona had to acknowledge, after he talked about how good the balanced budget amendment works in Arizona, that Arizona was able to balance its budget only because federally borrowed stimulus money provided $6 billion to Arizona; $1,000 for every man, woman, and child in that State. And that wasn't enough. Arizona had to sell their State capitol and supreme court building. That's right, sold their State capitol and supreme court building and leased it back in order to achieve about a billion dollars worth of cash needed that year.

So we should be looking at the provisions of the legislation, not just talking about how nice it is to balance the budget.

One of the provisions is a three-fifths vote to increase the debt ceiling. Last August, the United States lost its AAA credit rating because it looked like we were not going to be able to achieve a simple majority. We should explain how it makes a lot of sense to make that spectacle an annual affair. I think most people would think it would be fiscally irresponsible to enact that provision.

Another provision is a three-fifths vote to pass a budget that's not balanced in a given year. That would cover every budget we considered this year, including the strongest deficit reduction plan, because those budgets are not balanced in the first year.

Now, strong deficit reduction is politically difficult because we're talking about arithmetic. You have to raise taxes and/or cut spending. Now, you can't get a simple majority; we can't even get a simple majority to do that, so why would anyone think that this legislation requiring a three-fifths vote would make it any easier. In fact, that same three-fifths vote will be sufficient to pass new tax cuts and additional spending, making the deficit worse. Last December we passed an $800 billion tax cut. We got three-fifths for that. But instead of discussing just the title of the resolution, we should be noticing that if this legislation were in effect in 1993, we never would have passed that budget.

We've heard people on the other side of the aisle taking credit for the hard work. I came in in 1993, and we passed a tough budget. There were tough votes. Fifty Democrats lost their seats as a direct result of those votes. The deficit was $290 billion at that time. In 1995 when the Republicans came in, they passed their little budgets; and rather than sign those budgets, President Clinton let the government get shut down rather than sign those budgets. If they want to take credit, they can take credit for President Clinton vetoing their budgets and shutting down the government.

□ 1830

In 1997, the deficit had gone from 290 down to less than 25 billion, and there were no tough votes on that. The budget was on the way to balancing itself if we hadn't done anything, and so we find out what would have happened if President Clinton hadn't capitulated in 1995.

In 2001, when the Republicans came in with a Republican President and a Republican Congress, we saw what happened. They passed two tax cuts, fought two wars without paying for them, prescription drugs without paying for them; and rather than, in 2001, when Chairman Greenspan had to answer questions like, What will happen when we pay off the national debt? Are we paying off the national debt too quickly?, it looked like we were on target by 2008 to pay off the entire debt held by the public. Those were the discussions.

The first tax cut was the last time you heard any of that discussion. And as a result of the two tax cuts, two unpaid-for wars and an unpaid-for prescription drug benefit, we ended up in huge deficits. The fact is the 1993 budget never would have passed if we had required a three-fifths vote.

Now we should be focused on the actual effects of the resolution. There's another provision, and that's the provision involving war.

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

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

Mr. SCOTT of Virginia. All of the provisions of this budget can be set aside when a declared war is in effect or when the United States is engaged in a military conflict which causes an imminent and serious military threat to national security. That provision ought to scare every two-bit dictator around the world because if we're having trouble getting the three-fifths, all we've got to do is drop a bomb on them, and we can pass a budget with a simple majority.

But we ought to be focused on the provisions of the bill. How would the three-fifths vote, when we can't even achieve a simple majority, help balance the budget? It should be obvious that rather than just talking about how nice it would be to balance the budget, how do these provisions actually make that easier? I think the fact of the matter is if we adopt this resolution, it will be harder, if not impossible, to ever balance the budget, and that's why this resolution ought to be defeated.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to complete the record.

As I said in my remarks earlier, Presidents of both parties and Congresses of both parties have much to explain in terms of the lack of the balanced budgets over the last 50 years. Only six times in 50 years have they been balanced. But here is the record: of the 13 of those 50 years that Republicans controlled the Congress, they only balanced the budget four times. Of the 37 years that Democrats controlled the Congress, during that time, they only balanced the budget twice.

It is now my pleasure to yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I would encourage my colleagues in this body to consider the balanced budget amendment and to support it.

I do rise in support of this amendment because hardworking taxpayers know that out-of-control spending in Washington is killing job creation and economic growth. In less than 3 years, President Obama and his administration have added $4.3 trillion to our national debt, which is now over $15 trillion. Astounding. That is $47,900 for every American. Is it really fair for our children and grandchildren to have to shoulder that kind of debt for programs they don't want and having to pay for it with money they don't have? Is that really fair?

The Obama economy is stifling the ability of small businesses and hardworking taxpayers to achieve their goals and dreams. It is time to rein in wasteful Washington spending. It is time to stop the madness.

We need a permanent solution to the fiscal problems that are plaguing this economy, and the clear and commonsense solution is to pass this balanced budget amendment. It's not a new idea. Every year in my State of Tennessee, our State, cities and counties across our State all balance their budget, and 49 other States do. Passing a constitutional mandate would require Congress to balance the budget every year and legally obligate this body to spend only what it takes in.

We can no longer kick the can down the road. We can't wait to replace Washington's blank check with the checks and balances necessary to provide true fiscal responsibility. Passing the balanced budget amendment is an effective component of accountability and spending control. Washington mandates too much, spends too much, takes too much, and takes our freedom.

Mr. CONYERS. I am pleased to yield 3 minutes to the gentlelady from Florida, Ms. KATHY CASTOR.

Ms. CASTOR of Florida. I thank the gentleman for the time.

I support a balanced budget, and I support a balanced budget amendment; but this version would place a very dangerous straitjacket on our country's ability to address a disaster. I'm very proud to represent the State of Florida. But after a year of devastating tornadoes, floods and fires all across this country, you do not have to hail from the State of Florida to understand the impact of a natural disaster and the importance of our ability to speed assistance to local communities.

This amendment would erect roadblocks to our country's ability to address natural disasters and emergencies. Please recall how many of our GOP colleagues a few months ago sought to stall emergency aid. I will read from a press report from back in August: ''Americans who saw their homes flooded, streets ripped apart and businesses disrupted by last weekend's hurricane are about to face another storm: a new congressional battle. Unless additional disaster aid is appropriated, Federal officials said communities trying to rebuild from natural disasters this year in the Midwest and South will have to wait while funds are diverted to help victims of Hurricane Irene. The recent string of disasters, including a tornado that tore through Joplin, Missouri, and a flood that inundated Minot, North Dakota, is running into the same political buzz saw that nearly forced the government into default over the bitter fight over the debt ceiling this summer.''

Delays in emergency aid are unconscionable, and it is terrible for FEMA to have to choose between which American cities and towns can be helped and which ones can't. And the problem with this version of the balanced budget amendment is that it could cause impacted communities to live that nightmare again. It didn't happen after Hurricane Katrina or 9/11 or other disasters, but after the antics of this Republican Congress this past fall, I am very concerned that this version of the balanced budget amendment would allow another irresponsible Congress to block emergency assistance to local communities.

We should not set our country up to be at the mercy of Tea Party hardliners, not at the times when our neighbors and communities need us most.

I relayed my concerns to the House sponsor after he was kind enough to call me directly, and I appreciate that opportunity. Unfortunately, the Republicans did not allow any amendments or revisions, so I intend to file my own version of a balanced budget amendment, a version that seeks to avoid an irresponsible Congress from withholding disaster assistance.

Because this version of the balanced budget amendment is flawed, I urge its defeat.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE), a member of the Transportation and Infrastructure Committee.

Mr. ALTMIRE. Mr. Speaker, I rise in strong support of the balanced budget amendment. Forty-nine of the 50 States are required to balance their budgets. And while I'm certain that State legislatures will agree that it's always a difficult process, somehow they annually meet their obligations while achieving balance. The Federal Government should be able to do it, too.

But States aren't the only place Congress can look to for examples. Every family and every business in America has to balance expenses and income. They have every right to expect the Federal Government to do the same; but, unfortunately, Congress has let them down time and again.

Mr. Speaker, the time has come to fix the problem. Constitutional amendments to require a balanced budget have been introduced in Congress for

the past 75 years. Most recently, in 1995, the House passed a balanced budget virtually identical to the one we're debating today, and it passed this House with bipartisan support, 72 Democrats and 228 Republicans. And because that amendment failed by one vote in the Senate, our national debt has now surpassed $15 trillion. The situation has only gotten worse, and the stakes today are much higher than 1995.

□ 1840

This vote is an opportunity to prove to the American people that this Congress can work together and that we are finally committed to balancing our budget and putting our country back on fiscally solid ground.

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Indiana (Mr. BUCSHON), a member of the Education and Workforce Committee.

Mr. BUCSHON. Mr. Speaker, I rise today in support of the balanced budget amendment to the Constitution. This is an opportunity for the Federal Government to keep our checkbook balanced, just as every American is expected to do.

The House passed a very similar amendment in 1995 when our debt was $4.86 trillion. Seventy Democrats voted for the amendment, including 11 of my current colleagues. I urge my friends on the other side of the aisle to vote for this amendment now that our debt has tripled to over $15 trillion.

The President recently said in regards to balancing the budget, ''We don't need a constitutional amendment to do that. We don't need a constitutional amendment to do our jobs. The Constitution already tells us to do our jobs—and to make sure the government is living within its means and making responsible choices.'' Mr. President, I respectfully disagree. Washington, D.C., has not been able to make these choices and is not living within its means. I was elected by the people of Indiana's Eighth Congressional District to help us make that happen.

I'd also like to say that some of Mr. HOYER's comments help us today to outline exactly why Washington, D.C., needs a balanced budget amendment. I thank him for pointing those reasons out. This is not a partisan issue, Mr. Speaker, it's an American issue.

I support this amendment, and I urge my colleagues today to vote ''yes'' on a balanced budget amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not traffic the well while other Members are under recognition.

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. CONAWAY), the chairman of the Agriculture Committee General Farm Commodities Subcommittee.

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

Mr. CONAWAY. Mr. Speaker, it's already been said tonight that 15 years ago we came within a chigger's whisker of passing a balanced budget amendment and sending it to the States. Imagine how different today's conversations would be had the folks in charge then done that. We'd still be fussing and fighting about what ought to be done, but the argument would be, how do we solve today's problems using today's resources? Instead, we've stacked up another $9 trillion of future generations of Americans' resources in our quest to solve these problems.

Well, think about what 2026 will look like, 15 years from now. The folks in charge then will be able to take out the projections that we have in place today and compare those to what is actually going on then—if we pass this balanced budget amendment—and say, wow, look how much better off this country is. They'll still be fussing and fighting, but it will be using their resources to fix their problems instead of the model that we've put in place collectively, on both sides of the aisle. There's plenty of blame to go around.

The decisions that will have to be made to balance our budget are no different with or without the balanced budget amendment. They are hard. They are difficult. And I've got $15 trillion worth of evidence that we're not making those tough decisions without the balanced budget amendment. Technically, we could get it done, but we're not getting it done—and we are on absolutely no path to get that done.

I received today a petition from Jim Keffer, a State representative from Texas, signed by 969 other good Texans, urging me to support this balanced budget amendment.

Mr. Speaker, I would encourage all of my colleagues to think about the future of this country, how much better off will this country be with a balanced budget amendment. This is the only thing that we are contemplating doing over the next 15 years that has a remote chance of fundamentally changing for the better the future that my seven grandchildren face. It is a bleak future they face today. We can fundamentally change that future for the spending efforts of this country with a balanced budget amendment that will force us to do the things that everybody else does.

I urge all of my colleagues on both sides of the aisle to support this balanced budget amendment.

HOUSE OF REPRESENTATIVES,
DISTRICT 60,
Austin, Texas, November 16, 2011.

DEAR CONGRESSMAN CONAWAY, it's time for us to stand together and teach Washington the first lesson in Texas economics: Don't spend more than you make!

We Texans know the importance of fiscal responsibility and how to live within our means, and I'm proud that our state constitution reflects these principles by requiring the state legislature to pass a balanced budget each session. This valuable tool allows us to keep the size of our state government in check and our economy stable and job friendly!

I am grateful that through your leadership and the leadership of our party, Congress now has the opportunity to debate and vote on a proposed constitutional amendment requiring a balanced federal budget like we have here in Texas.

You and I have the high honor of representing the hard working men and women of this great state in our respective governing bodies, and I submit to you the names of close to a thousand concerned citizens urging you to vote in favor of this constitutional amendment.

This is a critical moment for our nation's future economic health and stability, and I encourage you join us and stand together as Texans to demand that Washington follow our lead!

Please vote in favor of the constitutional amendment requiring a balanced federal budget!

I sincerely appreciate your consideration on this matter. We value your leadership, and I look forward to the opportunity to continue working with you on the important issues facing our state and nation.

God Bless America and the Great State of Texas!

STATE REPRESENTATIVE JIM KEFFER,
District 60.

FEDERAL BALANCED BUDGET AMENDMENT PETITION

It's time for Washington to follow our lead and pass a balanced budget amendment.

Sign the petition TODAY!

James Abbott, Floyd Abbott, Robert Abresch, Timothy Ackerman, Peggy Adams, Marza Adams, Cecil L. Adams, Ron Agnew, Francisco Aguilar, Alan Ahlberg, Ronnie Ainsworth, Sharron Albertson, Hale Alderman, Earl Alexander, Dennis Allen, Douglas Allen, Ann Allen, Jack R. Allen, Robert Allen, Brandon Ammons, Linda Amos, Jadell Anderson, Zanna Anderson, Rose Anderson, Belinda Angerer, Steve Angerer, Ky Ash, Ryan Ash.

Juana Ash, Bill Ash, Paul Athas, Evan Autry, Brett Autry, Charles Aycock, Royce Anne Baethge, Caroline Baggett, Judith Bailes, Joy Bailey, Charles Bailey Jr., Martha Baird, Ron Baker, Martha Baker, Sally Baker, Sally Baker, William Baker, Sharon Baker, Walt Baldwin, Juania Ball, Mary Barboza, Andrew Barg, Fawn Barrington, Christopher Barrington, Manuel Barrios, David Barton, Teresa Baty.

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Melissa Bohannon, A.H. Booth, Theodore Bordelon, Roger Borgelt, James Boswell, David Boucher, Kathy Bower, Donald Bowne, Boyce Erwin Boyce, Linda Bradford, Randa Bradley, Don R Bradshaw, David Branch, Cara Branch, Dianne Brandt, david braun, Sherry Breedlove, Mary Breitung, Glenn Breitung, Melvin Brewer, Thomas Brewer, Charlene Brewster, Jim Bright, Janet Bright, Noel Brinkerhoff, Sherry Britton, Jerry Britton, Judy Britton, Eve Brock, Starling Brock Sr., Kevin Brockus, Dale Brooks, Roberta Broussard, Roy Broussard, Linda Brown, Gina Brown, Stan E Brudney,

Alana D Brudney, Kimberly Bruton, Jeanene Bryan, Freddie Buchanan, Lesli Buchanan, Terry Buchanan, Greg Buenger, Robert Bullis, Aletha Burgess, Gerald Burgess.

Melissa Burgin, Travis Burke, Paul Burns, Susan Burns, David Butler, Wilma Butler, Angie Button, Carl Byers, Matt Byrd, Larry Byrd, Carol Cahill, Billy Campsey, Mike Canaday, Bob Cantwell, Dorothy Caram, Harold Carnathan, Bryan W Carpenter, David Carroll, Brenda Carroll, Jane Carter, Watt Casey, Dosia Casey, Watt Casey Jr., James Cashion, Greggory Cassady, Maggie Catherall, Deborah Catsonis, Ruth Cezar, Floyd Chambers, Ira Chambers, Rhonda Chancellor, Jesse Chaney, Barney Chapman, C Dan Chenoweth, Karey Chilson, Sandy Chisholm, Curt Christensen, Willie Christian, Brian Christopher, Danny Clack, Jack L. Clack, Vera Clack, Eugene Clark, James Clark, David Clemens.

Kenny Clement, Calvin Click, Sandra Clinard, Pat Cloud, Carole Cockerham, Darrell Cockerham, Lisa Cody, Bill Cody, Joe Coffey, Betty Cole, Q. Coleman, Glenda Collins, Tom Conley, Janis Connally, Dan Connally, R. Kelton Conner, Michael Cook, Mary Cook, Carol Cook, Suze Cook, Jim Cooley, Robert Cordova, Donald Corley, Edith Corley, Tim Coulter, James Cowan, Jerold Coward, Chris Cox, Chris Cox, Shari Craig, Marsha Cranford, Jerry Criswell, Sharon Crittenden, Leon Crockett, Geri Cronenworth, Ronald Crossman, Jesse Crowell, Carrie Cuoghi, Sherrie Curry, Sherry Curtis, Dolores Dailey, Barbara Daniel, Richard S Davenport, Thomas Davies, Sherrill Davis, J. Davis.

Betty Davis, Russell Davis, Lana Davis, Ronald Davis, Elizabeth Davis, Willie Davis, Jim Dawson, Amy Day, Harry Deal, Karen Deatherage, Theodore Dickinson, Elaine Dippel, Robert Dixon, Mary Donalson, Donald Dorenbach, Richard Dormier, Cynthia Dormier, John Dowling, Frank Drake, Wade Driskill, Margaret Dunham, C. Briscoe Dunn, Trevor Dupuy, Diane Durbin, Adam Dwire, Louis Dyess, Amy Dykes, Rick Dykes, Herbert Earnest, Natalie Earnest, Janet Ebersole, Eleanor Edmondson, Mona Edwards, Joseph Edwards, Angela Edwards, Jerry Edwards, Pat Edwards, Cha Edwardson, Joy Ellinger, Tom Elliott, Mark Elliott, Nancy Emmert, Katy Encalade, Bryan Eppstein, Troy Evans, Bettie Evans.

Brenda Evans, Gary Evans, Kirt Fadely, Shirley Faetcha, Al Faetcha, Larry Fann, Frank Farmer, Terry Farquhar, Robert Favor, Annabeth Favor, Linda Ferguson, Clint Ferguson, Jr., Dale Fessenden, Judy Finch, Linda Finkle, James Finley, Jimmy Fisher, Rosemary FitzGerald, Judy Flanagin, Cheryl Flatt, Pat Flatt, Lowell Fletcher, Grace Fletcher, David Fletcher, Sarah Floerke, Naomi Flores, Christopher Flores, Shirley Ford, Shiela Foreman, Allen Foreman, Steve Fortner, Stephen Foster, Susan Fountain, Justin Fowler, Pat Foy, Barbara Francisco, Mark Francisco, M Dawn Frederick, Steven Freeman, Kathie Freeman, Rodger Frego, Judy French, Jere French, Shai Frietze, Claud Fry, Lorine Fuessel.

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Virginia Hammock, Sam Hampton, Michelle Hanks, Janet Hanna, Michael Hansard, Eli Harden, Amber Hardin, Norval Hardy, Harry Hardy, Tyler Hargrave, John J Hargreaves,LuEtta Hargreaves, Nicki Harle, Terry Harman, William K Harner Jr. Terri Harris, Curtis Harris, Steve Harris, Marilyn Harrison, Karen Hartsfield, James Hasik, Quinton Hayden, Stephen Haynes, Don Hays, Leonard Heathington, Kris Heckmann, Kate Heim, Janice Heiskell, Nell Helfenbein, Sharlene Hetzel, Bob Hieronymus, Amber Higgins, Michael Higgins, Carl Hill, Ann Hill, Waytelle Hill, Deborah Hines, Harry Hingst, Amy Hingst, Jonna Hitt, Jim Hix, Heath Hodges, John Hoffman, C. Suzann Hoffman, Tom Hollaway, Johnny Holcombe, Ralph Hollingshead.

Randy Holson, Carol Holt, Bob Hopkins, Zeda Hopkins, William Horick, Carolyn Houston, Terry Howard, Jane D. Howell, Irene Howell, Glenna Huber, Virginia Huff, Carl Huff, Neal Huffman, Janelle Huffman, Bob Huffman, Ellen Hughes, Alice Hull, Tom Huskey, Bill Hutson, Joe Hyde, Chuck Iannaci, Thomas Imre, Jack Jackson, Robert Jacobs, Treena Jacques, Rodney Jaemsq, Tammy James, Christopher C Jamison, Joe Jessing, Butler Jim, Norwood Johnny, Sheron Johnson, Herma Jean Johnson, Judy Johnson, Keith Johnson, Kim M. Johnson, Martin Johnson, Christine Johnson, Russell Johnston, Dean Johnston, Lori Jolly, Shirley Jones, Judi Jones, Lew Jones, Delnita Jones, Charles Jones, Travis Jones, Marilyn Jones, Thomas Jones, Bettye Jordan, Roger Jordan, Webb Jordan, Louis Jupe, David Kaltenbach, Ronald Karcher, John Kaufmann, Terri Kaufmann, Marvin Kays, Bill Keffer.

Scott Keffer, Leslie Keffer, Ashley Keffer, Charles Keller, Wesley Keller, Brice Kelley, B.R. Kelso, Margaret Kerby, Shirley Keyes, John Keyes, Don Kincaid, Nita King, Dale King, Bill King, Kimberly King, Wanda King, Tracy Kirsch, Daniel Kirsch, Clent Kniffen, Doodie T Knox, Jack L Knox, Sally Koch, Rebekah Kodrin, Louis Kodrin, Lisa Koiner, Doris Konduros, Robert Kostelnik, Leona Ruth Kowis, Sandra Kozak.

Richard Krantz, Judy Krause, Russel Krueger, Elsie Kwok, Dusan Lajda, Dennis Land, Jim Lange, Terry Largent, Ron Latta, Jim Lattimore, Bernice Launius, John Laurance, George Lavender, George Lavender, Jim Law, Jim Law, Catherine Lawson, Ron Lazaro, Donna Leech, Joyce Leidig, Joyce Leidig, Roy Lenoch, Denise Leopard, Thomas LePage, William G. Lewis, Tryon Lewis, Carl Lindberg, Mary Little, Lavada Lockhart, Steve Long Jr., Jorge Lopez, David Lopez, Alice Lott, Pat Lovell, James Lovell, Larry Lowrance, Daniel Luckett, Jerry Luster, Franklin Luttrell, Virginia Lymbery, Robert Lynch, Chris Lyon, Nat Lyons, Walter MacArthur, Hartley Mackintosh, Kerry Magee.

Sandra Magers, Larry Mahand, Wallace Maness, Wallace Maness, Ginger Mangum, Sarita Maradani, Kirk Marchell, Mike Margerum, Ronald Marks, Greg Martin, Carl May, Mitzi Mays, Kay McAfee, James McBroom, Barbara McBroom, Susanne McCaa, Mark McCaig, Kimberly McCleve, Robert McClure, Barbara McCollum, Gary McConnell, Doris McConnell, Stan McCormick, Ron McCormick, Gay McCormick, Roy McCoy, Stan McCracken, James McCutcheon, Bert McDaniel, Tom McDonald, Elizabeth McGill, Patricia McGuire, Dean McIntire, Donald McIver, Denis McKillip, Alex McLean, William McLeod, Lowell McManus, Douglas McNeill, Lee McNutt, MaryAnn Means, Earl Medlin, Sam Mercurcio, Sam Mercurio, Sandra Midkiff, Barry Miller.

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Regina Watkins, Ken Watson, Dean Watson, Phyllis Weatherston, Stanley Webb, Oren Webb, Susan Webb, Priscilla Weisend, Jo Ellen Welborn, Melissa Welch, Erin Werley, Patsy West, Ronnie Westfall, Lawrence Whaley, Debbie Wharton, Randy Wharton, Kenneth White, Lewis White, Jack Whitele, Leona Whitele, Don Whitney, Jane Whittaker, Lynn Whittington, Matt Wiederstein, Birt Wilkerson, Birt Wilkerson, Jennifer Williams, Larry Williams, Jack Williams, Paul Williams, Jack Wilson, Donna Wilson, Peggy M. Wilson, Betty Wilson, Mark Wilson, Bob Wilson, Gary Wilson, Lawrence Winkler, Gerri Winkler, Tom Wisdom, Marie Wolfe, Richard Womack, Candace Womack, Martha Wong, Betsy Wood, Blake Woodall, Roy Wooten, John T Wright, Roger Yates, Gene Yentzen, Judy Yentzen, Joseph Yeo, Tammy Youngblood, Byron Youngblood, Carolyn Zapata, Victor Zengerle, Joseph L. Zimmer, Coy Zumwalt.

Mr. CONYERS. Mr. Speaker, it is now my privilege to yield to JESSE JACKSON, Jr., a distinguished Member from Chicago, Illinois, as much time as he may consume.

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to H.J. Res. 2, the balanced budget amendment. We do need to responsibly reduce our budget deficits and debt, but the best way to do that is by investing, building, and growing our economy, or through balanced economic growth, not a balanced budget amendment.

What is the most important question to be raised with respect to the BBA? We have serious gaps in our society that need to be narrowed. Economic gaps between the rich and the poor—ask the 99 percent. Social gaps between racial minorities and the majority population. Gender gaps—woman earn 76 cents for the dollar of what men earn. Generational gaps—will Social Security be there for the next generation? Infrastructure gaps—upgrades to roads, bridges, ports, levees, water and sewer systems, high-speed rail, airports and more in order to remain competitive in the world marketplace.

So the most important question, Mr. Speaker, is this: How does the BBA narrow these economic, social, gender, generational, and infrastructure gaps? It won't. It simply exacerbates them. The BBA will permanently establish the United States as a separate and unequal society. The BBA will balance the Federal budget on the backs of the poor, the working class, and the middle class.

The Center on Budget and Policy Priorities and Citizens for Tax Justice say that the BBA would damage our economy by making recessions deeper and more frequent; heighten the risk of default and jeopardize the full faith and credit of the U.S. Government; lead to reductions in needed investments for the future; and favor wealthy Americans over middle and low-income Americans by making it far more difficult to raise revenues and easier to cut programs. And it would weaken the principle of majority rule.

Before this Congress affirms a balanced budget amendment, we need to consider our future—not just the future of America's debt, but America's future. Do we want a future that is bright with promise; a future with innovation; a future with the best schools, the brightest students, and the strongest and healthiest workers? Do we want to continue to lead in the world? My answer is yes.

Mr. Speaker, I respectfully urge my colleagues to vote ''no'' on this irresponsible and shortsighted amendment.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds to answer the question, what do the 99 percent want? Well, CNN asked them in July. The answer was 74 percent favored a balanced budget amendment; 74 percent of men, 75 percent of women, 76 percent of white voters, 72 percent of nonwhite voters, 72 percent of 18- to 34-year-olds, 74 percent of 35- to 49-year-olds, 75 percent of 50- to 64-year-olds, 79 percent of 65 and older voters want a balanced budget amendment to the United States Constitution.

At this time, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. CULBERSON), a member of the Appropriations Committee.

Mr. CULBERSON. Mr. Speaker, I first of all want to thank the Congressman from Virginia. BOB GOODLATTE has been a relentless and tireless advocate for balancing the budget of the United States of America with a constitutional amendment. And we are here tonight debating it because of his perseverance. I want to thank Speaker BOEHNER. I want to thank the people of America for electing a constitutional majority to the House—elections make a huge difference.

We must pass this amendment to the Constitution tonight. The Senate must take a vote on it. And the people of America should hold every Member of Congress accountable for their vote because this is a defining vote on a defining evening for the United States Congress. How much more prosperous would America be today if the Senate had passed this amendment 16 years ago? How much stronger would America be today?

The Chairman of the Joint Chiefs of Staff has said, as has been pointed out earlier, that America's greatest strategic threat is our national debt. What better evidence of that is there than that the people of Europe tonight are facing panic selling of European Union debt. Greece, Italy, and Portugal are all on the brink.

We cannot let America continue down this path. We have an obligation to our children and grandchildren to ensure that the Nation's books are balanced just as every American must do, just as 49 out of 50 States must do, just as every business in America must do.

This is just fundamental common sense. No amount of confusion or distraction on the part of the opponents can divert the country's attention from the simple, commonsense fact that an amendment to the Constitution requiring a balanced budget requires America to live within its means, to spend no more than is brought in by revenue.

□ 1850

My hero, Thomas Jefferson, said, and his words ring so true today in light of the problems we face, that to preserve our independence as Americans, we must not let our rulers load us down with perpetual debt. We must make our choice, America, between economy and liberty and perfusion and servitude.

I want to thank Congressman GOODLATTE for his leadership and perseverance on this vitally important issue. And I'm looking forward to the day, in 15 to 16 years from today, when this amendment passes the Congress, when it passes the States overwhelmingly, so that my daughter and her children will inherit an America that's more prosperous and more secure because of BOB GOODLATTE and JOHN BOEHNER's leadership in bringing this to the floor tonight so that we will, as a Nation, continue to live within our means.

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

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. MEEHAN), chairman of the Counterterrorism and Intelligence Subcommittee of the Homeland Security Committee.

Mr. MEEHAN. Thank you, Mr. Chairman, for yielding.

One trillion $1 bills. We're talking about trying to make sense of a trillion dollars. If they were stacked on top of each other, they would reach nearly 68,000 miles into the sky, about a third of the way from the Earth to the Moon. As of yesterday, our national debt was 15 times that $1 trillion.

Fifteen years ago the balanced budget amendment passed the House with bipartisan support, only to lose by one vote in the Senate. Since that time, our Nation's debt has grown $9.2 trillion more.

Every day families make tough decisions in order to live within their means. But when it comes to our country's bank account, both parties in Washington simply don't practice these responsible habits.

It is wrong for us to accumulate this mounting debt that we know we're never going to repay. Instead, we expect our children and our grandchildren to do so. It's our obligation to pass on the blessings of liberty, not a crushing debt to our posterity.

A certain way to ensure that is that Congress and the President will not allow the U.S. to be driven further into debt, and that is to pass an amendment to the Constitution forcing our government to balance the budget each year. Promising to make cuts in Federal spending is one thing, but an amendment to the Constitution demanding it is quite another.

A balanced budget would legally force Congress to spend only what it takes in, and it protects taxpayers and small businesses from the threat of higher taxes to cover Washington's spending habits. This will be for a better future for our children and our Nation.

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

Mr. GOODLATTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. FARENTHOLD), a member of the Homeland Security Committee.

Mr. FARENTHOLD. I thank the gentleman for yielding.

Every month, millions of American families make tough financial decisions about how they'll pay their bills, balance their budget, and make ends meet. They make tough choices and do without things they want so they can have the things that they need. The American people have to make these tough choices, and we, as their elected leaders, need to do the same thing. America cannot continue to spend more than we take in.

A balanced budget amendment to the Constitution will ensure our grandchildren do not have to deal with the reckless mistakes Congress has already made by overspending and excessive borrowing. Our vote on this amendment will show hardworking American taxpayers who have a hard time balancing their own budgets which Members of Congress get it and who are doing their jobs that they are elected to do.

The current national debt is over $15 trillion, and that's way too much. Passing a balanced budget is the best way to ensure that we don't spend money we don't have on programs we don't need.

The American people want a government that is responsible and accountable. A balanced budget, like almost every State has, like almost every family lives with, is a key to this responsibility and accountability. It makes our economy stronger and healthier and preserves this great Nation for generations to come.

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

The SPEAKER pro tempore. The gentleman from Michigan has 86¼ minutes remaining. The gentleman from Virginia has 91 minutes remaining.

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

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. I thank the gentleman from Virginia (Mr. GOODLATTE) for introducing the bill, and I thank the gentleman from Virginia for the time.

You know, I'm part of the Blue Dog Coalition, a group of conservative Democrats, and for 16 years the Blue Dogs have been advocating a balanced budget amendment.

It really shouldn't be about Democrats and Republicans. Since I've been in Congress, I've been here when Democrats controlled Congress and Republicans controlled Congress. I've been here when Democrats controlled the White House and Republicans controlled the White House, and neither party has the best track record on the deficit issue. And that's why I think the balanced budget amendment makes sense, because I think we need a structural requirement that brings everyone to the table and says this is what you've got to do, Democrats or Republicans.

This shouldn't be a partisan issue. This should be an issue about setting a path forward that creates stability and sends the right message to the American people and to the rest of the world that we know how to live within our means.

Now, I have to say that I wish we had more support on my side of the aisle than we do because, as I said, I don't think it's a Democratic or Republican issue. I think it's an issue that we all ought to be looking at—balancing the books, balancing your budget. Families do it every day. States do it. At least 49 States have a requirement for a balanced budget. I think that this country needs that, too, and I urge all my colleagues to support this amendment and put us on a path to fiscal responsibility.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute to ask the speaker who just finished, if I could gain his attention for a moment. I thank the gentleman for coming back into the well.

Does the gentleman agree with me, in examining this bill, that this bill risks default by the United States by requiring a supermajority to raise the debt limit, which is not the case now?

I yield to my friend.

Mr. MATHESON. I think it's the same threshold that requires us to make a decision to deficit spend. It's the same supermajority for that as well. So I think that what we do is we're putting a requirement in where, if you want to default or if you want to raise the debt limit or if you want to deficit spend, it requires a supermajority. But if you want to pass a budget that is within balance, it doesn't require a supermajority. It requires a simple majority, and that's the way the bill is structured.

Mr. CONYERS. Did the gentleman say yes or no to my question?

Mr. MATHESON. I said no.

Mr. CONYERS. That a supermajority is not required to raise the debt limit under this bill?

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

Mr. CONYERS. I yield myself an additional minute, and I yield to my friend.

Mr. MATHESON. As I said, let's not do apples and oranges here. Let's do apples and apples. If this Congress wants to act in a way to pass a balanced budget, it doesn't require a supermajority. If this Congress wants to make a decision to deficit spend, it can do that with a supermajority, and that's the same requirement as if it wants to raise the debt limit.

By the way, if a simple majority balances the budget, there is no need to raise the debt limit. There's no need to raise the debt limit if we have a balanced budget, and that would be a simple majority to pass a balanced budget each year.

Mr. CONYERS. I want to thank my colleague for answering the question.

I would like now to turn to the gentleman who represents the majority, a distinguished member of the Judiciary Committee, Mr. GOODLATTE.

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

□ 1900

Mr. CONYERS. I yield myself 2 additional minutes.

I would like to ask him if he is aware of the fact that H.J. Res. 2 would require a supermajority to raise the debt limit.

I'm pleased to yield to the gentleman.

Mr. GOODLATTE. As the gentleman from Utah correctly noted, it requires the same supermajority of 60 percent to not balance the budget or to raise the debt limit. Quite frankly, if you have a constitutional amendment in place that requires a balanced budget, you're going to generate surpluses most years, and therefore raising the debt limit will occur less and less frequently. But those two requirements are in place in order to have an enforcement mechanism so that Congresses of the future will not do what Congresses of the past have been doing.

Mr. CONYERS. Did the gentleman answer me with a ''yes''?

Mr. GOODLATTE. Would the gentleman repeat that question?

Mr. CONYERS. Did the gentleman understand the question?

Mr. GOODLATTE. I understand it and answered it.

Mr. CONYERS. Was the answer ''yes'' or ''no'' to my question?

Mr. GOODLATTE. The answer is, yes, it requires a supermajority to raise the debt limit and a supermajority to not balance the budget, which would be an unusual thing in the future because in the last 50 years, it's only been balanced six times.

Mr. CONYERS. Then let me ask my colleague this question: Does it presently require a supermajority to raise the debt limit?

Mr. GOODLATTE. No, there is no such requirement today.

Mr. CONYERS. Thank you. It isn't. And there would be in this bill, would it not?

Mr. GOODLATTE. Absolutely.

Mr. CONYERS. And the gentleman supports a supermajority to raise the debt limit?

Mr. GOODLATTE. Very much so.

Mr. JACKSON of Illinois. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Is the gentleman aware that under such a scenario, a budget crisis in which a default becomes a more threat is more likely because the limits placed on the fluidity of the debt ceiling—

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

Mr. CONYERS. I yield myself an additional 3 minutes and continue to yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman. My question is of the chairman as well.

Under such a scenario where a three-fifths vote of the House would be permitted to raise the debt limit, a budget crisis in which a default becomes a more threat is obviously more likely. And because of the limits placed on the fluidity of the debt ceiling, that default becomes more likely to occur.

Is it the gentleman's opinion that a small minority within the Congress could indeed hold the entire Nation hostage to such a vote?

Mr. GOODLATTE. I don't agree with that at all. In fact, in the greatest debt limit crisis you might ever say we've had, which was just this summer, close to, if not in excess of, 60 percent of the Members of the House voted to raise the debt limit. So I don't believe that future Congresses would be any more irresponsible. I think future Congresses are likely to be more responsible than prior Congresses because we have not balanced the budget for but six times in the last 50 years.

We have a $15 trillion debt.

Mr. JACKSON of Illinois. May I reclaim the time?

Mr. Chairman, in the event that Congress fails to act, obviously under this amendment the courts would be empowered to provide remedial orders for when Congress failed to provide a balanced budget. The decisions would then force the courts to be political in nature.

Is it the gentleman's opinion that the judicial branch and that members of the court are in a better position to make judgements about congressional budgets and about the Nation's budgets than Members of Congress?

Mr. GOODLATTE. It's my opinion that Members of the United States Congress will uphold the oath to uphold the Constitution of the United States. And that scenario will be very unlikely to occur; and when it does, judges will, as they historically have on matters involving the internal business of the Congress, exercise judicial restraint.

Mr. JACKSON of Illinois. Respectfully, Mr. Chairman, the courts could then mandate a government shutdown once revenue has been expended, unlike the CRs that Congress passes.

Mr. NADLER. Will the gentleman yield?

Mr. JACKSON of Illinois. I would be happy to yield.

Mr. NADLER. Just two comments.

First of all, going back to what you were discussing a moment ago, the answer to your question is that under this amendment, 40 percent of either House could hold the entire country hostage against the other 60 percent. Sixty percent could want a balanced budget and there may be a necessity for an increase in the debt ceiling, but 40 percent could say no. Forty percent could hold the country hostage as we saw the country was held hostage this year. With this, it would be much easier to hold the country hostage because the minority, not a small minority, but 40 percent could do it.

Secondly, if the gentleman's answer is correct that the courts would exercise judicial restraint and not make decisions on tax increases or revenue or spending cuts, then there's no point to this whole amendment because you're saying it's unenforceable. Either the amendment is enforced by action of the court or it's not enforced.

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

Mr. CONYERS. I yield myself an additional 3 minutes.

The SPEAKER pro tempore. Does the gentleman from Michigan wish to yield the time to the gentleman from Illinois?

Mr. CONYERS. I would yield time to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman, the distinguished ranking member, and I thank the chairman for his response, but I want to raise a question with Mr. NADLER, a distinguished constitutionalist.

The courts could mandate, therefore, if Congress failed to pass a balanced budget, it could mandate a government shutdown once revenue has been expended; is that correct?

Mr. NADLER. The amendment is silent. All it says is ''this will happen.'' ''This must happen.'' When this must happen in our system of government, if it doesn't, or if someone thinks it's not going to, they go to court and they ask for a court order to make sure it happens.

The court either will—there are two possibilities and only two. One, the court will say, Here's how we'll make an order. We'll raise this tax, we'll lower that expenditure; or the court will say, in which case you have unelected judges making those decisions—and this amendment gives no guidance on how to make those decisions—or the court will say as the gentleman from Virginia just suggested the court would do, the court will exercise judicial restraint and will say this is a political question. We decline to make any order, in which case this amendment is not worth the paper it's written on because it's not enforceable at all.

Either it's enforceable by the court saying increase this tax, decrease that expenditure, or it's not enforceable and it's a total joke. One way or the other.

Mr. CONYERS. I would like to yield to the distinguished gentleman from Virginia, BOBBY SCOTT.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

I think one of the things we're forgetting is that during that spectacle last August, the United States lost its triple A credit rating, and it was a simple majority.

I just think you cannot make a serious case that it is fiscally responsible to increase the likelihood that we would go through that spectacle again.

The other is we talk about a simple majority for a balanced budget or a supermajority for an unbalanced budget. We forget that a serious deficit reduction is technically unbalanced and you need three-fifths to pass a deficit reduction plan. And if you have a question of three-fifths to pass a serious deficit reduction or new tax cuts and new spending totally irresponsible; and if we know we need three-fifths this year to pass a budget, deficit reduction, as you get closer and closer, how are you going to get those extra votes?

Now, the tradition has been you get those extra votes with a little pork here, a little pork there; and rather than buying enough pork to get to a simple majority, you're going to have to give away enough to get to a 60 percent. And so the question is whether the three-fifths vote will make it more likely that you're going to have a serious deficit reduction or a totally irresponsible budget.

In my view, I think the experience is it's hard enough to get a simple majority to pass meaningful deficit reduction. You will never get to three-fifths, so you get your new tax cuts. You get your new spending. I'm going to get another aircraft carrier out of it. I don't know what you want. But we need to get to three-fifths. You get it by more spending and more tax cuts.

Mr. CONYERS. Could I conclude on this side by asking my friend from Virginia (Mr. GOODLATTE) if he shares the view offered by Mr. SCOTT?

Mr. GOODLATTE. No, I very definitely do not share the view offered by my good friend and colleague from Virginia (Mr. SCOTT).

The fact of the matter is the downgrade that we received in the bond ratings was due to the fact that we have a $15 trillion debt and the Congress has not come to agreement on sufficient reductions in that debt to satisfy the bond rating agencies. A balanced budget amendment to the United States Constitution is exactly what's needed to put that kind of pressure on the Congress to make real and meaningful reductions in our deficits.

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

Mr. CONYERS. Could I get some time from the other side to continue this discussion?

Mr. GOODLATTE. I have a lot of Members who are planning to come tomorrow to debate this issue, and I'm going to have to reserve our time for that purpose.

□ 1910

Mr. CONYERS. The time is already allotted for tomorrow. The time we use tonight will not be put on tomorrow. We have divided the time up, so you have a few minutes left if the gentleman cares to share it.

PARLIAMENTARY INQUIRY

Mr. SCOTT of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SCOTT of Virginia. Can time unused tonight be carried over tomorrow?

The SPEAKER pro tempore. Time unused tonight can be used tomorrow.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from North Dakota (Mr. BERG).

Mr. BERG. I thank the chairman for yielding.

One year ago, as House freshmen, we came out here. We were elected to change how Washington works.

When we arrived in Washington, there was one thing we agreed on, and that was that our country was on an unsustainable path. As I'm here tonight, listening to some of this debate, I'm stunned that the way you get 260 votes is with pork. This is what's wrong with Washington. This is why it has to change.

We know the crisis we're in. We've heard that the $15 trillion of debt matches our whole country's economy. Fifteen years ago, had we passed a balanced budget amendment, America would be the financial powerhouse of the globe. We would not be comparing ourselves to Greece and comparing ourselves to Europe.

I strongly believe that the one fundamental thing we can do to change the way Washington does business is to have a balanced budget amendment. We wouldn't need this amendment if we actually balanced the budget. We are at a critical stage in our Nation's history, and tomorrow, we have the opportunity to make the future look better—by passing this balanced budget amendment.

This is Congress' opportunity to get it right. We can pass a balanced budget amendment, and we can change the course of our country's future. It's time. Now is the time for a balanced budget amendment.

Mr. CONYERS. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 76¼ minutes remaining.

Mr. CONYERS. I yield myself 1¼ minutes, the time allotted us for tonight.

I think the instructive discussion that we've had here tonight illustrates an irreconcilable problem with the requirement that a supermajority is necessary under H.J. Res. 2 to raise the debt limit. It's frequently difficult enough to raise the debt limit with a simple majority, so I'm sure that everyone in this Chamber will realize, by raising the requirement by a considerable figure, it is going to make it nearly impossible to raise the debt limit.

We've just gone through a summer of problems of raising the debt limit by a simple majority. Now, tonight, we are told that we're going to make this a constitutional proposition, which will make it even more difficult.

Just for the record, for the last time, I yield to the gentleman from Virginia for an explanation:

Would you explain to me how raising the debt limit to a supermajority is going to facilitate a more progressive or operative Congress.

Mr. GOODLATTE. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. The goal is to balance the budget and to pay down this enormous national debt of $15 trillion.

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

Does the gentleman from Michigan seek to yield himself additional time or does the gentleman from Michigan reserve?

Mr. CONYERS. We have no more time.

Mr. GOODLATTE. How much time remains on this side of the aisle?

The SPEAKER pro tempore. The gentleman from Virginia has 88½ minutes remaining.

Mr. GOODLATTE. I yield myself 30 seconds just to say to the gentleman that the only time you're going to need to raise the debt limit is on an occasion when you've already voted by a supermajority to not balance the budget. Therefore, under those circumstances, it seems entirely reasonable to me that you'd also have a supermajority to raise the debt limit.

That, I think, is the key to that provision. It's a discipline in this bill.

Mr. JACKSON of Illinois. Will the distinguished chairman yield for just one question?

Mr. GOODLATTE. I yield to the gentleman.

Mr. JACKSON of Illinois. Mr. Chairman, what is it that qualifies a Federal judge to make a decision about the Federal budget process?

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

Mr. GOODLATTE. I yield myself an additional 30 seconds to respond to the gentleman.

I will just say to the gentleman that the doctrines that the court has imposed upon internal operations of the Congress have historically called for judicial restraint, so it will be very rare, in my opinion, that you will find courts involved in this process. I believe that there is very good material, which we have put into the record in the Judiciary Committee, that would reflect upon just that process. This is something that the Congress has to resolve for itself, and that's why we need it in the Constitution, because the Congress does not resolve it now.

I reserve the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise in strong opposition to H.J. Res. 2, the proposed Balanced Budget Amendment to the Constitution of the United States, and I appeal to my colleagues to join me in rejecting this ill-considered and unwise amendment to the world's greatest national charter.

I oppose the proposed amendment for three principle reasons:

First, it is unfair, since it would roll back Social Security, Medicaid, Medicare, unemployment insurance, nutrition assistance, and other programs with expenditures that fluctuate over time.

Second, it is dangerous, as it would effectively cripple the Federal Government's efforts to respond to economic emergencies like the Great Depression and the present crisis.

Third, it will be nearly impossible to enforce, thus opening the door to judicial activism and intervention involving every act of Congress with a mechanism for raising revenue.

Worse, the proposed amendment, if ratified, would result in an unprecedented transfer of power from the Legislature, the first branch of government, to the Judiciary, the third and least accountable branch.

At first glance, the balanced budget amendment seems like a good idea, but its superficial appeal vanishes when one examines its key provisions closely.

Proponents argue that the Federal Government should be required to balance its budget, spending no more than it takes in, like most American families.

The problem with this analogy is that it is simply untrue. In real life, most families and businesses do not limit expenditures to the amount of revenues. They borrow and take on debt to buy homes, send kids to college, and cope with unexpected emergencies.

Forcibly balancing the federal budget would be like telling families that they are prohibited from borrowing or taking out any loan, ever—no matter how good their credit or how prudent their financing plan may be. It bars the government from taking out loans and enforces cuts on social programs while making tax cuts to the wealthy a permanent fixture.

The passage and ratification of H.J. Res. 2 would mean massive cuts to Medicare, Social Security, and many other programs. Obligations will not be met because there will literally not exist enough money in circulation to pay for them.

The destruction of these programs is the true aim of this legislation. It would force spending cuts by requiring a majority vote of the whole number of each chamber for all legislation imposing or increasing a tax, while requiring only a simple majority of those present to cut out funding for vital social programs.

Moreover, without deficit spending, programs intended to combat economic downturns such as unemployment insurance, Temporary Assistance for Needy Families (TANF), and food stamps would be jeopardized. Known as automatic stabilizers, these programs grow when the economy dips and cushion the blow for those hardest hit by recessions.

Increased outlays for these programs, which have no set budgets since they follow the fluctuations of the economy, will come into direct conflict with a balanced budget amendment, meaning harder times for those without work.

Equally bad is that under H.J. Res. 2, necessary stimulus such as the New Deal legislation of the 1930s or the Recovery Act of 2009 would be nearly impossible to pass. We would have no way to stimulate the economy at critical points to respond to downturns of the business cycle.

The result is that what would otherwise be a mild recession could spiral down into a great depression.

Imagine if the balanced budget amendment was in effect in 2008, when this Nation was on the brink of an economic meltdown. Instead of rescuing the savings of millions and saving the nation's automobile manufacturing industry, the Federal Government would have been busying itself with cutting Social Security, national parks, cancer research, Medicaid, defense, and hundreds of other programs.

That was the Hoover response to the Great Depression which was repudiated by voters and replaced by Roosevelt's New Deal.

Like its variants, H.J. Res. 2 is incredibly vague on how it would be measured and enforced.

There is no way to accurately balance the budget, since the Congressional Budget Office, whose job it is to predict expenditures, is often off by hundreds of billions of dollars a year.

If revenues fall short because of a projection error, the Federal Government could conceivably come to a halt toward the end of the fiscal year and stop paying benefits to Social Security.

I Finally, since it is an amendment to the Constitution, it would ultimately fall to the judiciary to define and implement economic policy. This will burden the courts with issues that are intrinsically political in nature.

H.J. Res. 2 also comes with an escape clause, whereby under a three-fifths vote, the provisions of the amendment may be waived. The Constitution is a statement of fundamental principles, such as free speech and equal protection under the law. The fact the proposed amendment can be waived so easily by Congress reveals that this entire exercise is merely theater intended by the Republican majority to placate its fervent base of Tea Partiers.

H.J. Res. 2 is a terrible idea and would be bad for our country. I urge my colleagues to reject this ill-advised and poorly-conceived amendment to the greatest constitution ever devised.

Mr. BACHUS. Mr. Speaker, families across America have to live within their means and balance their budgets. Sometimes it means making hard decisions and giving up things that you might like but can't afford. For too long, Washington has avoided making those choices. Its practice has not been to control spending but to keep borrowing more and more. For families, this approach results in bankruptcy. For countries, it leads to the financially and socially perilous situation that we are seeing in Greece and other debt-ridden nations. It is very clear that the only sure way to bring long-term fiscal discipline to Washington is to adopt a Balanced Budget Amendment to the Constitution. The Balanced Budget Amendment will provide us with a disciplined framework for the important decisions on entitlement changes and other spending reforms that will be needed to place America on firmer fiscal ground. Amending the Constitution is not something that should ever be done lightly. But I truly believe that what is at stake here is the financial integrity of our country and the future prosperity of our children and grandchildren. Our parents left us with a stronger America. We do not want to leave them with a weaker one.

Ms. BROWN of Florida. Mr. Speaker, I want to thank the Ranking Member for the time to speak on this horrible legislation. The supposed reason for bringing up this amendment is because this country has taken on a horrible debt over the last 12 years.

Let us not forget how we got in this mess. Institutional memory is in order. When you have your head in the lion's mouth, you ease it out. What happened? How did we get here? When President Clinton left, we were operating with a surplus. But we had 8 years of Bush and two wars and a deficit of $1.3 trillion.

Do you think this mess started when President Obama was elected? No, it did not.

We have been practicing what I call reverse Robin Hood for 10 years. Nobody remembers what happened here just last December? We gave $800 billion to not just millionaires, but to billionaires and now you complain that we are broke.

It is all about your priorities.

Under this balanced budget amendment, elderly citizens are not a priority. Medicare, Medicaid and Social Security would have to compete against all other federal spending. A balanced budget would require Congress to cut all programs by an average of 17.3 percent by 2018. If spending cuts are spread proportionately, Medicare would be cut by about $750 billion, Social Security by almost $1.2 trillion, and veterans' benefits by $85 billion.

Transportation infrastructure is not a priority. We know for every billion dollars that we spend, it generates 44,000 permanent jobs. Without transportation infrastructure, we cannot compete on a global level. While private businesses and households borrow all the time to finance capital spending, a balanced budget amendment would prevent federal borrowing to finance any investment expenditures.

Our priorities are out of whack when we cannot agree to protect those who need our help the most: the poor, the working class and the sick.

I am hoping that the American people will wake up. It is shameful that over and over again in the people's House, in the people's House, we attack the people who do not have lobbyists on Capitol Hill. And so I yield back the balance of my time, but I do know that elections have consequences. The American people are watching you.

Do not support this sham of a policy.

Vote no on the Balanced Budget Amendment.

Mr. GENE GREEN of Texas. Mr. Speaker, I oppose this balanced budget amendment. It's not because I support reckless spending, deficit spending, or believe that we don't have a fiscal problem in this country. I oppose this balanced budget amendment because I believe it is a heavy handed approach, which has the potential to harm Social Security and Medicare recipients and will hamstring our Nation's ability to respond to natural disasters, terrorist attacks, and acts of war.

We balanced our budget in the 1990s without a balanced budget amendment to our Constitution and we can do it again. Balancing our budget is good policy, I am even open to the idea of a carefully crafted amendment that will not threaten Social Security and Medicare recipients and not endanger our future national security and emergency preparedness. The proposal before us today does none of this and is just bad policy.

It is true that our Nation's debt has gotten too big and it is projected to expand even more if nothing is done to curtail it. For this reason, I support immediate measures to reduce our debt to a level that is both manageable and sustainable, which will put our country on a path to economic stability and prosperity. I oppose this proposal, but look forward to working with my colleagues, Democrat and Republican, to find better ways to address our fiscal challenges.

Mr. MARCHANT. Mr. Speaker, today the House is scheduled to consider House Joint Resolution No. 2. This bill proposes a balanced budget amendment to the Constitution. I am very proud to be a cosponsor of this legislation. The national debt just climbed above $15 trillion. We know that Washington should not spend more than it takes in. We know this, but we continue to rack up massive yearly deficits. We need a balanced budget amendment now more than ever.

Before being elected to Congress, I served as a city councilman for 4 years, as a mayor for 2 years, and as a state representative for 18 years. During my entire twenty-four years of combined state and local government service, by law I was always required to have a balanced budget. We should mandate the same requirement for the federal government that most state and local governments have to produce a balanced budget.

Earlier this year, the Texas Legislature called on Congress to propose and submit to the states a balanced budget amendment. I am pleased that the House is taking the first step to fulfill this request made by Texas and other states. I look forward to continuing the fight for its passage and ratification. Our fiscal problems are not getting any easier. We cannot simply continue to kick the can down the road. The longer that we wait only makes our fiscal problems that much more difficult to solve.

We must act now before we further ruin the economic futures of our children and grandchildren. We cannot ignore our fiscal situation any longer. The Federal Government must balance its budget. A balanced budget amendment is the ultimate solution to our current lack of fiscal discipline.

I strongly urge my colleagues to join me in voting in favor of this bipartisan resolution.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 466, further consideration of this motion is postponed.

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

Ms. FOXX, from the Committee on Rules (during consideration of H.J. Res. 2), submitted a privileged report (Rept. No. 112–291) on the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

AUTHORIZATION OF CONTINUED PRODUCTION OF NAVAL PETROLEUM RESERVES BEYOND APRIL 5, 2012—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–73)

The SPEAKER pro tempore (Mr. FARENTHOLD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services and ordered to be printed:

To The Congress of the United States:

Consistent with section 7422(c)(2) of title 10, United States Code, I am informing you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2012, the expiration date of the currently authorized period of production.

Attached is a copy of the report investigating continued production of the Reserves, consistent with section 7422(c)(2)(B) of title 10. In light of the findings contained in the report, I certify that continued production from the Naval Petroleum Reserves is in the national interest.

BARACK OBAMA.

THE WHITE HOUSE, *November 17, 2011.*

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2112) ''An Act 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 for other purposes.''.

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PROGRESSIVE CAUCUS HOUR: THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON LEE of Texas. Mr. Speaker, I am grateful for the opportunity to allow members of the Progressive Caucus to continue this discussion and as well to continue to educate the American public.

It is worth noting that part of the discussion that occurred on the floor of the House is that we have come to this point, if I might say, through a peculiar process. Some might call it hostage-taking, but certainly it is a process that has skewed, if you will, the regular order of this Congress.

This little book, the Constitution of the United States, that can fit into a document of this size, even though it is found in law books and many major large-sized books in the Library of Congress, hopefully convinces the American people of the wisdom of the Founding Fathers. It is noteworthy that they did not include a balanced budget amendment in the first group of amendments called the Bill of Rights. And even as they proceeded, they took the challenge of speaking to any number of issues, the freeing of the slaves in the 13th, 14th, and 15th Amendments, giving the right to vote finally in the 15th Amendment, suggesting that there should be no obstacles to voting. They went on to the 24th Amendment to indicate that there should be no poll tax, the 19th Amendment giving women the right to vote. But never did they feel the necessity to talk about a balanced budget amendment.

The reason, I believe, that they cast their lot on the responsible thinking of Members of Congress is because that is what we are supposed to do. We are supposed to be responsible Members of the United States Congress with no intervening body, no layered approach, no handcuffing of our deliberation. And that's what a balanced budget amendment is all about.

You've just listened to a portion of our debate. We will go on into tomorrow, mind you, taking up 5 hours of time that could be dedicated to coming together around job creation.

The underlying premise of this bill, Mr. Speaker, is that two-thirds of this body, two-thirds of the other body, and three-quarters of the States must consent to a balanced budget amendment. Thank goodness that our Founding Fathers made amending the Constitution so difficult. And that is because they wanted us to be thoughtful. So when we think of the amendments that are in this book, this little book that starts off with ''We, the people,'' a part of the Declaration of Independence, and then the beginning part of the Constitution says that we have come together ''to form a more perfect union,'' they've made it that challenging so that we could be thoughtful in our moving amendments.

Maybe for those of us who are in certain types of church families, whether it be Baptist or the underlying overriding general Protestant structure, we know that there are pastors, ministers, reverends, board of trustees, a board, or maybe a deacon board, there is some sort of policy board, and then there is a congregation. The reason why I mentioned the faith community is because we can get very sensitive about how our places of worship are run, how the business part of it is run. And you would wonder how many congregations would welcome the overlay of some outside entity—albeit formed by members—that was over the pastor, that was over the board of trustees, that was over the congregation. That's what we have done and forced ourselves to do with the intervening supercommittee that was put together by the concept of needing to raise the debt ceiling and then adding into it another hot pepper pot, and that is, of course, having to be forced to pass a balanced budget amendment.

I want to refer my colleagues again to a headline in a local paper, SHEILA JACKSON LEE can't slow down the Republican balanced-budget amendment freight train. It's not necessarily because it was my name, but that's just what we have experienced, a freight train.

I have no doubt that there will be a strong vote tomorrow. I am hoping that the debate will generate enough thought to cause many of my colleagues to reflect on whether or not we could, in the regular order, do some of the suggestions that have been made. Taxation of investment transactions, where many who are well vested and who have experienced the bounty of this land would be willing to contribute and to understand how we should move forward. The expiration of the Bush tax cuts, another revenue-generator that would, I believe, increase the opportunities for reducing the debt. Getting rid of the mighty, if you will, bungled opportunity to help seniors, becoming a gigantic handout budgetary fiasco. Medicare part D—ask every senior when you visit them at their senior centers, are they begging for the closing of the doughnut hole? But more importantly, are they trying to get relief from Medicare part D? Give them relief, close the doughnut hole, and you will find a huge amount of money going into the Treasury.

Going back to the Affordable Care Act and implementing the public option and allowing the United States to negotiate the cost of medications, prescription drugs under Medicare—just watch the debt go down, down, down. So I want to recite, as I did on the floor of the House, the words of Chairman Ben Bernanke, the chairman of the Federal Reserve, who indicated to the Committee on Financial Services, We really don't want to just cut, cut, cut. You need to be a little bit cautious about sharp cuts in the very near term because of the potential impact on the recovery. That doesn't at all preclude—in fact, I believe it's entirely consistent with—a longer-term program that will bring our budget into a sustainable position.

Nowhere did he say, Well, why don't you just do a balanced budget amendment with no thinking and not being able to deal with emergencies beyond another vote by the Congress, sometimes a majority, sometimes even longer.

Mr. Speaker, a balanced budget amendment was wrong when our Founding Fathers began to write the Constitution. It was wrong as the Founding Fathers wrote amendment after amendment. It was wrong to think about it in World War II, to think about it in the 1929 financial collapse, to think about it in the conflicts of the 1950s, the Vietnam war or wars thereafter, such as the Persian Gulf, the Iraq war, and, of course, the Afghan war, Kosovo, Bosnia, Albania, Libya, and places where we've been called to act on behalf of the American people in defending our honor and democracy and protecting the vulnerable around the world. It is wrong, wrong, wrong.

What the American people who voted for Members of the United States Congress are asking us to do is what the Progressive Caucus is doing: It is finding a way, first of all, to submit a reasoned budget that has seen a responsible approach to addressing the needs of revenue-raising and belt-tightening. What it is also asking is, as the Progressive Caucus is doing, drafting a major omnibus jobs bill that will incorporate a wide range of initiatives, many not costly initiatives, that will bring about jobs in America not only for those languishing 2 and 3 years unemployed but for our wonderful college graduates and others that are coming out of the institutions of higher learning.

But as Dr. Jeffrey Sachs said, We have even more challenges because, although we all point to college graduates and going to institutions of higher learning, maybe I should wake up America and let you know that we have some of the lowest numbers of college graduation rates probably in the history of America: white males at 34 percent, African Americans somewhere under 20, and Hispanics 11 percent.

So the balanced budget amendment is not going to invest in the human resources of America. It's not going to answer the question in our competitive reach as we compete around the world. It's not going to respond to the numbers of Ph.D.s that India is now producing, probably in years to come more so than people in the United States, or the number of masters and Ph.D.s in China.

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Our reach in competition is way beyond our borders. But everyone knows that America's marketability is our genius in invention and manufacturing, our genius as it relates to prescription drugs, our genius in medical science and medicine, our genius in Silicon Valley and the little Silicon Valleys that are springing up around America.

Our genius, for example, in the MD Anderson Cancer Center located in Houston, Texas, the fourth largest city in the Nation, magnificent research occurring in that institution, seeking a viable 21st-century, 22nd-century cure for this devastating disease, but also branching out for creative thinking in the next generation of research. That is the genius of America. We are not broke, and we're certainly not broke in our genius.

Let us be reminded as we debate the balanced budget amendment that our corporations are flush with cash. Our banks are flush with cash, and countries around the world are eager to have us hold their money in the framework of loans that are being made to us. If they wish to loan to anyone, they are eager to loan to the United States. Why? Because they believe their cash is safe.

So it is important that we are thoughtful in the idea of a balanced budget amendment and why now. Why are we doing a balanced budget amendment in the course of the need to do, as Dr. Sachs has said, long-term, systematic changes in how we do business in the United States of America?

So just take a fact sheet on the question of the balanced budget amendment. It came about because we went to the brink of raising the debt ceiling, something that had been done many times since President Eisenhower, going forward to Presidents thereafter, many times under Bush I, the 41st President of the United States; many times under the 42nd President of the United States, William Jefferson Clinton; many times under the 43rd President of the United States.

And lo and behold, an African American President ascends to the Presidency, voted on by the American people, and the debt ceiling becomes a crisis in the making. And, frankly, the pundits, economists around the world indicated it was not the question of raising the debt ceiling. It was the debacle shown around the world that the Members of Congress were not allowed to get their business in order. They were not allowed to debate this in a reasoned manner. They were strung and strangled by voices that are driven by outside party politics, in this instance the Tea Party and those who adhere to pledges governed by Mr. Norquist.

So it is important that a constitutional debate be separated from the entrenched political views that would disallow a thoughtful discussion. We could have raised the debt ceiling with a thoughtful discussion; but it came with not strings but ladened with heavy steel, bricks tied to our arms and body as we walked slowly and dragged down.

So we have a supercommittee. With great respect for those working, I have the greatest respect for our colleagues and wish them well. We have the requirement of a balanced budget amendment, a constitutional discussion dragged down by the requirement that you're not going to get the debt ceiling raised. You're not going to be able to pay the bills for our seniors and our soldiers on the battlefield if you didn't hang with all of this weight to carry forth an instruction that really is not done thoughtfully.

So here's what we get with the balanced budget amendment. We risk default by the United States by requiring a supermajority to raise the debt limit. It destroys 15 million jobs and doubles unemployment to 18 percent. If enacted in fiscal year 2012, nonpartisan economists with Macroeconomic Advisers, LLC, estimate that enactment of a balanced budget amendment would eliminate 15 million jobs, double the unemployment rate to 18 percent, and cause the economy to shrink by 17 percent.

Remember what I said, dragged down by steel anvils tied to our legs and arms, our ankles, around our necks. This is what we will be doing tomorrow. This is what the vote will entail tomorrow.

It harms seniors by cutting Medicare and Social Security and veterans by reducing their benefits, even though Social Security is solvent until 2035, requiring a thoughtful decision of how we go forward. And even though there are ways to eliminate waste, fraud, and abuse from Medicare without cutting providers, we want to go with a balanced budget amendment which could result in Medicare being cut by about $750 billion, Social Security $1.2 trillion, and veterans benefits $85 million through 2021.

How many of us joined our neighbors in celebrating Veterans Day last Friday? I did. We went to the Veterans hospital and shook the hands of bedridden veterans and promised them, by giving them cards of cheer, that we would not in any way cut their benefits. These cuts will result in draconian cuts, worse than the Ryan GOP budget. It opens the doors for courts to intervene—and the gentleman from Illinois may want to comment on this—in Federal budget decisions by placing the balanced budget amendment into the Constitution. It will generate enormous—in fact, there will be a line to

the courthouse on constitutional challenges on cutting Pell Grants and cutting food stamps and cutting housing and cutting veterans benefits, as I said.

And then, of course, more than 270 organizations representing people that are the most vulnerable have begged us to unshackle the steel anvils from our legs and arms and do the people's business.

I would be happy to yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I wanted to ask the gentlelady a question because I think she touched upon a thoughtful comment in her remarks.

I can imagine since every Member of Congress and every candidate for Congress is running for office and they run to uphold the Constitution of the United States, they swear to uphold the Constitution and its various provisions within the context of the debate that we have here on the floor of the Congress. In my district, I run on a campaign to try and provide better housing for my constituents. I run a campaign trying to provide health care for the health care-less, those who don't have health care. I run trying to say that the Federal Government has an obligation to address issues of unemployment and provide jobs. And when the private sector won't invest its money in and on the south side of Chicago, that it should do more. I run my campaigns arguing that people should get involved in the political process because if they vote for me, I can provide them some hope. I will come to the floor of the Congress and have their grievances redressed by the Government of the United States.

Under the balanced budget amendment as proposed by the gentleman from Virginia, it seems to me that anyone running for Congress in the future isn't going to be running making promises or commitments to do anything about the social ills or the gaps that exist within our society. They will be running for office saying, What I guarantee is you cannot have better housing, that you cannot concern yourself about the Federal Government's role in health care, or that the Federal Government should have no role in addressing issues of unemployment. Let the private sector work its way to the south side of Chicago or to Houston, Texas.

The gentlelady's argument seems to suggest that the balanced budget amendment itself changes the framework and the structure of America; and instead of candidates running for office making the case for hope and making the case for change and encouraging the promise of America, it's just the opposite.

Would the gentlelady comment on that, please.

Ms. JACKSON LEE of Texas. The gentleman is eloquent in his analysis. And as an appropriator, the gentleman knows full well the value of regular order. That is that the voices of not only the appropriators, meaning those on the Appropriations Committee, but other Members are able to, in essence, craft the ultimate appropriations, maybe working with a budget, maybe not, based upon the current needs of the American people.

□ 1940

The balanced budget amendment will stand not as a guard at the door of the United States Congress—the doors are to my left. We come in and out. It will literally be a lock and chain on the door because it will say to those who are running for office, in essence, you are powerless. You will either be as other litigants in the courthouse in the third branch of government seeking refuge for your constituents, or you will make at being a Member of Congress and spend most of your time fighting the balanced budget amendment in the courts.

The gentleman is absolutely correct, and I would add to this that, even though they make a way for disasters and wars, even if it is presumed to be under the jurisdiction of the President's executive powers to even expend any dollars, one would have to come to this body to receive a majority vote by this House and a majority vote by the other House.

That means that all branches of government will be under this lock. The President will not be able to act as a President. The Congress will have disagreement as to whether or not it's a war we support or conflict we support or an emergency we support, and, in essence, to the gentleman's very fine point, and as I indicated, we will be clogging the Federal courts on each iota of disagreement dealing with from vast issues of protecting the homeland to the necessity of defending the principles of democracy around the world. And I know there are some probably listening and they are probably applauding because they are saying, I don't want to help anyone anyhow. But some of that help falls back on the safety and security of the American people.

What is going on in Somalia, the frightening devastation of death that we are not acknowledging, might be a cause for the support of the American Government to help in the survival of those people. We will be in a stranglehold from doing that. The crisis in Syria, which I wanted to just make mention of and to ask Dr. Assad, as the Arab League has asked, and as I continue to ask and as my Syrian American neighbors have asked, to step down, which might warrant the United States joining with people of goodwill to help the Syrian people, we will find ourselves in court for each step of our responsibilities. The oath we take, that will be in conflict with the balanced budget amendment as it is presently written by the gentleman from Virginia.

By the way, if it is not passed as it is, a long-winded process will generate, and I assume that it is the same balanced budget amendment on the other body, but this will be a long, protracted process while we continue to languish and not do the people's bidding. I would rather do the people's bidding than I would want to, again, yield to a process that by its very nature is fractured and does not adhere to the Constitution as relates to having control of the pursestrings, being able to raise armies, being able to provide for the general welfare of the American people.

What are we talking about here? Am I going to have to prosecute a case in the Federal courts on the question of the general welfare of the American people when we will be thwarted here on the floor of the House because of the balanced budget amendment?

I would be happy to yield to my friend.

Mr. JACKSON of Illinois. I thank the gentlelady for yielding, and I'm not so sure that many of the distinguished colleagues appreciate that the distinguished gentlelady from Texas was a jurist before she came to the Congress of the United States. And so we heard from the author of the amendment, the distinguished gentleman from Virginia, that a three-fifths requirement would be required by this House, I believe, to raise taxes.

Now, unlike the Senate, which has a staggered election process, every 6 years is usually the tenure of a Senator, here in the House, Members of Congress run every 2 years. Essentially they're elected a year, then they run a year, then they are elected a year, then they run a year. And I'm finding it nearly impossible to imagine that in the event that revenues are at a shortfall in the Congress of the United States that there will ever be a Congress under the three-fifths requirement as spoken of in this amendment that would ever be willing to raise taxes on wealthy Americans in order to help balance the Nation's budget or to pay for programs. The politics of the way in which Congress is elected, that we serve 2 years, that we essentially serve a year, run a year, serve a year, do politics a year, which is a fundamental tenet of our system and a Constitutional requirement for the House, it just seems to me that inherent in the idea that somehow this Congress is going to have enough political courage in an election year, which, by the way, is every year for Members of Congress, that they're going to be willing to raise taxes in order to help provide for necessary needs of the American people.

As a jurist, would the gentlelady please comment on this idea of a three-fifths requirement in order to move revenue through this building.

Ms. JACKSON LEE of Texas. I want to remind the gentleman, I'm looking at a statement that my office brought to my attention that I was on the floor of the House September 22, 2004. Let me say that I wasn't on the floor of the House. I was in a markup on a proposed balanced budget amendment. And I had

in the markup, Mr. JACKSON, an amendment called the ''poor children's amendment.'' In achieving a balanced budget, outlays shall not be reduced in a manner that disproportionately affects outlays for education, nutrition and health programs for poor children. That was called the ''poor children's amendment,'' dated November 22, 2004.

We were dealing with an amendment at that time. It seems like we've done it over and over again. But I want to raise that to say you are very right in your analysis. What that means is that those who would be on the side of saying that we have a crisis with poor children, with nutrition, with the SCHIP program, children's health insurance program which is now merged into our Affordable Care Act, any other programs that deal specifically with the poor—let me just cite this: 2008, 15.45 million impoverished children in the Nation, 20.7 percent of America's youth. The Kaiser Family Foundation estimates that there are currently 5.6 million Texans living in poverty. We have the most uninsured.

What it means is that Congresswoman JACKSON LEE would battle it out in the courts. I would leave the floor of the House. I couldn't get the amount increased, and I would challenge the constitutionality of the balanced budget amendment. That would be part of my remedy because I couldn't raise up a three-fifths in this body, which is a supermajority, in essence, a supermajority to do the constitutional right that we have for taxation.

The House has the pursestrings, and that's a constitutional task. We've now changed that simple majority that has been written by our Founding Fathers who were building a nation and said, when building a nation, we don't want to be reckless with spending, but let us have a majority that will allow us to tax ourselves and build a nation. We're now arguing that it will be three-fifths.

And as we have made it your point, a constitutional amendment, as you know that we've gone to courts on the Ninth Amendment, the right to privacy. We are presently in the throngs of the amendments dealing with due process; and out of that 13th, 14th, 15th Amendments came the Voting Rights Act of 1965, Civil Rights Act of 1964. That generates court action. To your point, we will be in court. But I will say this. We will be in court on defense matters as well.

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

This legislation would allow a military conflict or threat to national security to take the budget out of balance. However, in order to authorize additional funds for military engagement or threats to national security that require action, Congress will need to pass legislation citing a specific amount. So the gentleman who was on the floor is very accurate in what the balanced budget amendment will do is kick us off budget if we have an emergency.

Might I just say, as my voice is coming to somewhat of a raspy end, that in addition to being off budget for this Congress, those of us—I see the good speaker, a dear friend from Texas. Those of us who are familiar with State budgets, we know that there is a capital budget, and we don't have one here in the Federal Government. And so we spend, if people would know, monies out of the Federal Government to ensure the infrastructure of America.

□ 1950

Just a few days ago, Texas had articles talking about our water level. Our water is a lifeline for our ranchers, and something has to be done. I expect the legislature will dig deep to address the diminishing water sources and the water shelf that we have to deal with in places where we have to keep our ranchers going.

By the way, ranchers of Texas, I love you; and I am proud to be from Texas where ranching still goes on. You hold on. We have to deal with it; it is a Federal proposition to deal with water all over America. So all of this would be kicked off budget. And I would hope maybe my Texas colleagues would be in the courts with me when they would be denied the right to secure Federal funding to help Texas that is now suffering from enormous deprivation of water because of the drought that we had and some problems that come about through Mother Nature.

May I pause for a moment and ask the Speaker how much time is remaining.

The SPEAKER pro tempore. The gentlewoman has 28 minutes remaining.

Ms. JACKSON LEE of Texas. Then let me just add a few more points to my commentary on this.

Let me just say that in my district in Texas, more than 190,000 people live below the poverty line. And I want to take Mr. JACKSON's comments—I will say that he took the words out of our collective mouths in the Congressional Progressive Caucus that this issue of poverty is really unspoken, but is in need of raising the ante. And it's the highest rate in 17 years.

The thresholds proposed in H.J. Res. 2 are completely unrealistic. Even during Ronald Reagan's Presidency, before the baby boomers had reached retirement age, swelling the population eligible for Social Security and Medicare when health care costs were lower, Federal spending averaged 22 percent of GDP. We don't have that low number that was offered in the Judiciary Committee, but it is unrealistic as this country grows.

My friends, the country has gotten larger. We can't have the same percentages that we had under President Eisenhower. Only 5 years in the last 50 has the Federal Government posted an annual budget surplus. All of the years the government has been in a deficit. We must contain it and restrain it. We must raise money. We can do that. We've just got to move the various ghosts of tax pledges and other third-party restraints away from the Halls of Congress and move the blocker of doing intelligent work, and that would be a balanced budget amendment.

So I believe it is crucial, as this debate goes forward, that we understand the Constitution and the American people understand that you pass a balanced budget amendment and you give up the vote that you cherish every 2 years, when you vote for a Member of Congress who is allowed to vote for or against, who will stand on the floor of the House and advocate, under the Constitution of the United States, the authority of this House of Representatives to institute taxes through the discourse of debate and the appropriate use of those taxes to raise up the general welfare of the American Government and people.

With that in mind, I would beseech of you, as I close, to be able to truly understand the Preamble to the Constitution of the United States. Allow me to read this into the RECORD:

> We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

I beg of you, my colleagues who will vote tomorrow, have this Constitution in your hand. Posterity can come through the reasonable work. Posterity can come through the thanking of the supercommittee for its work and moving beyond the supercommittee into 2012. Begin to analyze the needs of the American people and vote for revenue and vote for belt-tightening.

Don't take the Constitution and shred it tomorrow, voting for a balanced budget amendment that no Founding Father saw fit to implement, and throwing America's children, veterans, returning soldiers, and seniors into the Federal courthouses of America and depending upon the Federal court system for justice. We can do justice tomorrow. We can join with the Congressional Progressive Caucus long range, but we can do justice tomorrow and reject the balanced budget amendment on behalf of the constitutional rights of the people, and on behalf of the people of the United States of America.

I am happy to yield control of the remaining time to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentlelady.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Illinois (Mr. JACKSON) is recognized for the remainder of the hour as the designee of the minority leader.

Mr. JACKSON of Illinois. May I inquire of the Speaker how much time remains in the Democratic hour.

The SPEAKER pro tempore. The gentleman will have 25 minutes.

Mr. JACKSON of Illinois. Thank you, Mr. Speaker.

Over the course of this session of Congress, I have given a number of Special Order speeches in order to get across to this body the basic needs of the American people and how the Constitution is the best means of meeting those needs.

In April, I came to the floor and denounced a balanced budget amendment as the end of progress in our society. It would appear that my colleagues on the other side of the aisle didn't pay close attention. Perhaps, as they often do, they blatantly ignored what I believe was the logic and the reason behind my arguments.

Either way, Mr. Speaker, here we are just a few months from my original statement against the BBA and the House leadership has brought a balanced budget amendment to the floor. This week, we will cast our vote on what Ezra Klein referred to in the Washington Post as ''the worst idea in Washington.''

In a New York Times editorial published on July 4, the dangers of the balanced budget amendment are laid out in plain English—no frills, none of the rhetoric that our constituents fall prey to. As simple as the BBA sounds, requiring the Federal Government to balance its books every year would be like ''telling families they cannot take out a mortgage or a car loan or do any other kind of borrowing, no matter how sensible the purchase or how credit worthy they may be.''

Worse than just balancing our budget, the amendments that we will see in the coming weeks will force the supermajority to approve any borrowing to finance spending and cap all spending at under 20 percent of GDP. Additionally, a two-thirds majority would be required to raise taxes, making that process effectively impossible.

Sometimes a meaningful investment leads to greater returns in the long run. The average American can't afford to purchase a car, a house, or an education outright. They need a loan or some arrangement in which they owe money. They might be expected to pay installments at a later date, but the product of that loan could get them to a job interview, in a house, or in a university. A car could get them home after a long night at the office. A car lets them purchase groceries and, in turn, contribute to the success of the car industry. A house provides safety and security for one's family. An education adds to the quality of a person's life and the betterment of society. A loan may not always be the most desirable situation, but no one would deny its necessity.

The chief argument used to sway forlorn Americans to the misguided belief that a BBA would benefit our Nation is this: each and every home has to balance its checkbook every month, so why shouldn't our Federal Government do the same? First of all, let me be clear: you cannot compare the budget of the Government of the United States to the budget of a household. It's simply not realistic.

Aside from that critical flaw, the truth is that while each and every American home must balance its bank account, this doesn't include the mortgage, the car note, or the car loans that haven't been paid back yet. A true balanced budget is unrealistic in almost any scenario.

□ 2000

Lest my words again fall on deaf ears, Mr. Speaker, let's start at the beginning. For my colleagues who did not hear me the first time, this may be a little bit redundant, but I'd like to address the history of the balanced budget amendment. It's been a long road.

In fact, Mr. Speaker, if I weren't so appalled by the nature of this effort, I'd be apt to congratulate my friends across the aisle for never letting go of their dream. I can absolutely relate, as I have a few constitutional amendments myself. I guess the Disney phrase, ''Anything can happen when you believe'' really did stick with them.

They believed since 1936 when, in reaction to FDR's New Deal, Republican Congressman Harold Knutson of Minnesota introduced the first version of the amendment in 1936. Like many constitutional amendments, this resolution did not receive a hearing or a vote.

During President Dwight D. Eisenhower's first term, the Judiciary Committee of a barely Democratic Senate held its first hearing on this amendment. It, again, did not receive a vote.

After these partial defeats, the BBA supporters shifted their focus to the States. From 1975 to 1980, 30 State legislatures passed resolutions calling for a constitutional convention to propose this amendment directly to the States.

The election of President Ronald Reagan and a Republican Senate in 1980 renewed hopes for the balanced budget amendment passed by Congress. While the Senate did adopt the amendment in 1982, it failed to garner the necessary two-thirds majority in the House. This failure energized conservative groups such as the National Taxpayers Union and the National Tax Limitations Committee to refocus on State action.

In 1982 and 1983 the Alaska and Missouri legislatures passed resolutions supporting the BBA, bringing the total of number of these resolutions to 32, two short of the 34 needed for a convention. However, a growing concern about the scope of a constitutional convention led some States to withdraw their resolutions, re-shifting focus to congressional action.

From 1990 to 1994 Congress would make three additional attempts to codify this amendment. All failed to garner the necessary two-thirds majority. However, the BBA made a comeback when it was included in former Speaker Newt Gingrich's Contract with America. Twenty-six days after taking office, the newly empowered Republican majority adopted the BBA, giving conservatives their first congressional win in a decade. Disappointment awaited in the Senate however, when two separate votes fell short of its adoption. This failure, along with the balanced budget and the balanced budget surplus at the decade's end, sapped any remaining congressional support for the BBA.

There was renewed Republican support for the amendment in 2000, as it was included in the party's platform. The Bush tax cuts, wars in Afghanistan and Iraq, the passage of Medicare Part D, all unpaid for, led to massive deficit spending by Republicans that eventually led them to sweep the balanced budget amendment back under the rug. In fact, by 2004 the Republican party had created such debt and was so embarrassed that they left any mention of a balanced budget amendment out of their platform.

Again, in recent years, with the advent of the Tea Party and the return of extreme fiscal conservatism in the Republican party, there are currently 12 balanced budget amendments in the House and three in the Senate.

Mr. Speaker, we have a troubling national debt and deficit, but the balanced budget amendment is not the solution. I've already addressed for you the chief argument that proponents of the BBA use to draw in more misinformed worshipers of flawed austerity, comparisons to everyday families.

In the same vein of bandwagon fallacies, my colleagues across the aisle have consistently pointed to another entity that is required to balance its books, the States.

Mr. Speaker, I, again, can't continue without pointing out a serious dilemma in comparing the governments of individual States to the Federal Government. Perhaps if our Founding Fathers had seen fit to stick with the Articles of Confederation, this argument might be more legitimate. But at the end of the day we, instead, find ourselves under the guidance of the Constitution of the United States, by which I'm able to stand here before you tonight as an elected official conveying the views of my constituents.

The requirements and expectations of our Federal Government, to the great and continuous dismay of some of my colleagues, are now and forever different from those of the States. The Federal Government is bound to protect, via military force, and provide for the collective security of our Nation; maintain the national currency; determine the scope of the Federal courts;

promote and encourage our Nation's scientific and technological advancements via patents; and even regulate trade between the States that make up this great Union. At the end of the day, the States rely on the Federal Government, much like the citizens of the United States.

Alas, Mr. Speaker, since this logic doesn't seem to carry with my conservative friends, I would like to point out a few technical problems with this impressively mature ''the States do it'' argument. On its face, I'm willing to say this may be true. Nearly every State in the union has some form of a balanced budget requirement. Unfortunately, however, this has not kept them out of debt.

Furthermore, their amendments have restricted their ability to care for their citizens in times of austerity or emergency. Quite frankly, I don't think that's an option for the Federal Government. And in the face of such an emergency, I think every constituent we represent would agree.

According to a Forbes analysis of the global debt crisis in January of 2010, every single State in the country is carrying some form of debt. These debts range from as little as $17 per capita in Nebraska to $4,490 in Connecticut.

In fiscal year 2012 approximately 44 States will face revenue shortfalls. Many are desperately looking for ways to declare their State bankrupt. Bankrupt. I say it again, Mr. Speaker, because this proposed amendment would place the Federal Government in an equally unacceptable predicament.

For instance, in Rhode Island, judges and court workers have cut pay and left 53 positions unfilled. This is still not enough to balance their budget. As a desperate last resort, the chief justice has begun to dispose of cases on backlog. Literally, the judge is tossing them out. Florida is in the same predicament.

This past week I spoke to the Federal courts in the Northern District of Illinois. Federal workers being laid off and furloughed, and men and women who have pensions and long investments in the system being told that the Federal courts in the Northern District of Illinois can no longer sustain themselves. I told them I would bring their message back to this Congress.

If this Congress can spend billions of dollars to fight a war in Afghanistan and Iraq, we can spend billions of dollars on scientific exploration, we can spend billions of dollars to put a man on the Moon, why can't we find the money in this Congress to put a man or a woman on their own two feet right here in America?

My colleagues across the aisle are so concerned about handing our children and grandchildren any amount of national debt that they fail to realize we are setting future generations up for failure. States are already cutting too many services that make the American workforce strong and competitive. Should the Federal Government do the same, our legacy will be an America that is undereducated, ill-equipped to compete on a global level.

What happens to America when both State and Federal Governments can't make the investments in the education our youth need to compete at the global level? When our State and national capitals are both hiding behind balanced budget amendments? What happens to America?

The ones who will suffer won't be the conservatives pushing for this amendment. It will be our poor, our children, our veterans, our elderly, the disabled, the America that doesn't have an interest in corporate tax rates, subsidies for big oil companies, or whether the Federal Government or insurance company underwrites their flood insurance. Everyday America will suffer.

The balanced budget amendment is the wrong key to the doors of prosperity. It fits inside the keyhole, it seems like a perfect match, but it really doesn't open the door. We twist it, we shake it, we fiddle with it, but wind up stripping the lock, doing more harm than good. And at the end of the day, we've moved no further, made no progress from where we started.

A BBA is not going to solve America's deficit crisis. According to the Center for Budget and Policy Priorities, Citizens for Tax Justice, and others, a Federal balanced budget amendment would damage our economy by making recessions deeper and more frequent, heighten the risk of default, and jeopardize the full faith and credit of the U.S. government, lead to reductions in needed investments in the future, favor wealthy Americans over middle- and low-income Americans by making it far more difficult to raise revenues and easier to cut programs. It would weaken the principle of majority rule, making balancing the budget more difficult.

And no one, to my satisfaction, not on the Democratic side and not on the Republican side, has explained to me yet what qualifies a Federal judge to intervene in this budget process and make a judgment about what programs to cut.

□ 2010

Do they have degrees in economics? Have they studied programs? Have they studied the needs of constituents around the country? Have they been to Appalachia? Have they been to the barrios, the ghettos, and the trailer parks of our Nation?

What qualifies a Federal judge to determine when someone's benefit or assistance should not be given to them? Nothing qualifies them, and yet this Congress votes tomorrow to change the Constitution of the United States as if their opinion should matter in this particular process.

Mr. Speaker, I want to go into a little bit more detail about these faults because I need my colleagues to understand the level of damage they'll cause if they continue to sugar this bill and force it down the throats of the American people.

First, a balanced budget amendment would damage the economy and make recessions deeper and more frequent. Under a BBA, Congress would be enforced to adopt a rigid fiscal policy requiring the budget to be balanced or in surplus every year regardless of the current economic situation or threat to the Nation's security. A sluggish economy with less revenue and more outgoing expenditures creates a deficit, as we've seen from recent events. A deficit necessitates economic stimulation in order to reverse negative growth.

This is why in the last session of Congress the American Recovery and Reinvestment Act invested in roads, bridges, mass transit, and other infrastructure. It provided 95 percent of working Americans with an immediate tax cut, extended unemployed insurance and COBRA for Americans hurt by the economic downturn through no fault of their own. If Congress were forced to function under a BBA, deficit reduction would be mandated, even more so during periods of slow or stalled economic growth, which is the opposite of what is needed in this situation.

My Republican colleagues have taken to finger-pointing about the stimulus package. Every day I see a commercial laughing about the embarrassing and painful ways it failed to push our economy out of recession. I find it funny that no one has talked about what would have happened without it.

Here in the Halls of Congress, we're expected to legislate on a vast number of issues; but we always try to take our advice from the experts. And the experts, the economists, told us we should have done more.

The BBA risks making the Nation's recessions more common and more catastrophic for middle class families, senior, veterans, the disabled, the poor. Under such an amendment, Congress is stripped of any power to adequately respond.

Secondly, a BBA would risk default and jeopardize the full faith and credit of the United States. We've already been down this road. We already know how dangerous that turn really is. In August, we teetered on the brink of default playing political games and pointing fingers. We couldn't pass a respectable debt ceiling increase, and we only needed a simple majority to do so.

A balanced budget amendment would bar the government from borrowing funds unless a three-fifths vote in both Houses of Congress permitted a raise in the debt limit. Under such a scenario, we wouldn't have been able to raise the debt limit in the last debate. A budget crisis in which a default becomes a threat is more likely and because of the limits placed on the fluidity of the debt ceiling, that default becomes more likely to occur.

After the chaos we just experienced a few short months ago after the downgrade of our Nation's credit rating, not because of our debt but because of our lack of ability to lead and govern, I would think, Mr. Speaker, that we would try to avoid an identical future situation. A BBA would exacerbate the same issues we saw in the August debt ceiling debacle.

Third, Mr. Speaker, a BBA would lead to reductions in needed investments for the future. Since the 1930s, our Nation has consistently made public investments that improve long-term productivity and growth in education, infrastructure, research and development. These efforts encourage increased private sector investment leading to budget surpluses and a thriving economy.

A balanced budget amendment which requires a balanced budget each and every year would limit the government's ability to make public investments, thereby hindering future growth.

For years, conservatives have abused the debt and the deficit as a springboard from which to argue for smaller government and cuts to programs that serve as social safety nets to the American families. Although we must consider the debt and deficit, the larger and more significant issue is the nature of the debt and what it created.

If you invest $50,000 in a business, a house, or an education, you can expect future returns on your investment. If you invest the same $50,000 in a gambling debt, what is the future return? Both expenditures result in a $50,000 debt. But only one results in a return that can transform that debt into a long-term asset or gain.

Social investments provide the potential for greater returns in the long run in the same fashion as personal investments. Even small expenditures on social programs lay a foundation for great wealth in the long term. If the Nation chose to invest over a 5-year period $1.5 trillion in building roads and bridges and airports and railroads, mass transit, schools, housing, health care, we would create a debt. But the increased ability of companies to interact and shift their goods over well-paved and planned roads, the new businesses that would sprout around freshly built or newly expanded airports, the high wages of a student who is well-educated and able to attend college resulting in more tax revenue, the improved productivity of employees at their healthiest would eventually result in greater returns for our country.

The extension of Bush-era tax cuts for corporations and the rich brought about some short-term stimulus for consumer spending; but similar to the Reagan tax cuts, which resulted in record government deficits and debt, the long-term damage outweighs the immediate effects. Reagan's tax cuts for the rich came at the expense of investing in our Nation's need for long-term, balanced economic growth.

The Reagan administration neglected and cut back our Nation's investment in infrastructure, education, health care, housing, job training, transportation, energy conservation, and more.

The inclination of most conservatives in both parties—I'm not picking on Republicans today—in both parties, is to cut the debt by cutting programs for the most vulnerable amongst us—our poor, our children, our elderly, our disabled, and minorities. This approach, however, has proven false too many times. A balanced budget amendment would take us back to this archaic and ineffective system permanently.

Fourth, Mr. Speaker, a balanced budget amendment favors wealthy Americans over middle- and low-income Americans by making it harder to raise revenue and easier to cut programs. Under current law, legislation can pass by a majority of those present and voting by a recorded vote.

The BBA requires that legislation raising taxes must be approved on a rollcall vote by a majority of the full membership of both Houses. Before I even finish this point, Mr. Speaker, I want to make this point: look at the supercommittee. Look at what they're wrestling with. We don't even have a balanced budget amendment. Look at who they're targeting. Look at the emphasis of their cuts.

So instead of a balanced budget amendment in the Constitution, we already see that Congress is ineffective in light of what we've already passed. Imagine if it were a constitutional requirement.

The point is so simple, Mr. Speaker. The BBA would make it harder to cut the deficit by curbing special interest tax breaks of the oil and gas industries and making it easier to reduce programs such as Medicare, Medicaid, Social Security, veterans benefits, education, environmental programs, and assistance to poor children.

Wealthy individuals and corporations receive most of their government benefits in the form of tax entitlements while low-income and middle-income Americans receive most of their government benefits through programs.

As evidenced by the cuts that both parties agreed upon recently, it's far easier to cut social welfare programs than to cut spending on our military or to increase taxes. As long as spending is a political issue, cuts to those programs that assist those with the smallest voice in Washington will always happen first.

Raising taxes, the only option to address a budget deficit aside from cutting programs, is already a burdensome issue. The additional requirements of a BBA further complicate the process of raising taxes. This means the richest Americans will likely keep the benefits they receive from our government via tax cuts.

Meanwhile, the poor, they lose their programs that provide them with housing, with food, with health care, and the means to survive. This will further reinforce the growing gap between the rich, the rest of our society, middle class, working poor, and the destitute alike.

□ 2020

The BBA insists that the total government expenditures in any year, including those for Social Security benefits, not exceed total revenues collected in that same year, including revenues from Social Security payroll taxes. Thus, the benefits of the baby boomers would have to be financed in full by the taxes of those working and paying into the system then. This undercuts the central reforms of 1983.

Finally, Mr. Speaker, the BBA weakens the principle of majority rule and makes balancing the budget much more difficult. Most balanced budget amendments require that, unless three-fifths of the Members of Congress agree to raise the debt ceiling, the budget must be balanced at all times. They also require that legislation raising taxes must be approved on a roll call vote by a majority of the membership.

Mr. Speaker, in no way is this an exhaustive list. I know that my time is up, but this is my second attempt to bring my conservative friends to their senses. The only parties served by a balanced budget amendment are corporate interests and the wealthy, whom they seem to be serving instead of everyday working Americans.

My answer is ''no,'' Mr. Speaker, to the balanced budget amendment tomorrow. My answer is ''yes'' if my colleagues agree there is no way that they can pass the balanced budget amendment unless we, ourselves, agree that we must invest, build, and grow this economy and work our way out of this problem as Americans.

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

GOP DOCTORS CAUCUS: THE EFFECTS OF THE AFFORDABLE CARE ACT ON AMERICA'S HOSPITALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from New York (Ms. BUERKLE) is recognized for 60 minutes as the designee of the majority leader.

Ms. BUERKLE. Thank you, Mr. Speaker.

Here in Washington, we are divided on many issues, but whether we are a Republican or a Democrat, Members of Congress recognize the essential role that our hospitals play in our communities.

Hospitals provide care for the sick, and the clinics provide essential care to many. They are engaged in important medical research, and teaching hospitals are educating doctors and nurses to provide care for future generations. In many districts across the country, including mine, New York's 25th Congressional District, our hospitals are our major employers.

They're perhaps the largest single employer a congressional district may have.

The health care sector constitutes nearly 18 percent of the United States' economy, and it is one of the more stable portions of our economy. American hospitals employ more than 5.4 million people; and as hospitals and hospital employees buy goods and services from other businesses, they create additional jobs. The economic impact is felt throughout the community. Hospitals are a vital part of our local and our national economy. In New York State, particularly in my home district, hospitals are the largest single employer.

I want to call your attention to this chart, Mr. Speaker, with data provided by the Hospital Association of New York, which shows the importance hospitals have on my district's local economy. Five hospitals in my district employ over 18,000 people. Together, payroll and purchases in my district alone amount to over $2.4 billion. They generate over $100 million in State and local income sales taxes. This is in my district alone with regard to the economic impact of our hospitals.

Looking at New York State as a whole—and I hope some of my New York colleagues will join me here tonight—the hospitals contribute nearly $108 billion to our State and our local economies. Mr. Speaker, it is no exaggeration to say hospitals are a mainstay of our New York State economy; so when our hospitals are hurting, the effects extend to the entire community. Our hospitals are under assault. Not only will it affect our local and State economies, but it will also affect access to health care, to some of the most basic services that our hospitals provide to our communities.

I now yield to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. I thank the gentlelady from New York for yielding to me.

Mr. Speaker, as I think most of my colleagues know, Congresswoman BUERKLE is a member of the House GOP Doctors Caucus. There are 21 of us, all health care providers—some doctors, some nurses, some dentists, some psychologists. We've got a really good, diverse group that has—I would hate to say, Mr. Speaker, the total number of years of clinical experience that we all have in the aggregate, but it's several hundred. I have thoroughly enjoyed having Congresswoman BUERKLE as a member of the House GOP Doctors Caucus. She is a Registered Nurse, who has worked for years in hospitals in the New York area.

As she has pointed out, the four hospitals in her district are probably, if not the major employer, one of the major employers; and it's so important to her community, the 25th District of New York. That is so true, Mr. Speaker, across so many of our districts. I happen to be an OB/GYN physician, having practiced in my congressional district, the 11th of Georgia, for some 26 years.

In our hospital system there, in the main town in Cobb County, Marietta, Georgia, where we have lived for the last 36 years, just as in Congresswoman BUERKLE's district, the hospital system is one of the main drivers of the economy—that and the public school system. The hospital systems are employers, and we sometimes forget that.

I think, as a physician, a lot of times I may be guilty of concentrating on issues that mainly affect my colleagues in the medical profession—the practitioners, the MDs; yet Congresswoman BUERKLE is pointing out—and I know she has got a number of posters and slides for us to look at tonight—the devastating effects that the so-called Affordable Care Act—the unaffordable care act, indeed—has had on our hospitals like hers, the four hospitals in the 25th District of New York, and on the WellStar Health System and its, I think, six different facilities in the metropolitan Atlanta, Cobb County area. It is devastating.

So I really appreciate the opportunity to join with her tonight, along with some of my other colleagues in the House GOP Doctors Caucus, to make sure that people understand that it's not just the doctors and the health providers outside of the hospitals who are suffering because of this unaffordable care act, but it's our hospital systems all across the Nation.

I thank the gentlelady for yielding to me, and I plan to be with her during this next hour.

Ms. BUERKLE. I thank the gentleman from Georgia for being here this evening.

Mr. Speaker, as my colleague mentioned, the President's Patient Protection and Affordable Care Act, which became law in March of 2010, included some welcome provisions, such as allowing people to stay on their parents' insurance until the age of 26 and prohibiting insurers from denying coverage based on preexisting conditions. These positive provisions, which proponents quickly point to when facing criticism, are far outweighed by the negative consequences that the Affordable Care Act has on our providers and the health care system.

These measures could have been accomplished in a much simpler manner. I say to you, Mr. Speaker, so many roads are paved with good intentions, but the unintended consequences are devastating to our hospitals.

As a health care professional, my opposition to the Affordable Care Act has never been solely based on philosophical grounds, but on strategic and tactical ones. Most Americans—myself included and my colleagues here in Congress—recognize that health care needs to be reformed and that health care costs continue to rise. We need to figure this out. We disagree as to what the health care reform should look like. If I thought that the Federal Government could be the necessary agent of change, that would be one thing; but I don't believe the government can change health care.

The Affordable Care Act affects our hospitals and our providers. This is not a Republican or a Democratic issue, but an American one—as access to health care affects every American.

□ 2030

Mr. Speaker, I yield now to the gentleman from Michigan, Dr. BENISHEK.

Mr. BENISHEK. I thank the gentlewoman for yielding to me.

Mr. Speaker, I have spent 28 years as a physician practicing rural medicine, even serving on the board of my local hospital. I am well aware of the great financial difficulties most rural hospitals and clinics experience each year.

Today I was pleased that the State of Michigan celebrated Rural Health Day. On behalf of the thousands of Michiganders that call small towns and farming communities home, my State's Governor chose to recognize the hospitals and community-based centers that provide for the diverse and unique health care needs of these areas. Tonight I would like to join the State of Michigan in raising awareness about the importance these providers bring to the communities that I represent.

While we recognize the importance of rural health today, I would be remiss if I did not mention one of the great rural health facilities in my district. Many of my colleagues may have visited the Straits of Mackinac during a summer vacation, or perhaps they've seen the Mackinac Island featured on a ''Pure Michigan'' ad. The Rural Health Clinic in St. Ignace is the single largest employer in the community, supporting not only the local township but, in addition, the 900,000-plus seasonal visitors that depend upon the hospital for services each year.

I recently received a distressing letter from Mr. Rodney Nelson, the CEO of Mackinac Straits Health System. Mr. Nelson is very worried about the impact Medicare cuts may have on his patients, employees, and ultimately the ability to keep the doors to the hospital open. Mr. Speaker, the Mackinac Straits Health System is one of 25 hospitals in my district that is considered either critical access or sole community hospital. Of these, 56 percent are already operating in the red.

Unlike urban areas, my constituents often do not have another option when seeking health care. In the case of the St. Ignace Hospital, the next closest clinic is 50 miles away. What you may not know, Mr. Speaker, is that caring for patients in rural facilities is far more economic than providing urban care. In fact, rural patients cost less to treat in eight of the nine CMS regions.

As my colleagues and I discuss possible ways to trim the budget, I feel it's important to remember that without rural hospitals, many of my constituents would not have access to medical care. A 2 percent reduction in Medicare

spending is estimated to cost 389 jobs in my district as a direct result of the cuts to rural hospitals. If this number were raised to 10 percent, the figures would only get worse. At that point, 76 percent of the hospitals would be operating in the red; and the total impact is expected to be nearly $68 million, with 1,900 jobs affected. Mr. Speaker, I don't need to tell anyone that northern Michigan can't afford to lose another 1,900 jobs.

Mr. Speaker, if we force these cuts, not only will we lose these jobs, but we will lose access to many people's sole source of health care. We are forcing rural patients to travel longer distances to seek more expensive care. This just costs everyone more money.

I urge my colleagues to exercise caution when considering reductions to Medicare programs, especially those specific to physicians, critical access, and sole community hospitals.

Ms. BUERKLE. I thank the gentleman from Michigan.

Mr. Speaker, we've touched upon it, and I want to continue having this conversation about the effect that the Affordable Care Act is going to have on our hospitals in our Medicare population. Now, Mr. Speaker, you may have heard over and over again from our colleagues from the other side of the aisle, demagoguing our budget proposal that came out in April. They say we want to kill Medicare; we want to kill Social Security; we don't care about our seniors.

Tonight I stand here, Mr. Speaker, and I tell you, and I want to tell the American people, that the Affordable Care Act, in fact, cuts Medicare spending by $500 billion. Those are actual cuts that are now in the Affordable Care Act, or what is known as the health care law. One of the most negative effects is the result of reductions in hospital Medicare payments and the CMS code, offsetting reductions to hospital payment plans.

I have a chart here, Mr. Speaker. And as I go through my notes, I want it to be clear that you can see 2010 and what happens to Medicare reimbursements, down until 2018. Our hospitals can't sustain these cuts. The five hospitals in my district have come to me, and they said, This Affordable Care Act—and many of these hospitals were big proponents of the Affordable Care Act because they know in our country we need to reform our health care system, we need to make some changes, so they were in support of the law.

But what they didn't realize was this law is going to cut their Medicare reimbursements, which so many of them depend on. It's the mainstay—by 28.6 percent. I've had hospitals in my district say to me, We cannot sustain these cuts. We will go bankrupt. Because you see, Mr. Speaker, it's not only this Medicare, the reduction in these rates, but it also is a series of other cuts which we will get into as the evening proceeds.

I yield to the gentleman from Georgia.

Mr. GINGREY of Georgia. I thank the gentlelady for yielding to me.

I wanted to take an opportunity, Mr. Speaker. I have an article from the Atlanta Journal-Constitution, Atlanta's main newspaper—this was several months ago—referencing one of our best hospitals, Piedmont Health Care. The title of the article is ''Piedmont Health Care Cutting 5 Percent of Workforce.'' And this is what Misty Williams of the Atlanta Journal-Constitution says in this op-ed piece:

''Faced with a rising number of uninsured patients and unknown impact of the new health care law''—that would be the so-called Affordable Care Act—''Piedmont Health Care announced Thursday evening''—this was 5 months ago—''plans to cut 464 jobs as part of an effort to save an estimated $68 million. Totaling roughly 5 percent of its workforce, the cuts include 171 positions that were vacant or altered because of scheduling changes. Layoffs are coming from across the board, including Piedmont's four hospitals, physician groups, heart institute and corporate division, spokeswoman Nina Day said.''

And I quote Ms. Day: ''This is heart wrenching. This is not easy stuff when you're talking about people.''

''The move is, in part, a reaction to hurdles''—the hurdles that Congresswoman BUERKLE and Congressman BENISHEK were just talking about—''to hurdles many hospitals are facing, including a growing number of uninsured patients, a new State hospital bed tax, anticipated cuts to Medicare reimbursements, and the Medicaid expansion in 2014.''

The article goes on, talking more and more about how devastating this would be. And in conclusion—without reading the entire article—I'll finish up and then yield back to my colleague.

The last paragraph of this article by Ms. Williams: ''While hospitals will get more insured patients as a result of the Medicaid expansion in 2014, it's a big trade-off with Medicare cuts. State officials have estimated Georgia''—my State—''could add more than 600,000 enrollees to its Medicaid program as a result of this expansion.'' Again, under ObamaCare. ''It's a challenge in time just trying to navigate all of these changes.''

Again, it's just so important that we're having the opportunity tonight on behalf of our leadership to tell our colleagues on both sides of the aisle—Congresswoman BUERKLE moments ago said, It's not a Democrat or a Republican issue. It's a people issue. It's a community issue. And it's devastating. And it's sad news that we're bringing to our colleagues, but we need to do that. And the American people need to understand what's coming. The worst has not yet hit.

Ms. BUERKLE. I thank the gentleman from Georgia.

I have spent most of my professional career in the health care industry. I have represented a hospital for a number of years, so I know up close and personal how these issues have affected and will affect our hospitals and our providers. And despite the best intentions of this health care law—whether we disagree with it or we agree with it—despite the best intentions of this health care law, what we are seeing are the unintended consequences.

□ 2040

The fact that our hospitals, our health care providers, will not be able to proceed, will not be able to perform the services that our communities need and expect and have come to expect. That certainly wasn't the intent of the health care law, but ladies and gentlemen and Mr. Speaker, that's exactly what is happening.

I would like to yield and recognize the gentlewoman from North Carolina.

Mrs. ELLMERS. Thank you, Congresswoman BUERKLE, for holding this Special Order tonight, along with my colleagues on the Doctors Caucus. And thank you, Mr. Speaker, for being here. We are all here because we are health professionals. We know the real world of health care, and we know the real world solutions. It's the reason I'm here in Washington now, that and the fact that I'm concerned about where the future of the country is going for our children.

Many times in our health care practice as a nurse and in my husband's surgery practice as small business owners, over time we have always looked at these issues, whether we're talking about Medicare, whether we're talking about the possibility of having real, good, concrete tort reform, all of these different issues that we've said if we could put these in place, health care could have a much more solid foundation moving forward.

We already know that we have the best health care in the world. But being in the industry, having that small business and understanding where Medicare and Medicaid reimbursements—which were down—were going, you have to ask yourself, how can this continue? How can we provide health care into the future? Well, of course we know that the health care bill was passed in the 111th Congress, and now we are seeing the effects of it. One of the effects, as you've pointed out, are to our hospitals. You know, it's important that we are able to articulate this to the American people, connecting the dots.

When we talk about the importance of why ObamaCare is devastating to physicians, it's because it affects their ability to be reimbursed for their services. When Medicare will be cut—as we know in ObamaCare, it was cut by $500 billion. Today our seniors are saying to us, we're worried that you're going to cut our benefits. Well, their benefits will not be cut by any of us in Washington. However, because the dollars have been taken out in a significant amount, Medicare will have to say, I don't know what we'll cover. What are we going to cover?

And as we know, again, in the President's health care bill, the 15-person panel has been put in place. This 15-person panel will decide what Medicare will and will not pay for. That will be direct payments to hospitals, not just physicians but hospitals, based on the services that they're providing. And if they decide that a service cannot be paid for, there are penalties that can be assessed.

There are solutions to this issue, and I pointed out one would be significant tort reform. Not only for our physicians, but again for hospitals. Why is that important? Sometimes I'm afraid we don't explain well enough to the American people why something like malpractice reform would help the situation.

Well, we know that in our Nation's hospitals if you go into the emergency room, you're going to receive care whether you can pay for it out of pocket or not, whether you have an insurance card or not, whether you're on Medicare or Medicaid, it doesn't matter. You're going to receive the care. The problem is someone does have to pay for those services because services are rendered. You go into the emergency room, and many tests are ordered. Physicians order more tests out of pure fear for missing something. You can't go into an emergency room and get the good care that you need to get if you cannot identify the problem. So as we know, physicians and hospitals, physicians and doctor's offices, tend to cover all their bases rather than simply relying on the medical education that they have received, the ability to diagnose with just that—with the ability of their practice.

So here we are. We talk about health care costs every day, and the escalating cost of them. A good contributor to that is another piece of the President's health care bill which basically puts a tax on all medical devices. Well, think about the cost for any hospital, any provider. What do we do in hospitals? We do surgery. We provide health care. These are medical devices. These are instruments that have made our lives better and help us live longer, but yet now they will be taxed. This is a tax that will have to be assessed. Someone will have to pay for it. If the effort is truly to decrease the cost of health care, how can we continue by increasing the cost? It doesn't make sense. It doesn't add up.

So again, the importance is for us to connect the dots for the American people; to show that if we are able to pull back on ObamaCare, that we are able to remove it, repeal it, as we have already voted here in the House, then we can make the significant changes.

There is one more point that I would like to touch on, and it has to do with the ability to pay for services. There was a consulting firm, Mercer Consulting Company, and they did a study that shows that 9 percent of employers with 500 or more workers say they are likely to cancel health benefits in 2014 after State-run health insurance exchanges begin offering coverage under the health care law. There again, once again, it will become the government paying for it, which is paid for by the American taxpayers' dollars. We simply cannot continue on this path with health care or any other issue. It has to come with free-market solutions, and we have those solutions and we are ready to put those in place.

I just, again, want to reassure our seniors who are receiving Medicare now or in the near future that we are doing everything we can to rescue Medicare from the President's health care bill and put those necessary pieces in place so that we can continue those services into the future that they have paid for their entire lives.

I again thank my colleague from New York for holding this Special Order.

Ms. BUERKLE. And I thank the gentlelady from North Carolina for being here this evening.

I would just like to continue on because of my concern, and I know my colleagues have such concerns, about the health and the well-being of their hospitals. As I mentioned earlier, they are the largest employer in my district. We refer to it as ''eds and meds.'' We have a large university there and some colleges, but we also have five hospitals in my district. So our reliance for our local economy and for our State economy is just so very important.

I want to talk a little more about what this health care law is going to do to Medicare and do to our hospitals. There is $112 billion in reduced market basket updates to hospitals. There is a $36 billion reduction to Medicare and Medicaid disproportionate share hospital payments.

Now, Mr. Speaker, disproportionate share may sound a little confusing. I'm going to explain what that is. In a district such as mine, we have hospitals that have missions. And I'm sure across the country, many hospitals have missions. They want to make sure that the indigent population, folks who can't afford insurance, who are self-pays or maybe are on Medicaid, that they have access to quality services. So the government says to these hospitals, we understand that Medicaid reimbursements or self-pay patients will not cover your services. So what we're going to do is, we're going to try to make you whole with this disproportionate share. Mr. Speaker, the health care law eliminates the disproportionate share for hospitals, and so hospitals that have a high indigent population or a high number of self-pay patients or those who are on Medicaid, they are not going to get that disproportionate share.

The hospital in my district came down here. It is a large teaching institution. They made a special trip down here to tell me that provision of the health care law will bankrupt them. They probably receive somewhere around $80 million a year to make them whole because of their mission. And isn't that what we want? We want to make sure—and wasn't that the original intent of the health care law?—to make sure that there was accessible care for all Americans. But here again we reached the unintended consequences, and the effect that this law is going to have on our hospitals.

□ 2050

There is a $7.1 billion reduction for readmissions. We will talk about that in a little bit.

Hospitals, and many of the ones in my district, and I know throughout this country, they are heavily dependent on Medicare and Medicaid dollars. And with that narrow margin, Medicare and Medicaid don't even cover their costs. And so there's such a small margin for them to operate that there's really little capacity for improvements. Realistically, hospitals—especially teaching hospitals and hospitals that are treating the underserved—cannot bridge that gap, and they won't be able to bridge that gap because of this new health care law.

Hospitals must be able to invest in their infrastructure. Having such a narrow margin and/or no margin operating in the red, they're not going to be able to do that. They're not going to be able to invest in infrastructure, systems improvements, new techniques to reduce hospital-acquired infections, new models of delivering health care and electronic health records.

And I want to talk about electronic health records because they were mandated in the health care law. The Affordable Care Act mandates that hospitals must move to electronic health records. Now, from a patient safety standpoint, that's a good thing, but getting hospitals up to speed and getting them ready for business has very high IT costs for our hospitals. So, again, you've got this health care law mandating electronic records, and you've got these drastic cuts to our hospitals in their Medicaid and Medicare reimbursements.

I yield to the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentlewoman for yielding once again.

Just a few minutes ago, one of our colleagues spoke also about this problem with hospitals, Representative ELLMERS from North Carolina, who knows of what she speaks. She works in an office with her husband, a general surgeon. They see patients every day in the office, but they also have a largely hospital-based practice because it's surgery and you just don't do that in the office. But she had listed some of the things in ObamaCare, in this so-called Affordable Care Act, Patient Protection and Affordable Care Act of 2010, when it was passed a year and a half ago.

We all realized that this was a new entitlement program, Mr. Speaker, and the American people need to understand that it's not about strengthening

and saving Medicare for our seniors. That entitlement program is struggling mightily. And as Representative BUERKLE mentioned, to take $500-plus billion out of that program to pay for a whole new entitlement program, ObamaCare, for in many cases the young and healthy, and also to put some of the burden of paying for that new entitlement program on the Medicaid program, the safety net program for the poor, it only weakens that program. So you literally gut Medicaid for the poor and the disabled and Medicare for our senior citizens, when both programs need strengthening and saving, not gutting.

It was this whole idea of having Medicare for all, really, or national health care, there are all kinds of euphemisms to describe this, especially, not the least of which is the name of it, the Affordable Care Act. And as I said earlier, Mr. Speaker, and I know my colleague from New York would agree with this, it is the unaffordable care act. And both she and Representative ELLMERS from North Carolina said, look, we know on both sides of the aisle that health care in this country is too expensive, and we need to go about changes that will lower the cost and not hurt the quality. And we can do that.

President Obama keeps denying that there are any ideas and certainly didn't listen to the physicians in this body or the health care providers or physicians and the nurses that said, look, let us come over and sit down and talk with you or any of your folks in the Executive Office of the Presidency and let us explain, because we have—and I said it earlier—several hundred years of clinical experience. We do have some ideas, and we really believe we want to be part of the solution and not part of the problem.

But my colleague who is leading the hour and doing such a great job of it, I know she will agree that I haven't been called, I haven't been invited over. I will ask my colleague and yield back to her and ask her the same question. And I know what the answer will be.

Again, the important thing for our colleagues, Mr. Speaker, to understand, is that the creation of this new program, this new entitlement program so that everybody can get health care, whether they want to buy health insurance or not, is so detrimental to Medicare and Medicaid that I fear for the future of those programs. I really, really do.

That's what it's all about here tonight, to take an opportunity to explain so people really understand the ultimate consequences of this.

Ms. BUERKLE. I thank the gentleman from Georgia.

Mr. Speaker, I want to just emphasize again with regards to this health care law and the fact that this law—and, Mr. Speaker, this is a law, this isn't a budget proposal, this is a law—guts Medicare by $500 billion. It should be of concern, Mr. Speaker, to our seniors because this law, in fact in 2014, will begin to gut Medicare. I again would look at this chart and the Medicare reimbursements. There will be no hospitals that will be able to provide health care. If you look at what the trend is for Medicare reimbursements to our hospitals, they cannot continue to exist based on what is set forth in the Affordable Care Act.

I spoke with the CEO of one of our local hospitals, Crouse Hospital in Syracuse, and he spoke with one of my health care staff; and he indicated to us today that Crouse Hospital, one hospital in the district, is facing a projected loss of $18 million in reimbursement reductions. That number goes to access to care. We can have the most comprehensive health care law on the books, but if we don't have hospitals who are able to provide that care, and we don't have physicians who are able to provide that care, we will have access-to-health-care problems.

Mr. Speaker, earlier I talked about hospital readmission penalties. This is another concern hospitals have to deal with. And tonight we've talked a lot about what the Affordable Care Act will do to hospitals, the effect that it will have on our hospitals, the drastic cuts in Medicare and Medicaid reimbursements and the disproportionate share being eliminated.

But our hospitals are under assault from all sides, and that's part of the difficulty. Maybe they could somehow figure out how to deal with these cuts in the Affordable Care Act; but taken in its totality, our hospitals are having a very difficult time. In fact, as I mentioned earlier, many are concerned that they will be unable to sustain and unable to continue on with their services, given the whole assaults that are coming from all directions.

And this actually is part of the Affordable Care Act. It establishes a punitive policy for our hospitals when they readmit a patient. And I will explain that, Mr. Speaker. Under the health care law, the Affordable Care Act—we call it the Affordable Care Act, we call it ObamaCare, we call it many things—but under this new law that is taking effect gradually, under this to their expected readmission rates, if even more than one readmission occurs—and that readmission means that you discharge a patient, the hospital sends a patient home and then for some reason they have to come back. If that happens with one of three diagnoses within the Medicare scheme, the hospital will be penalized for all of the Medicare reimbursements, not just that one case where there was a readmission, but all of the Medicare reimbursement cases. You can imagine the magnitude and how that will affect Medicare reimbursements.

□ 2100

The other part of this provision in the health care law is that it really doesn't discern between what's avoidable and what's not avoidable readmission. So sometimes a hospital may discharge a patient and it was premature, or something wasn't done and the patient needs to come back. And certainly that should be considered, and we should figure out what went wrong because readmissions are expensive, and so Medicare doesn't want to pay for them. And I understand that. However, some readmissions are unavoidable, and a hospital shouldn't be penalized for an unavoidable readmission; and yet the Affordable Care Act does exactly that.

The Secretary of the Department of HHS, Health and Human Services, which has the authority now to expand what were three diagnoses, now has the authority to expand that list of conditions with regards to readmissions. Hospitals nationwide, Mr. Speaker, are projected to face more than $7 billion in Medicare reductions over 10 years because of this policy, $7 billion to our hospitals.

We began this discussion tonight, Mr. Speaker, talking about the importance to our local economies, the employment numbers, what hospitals pay into our community with their purchases and with their employees, the taxes that they give back to the community; and now we're talking about cutting them again because of this policy.

You know, the issue of hospital readmission is complex, and I hope I did a good enough job tonight of explaining it. And while health care providers agree there's always room for improvement across the continuum of care, readmissions occur for many reasons. And punitive action via reduced reimbursements is not only counterproductive, but it's also potentially harmful to our hospitals, to our patients, and to our communities.

Mr. Speaker, as we work hard to make sure our seniors get the Medicare benefits from the system that they have paid into—and, Mr. Speaker, I want to emphasize that over and over again during the course of this hour, our seniors have paid into Medicare, into the health care system all of their life. And now, as they reach the Medicare eligibility age, they deserve to get Medicare coverage that they expect, that they deserve, and that they've paid into.

But this health care law, this $500 billion cut to Medicare, is going to change that for our seniors. It's not the budget proposal in April that's going to—that was a budget proposal. And you've heard my friends and colleagues across the aisle demagogue our budget proposal in April, saying we want to cut benefits to seniors, Medicare, and Social Security.

The fact is, Mr. Speaker, this health care law, passed into law in 2009, will devastate Medicare. And our seniors, Mr. Speaker, should be very, very concerned about this Affordable Care Act. Not only will it affect our hospitals—as we've spent so much time talking about tonight—but it will also affect

the care and the access to care for our seniors.

Hospitals, Mr. Speaker, already operate on such thin margins, and we talked about this earlier, that for many providers, especially specialized programs, treating patients struggling, say, with substance abuse or helping the developmentally disabled, they will be reduced or they will end those programs. Hospitals cannot operate on such a thin margin and then run the risk of all of these devastating Medicare and Medicaid reimbursements.

Mr. Speaker, I also want to speak tonight a little bit about graduate medical education. As I mentioned earlier, I was an attorney in Syracuse, New York, and I represented a hospital that was a large teaching hospital. And so I know how much they rely on what's called graduate medical education. We often refer to it as GME, sort of the acronym for it, the initials. I'm going to explain what GME is because it's so important to our hospitals. And even hospitals that don't have a medical school attached to them, we'll talk about some of the reimbursements they get because medical students and residents train within these facilities.

Graduate medical education is the training medical school graduates receive either as a fellow or an intern or a resident. Medicare is the largest contributor to the GME. Now, why do I even bring this up? I bring this up because we talked earlier about the many assaults on health care providers, the many assaults that hospitals are concerned about. This is not per se in the health care law, so I want to make that clear. But when it comes to cutting, when it comes to finding and helping this terrible national debt that we have that is now $15 trillion, often we look to Medicare. And one of the areas in Medicare, the low-hanging fruit—whether it's a hospital or a physician—that seems to be the easiest place to go to rather than really looking at our health care system, making it a free market, allowing the market to compete, getting the government out of health care and letting folks buy insurance across State lines. Rather than letting the free market in it, we have the government involved. So Medicare is the largest contributor to this GME.

GME payments, as I mentioned, have been targeted. They've become a target for recommended budget savings. In 2010, the President's Simpson-Bowles Deficit Commission recommended limiting hospitals' GME payments to 120 percent of the national average salary paid to residents in 2010, and reducing another reimbursement the hospitals get, the IME, the indirect medical education, by 60 percent, from 5.5 to 2.2 percent.

Mr. Speaker, these two changes—Medicare reimbursement to the GME, Medicare reimbursement to the IME—would reduce Medicare medical education payments by an estimated $60 billion through 2020, $60 billion.

Mr. Speaker, these aren't just numbers. These proposed cuts would endanger the ability of teaching hospitals to train physicians. We must face the fact that cuts to graduate education would result in fewer practicing physicians and ultimately reduced access to care, which is getting back to why there was an Affordable Care Act.

I talked about this road paved with good intentions. And now what we are seeing is that our hospitals, our health care providers, and the training of physicians are both going to be significantly and severely impacted to the point where access to health care becomes a problem. And so seniors—not just seniors, but all Americans—will have to begin to deal with the fact that primary care physicians, there won't be as many of them. There will be fewer doctors being trained, and for a number of reasons.

The GMEs and the IMEs going to hospitals, if there is any reimbursement reductions to those, but also the fact that as a physician goes through all those years of training and he goes through 4 years of college, 4 years of medical school, an internship, 3 years of a residency, and then if he's a fellow because he wants to specialize, all of those years, and then they go into practice. And you see what the Affordable Care Act, you see what all these assaults are doing on our Medicare and Medicaid reimbursements to physicians as well as our hospitals.

Hospitals that are primarily teaching hospitals face an additional challenge that could threaten the stability of their institutions. Hospitals that have residents in an approved graduate medical education—again, that GME program—receive an additional payment for a Medicare discharge to reflect the higher cost of care. Because they are a teaching hospital, their cost of care is higher.

The regulations regarding the calculation of this additional payment—and I talked about this earlier—is the indirect medical education. This is all very complicated, but what I want to say and what I want to make clear, Mr. Speaker, is that if these cuts go through, it has been estimated that it will cost GME and IME reimbursements from Medicare $60 billion.

□ 2110

This could mean a loss of 2,600 jobs and $653 million in State and local revenue. And, Mr. Speaker, a $10.9 billion loss to the U.S. economy.

At current graduation and training rates, the Association of American Medical Colleges projects that the Nation could face a shortage of as many as 150,000 doctors in the next 15 years—150,000 doctors.

We talked about this, and I think whether you're on one side of the aisle or the other, whether you agree with the health care law, we all agree that we want to have, in a country as rich and as generous as ours, we want to have access to health care for all Americans. But if we don't have physicians to provide that care—and this estimate is 150,000 doctors in the next 15 years—a shortage of that many, it will discourage this access to health care and will result in the longer waiting times for patients.

Mr. Speaker, in closing, I want to just emphasize a few points this evening. And it's always an honor to be here on the House floor. It's always an honor to talk to the Speaker. And tonight it's been an honor to be able to address health care.

As a health care professional, I spent years as a nurse and then, as I mentioned, as an attorney representing a hospital. I know that people within the health care profession are dedicated. They have a passion to provide the American people, to provide any people with quality health care, to make sure and ensure that they have quality health care.

Mr. Speaker, the United States of America has the best health care in the world, and so it is so imperative that we preserve this health care system.

My colleague from North Carolina mentioned earlier that we voted to repeal the health care law, the Affordable Care Act, because it's not in the best interest of good health care. And tonight you heard, Mr. Speaker, from several of my colleagues who are health care professionals who dedicated their whole lives to providing medical services to the people in their communities. They care about quality health care. They care about people, and they care that the United States of America has a good health care system.

But we don't believe that good health care, access to health care, reasonable costs within health care, are going to result from the Affordable Care Act. The Affordable Care Act, I want to emphasize this one more time, Mr. Speaker, cuts Medicare to our seniors by $500 billion. To our seniors, that will be a devastating blow to the services and the access to services that you will have.

But beyond that, it affects how our hospitals can provide care, how our hospitals will be paid, how our doctors and our young doctors will be trained for future generations. This Affordable Care Act may have been the most well-intentioned law, but it is devastating for health care and health care delivery services in the United States of America.

Mr. Speaker, hospitals serve us and our communities. The crafting of the Affordable Care Act was carried out with the good intentions of many, as I said. I don't want to indicate or imply that people didn't have good intentions with this Affordable Care Act, but they approached it from the wrong direction. They put the government in the middle of a physician and the patient, and that can never work.

But good intentions are not enough to excuse legislation which has a terrible and far-reaching, albeit unintended, consequence for all sectors of our society, especially our patients, our doctors, and our hospitals.

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

HEALTH CARE AND THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore (Mr. HULTGREN). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

One thing we've got plenty of around here is paper, unfortunately. We've got bills, we've got laws that we should have taken up that we haven't.

And when we talk about the health care bill, people know we talk about ObamaCare, whatever the formal name is. Cutting $500 billion out of Medicare already. That's a done deal. That was rammed through by the majority when Speaker PELOSI was in charge at the behest of our President Obama—$500 billion in cuts. Our seniors deserve better than that kind of treatment.

Republicans, I don't think we had any Republicans vote for that. But it was driven through against the will of the American people, and against the will of the Republicans. But Democrats had the votes, so they did it—$500 billion in cuts to Medicare.

So when AARP has all these seniors send in petitions saying, I'm a member of AARP, don't you dare cut anything from Medicare, we try to make sure our seniors know that it was AARP that stood by the President as he cut $500 billion, and we're glad that they're finally waking up to just what the President and AARP, with AARP's assistance, what they did to seniors.

But if you look at how much money we are spending on Medicare, not to even mention right now Medicaid, just look at how much we're spending on Medicare, and you look at the number of households we have, around 17.5 million Medicare households—this was from 2009. You divide that into the amount of money that we're spending, the Federal Government's spending on Medicare—not even Medicaid, just Medicare: We're spending right at $30,000 for every household with somebody on Medicare. $30,000?

Now, for someone who's got bad heart problems or some kind of chronic disease, well, that's not so bad when you consider what all kinds of treatments and medicines they're getting. That's if you look at the bills that are sent out.

If you look at the amount of actual money that are paid for those procedures, or actually paid or reimbursed by insurance companies or the government for that money, it's not near that much for most households, even most households on Medicare.

That's why I was shocked in the not too distant past to find out that in one situation that I'm aware of personally, when there were $10,000 in bills between the hospital, the physicians, the ambulance, the testing, the people reading the tests, and all that stuff, 2 days of hospitalization, $10,000. It turns out that the insurance company, the health insurance company resolved all $10,000 in bills for about $800.

Well, if we knew exactly how much was being paid to pay for those exorbitant health care bills, we could then finally reintroduce something known as free market principles.

Now, the doctors I talk to, the health care providers I talk to, they wouldn't mind that. Their hands get tired. There are some insurance policies or contracts that health care providers have with some of the health insurance companies that said they cannot charge—that's what I'm told—they can't charge somebody paying cash as little as a health insurance company providing the contract gets out by paying.

You can't have competition in health care until people know how much they're paying for their medicine, for their hospital stay. You've got to know what they're paying.

It was a great thing growing up in a small town in East Texas. I loved the town, Mount Pleasant, Texas.

□ 2120

After I finished 4 years out of the Army from a scholarship at Texas A&M, my wife and I settled in Tyler. We've loved it. It's the only home my kids knew growing up. Been so good to me. But my wife and family, we've all been blessed there.

But in the smaller town I grew up in, everybody knew the doctors. And from time to time we would go to a different doctor. And a lot of the times it was because we found out one upped their price so we would go to another doctor who didn't charge quite as much because they were good. That's called free market competition. We don't have that any more in health care. We've got to get back to it. If we're going to bring the costs down, we've got to get back to it.

People have to know what it costs to go to the doctor. People need to know that their medicine that they see a cost of $900, that the insurance companies, when they reimburse for that $900 prescription, don't pay but a fraction of that. So if somebody can't afford insurance, why should they have to pay $900 for a prescription drug that a health insurance company wouldn't pay a fraction of that much? We have to get back to having some competition in the cost of things.

So there's one way, really the only way I see we get off this track to total socialized health care that ObamaCare puts us well on down the road toward arriving on, and that would be through greater use of health savings accounts. We're told by some actuarials that if kids in their twenties and thirties start putting money in a health savings account and it grows and it grows because they don't use much at that young age, by the time they're eligible for Medicare, not only would they not want to use Medicare, they wouldn't need it. They'd have so much money built up in their health savings accounts that they didn't get through every year.

I agree with some of the people that I've consulted over the last 4 years on what would be a better plan that if you could have people putting money every month in a health savings account, building that account, then not allow it to be drawn out for something like buying a boat or anything like that, but it has to be for health care, can't be for anything else. Once its dedicated in a health savings account, and it should be allowed to be put in there pre-tax, then it has to be for health care.

Oh, sure, we ought to be able to allow people to donate that to some charity that keeps health savings accounts for the less fortunate, ought to be allowed to gift it or bequeath it to children, to family and help them grow that big nest egg of a health savings account, and then you have a debit card coded to cover nothing but health care costs. And you use that health savings account until you reach the amount of the high deductible that the health insurance policy has, and then the health insurance kicks in. That would help make health insurance so much cheaper for most folks. That's what a lot of us have gone to, and I have myself. It is a lot better deal. It is a lot cheaper.

But to think about, as these numbers indicate from 2009, that every household with someone on Medicare is costing nearly $30,000, it is just staggering. And that's why instead of continuing to move toward rationed care putting our seniors on lists where they can't get treated very quickly, they have to wait, because let's face it, the way of socialized medicine is rationed care.

And President Obama not only must have known that that was the truth, but he put a man in the position to oversee ObamaCare who had made clear in prior statements that it's not a matter of if we go to rationed care, it is a matter of when. And then he's the guy that ends up in charge of ObamaCare because obviously this President and the Democratic majority in the last Congress intended—expected—that seniors would be getting rationed care.

How much better to say, you know what seniors, you've got a choice. How about that? We've had so many people on the Democratic side of the aisle talk about it should be people's right to choose. They should have choice. How about in health care? How about giving seniors a chance to choose? You want Medicare? You want to be denied some medicines? You want to have to keep buying that supplemental coverage from AARP? Your choice.

On the other hand, if you want to do something different, we'll put—and I'm flexible on the amount, but it appeared $3,500 was a good, effective amount for achieving that kind of high deductible and lower cost for the insurance policy. Then we, the Federal Government, will

buy you a private health insurance policy that covers everything over $3,500, and then we will give you cash money in a health savings account, the debit card to go with it that you hold, you use as you see fit, you choose what medicine, you choose what doctor. And if you exhaust the $3,500, then the insurance kicks in and you've got that coverage.

You don't have to buy supplemental coverage, and I know that would cost AARP hundreds of millions. I get that. And I know they care deeply about retired folks. I get that. But, boy, if retired folks wouldn't have to pay anything for supplemental insurance, seems like that would be a good thing.

We would give them the choice. Let seniors choose what you want. You want control of your own health care and the money to pay the deductible if you get that high and an insurance policy to cover everything beyond that if you go beyond that? You control things? Or do you want to let the government keep telling you what you can and can't get in the way of treatment?

The country is better off when the Federal Government is the referee, not the player, because government's always going to be the referee; but when it's the player and the referee, that's when it's so grossly unfair. Anybody should be able to figure that. That would be so much better for seniors. Give them the choice.

But you know what? This President, Speaker PELOSI, Leader REID, they felt like they knew better for seniors. They felt like it would be better if they did not allow seniors to have a choice. Too bad, seniors. We're going to cut $500 billion from the amount of money that we're spending on Medicare, and you're about to find out what real rationed care is about once ObamaCare kicks in to the full.

Why not give them a choice? Why not force doctors and health care providers for the first time in decades to start posting what the cost of health care is? How much at your hospital is a hospital bed in a single room or in a double room with two patients in there? How about showing people that, letting them decide which is cheaper? Because as long as an insurance company or the government is paying all of those costs, people really don't care. That's the way of the world.

That's why in the Soviet Union in 1973 when I asked some farmers in the middle of the morning who were sitting in the shade visiting instead of being out in the field working, and I tried to do it as nicely as possible, spoke a little Russian back then, When is it you work out in the field?

□ 2130

The loudest one said, I make the same number of rubles when I'm in the shade here or if I'm out there, so I'm here.

That's socialism.

When the Federal Government socializes medicine, as ObamaCare is driving us toward—it's just one giant step; we're virtually there—well, then, it changes everything.

People don't really care how much things cost because they're not paying for them. People don't try to go to a less expensive doctor or hospital because they don't care. Somebody else is paying it. Then when they see the bill that says this stay cost $10,000, they say, Well, gee, I'm glad I'm not paying that. They don't care because they're not paying it. They don't know that there may have been $200 paid for that hospital bed rather than $10,000.

People deserve to know what health care costs. As I say, the health care providers—the doctors I talk to—wouldn't mind being able to do that. They would love it if patients could come in and give them a health savings account debit card. Then they don't have to have extra people who are chasing down the new codes and all this information about what the government pays and what the insurance company will or won't pay. We'd get back to a doctor-patient relationship. Wouldn't that be wonderful?

As I've told health insurance companies before at a convention here in Washington, D.C., we need to get the health insurance companies back in the health insurance business and out of the health management business, because if health insurance companies are determined to stay in the health management business where they manage our health care, they're eventually going to have everybody mad at them, and they're going to be run out of business, and there won't be any health insurance companies anymore.

Other than the socialist Federal Government of the United States. I don't want to get there.

We're almost there with ObamaCare.

That's why this body, with the majority of Republicans having taken over this year, voted to repeal ObamaCare.

When it's real health insurance, people pay a small monthly, quarterly, semiannual, annual fee in order to insure against some unforeseen disease or accident down the road—unforeseen because, if they could foresee it, they'd know how much they'd need to save in order to take care of that event that's coming or the disease. You pay an insurance company for something you don't know might happen—maybe it will, maybe it won't.

The thing is, if we went to the place where we allowed those on Medicare to choose—to stay with Medicare if that's what you want, and keep buying that supplemental insurance—or we'll give you the cash in a health savings account and a debit card, then we'll buy the insurance to cover everything over the cash we put in your account for the year, and we'll do that every year.

When I was drafting the bill in the prior Congress, Newt Gingrich was very helpful. He sent a couple of experts to come visit about ideas.

They said, You know, we ought to have an incentive in the bill so that seniors would have an incentive not to spend all the money, all the $3,500 that's put in their HSAs every year.

So we put in a provision that if someone on Medicare didn't use up all of the $3,500 in their health savings account, then they got a percentage of that cash money that they could take. No income tax would have to be paid on it. It was just cash money in their pocket at the end of the year in order to encourage them not to waste money from the health savings account by buying stuff they didn't need, because they were going to get a percentage of that if they didn't spend it within the year. Give them incentives. That's what market forces are about: incentives.

Now, if we were to do something like that, then certainly there will be people who are chronically ill. We will always have people who are chronically ill, and those are the people we should help. They can't help themselves. That's what a caring society does.

But when there are people who are able to help themselves, then those are the folks who ought to be able to grow a health savings account over the years so that they don't need any government help by the time they get to the point where they're eligible for Medicare. If they need it, they'll get it. That would finally get us on track to get out of this massive amount of debt that we're in. That's the way to go.

In the meantime, not only is that not something that's occurring, but we're not able to innovate new things that will become law. We're innovating new things, like the alternative to Medicare—the choice we could give seniors—but we know, as the President has called us—and it really only applies to the other end of the Hall—we've got a do-nothing Senate. It's not the Republicans. They keep clamoring—trying to push, trying to get the Democratic leadership in the Senate to do something to help the economy, to truly do something to help health care, but they're not interested in doing that.

We've got a supercommittee, as it has been dubbed, that we really shouldn't have set up. I have nothing but sympathy for my Republican friends who have been put on that committee because they were put into a position where, unbeknownst to our Republican leadership that negotiated the deal that brought this committee about, the Democrats really don't have anything to push them to reach an agreement.

That appears to be why the Democrats seem to be interested in what PAT TOOMEY had floated out as a framework with the support of his colleagues. They seemed to be interested in it; but, apparently, after consulting with Democratic leadership, they realized, uh-oh, we're told not to work a deal because if we don't work a deal, there will be draconian cuts to our national security, which we don't mind—we've been wanting to do that for years—and then the other cuts will be to Medicare.

Apparently, because of the lack of interest by the Democrats in seeing that there is a deal done, it would appear they don't mind having the cuts to Medicare.

And that's what was puzzling me last week.

After they hear how far backwards Republicans are willing to go on the supercommittee, how is it that the Democrats end up walking away, basically, from what they wanted? So I struggled to try to figure out what it was that would keep them from being desperate to cut a deal with the Republicans because surely they don't want those cuts to Medicare.

Then I realized, well, Democrats are 100 percent totally responsible for the $500 billion in cuts to Medicare that are contained within ObamaCare. They also know that millions of dollars of Republican campaign money will be spent next year in probably talking about the $500 billion in cuts that the Democrats solely, on their own, pushed through in ObamaCare and that unless there is at least a couple hundred billion in cuts to Medicare, then at least that amount would result from a failure to pass some kind of bill from the supercommittee.

Unless there's something like that, the $500 billion that the Democrats cut from Medicare last year is all anybody is going to basically be talking about in the next election.

But if the supercommittee fails and if the House and Senate don't pass what they've sent, then we've already seen the rhetoric begin: Republicans, they say, are wanting to cut health care; they're wanting to cut Medicare.

So now we see how it's playing out.

□ 2140

Some, apparently, on the Democratic side—not all, but some, apparently the leadership of the Democratic Party—apparently the President—want to see a failure so they can campaign against Republicans saying, No, they didn't want agreement anyway; and look at the cuts to Medicare that they've forced. I don't see any other explanation for the cavalier attitude of the Democratic leadership and not pushing so hard to get an agreement to avoid the massive cuts to Medicare. Even with the massive cuts, it won't be as big a cut as ObamaCare was to Medicare; but it will be enough, apparently, for them to campaign and try to demonize the Republicans.

Apparently tomorrow we're going to vote on a balanced budget amendment. It will either be House Joint Resolution 1 or House Joint Resolution 2. House Joint Resolution 1 has a cap on spending that we can't go above, a percentage of gross domestic product. It requires a supermajority in order to raise taxes. That's House Joint Resolution 1. That's what passed out of committee after a long and exhausting day of debate and amendments.

But we're bringing to the floor joint House Resolution 2. It just says, You've got to balance the budget. I know there are those who say, Well, that would mean that our decisions start being made by the courts. Well, 49 out of 50 States, as I understand it, have a balanced budget requirement in their constitutions. Their courts don't make those decisions. I don't see why it would be otherwise if it was. Under the Constitution, we've got the power to restrict jurisdiction for everybody but the Supreme Court. We could do that if that's what we chose to do.

We're in a mess, because we're not doing the things we promised we would when we ran and got elected to the majority, the very things the Democrats lost the majority in this House because they didn't fulfill. It's time to get serious about our promises.

Everybody is aware of Francis Scott Key who wrote our wonderful National Anthem. As my time runs out, I want to finish tonight with something else that Francis Scott Key said. On February 22, 1812, he said this:

> The patriot who feels himself in the service of God, who acknowledges Him in all his ways, has the promise of Almighty direction, and will find His Word in his greatest darkness, ''a lantern to his feet and a lamp unto his paths.'' He will, therefore, seek to establish for his country, in the eyes of the world, such a character as shall make her not unworthy of the name of a Christian nation.

We've got a lot to do if we're going to live up to our commitments, our oaths. A balanced budget amendment with a spending cap is what we need to do. That's what we passed out of committee in regular order. That's what I would vote for tomorrow. Since that's not coming, then I don't want to push through a balanced budget amendment that requires ever-upward spiraling taxation because, as we've shown this year, without a balanced budget amendment, Congress doesn't have the will to cut spending, not a majority of the House and Senate both.

It's time to live up to the commitments we've made and what we owe our creator, our maker. If we'll do that, we can have another 200 years of greatness as a Nation. If we don't, as Abraham Lincoln said, This Nation will die by suicide. I want it to live and flourish. I want us to keep our commitments.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and the balance of the week on account of attending an important event in the district.

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today on account of attending the funeral of a family relative.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2112. An act 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 for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1412. An act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the ''Officer John Maguire Post Office''.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on November 16, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 398. 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.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Friday, November 18, 2011, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second, third and fourth quarters of 2011, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM AND HUNGARY, EXPENDED BETWEEN JUNE 29 AND JULY 2, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Cliff Stearns	6/29	6/29	Belgium				(3)				
	6/29	7/2	Hungary		243.00		(3)				243.00
Hon. Vern Buchanan	6/29	6/29	Belgium				(3)				
	6/29	7/2	Hungary				(3)				
Hon. Ed Whitfield	6/29	6/29	Belgium				(3)				
	6/29	7/2	Hungary		243.00		(3)				243.00
Hon. Brian Bilbray	6/29	6/29	Belgium				(3)				
	6/29	7/2	Hungary				(3)				
Hon. Loretta Sanchez	6/29	6/29	Belgium				(3)				
	6/29	7/2	Hungary		243.00		(3)				243.00
Ed Rice	6/29	6/29	Belgium				(3)				
	6/29	7/2	Hungary		153.00		(3)				153.00
Sarah Blocher	6/29	6/29	Belgium				(3)				
	6/29	7/2	Hungary		29.36		(3)				29.36
Jean Carroll	6/29	6/29	Belgium				(3)				
	6/29	7/2	Hungary		100.00		(3)				100.00
Hon. Sheila Jackson-Lee	6/29	6/29	Belgium				(3)				
	6/29	7/2	Hungary		243.00		(3)				243.00
Hon. Jim Costa	6/29	6/29	Belgium				(3)				
	6/29	7/2	Hungary		243.00		(3)				243.00
Committee total					1497.36						1,497.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
(3) Military air transportation.

HON. CLIFF STEARNS, Chairman, Nov. 2, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TUNISIA, EGYPT, JORDAN, LEBANON, IRAQ, AND IRELAND, EXPENDED BETWEEN SEPT. 24 AND OCT. 3, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dreier	9/25	9/27	Tunisia		372.00		(3)				372.00
Price	9/25	9/27	Tunisia		282.00		(3)				282.00
Ellison	9/25	9/27	Tunisia		372.00		(3)				372.00
Moore	9/25	9/27	Tunisia		372.00		(3)				372.00
McDermott	9/25	9/27	Tunisia		372.00		(3)				372.00
Smith	9/25	9/27	Tunisia		372.00		(3)				372.00
Leman	9/25	9/27	Tunisia		372.00		(3)				372.00
Lis	9/25	9/27	Tunisia		372.00		(3)				372.00
Hildebrand	9/25	9/27	Tunisia		327.00		(3)				372.00
Lawrence	9/25	9/27	Tunisia		372.00		(3)				372.00
Dreier	9/27	9/29	Egypt		534.00		(3)				534.00
Price	9/27	9/29	Egypt		448.00		(3)				448.00
Ellison	9/27	9/29	Egypt		534.00		(3)				534.00
Moore	9/27	9/29	Egypt		534.00		(3)				534.00
McDermott	9/27	9/29	Egypt		534.00		(3)				534.00
Smith	9/27	9/29	Egypt		534.00		(3)				534.00
Leman	9/27	9/29	Egypt		534.00		(3)				534.00
Lis	9/27	9/29	Egypt		534.00		(3)				534.00
Hildebrand	9/27	9/29	Egypt		489.00		(3)				489.00
Lawrence	9/27	9/29	Egypt		534.00		(3)				534.00
Dreier	9/29	10/1	Jordan		606.00		(3)				606.00
Price	9/29	10/1	Jordan		520.00		(3)				520.00
Ellison	9/29	10/1	Jordan		606.00		(3)				606.00
Moore	9/29	10/1	Jordan		606.00		(3)				606.00
McDermott	9/29	10/1	Jordan		606.00		(3)				606.00
Smith	9/29	10/1	Jordan		606.00		(3)				606.00
Leman	9/29	10/1	Jordan		606.00		(3)				606.00
Lis	9/29	10/1	Jordan		606.00		(3)				606.00
Hildebrand	9/29	10/1	Jordan		561.00		(3)				561.00
Lawrence	9/29	10/1	Jordan		606.00		(3)				606.00
Dreier	9/30	9/30	Lebanon								
Price	9/30	9/30	Lebanon								
Ellison	9/30	9/30	Lebanon								
Moore	9/30	9/30	Lebanon								
McDermott	9/30	9/30	Lebanon								
Smith	9/30	9/30	Lebanon								
Leman	9/30	9/30	Lebanon								
Lis	9/30	9/30	Lebanon								
Hildebrand	9/30	9/30	Lebanon								
Lawrence	9/30	9/30	Lebanon								
Dreier	10/1	10/2	Iraq								
Price	10/1	10/2	Iraq								
Ellison	10/1	10/2	Iraq								
Moore	10/1	10/2	Iraq								
McDermott	10/1	10/2	Iraq								
Smith	10/1	10/2	Iraq								
Leman	10/1	10/2	Iraq								
Lis	10/1	10/2	Iraq								
Hildebrand	10/1	10/2	Iraq								
Lawrence	10/1	10/2	Iraq								
Dreier	10/2	10/03	Ireland		267.00		(3)				267.00
Price	10/2	10/03	Ireland		181.00		(3)				181.00
Ellison	10/2	10/03	Ireland		267.00		(3)				267.00
Moore	10/2	10/03	Ireland		267.00		(3)				267.00
McDermott	10/2	10/03	Ireland		267.00		(3)				267.00
Smith	10/2	10/03	Ireland		267.00		(3)				267.00
Leman	10/2	10/03	Ireland		267.00		(3)				267.00
Lis	10/2	10/03	Ireland		267.00		(3)				267.00
Hildebrand	10/2	10/03	Ireland		222.00		(3)				222.00
Lawrence	10/2	10/03	Ireland		267.00		(3)				267.00
Committee total											17,262

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. DAVID DREIER, Oct. 24, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, EXPENDED ON OCT. 10, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	10/10	10/10	Haiti				(3)				
Hon. Lois Capps	10/10	10/10	Haiti				(3)				
Hon. Susan Davis	10/10	10/10	Haiti				(3)				
Hon. Gwen Moore	10/10	10/10	Haiti				(3)				
Hon. Maxine Waters	10/10	10/10	Haiti				(3)				
Hon. Donald Payne	10/10	10/10	Haiti				(3)				
Hon. Adam Schiff	10/10	10/10	Haiti				(3)				
Hon. Mazie Hirono	10/10	10/10	Haiti				(3)				
Hon. Yvette Clarke	10/10	10/10	Haiti				(3)				
Hon. Donna Christensen	10/10	10/10	Haiti				(3)				
Barry Jackson	10/10	10/10	Haiti				(3)				
John Lis	10/10	10/10	Haiti				(3)				
Rachael Leman	10/10	10/10	Haiti				(3)				
Asher Hildebrand	10/10	10/10	Haiti				(3)				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. DAVID DREIER, Oct. 27, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SWITZERLAND, EXPENDED BETWEEN OCT. 16 AND OCT. 20, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Robert Reeves	10/16	10/20	Switzerland	1,238.15	1,255.68		1,886.00				3,141.68
Thomas Wickham	10/16	10/20	Switzerland	1,238.15	1,265.68		1,886.00				3,151.68
Committee total											6,293.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT REEVES, Oct. 27, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Collin Peterson	9/24	9/27	Greece		1,012.47		(3)				1,012.47
	9/27	9/18	Turkey		329.50		(3)				329.50
	9/28	9/29	Cyprus		351.93		(3)				351.93
	9/29	9/30	Turkey		390.11		(3)				390.11
Committee total					2,084.01						2,084.01

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. FRANK D. LUCAS, Chairman, Oct. 28, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brooke Boyer	6/26	6/30	Peru		1,037.00						1,037.00
	6/30	7/3	Guatemala		583.00						583.00
Misc. Embassy Costs									343.00		343.00
Misc. Transportation Costs							20.00				20.00
Commercial Airfare							2,404.00				2,404.00
Timothy Prince	6/26	6/30	Peru		1,037.00						1,037.00
	6/30	7/3	Guatemala		583.00						583.00
Misc. Embassy Costs									343.00		343.00
Misc. Transportation Costs							160.00				160.00
Commercial Airfare							2,404.00				2,404.00
Brooke Boyer	7/23	7/26	Korea		908.01						908.01
	7/26	7/28	Japan		337.50						337.50
	7/28	7/31	Guam		787.75						787.75
Misc. Costs (room taxes)									167.55		167.55
Misc. Transportation Costs							336.96				336.96
Commercial Airfare							16,302.46				16,302.46
Megan Rosenbusch	7/23	7/26	Korea		908.01						908.01
	7/26	7/28	Japan		337.50						337.50
	7/28	7/31	Guam		794.30						794.30
Misc. Costs (room taxes)									167.55		167.55
Misc. Transportation Costs							276.96				276.96
Commercial Airfare							17,319.46				17,319.46
Ann Reese	7/22		Travel Day		10.37						10.37
	7/23	7/26	Korea		908.01						908.01
	7/26	7/28	Japan		337.50						337.50
	7/28	7/31	Guam		717.51						717.51
Misc. Costs (room taxes)									167.55		167.55
Misc. Transportation Costs							432.96				432.96
Commercial Airfare							16,441.26				16,441.26
Sarah Young	7/29	7/31	Guam		736.73						736.73
Misc. Transportation Costs							42.50				42.50
Commercial Airfare							16,208.62				16,208.62
Hon. Mario Diaz-Balart	6/29	7/1	Lithunia		604.34						604.34
Misc. Embassy Costs (overtime)									163.24		163.24

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Misc. Transportation Costs							488.06				488.06
Commercial Airfare							3,489.70				3,489.70
Hon. John Carter	8/11	8/14	Kuwait		401.95						401.95
	8/13	8/14	Iraq				(3)				
Commercial Airfare							6,776.80				6,776.80
Susan Adams	8/16	8/19	Tanzania		733.00						733.00
	8/19	8/23	Kenya		1,400.00						1,400.00
	8/23	8/25	South Sudan		252.00						252.00
Misc. Transportation Costs							746.96				746.96
Misc. Embassy Costs									1,611.25		1,611.25
Commercial Airfare							9,848.90				9,848.90
Erin Kolodjeski	8/16	8/19	Tanzania		733.00						733.00
	8/19	8/23	Kenya		1,400.00						1,400.00
	8/23	8/25	South Sudan		252.00						252.00
Misc. Transportation Costs							746.96				746.96
Misc. Embassy Costs									1,611.25		1,611.25
Commercial Airfare							9,848.90				9,848.90
Brooke Boyer	8/18	8/20	New Zealand		643.55						643.55
	8/20	8/26	Australia		2,138.04						2,138.04
Misc. Transportation Costs							116.00				116.00
Commercial Airfare							15,794.30				15,794.30
Adrienne Ramsay	8/18	8/20	New Zealand		643.55						643.55
	8/20	8/26	Australia		2,138.04						2,138.04
Misc. Transportation Costs							82.24				82.24
Commercial Airfare							15,794.30				15,794.30
Hon. Harold D. Rogers	8/26	8/29	United Kingdom		1,546.00						1,546.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,691.88						1,691.88
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(−53.43)		(3)				(−53.43)
Hon. Norm Dicks	8/26	8/29	United Kingdom		1,546.00						1,546.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,691.88						1,691.88
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(−58.70)		(3)				(−58.70)
Hon. Ed Pastor	8/26	8/29	United Kingdom		1,546.00						1,546.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,691.88						1,691.88
Misc. Delegation Costs							(3)		4,345.13		4,345.13
Hon. Ken Calvert	8/26	8/29	United Kingdom		1,496.00						1,496.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,445.30						1,445.30
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(−100.00)		(3)				(−100.00)
Hon. Steve Womack	8/26	8/29	United Kingdom		1,030.00						1,030.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,691.88						1,691.88
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(−56.00)		(3)				(−56.00)
William Inglee	8/26	8/29	United Kingdom		1,496.00						1,496.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,445.30						1,445.30
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(−273.00)		(3)				(−273.00)
David Pomerantz	8/26	8/29	United Kingdom		1,496.00						1,496.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,445.30						1,445.30
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(−203.00)		(3)				(−203.00)
Anne Marie Chotvacs	8/26	8/29	United Kingdom		1,496.00						1,496.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,445.30						1,445.30
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(−360.42)		(3)				(−360.42)
Ben Nicholson	8/26	8/29	United Kingdom		1,496.00						1,496.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,445.30						1,445.30
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(−148.62)		(3)				(−148.62)
B.G. Wright	8/26	8/29	United Kingdom		1,496.00						1,496.00
	8/29	8/31	Germany		833.15						833.15
	8/31	9/2	Austria		880.98						880.98
	9/2	9/5	Germany		1,445.30						1,445.30
Misc. Delegation Costs									4,345.13		4,345.13
Return of Unused Per Diem					(−41.45)		(3)				(−41.45)
Jeffrey Ashford	8/29	9/2	Estonia		1,047.40						1,047.40
Misc. Transportation Costs									65.00		65.00
Commercial Airfare							2,241.60				2,241.60
Stephanie Gupta	8/29	9/2	Estonia		1,047.40						1,047.40
Misc. Transportation Costs									38.93		38.93
Commercial Airfare							2,241.60				2,241.60
Tim Peterson	9/25	9/28	Belgium		1,541.21						1,541.21
	9/28	9/30	Luxembourg		1,040.00						1,040.00
Misc. Transportation Costs							46.37				46.37
Commercial Airfare							2,263.60				2,263.60
Elizabeth C. Dawson	9/25	9/28	Belgium		1,541.21						1,541.21
	9/28	9/30	Luxembourg		1,040.00						1,040.00
Misc. Transportation Costs							46.37				46.37
Commercial Airfare							2,263.60				2,263.60
Sarah Young	9/25	9/28	Belgium		1,541.21						1,541.21
	9/28	9/30	Luxembourg		1,040.00						1,040.00
Misc. Transportation Costs							46.37				46.37
Commercial Airfare							2,263.60				2,263.60
Committee total					77,131.09		147,495.41		48,129.62		272,756.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. HAROLD ROGERS, Chairman, Oct. 28, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dyess, Mary A.	7/22	7/29	Guam		1,672.50		2,881.06		159.70		4,713.26
Schmidt, Carol J.	7/22	7/29	Guam		1,672.50		2,881.06		710.42		5,263.98
Committee total					3,345.00		5,762.12		870.12		9,977.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HAROLD ROGERS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mike McIntyre	6/25	6/27	Italy		398.00						398.00
	6/27	6/29	Georgia		168.00						168.00
	6/29	6/30	Lithuania		320.20						320.00
	6/30	7/2	Russia								
	7/2	7/3	Portugal		117.00						117.00
Hon. Madeleine Bordallo	6/25	6/27	Italy		398.00						398.00
	6/27	6/29	Georgia		168.00						168.00
	6/29	6/30	Lithuania		302.17						302.17
	6/30	7/2	Russia								
	7/2	7/3	Portugal		117.00						117.00
Catherine McElroy	6/26	6/29	Morocco		307.00						307.00
	6/29	6/30	Algeria		202.88						202.88
	7/1	7/2	France		289.50						289.50
Commercial Transportation							9,504.30				9,504.30
Michele Pearce	6/26	6/29	Morocco		307.00						307.00
	6/29	6/30	Algeria		202.88						202.88
	7/1	7/2	France		376.00						376.00
Commercial Transportation							8,117.00				8,117.00
Paul Lewis	6/26	6/29	Morocco		307.00						307.00
	6/29	6/30	Algeria		202.88						202.88
	7/1	7/2	France		376.00						376.00
Commercial Transportation							8,250.00				8,250.00
Jamie Lynch	8/7	8/9	Japan		668.00						668.00
Commercial Transportation							6,611.00				6,311.00
Jack Schuler	8/7	8/9	Japan		668.00						668.00
Commercial Transportation							6,611.00				6,611.00
Debra Wada	8/7	8/9	Japan		668.00						668.00
Commercial Transportation							6,611.00				6,611.00
John Phillip MacNaughton	8/8	8/9	Japan		334.00						334.00
Commercial Transportation							6,311.00				6,311.00
Peter Villano	8/8	8/9	Djibouti		337.00						337.00
	8/10	8/12	Kenya		682.80						682.80
	8/12	8/12	Uganda								
Commercial Transportation							15,579.00				15,579.00
Paul Arcangeli	8/8	8/9	Djibouti		337.00						337.00
	8/10	8/12	Kenya		682.80						682.80
	8/12	8/12	Uganda								
Commercial Transportation							16,158.42				16,158.42
Mark Lewis	8/8	8/9	Djibouti		337.00						337.00
	8/10	8/12	Kenya		682.80						682.80
	8/12	8/12	Uganda								
Commercial Transportation							16,158.42				16,158.42
Delegation Expenses	8/10	8/12	Kenya				1,074.00		72.46		1,146.46
Roger Zakheim	8/16	8/18	Egypt		534.00						534.00
	8/18	8/19	Italy		144.00						144.00
Commercial Transportation							6,340.00				6,340.00
Jenness Simler	8/16	8/18	Egypt		534.00						534.00
	8/18	8/19	Italy		144.00						144.00
Commercial Transportation							8,289.72				8,289.72
Michael Casey	8/16	8/18	Egypt		534.00						534.00
	8/18	8/19	Italy		144.00						144.00
Commercial Transportation							6,340.00				6,340.00
Delegation Expenses	8/16	8/18	Egypt						173.00		173.00
Michele Pearce	8/15	8/16	Russia		575.35						575.35
	8/16	8/18	Tajikistan		550.84						550.84
	8/18	8/20	Turkey		504.28						504.28
Commercial Transportation							8,662.90				8,662.90
Paul Lewis	8/15	8/16	Russia		575.35						575.35
	8/16	8/18	Tajikistan		550.84						550.84
	8/18	8/20	Turkey		504.28						504.28
Commercial Transportation							9,322.90				9,322.90
Kevin Gates	8/22	8/25	United Kingdom		1,554.00						1,554.00
	8/25	8/27	Estonia		440.00						440.00
Commercial Transportation							4,244.00				4,244.00
Timothy McClees	8/22	8/25	United Kingdom		1,554.00						1,554.00
	8/25	8/27	Estonia		440.00						440.00
Commercial Transportation							4,244.00				4,244.00
Hon. Robert Wittman	9/2	9/3	Philippines		237.00						237.00
	9/3	9/5	South Korea		738.24						738.24
	9/5	9/7	Japan		494.30						494.30
Commercial Transportation							1,318.20				1,318.20
Hon. Madeliene Bordallo	9/2	9/3	Philippines		237.00						237.00
	9/3	9/5	South Korea		738.24						738.24
	9/5	9/7	Japan		494.30						494.30
Commercial Transportation							1,318.20				1,318.20
Hon. Stephen Pallazzo	9/2	9/3	Philippines		237.00						237.00
	9/3	9/5	South Korea		738.24						738.24
	9/5	9/7	Japan		494.30						494.30
Commercial Transportation							1,318.20				1,318.20
Ms. Michele Pearce	9/2	9/3	Philippines		237.00						237.00
	9/3	9/5	South Korea		738.24						738.24
	9/5	9/7	Japan		396.47						396.47
Commercial Transportation							1,322.80				1,322.80

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Vickie Plunkett	9/2	9/3	Philippines		181.00						181.00
	9/3	9/5	South Korea		578.24						578.24
	9/5	9/7	Japan		418.00						418.00
Commercial Transportation							1,318.20				1,318.20
Brian Garrett	9/2	9/3	Philippines		181.25						181.25
	9/3	9/5	South Korea		553.71						553.71
	9/5	9/7	Japan		70.46						70.46
Commercial Transportation							1,318.20				1,318.20
Elizabeth Nathan	9/11	9/13	Kuwait		866.52						866.52
	9/13	9/14	Afghanistan								
	9/15	9/17	Pakistan		160.00						160.00
	9/17	9/19	Saudi Arabia		194.00						194.00
Paul Lewis	9/11	9/13	Kuwait		866.52						866.52
	9/13	9/14	Afghanistan								
	9/15	9/17	Pakistan		160.00						160.00
	9/17	9/19	Saudi Arabia		239.00						239.00
Committee total					29,489.09		155,442.46		245.46		185,177.01

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HOWARD P. ''BUCK'' McKEON, Chairman, Oct. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Virginia Foxx	9/24	9/27	Greece		822.69		(3)				822.69
	9/27	9/28	Turkey		252.74		(3)				252.74
	9/28	9/29	Cyrpus		247.84		(3)				247.84
	9/29	9/30	Turkey		338.61		(3)				338.61
Committee total											1,661.88

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. JOHN KLINE, Chairman, Oct. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Michael Burgess	8/12	8/13	Kuwait				10,9742.10				10,974.10
	8/13	8/15	Iraq		111.00				322.19		433.19
Hon. John Shimkus	9/24	9/24	Germany				3,583.50				3,583.50
	9/24	9/28	Lithuania		468.00						468.00
	9/28	9/28	Finland								
Committee total					579.00		14,557.60		322.19		15,458.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. FRED UPTON, Chairman, Nov. 1, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Joan Condon	8/8	8/11	Ethiopia		1,134.00						1,134.00
	8/11	8/14	South Sudan		651.00						651.00
	8/14	8/16	Uganda		589.00						589.00
Roundtrip Airfare							10,947.32				10,947.32
Jacqueline Quinones	8/11	8/14	South Sudan		710.00						710.00
Roundtrip Airfare							7,518.72				7,518.72
Peter Quilter	8/16	8/19	Nicaragua		680.00						680.00
Roundtrip Airfare							539.10				539.10
Gregory Simpkins	8/16	8/17	South Africa		392.00						392.00
	8/17	8/21	Madagascar		719.05						719.05
Roundtrip Airfare							10,618.90				10,618.90
Algene Sajery	8/16	8/17	South Africa		392.00						392.00
	8/17	8/21	Madagascar		812.36						812.36
Roundtrip Airfare							10,802.90				10,802.90
Sajit Ghanda	8/21	8/23	India		760.00						760.00
	8/23	8/27	Sri Lanka		858.00						858.00
Roundtrip Airfare							10,059.20				10,059.20
Hon. Eliot Engel	9/2	9/7	Israel		1,317.00				[4] 11,211.99		12,528.99
Roundtrip Airfare							7,222.95				7,222.95
Jason Steinbaum	9/2	9/7	Israel		1,317.00						1,317.00
Roundtrip Airfare							7,222.95				7,222.95
Matthew Zweig	9/23	10/1	Egypt		746.48						746.48
Roundtrip Airfare							4,502.50				4,502.50
Christina Jenckes	9/23	10/1	Egypt		917.34						917.34
Roundtrip Airfare							4,502.50				4,502.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Alan Makovsky	9/23	10/1	Egypt		801.00						801.00
Roundtrip Airfare							4,502.50				4,502.50
Robert Marcus	9/23	10/1	Egypt		801.00						801.00
Roundtrip Airfare							4,502.50				4,502.50
Hon. Dan Burton	9/24	9/27	Greece		1,012.41		(3)				1,012.41
	9/27	9/28	Turkey		329.48		(3)				329.48
	9/28	9/29	Cyprus		351.04		(3)				351.04
	9/29	9/30	Turkey		389.99		(3)				389.99
Hon. Ted Poe	9/24	9/27	Greece		878.76		(3)				878.76
One-Way Ticket							1,130.00				1,130.00
Hon. Gregory Meeks	9/28	9/29	Cyprus		702.80						702.80
	9/29	9/30	Turkey		389.99						389.99
One-Way Ticket							6,369.00				6,369.00
Sarah Blocher	9/24	9/27	Greece		794.08		(3)				794.08
	9/27	9/28	Turkey		252.26		(3)				252.26
	9/28	9/29	Cyprus		247.84		(3)				247.84
	9/29	9/30	Turkey		368.64		(3)				368.64
Jesper Pederson	9/24	9/27	Greece		1,012.41		(3)				1,012.41
	9/27	9/28	Turkey		329.48		(3)				329.48
	9/28	9/29	Cyprus		351.04		(3)				351.04
	9/29	9/30	Turkey		389.99		(3)				389.99
Brian Wanko	9/24	9/27	Greece		1,012.41		(3)				1,012.41
	9/27	9/28	Turkey		329.48		(3)				329.48
	9/28	9/29	Cyprus		389.99		(3)				389.99
	9/29	9/30	Turkey		389.99		(3)				389.99
Hon. Steve Chabot	9/25	9/27	India		313.35						313.35
	9/27	9/29	Sri Lanka		590.00						590.00
	9/29	10/1	Nepal		391.00						391.00
	10/1	10/2	Bhutan		90.00						90.00
	10/2	10/2	India								
Roundtrip Airfare							9,941.60				9,941.60
Kevin Fitzpatrick	9/25	9/27	India		313.35						313.35
	9/27	9/29	Sri Lanka		595.00						595.00
	9/29	10/1	Nepal		381.00						381.00
	10/1	10/2	Bhutan		85.00						85.00
	10/2	10/2	India								
Roundtrip Airfare							9,182.60				9,182.60
Edward Burrier	9/25	9/28	Senegal		784.00						784.00
Roundtrip Airfare							5,228.50				5,228.50
Gregory McCarthy	9/25	9/28	Senegal		918.81						918.81
Roundtrip Airfare							5,193.50				5,193.50
Kristin Jackson	9/25	9/28	Peru		789.50						789.50
Roundtrip Airfare							727.84				727.84
Hubbell Knapp	9/25	9/28	Peru		789.50						789.50
Roundtrip Airfare							727.84				727.84
Jacqueline Quinones	9/25	9/28	Peru		789.50						789.50
Roundtrip Airfare							727.84				727.84
Commitee total					30,349.32		122,170.76		11,211.99		163,732.07

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Delegation expenses.

HON. ILEANA ROS-LEHTINEN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Pedro Pierluis	6/27	6/29	Brussels		794.00		787.50				1,581.50
	6/29	7/1	Israel		932.00		(3)				932.00
	7/1	7/3	Bratislava		472.60		(3)				472.60
Committee total											2,986.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. DOC HASTINGS, Chairman, Oct. 28, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DARRELL E. ISSA, Chairman, Oct. 27, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID DREIER, Chairman, Oct. 26, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Margaret Caravelli	8/28	8/30	Italy		348.00		*2,944.00				3,292.00
	8/30	8/31	Switzerland		178.00						178.00
	8/31	9/02	Netherlands		267.00						267.00
Mele Williams	8/28	8/30	Italy		348.00		*2,944.00				3,292.00
	8/30	8/31	Switzerland		178.00						178.00
	8/31	9/02	Netherlands		364.00						364.00
Dahlia Sokolov	8/28	8/30	Italy		348.00		*2,944.00				3,292.00
	8/30	8/31	Switzerland		178.00						178.00
	8/31	9/02	Netherlands		364.00						364.00
Committee total					2,573.00		8,832.00				11,405.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
* Transportation included all legs of trip (roundtrip to Italy, Switzerland, and the Netherlands.)

HON. RALPH M. HALL, Chairman, Oct. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Wally Herger	9/24	9/27	Greece		1,012.61						1,012.61
	9/27	9/28	Turkey		329.48						329.48
	9/28	9/29	Cyprus		335.12						335.12
	9/29	9/30	Turkey		389.99						389.99
Committee total											2,067.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVE CAMP, Chairman, Oct. 31, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY AND SEPT. 30,2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jefferson Miller	8/6	8/7	Middle East		135.00						
	8/7	8/11	Middle East		112.00						
Commercial Aircraft							18,916.50				19,163.50
Tom Corcoran	8/6	8/7	Middle East		135.00						
	8/7	8/11	Middle East		112.00						
Commercial Aircraft							8,674.50				8,921.50
Carly Scott	8/6	8/7	Middle East		123.00						
	8/7	8/11	Middle East								
Commercial Aircraft							8,674.50				8,797.50
Robert Minehart	9/25	9/29	Asia		1,480.00						
	9/29	10/1									
Commercial Aircraft							14,883.00				16,363.00
Judith Boyd	9/25	9/29	Asia		1,480.00						
	9/29	10/1									
Commercial Aircraft							14,883.00				16,363.00
William Koella	9/25	9/29	Asia		1,480.00						
	9/29	10/1									
Commercial Aircraft							14,873.00				16,353.00
Hon. Mike Rogers	9/25	9/28	Middle East								
Commercial Aircraft							7,980.40				7,980.40
Michael Allen	9/25	9/28	Middle East								
Commercial Aricraft							7,980.40				7,980.40
Darren Dick	9/25	9/28	Middle East								
Commercial Aircraft							7,980.40				7,980.40
Committee total					5,057.00		104,845.70				109,902.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MIKE ROGERS, Chairman, Oct. 31, 2011

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2011

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Chris Smith	6/26	7/1	Belgium		1,453.46		1,798.60				3,252.06
Mark Milosch	6/26	7/1	Belgium		1,682.69		1,798.60				3,481.29
Winsome Packer	6/29	7/2	Austria		1,309.29		5,025.50				6,334.79
	9/21	9/24	Bosnia and Herzegovina		662.43		4,756.90				5,419.33
	9/24	9/25	Austria		353.70						353.70
Robert Hand	7/5	7/11	Serbia		1,715.00		4,869.80				6,584.80
Cynthia Efird	7/7	7/11	Serbia		1,706.00		2,809.80				4,515.80
Alex Johnson	7/5	7/11	Serbia		1,800.00		597.00				2,397.00
	7/1	8/3	Austria		10,584.01						10,584.01
	9/11	9/30	Austria		7,560.00		1,515.40				9,075.40
Hon. Chris Smith			Serbia		252.00						252.00
Hon. Robert Aderholt			Serbia		252.00						252.00
Mark Milosch			Serbia		252.00						252.00
Committee total					29,582.58		23,171.60				52,754.18

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARK MILOSCH, Oct. 28, 2011.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3899. A letter from the Director, Office of Science and Technology Policy, transmitting a letter reporting the views of the Office of Science and Technology Policy regarding the conclusion of the GAO that the Office violated the Antideficiency Act; to the Committee on Appropriations.

3900. A letter from the Acting Under Secretary, Department of Defense, transmitting the termination of the Joint Tactical Radio System Ground Mobile Radio based on growth in the unit procurement costs; to the Committee on Armed Services.

3901. A letter from the Secretary, Department of Defense, transmitting notification that the President approved changes to the 2011 Unified Command Plan; to the Committee on Armed Services.

3902. A letter from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting the Commission's final rule — Structure and Practices of the Video Relay Service Program; Sprint Nextel Corporation Expedited Petition for Clarification, Sorenson Communications, Inc. Petition for Reconsideration of Two Aspects of the Certification Order; AT&T Services, Inc. Petition for Reconsideration of AT&T [CG Docket No.: 10-51] received October 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3903. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-24, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3904. A letter from the Secretary, Department of Labor, transmitting the Reissued Agency Financial Report for FY 2010; to the Committee on Oversight and Government Reform.

3905. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Draft Strategic Plan: Fiscal Years 2012- 2016; to the Committee on Oversight and Government Reform.

3906. A letter from the Director, Office of Personnel Management, transmitting the Office's Annual Privacy Activity Report to Congress for 2010; to the Committee on Oversight and Government Reform.

3907. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Designation of Critical Habitat for the Southern Distinct Population Segment of Eulachon [Docket No.: 101027536-1591-03] (RIN: 0648-BA38) received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3908. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Trademark Technical and Conforming Amendments [Docket No.: PTO-T-2010-0014] (RIN: 0651-AC39) received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3909. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Piqua Organic Moderated Reactor in Piqua, Ohio to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

3910. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Ames Laboratory at Iowa State University in Ames, Iowa, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3911. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from W.R. Grace and Company in Curtis Bay, Maryland, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3912. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Ames Laboratory at Iowa State University in Ames, Iowa, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3913. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Y-12 facility in Oak Ridge, Tennessee, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3914. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T.Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3322-EM in the State of Louisiana, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Type R321/4-82-F/8, R324/4-82-F/9, R333/4-82-F/12, and R334/4-82-F/13 Propeller Assemblies [Docket No.: FAA-2010-1270; Directorate Identifier 2001-NE-50-AD; Amendment 39-16788; AD 2005-25-10R1] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3916. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2011-0381; Directorate Identifier 2010-NM-203-AD; Amendment 39-16799; AD 2011-18-17] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3917. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2011-0151; Directorate Identifier 2009-NM-205-AD; Amendment 39-16781; AD 2011-17-17] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3918. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2011-0474; Directorate Identifier 2010-NM-213-AD; Amendment 39-16802; AD 2011-18-20] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3919. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, and -243 Airplanes, Model A330-300 Series Airplanes, Model A340-200 Series Airplanes, and Model A340-300 Series Airplanes [Docket No.: FAA-2011-0387; Directorate Identifier 2010-NM-222-AD; Amendment 39-16804; AD 2011-18-22] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3920. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No.: FAA-2010-1045; Directorate Identifier 2010-NM-101-AD; Amendment 39-16809; AD 2011-19-04] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes [Docket No.: FAA-2011-0646; Directorate Identifier 2010-NM-224-AD; Amendment 39-16814; AD 2011-20-04] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3922. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes [Docket No.: FAA-2011-0221; Directorate Identifier 2010-NM-120-AD; Amendment 39-16805; AD 2011-18-23] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3923. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F airplanes (Collectively Called A300-600 Series Airplanes) and A310 Series Airplanes [Docket No.: FAA-2011-0647; Directorate Identifier 2010-NM-193-AD; Amendment 39-16812; AD 2011-20-03] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3924. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes [Docket No.: FAA-2008-1118; Directorate Identifier 2007-NM-318-AD; Amendment 39-16792; AD 2011-18-10] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3925. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Austro Engine GmbH Model E4 Diesel Piston Engines [Docket No.: FAA-2010-1055; Directorate Identifier 2010-NE-35-AD; Amendment 39-16801; AD 2011-18-19] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3926. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2010-0910; Directorate Identifier 2011-NM-151-AD; Amendment 39-16797; AD 2011-18-15] (RIN: 2120-AA64) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3927. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of actions with respect to the GAO report entitled, ''ACQUISITION PLANNING: Opportunities to Build Strong Foundations for Better Services Contracts''; jointly to the Committees on Oversight and Government Reform and Science, Space, and Technology.

3928. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled ''Report to Congress on Iran-Related Multilateral Sanctions Regime Efforts'' covering the period from February 17, 2011 to August 16, 2011; jointly to the Committees on Foreign Affairs, Financial Services, and Ways and Means.

3929. A letter from the Secretary, Department of Homeland Security, transmitting a legislative proposal to implement a pay reform initiative; jointly to the Committees on Education and the Workforce, Oversight and Government Reform, Homeland Security, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. FOXX: Committee on Rules. House Resolution 470. Resolution providing for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act (Rept. 112–291). 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. MCKINLEY (for himself, Mrs. CAPITO, and Mr. RAHALL):

H.R. 3451. A bill to designate the Federal Building and United States Courthouse located at 1125 Chapline Street in Wheeling, West Virginia, as the ''Frederick P. Stamp, Jr. Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of Utah (for himself and Mr. CHAFFETZ):

H.R. 3452. A bill to provide for the sale of approximately 30 acres of Federal land in Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, to permit the establishment of a minimally invasive transportation alternative for skiers, called ''SkiLink'', to connect two ski resorts in the Wasatch Mountains, and for other purposes; to the Committee on Natural Resources.

By Mr. BENISHEK (for himself, Mr. RIBBLE, and Mr. HUIZENGA of Michigan):

H.R. 3453. A bill to amend the Endangered Species Act of 1973 to authorize permits for takings of wolves to protect from wolf depredation in States where wolf populations exceed the recovery goals in a recovery plan under that Act; to the Committee on Natural Resources.

By Mrs. ROBY (for herself, Ms. SEWELL, Mr. BACHUS, Mr. BONNER, and Mr. ADERHOLT):

H.R. 3454. A bill to amend the Food Security Act of 1985 with respect to maximum enrollment and eligible land in the conservation reserve program; to the Committee on Agriculture.

By Mr. PALAZZO (for himself, Mr. HOLDEN, Mr. BARTLETT, Mr. THOMPSON of Mississippi, Mr. WESTMORELAND, Mr. LATHAM, Mr. LOBIONDO, Mr. NUNNELEE, and Mr. HARPER):

H.R. 3455. A bill to amend title 10, United States Code, to include the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff and to reestablish the position of Vice Chief of the National Guard Bureau; to the Committee on Armed Services.

By Ms. HAYWORTH:

H.R. 3456. A bill to authorize the President's request to eliminate the Ready-to-Learn program; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. BISHOP of New York, and Ms. DEGETTE):

H.R. 3457. A bill to require ingredient labeling of certain consumer cleaning products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHOCK (for himself, Mrs. MCMORRIS RODGERS, Mr. HUIZENGA of Michigan, Mr. REHBERG, and Mr. WALDEN):

H.R. 3458. A bill to amend title XVIII of the Social Security Act to ensure the eligibility of eligible professionals practicing in rural health clinics for electronic health records and quality improvement incentives under Medicare; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself and Ms. ROS-LEHTINEN):

H.R. 3459. A bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. MORAN, and Mr. POLIS):

H.R. 3460. A bill to amend the Internal Revenue Code of 1986 to allow temporarily a reduced rate of tax with respect to repatriated foreign earnings; to the Committee on Ways and Means.

By Mrs. CAPITO (for herself, Mrs. MALONEY, Mr. BACHUS, Mr. SCHWEIKERT, Mr. POSEY, Mr. WESTMORELAND, Mr. RENACCI, Mr. CARNEY, Mr. PEARCE, and Mr. DUFFY):

H.R. 3461. A bill to improve the examination of depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. CLARKE of Michigan (for himself, Mr. BENISHEK, Mr. HUIZENGA of Michigan, and Mr. WALBERG):

H.R. 3462. A bill to require the Secretary of Veterans Affairs to make tuition payments for veterans enrolled in institutions of higher learning who are receiving assistance under the Post-9/11 Educational Assistance Program by not later than the tuition due date for the quarter, semester, or term; to the Committee on Veterans' Affairs.

By Mr. HARPER (for himself and Mr. COLE):

H.R. 3463. A bill to reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election Assistance Commission; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself and Mr. COLE):

H.R. 3464. A bill to authorize the Secretary of Education to award grants to promote civic learning and engagement, and for other purposes; to the Committee on Education and the Workforce.

By Mr. INSLEE (for himself, Mr. GRIJALVA, Mr. MARKEY, Ms. DEGETTE, Mr. HINCHEY, Mr. LANGEVIN, Mr. BERMAN, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. SERRANO, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. CLEAVER, Mr. MORAN, Mr. ANDREWS, Mr. CONNOLLY of Virginia, Mr. WAXMAN, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. LEVIN, Mr. GUTIERREZ, Ms. SLAUGHTER, Mr. NADLER, Mr. CUMMINGS, Ms. TSONGAS, Mr. DOYLE, Mr. LARSON of Connecticut, Ms. SCHWARTZ, Mr. ACKERMAN, Mr. CARSON of Indiana, Mr. STARK, Mr. LIPINSKI, Ms. KAPTUR, Mr. MURPHY of Connecticut, Mrs. NAPOLITANO, Mr. RAHALL, Mr. MCDERMOTT, Mr. HEINRICH, Mr. SCHIFF, Ms. EDWARDS, Ms. MCCOLLUM, Mrs. DAVIS of California, Mr. VAN HOLLEN, Mr. GARAMENDI, Mr. LUJÁN, Mr. COOPER, Mr. HOLT, Ms. HIRONO, Mr. BRALEY of Iowa, Mrs. CAPPS, Ms. MOORE, Mr. DINGELL, Mr. RYAN of Ohio, Mr. PRICE of North Carolina, Ms. CHU, Mr. ROTHMAN of New Jersey, Ms. WOOLSEY, Mr. WALZ of Minnesota, Ms. LEE of California, Mr. PASCRELL, Mr. MCNERNEY, Mr. JOHNSON of Georgia, Mr. OLVER, Ms. ESHOO, Mr. ELLISON, Mr. CONYERS, Mrs. MALONEY, Mr. TIERNEY, Mr. CARNAHAN, Ms. NORTON, Ms. VELÁZQUEZ, Mr. FILNER, Ms. SPEIER, Ms. MATSUI, Mr. SCOTT of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Ms. JACKSON LEE of Texas, Mr. QUIGLEY, Ms. ROYBAL-ALLARD, Mr. SMITH of Washington, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Ms. SUTTON, Mr. RANGEL, Mr. SARBANES, Ms. FUDGE, Mr. MCGOVERN, Mr. HIGGINS, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. MILLER of North Carolina, Mr. KILDEE, Mr. DOGGETT, Mr. NEAL, Mrs. LOWEY, Mr. CICILLINE, Mr. COHEN, Mr. RUSH, Mr. ISRAEL, Mr. KEATING, Mr. KUCINICH, Ms. RICHARDSON, Mr. CLAY, Mr. TONKO, Mr. SHERMAN, Mr. FATTAH, Mr. JOHNSON of Illinois, Mr. KIND, Mrs. MCCARTHY of New York, and Ms. CASTOR of Florida):

H.R. 3465. A bill to protect inventoried roadless areas in the National Forest System; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. CUELLAR, Mr. GRIMM, Mrs. MCCARTHY of New York, Mr. MEEKS, Mr. POLIS, Mr. HANNA, Mr. MCCAUL, Mr. DAVID SCOTT of Georgia, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. AKIN, Mr. WOLF, Ms. LORETTA SANCHEZ of California, Mr. MCCOTTER, and Mr. BACHUS):

H.R. 3466. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; 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. MCDERMOTT (for himself and Mr. RANGEL):

H.R. 3467. A bill to amend the Internal Revenue Code of 1986 to reform the estate and gift tax; to the Committee on Ways and Means.

By Mr. MEEHAN (for himself and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3468. A bill to prevent trafficking in counterfeit drugs; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 3469. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage the implementation or expansion of prekindergarten programs for students 4 years of age or younger; to the Committee on Education and the Workforce.

By Mr. RIBBLE (for himself, Mr. PETRI, Mr. MEEHAN, and Mr. AUSTRIA):

H.R. 3470. A bill to remove arbitrary and anticompetitive limitations from the grant program for ICAC Program training; to the Committee on the Judiciary.

By Ms. TSONGAS:

H.R. 3471. A bill to authorize the Secretary of Labor to award grants for the employment of individuals in targeted communities to perform work for the benefit of such communities; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 3472. A bill to prevent forfeited fishing vessels from being transferred to private parties and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR of Florida:

H.J. Res. 89. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KING of Iowa (for himself, Mr. CHABOT, Mr. PAUL, Mr. WALSH of Illinois, and Mr. WESTMORELAND):

H. Res. 471. A resolution amending the Rules of the House of Representatives to require that rescission bills always be considered under open rules every year, and for other purposes; to the Committee on Rules.

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. MCKINLEY:

H.R. 3451.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 17 of the Constitution.

By Mr. BISHOP of Utah:

H.R. 3452.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BENISHEK:

H.R. 3453.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mrs. ROBY:

H.R. 3454.

Congress has the power to enact this legislation pursuant to the following:

In the U.S. Constitution under Article 1, Section 8, Clause 3, Commerce Clause.

By Mr. PALAZZO:

H.R. 3455.

Congress has the power to enact this legislation pursuant to the following:

Article 1: Section 8 of the Constitution of the United States of America,

''Congress shall have the power . . . To make laws for the government and regulation of the land and naval forces.''

By Ms. HAYWORTH:

H.R. 3456.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. ISRAEL:

H.R. 3457.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 Clause 3 of the United States Constitution, which grants Congress the power ''to regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.''

By Mr. SCHOCK:

H.R. 3458.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8 of the United States Constitution.

By Mr. BECERRA:

H.R. 3459.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 17 and Article I, Section 8, clause 18 of the Constitution.

By Ms. BERKLEY:

H.R. 3460.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8 of the United States Constitution.

By Mrs. CAPITO:

H.R. 3461.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, authorizing Congress to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. CLARKE of Michigan:

H.R. 3462.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (Necessary and Proper)

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. HARPER:

H.R. 3463.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the U.S. Constitution granting Congress the authority to make laws governing the time, place, and manner of holding Federal elections.

Additionally, Amendment XVI to the United States Constitution.

Additionally, since the Constitution does not provide Congress with the power to provide financial support to candidates seeking election to offices of the United States or to U.S. political parties, the general repeal of the presidential election fund is consistent with the powers that are reserved to the States and to the people as expressed in Amendment X to the United States Constitution.

Further, Article I, Section 8 defines the scope and powers of Congress and does not include this concept of taxation in furtherance of funding campaigns within the delegated powers.

By Mr. HONDA:

H.R. 3464.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the United States Constitution

By Mr. INSLEE:

H.R. 3465.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority of Congress to enact this legislation is provided by . . . Article 1, Section 8, Clause 18, which provides that Congress shall have the 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. KING of New York:

H.R. 3466.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. MCDERMOTT:

H.R. 3467.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution

By Mr. MEEHAN:

H.R. 3468.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 3 of the Constitution of the United States and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Ms. NORTON:

H.R. 3469.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: clause 1 of section 8 of article I of the Constitution.

By Mr. RIBBLE:

H.R. 3470.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Ms. TSONGAS:

H.R. 3471.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. YOUNG of Alaska:

H.R. 3472.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 and Article 1, Section 8, Clause 1.

By Ms. CASTOR of Florida:

H.J. Res. 89.

Congress has the power to enact this legislation pursuant to the following:

Article V of The Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. DESJARLAIS, Mr. FLAKE, Mr. MICA and Mr. DOLD.

H.R. 23: Mr. INSLEE.

H.R. 114: Mr. BERG.

H.R. 139: Ms. ZOE LOFGREN of California, Mr. CARSON of Indiana, Mr. ANDREWS, Ms. DELAURO, Ms. DEGETTE and Mr. KEATING.

H.R. 303: Ms. ZOE LOFGREN of California.

H.R. 365: Mr. HOLDEN.

H.R. 436: Mr. TURNER of New York.

H.R. 458: Mr. RUSH.

H.R. 463: Mr. DUNCAN of South Carolina.

H.R. 487: Mr. GENE GREEN of Texas.

H.R. 615: Ms. HAYWORTH.

H.R. 665: Mr. QUIGLEY.

H.R. 733: Mr. BOUSTANY and Mr. COHEN.

H.R. 735: Mr. AKIN.

H.R. 745: Mr. GRIFFIN of Arkansas.

H.R. 778: Mr. RAHALL, Mr. CUMMINGS, Mr. CONYERS and Ms. BERKLEY.

H.R. 797: Ms. WOOLSEY.

H.R. 835: Mr. BARTLETT and Mr. WALBERG.

H.R. 893: Ms. MCCOLLUM.

H.R. 998: Mr. INSLEE.

H.R. 1029: Mr. PERLMUTTER.

H.R. 1148: Mr. SCHIFF, Mr. CARNEY, Mr. POE of Texas, Mr. HIMES, Mr. GENE GREEN of Texas, Mr. MICHAUD, Mr. FRANK of Massachusetts, Mr. BURGESS, Mr. CHABOT, Mr. HINCHEY, Ms. PINGREE of Maine, Mr. HEINRICH, Mr. WEST, Mr. PETERS, Mr. BASS of New Hampshire, Mr. PRICE of North Carolina and Mr. ACKERMAN.

H.R. 1164: Mr. WESTMORELAND and Mr. DUNCAN of South Carolina.

H.R. 1167: Mr. BILIRAKIS.

H.R. 1173: Mr. SHUSTER.

H.R. 1175: Ms. SCHWARTZ.

H.R. 1176: Mr. HIMES.

H.R. 1193: Mr. ENGEL.

H.R. 1206: Mr. DAVIS of Kentucky.

H.R. 1221: Mr. COFFMAN of Colorado.

H.R. 1281: Mr. LATTA.

H.R. 1307: Mr. WESTMORELAND and Mr. DUNCAN of South Carolina.

H.R. 1340: Mr. GUTHRIE.

H.R. 1352: Mr. WELCH.

H.R. 1370: Mr. NUNES and Mr. DESJARLAIS.

H.R. 1386: Mr. ISRAEL, Mr. ELLISON, Mr. CARNAHAN and Ms. SLAUGHTER.

H.R. 1416: Mr. GRIJALVA.

H.R. 1426: Mr. DUNCAN of South Carolina, Mr. GERLACH and Mr. FLEISCHMANN.

H.R. 1449: Mr. HARRIS and Mr. GEORGE MILLER of California.

H.R. 1489: Mr. PALLONE.

H.R. 1558: Mr. WHITFIELD.

H.R. 1633: Mr. AKIN and Mr. BROUN of Georgia.

H.R. 1639: Mr. CRAWFORD, Mr. MEEHAN, Mr. MARCHANT and Ms. WILSON of Florida.

H.R. 1648: Mr. WELCH, Mr. RUPPERSBERGER, Mr. MCNERNEY and Mr. INSLEE.

H.R. 1653: Mr. NEUGEBAUER, Mr. DESJARLAIS and Mr. RIBBLE.

H.R. 1715: Mr. ROHRABACHER.

H.R. 1730: Ms. HANABUSA, Ms. BASS of California, Ms. BROWN of Florida, Mr. CICILLINE, Ms. JACKSON LEE of Texas and Ms. WILSON of Florida.

H.R. 1734: Mr. DUNCAN of South Carolina and Mr. WESTMORELAND.

H.R. 1738: Ms. WASSERMAN SCHULTZ.

H.R. 1744: Mr. DUFFY.

H.R. 1749: Mr. CLEAVER.

H.R. 1755: Mr. CHANDLER.

H.R. 1756: Mr. KELLY and Mr. MEEKS.

H.R. 1798: Mr. DANIEL E. LUNGREN of California and Mr. GARRETT.

H.R. 1815: Mr. HEINRICH, Mr. INSLEE, Mr. MILLER of Florida, Mr. STEARNS, Mr. SIMPSON, and Mr. FALEOMAVAEGA.

H.R. 1834: Mr. ALTMIRE.

H.R. 1842: Mr. BRADY of Pennsylvania and Mr. BISHOP of New York.

H.R. 1903: Ms. DEGETTE and Mr. GRIJALVA.

H.R. 1946: Mr. AUSTIN SCOTT of Georgia.

H.R. 1971: Mr. AUSTIN SCOTT of Georgia.

H.R. 2040: Mr. AUSTIN SCOTT of Georgia.

H.R. 2053: Mr. BENISHEK.

H.R. 2070: Mr. RIBBLE, Mr. STUTZMAN, Mrs. HARTZLER, Mr. BROOKS, Mr. LANKFORD, Mr. CONAWAY, and Mr. HUIZENGA of Michigan.

H.R. 2122: Mr. TURNER of New York, Mr. MCCAUL, and Mr. BILIRAKIS.

H.R. 2131: Mr. ROSS of Arkansas, Mr. BRALEY of Iowa, Mr. SHULER, Ms. HERRERA BEUTLER, Mr. DUNCAN of Tennessee, Mr. GUTHRIE, and Ms. JENKINS.

H.R. 2137: Mrs. CAPITO.

H.R. 2226: Mr. ANDREWS.

H.R. 2288: Mr. BACHUS and Mr. ROONEY.

H.R. 2299: Mr. MCCLINTOCK.

H.R. 2334: Mr. DEUTCH and Mr. ANDREWS.

H.R. 2360: Mr. HOLT.

H.R. 2446: Mr. DOLD, Mr. COOPER, and Mr. FLEISCHMANN.

H.R. 2477: Mr. COSTA.

H.R. 2492: Ms. HAHN and Mr. BARTLETT.

H.R. 2505: Mr. KIND, Ms. ROYBAL-ALLARD, and Mr. PERLMUTTER.

H.R. 2514: Mr. BERG.

H.R. 2580: Mr. SERRANO.

H.R. 2604: Ms. HAHN.

H.R. 2617: Ms. PINGREE of Maine.

H.R. 2672: Mr. KELLY.

H.R. 2674: Mr. PALAZZO.

H.R. 2679: Mrs. CHRISTENSEN.

H.R. 2697: Mr. WESTMORELAND, Mr. MORAN, and Ms. BERKLEY.

H.R. 2705: Mr. DOGGETT.

H.R. 2717: Mr. BUTTERFIELD, Mr. PRICE of North Carolina, Mr. KISSELL, Mr. BOSWELL, Mr. PETERSON, Mr. ANDREWS, Mr. SHULER, Mr. CLAY, Mr. BARTLETT, Mr. BOREN, Mr. ALTMIRE, and Mr. COOPER.

H.R. 2731: Mr. FLORES.

H.R. 2735: Ms. JENKINS.

H.R. 2770: Mr. PETERSON.

H.R. 2787: Mr. ALTMIRE.

H.R. 2815: Ms. JACKSON LEE of Texas.

H.R. 2827: Mr. HUIZENGA of Michigan.

H.R. 2874: Mr. MANZULLO, Mr. MILLER of Florida, and Mr. CASSIDY.

H.R. 2885: Mr. COFFMAN of Colorado and Mr. CRENSHAW.

H.R. 2898: Mr. LATTA.

H.R. 2900: Mr. ROSS of Florida and Mr. AUSTIN SCOTT of Georgia.

H.R. 2902: Mr. JACKSON of Illinois, Mr. COHEN, Mr. CLARKE of Michigan, and Ms. HAHN.

H.R. 2914: Ms. SPEIER.

H.R. 2926: Mr. AUSTIN SCOTT of Georgia.

H.R. 2948: Mr. SHERMAN.

H.R. 2949: Mr. CUELLAR.

H.R. 2950: Mr. CUELLAR.

H.R. 2962: Mr. GRIJALVA, Mrs. BLACK, Mr. HECK, Mr. HIMES, and Mr. REHBERG.

H.R. 2966: Mr. MEEHAN and Mr. HANABUSA.

H.R. 2978: Mr. FINCHER, Mr. WHITFIELD, Ms. JENKINS, Mr. COBLE, and Mr. GOWDY.

H.R. 2982: Mr. BRALEY of Iowa, Mr. DUNCAN of South Carolina, Mr. BUTTERFIELD, and Mr. CAPUANO.

H.R. 3020: Mr. GUTIERREZ and Mr. NEAL.

H.R. 3039: Mr. HANABUSA, Mr. HONDA, and Mr. LOBIONDO.

H.R. 3059: Mr. COHEN.

H.R. 3063: Mr. GUTIERREZ.

H.R. 3096: Ms. HERRERA BEUTLER.

H.R. 3126: Mr. STARK.

H.R. 3127: Mr. COBLE.

H.R. 3151: Mr. NADLER and Ms. DELAURO.

H.R. 3159: Mr. ROHRABACHER.

H.R. 3178: Mr. BISHOP of New York, Mr. HOLT, Mr. KUCINICH, Mr. SCOTT of Virginia, and Mr. HONDA.

H.R. 3179: Mr. CRAWFORD and Mr. CAPUANO.

H.R. 3236: Mr. MORAN.

H.R. 3268: Mr. RUSH.

H.R. 3269: Mr. CRAWFORD, Mr. ROSS of Florida, Mr. NEAL, Mr. PIERLUISI, Mr. ADERHOLT, Mr. MILLER of Florida, Mr. BROOKS, Mrs. MYRICK, Mr. HECK, Mr. FINCHER, Mr. CASSIDY, Mr. GERLACH, Mr. MULVANEY, Mr. CRITZ, Mr. GUTHRIE, Mr. FRANK of Massachusetts, Mr. SIMPSON, Mr. RUPPERSBERGER, Ms. WILSON of Florida, Mr. SESSIONS, Mr. BOUSTANY, Ms. SCHWARTZ, Mr. STEARNS, Mr. AKIN, Mrs. DAVIS of California, Mr. GINGREY of Georgia, Mr. HANNA, Mr. DESJARLAIS, Mrs. ROBY, Mr. KINZINGER of Illinois, Mr. MCHENRY, Mr. RIBBLE, Ms. HAHN, Mr. MATHESON, Mr. GRIMM, Mr. WALZ of Minnesota, and Mrs. BLACK.

H.R. 3294: Mr. ROKITA.

H.R. 3299: Ms. WASSERMAN SCHULTZ.

H.R. 3327: Mr. TURNER of New York, Mr. HANNA, Mr. LONG, and Mr. RIBBLE.

H.R. 3359: Mr. JONES, Mr. MCNERNEY, and Mr. FARR.

H.R. 3362: Mr. GOHMERT.

H.R. 3364: Mr. LATHAM, Mr. DOYLE, and Mr. BOSWELL.

H.R. 3373: Mr. LUJÁN.

H.R. 3381: Mr. PIERLUISI.

H.R. 3391: Ms. DEGETTE.

H.R. 3409: Mr. ROE of Tennessee, Mr. BUCSHON, Mr. KELLY, and Mr. ROGERS of Kentucky.

H.R. 3410: Mr. DENT and Mr. SCHILLING.

H.R. 3414: Mr. WALBERG and Mr. MARCHANT.

H.R. 3421: Mr. MARINO, Mr. ROONEY, Mr. GRIMM, Mr. WEST, Ms. TSONGAS, Mr. HANNA, Mr. NUNES, Mr. FITZPATRICK, Mr. MCKINLEY, Mr. CRENSHAW, Mr. GUINTA, Ms. BERKLEY, Ms. HIRONO, Mr. CALVERT, Mr. MURPHY of Pennsylvania, Ms. JACKSON LEE of Texas, Mr. WALDEN, Mr. THOMPSON of Pennsylvania, Mr. CRITZ, Mr. BROOKS, Ms. ESHOO, Mr. RUNYAN, Mr. GOWDY, Mr. HECK, Mr. WOLF, Mr. HOLDEN, Mr. OLVER, Mr. KELLY, Mr. ALTMIRE, Mr. ROSS of Florida, Mr. SCOTT of South Carolina, Mr. SULLIVAN, Ms. RICHARDSON, Mr. POLIS, Mr. CRAWFORD, Mrs. ROBY, Mr. PALAZZO, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. SHULER, Mr. LIPINSKI, Mr. WALZ of Minnesota, Mr. DENHAM, Mr. GUTHRIE, Mr. GIBBS, Mr. BISHOP of New York, Mr. BOSWELL, Mr. DUNCAN of South Carolina, Mr. FARENTHOLD, Mrs. CHRISTENSEN, Mr. HUIZENGA of Michigan, Mr. DOYLE, Mr. YARMUTH, Mr. LOEBSACK, Mrs. SCHMIDT, Mr. LUETKEMEYER, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. KISSELL, Mr. MCCAUL, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. BERG, Mrs. BLACK, Mr. BENISHEK, Mrs. CAPITO, Mr. CRAVAACK, Mr. DUFFY, Mr. FLEISCHMANN, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. HARRIS, Mr. HURT, Ms. JENKINS, Mr. SIMPSON, Ms. SPEIER, Mr. WALSH of Illinois, and Mr. CONAWAY.

H.R. 3425: Mr. TIERNEY.

H.R. 3440: Mr. ROSS of Florida, Mr. DANIEL E. LUNGREN of California, and Mr. YOUNG of Alaska.

H.J. Res. 28: Mr. HONDA, Mr. ELLISON, Mr. BISHOP of Georgia, Ms. RICHARDSON, Ms. WILSON of Florida, and Mrs. CHRISTENSEN.

H.J. Res. 29: Mr. ELLISON.

H.J. Res. 30: Mr. ELLISON.

H.J. Res. 31: Mr. ELLISON.

H.J. Res. 32: Mr. ELLISON.

H.J. Res. 33: Mr. ELLISON.

H.J. Res. 34: Mr. ELLISON.

H.J. Res. 35: Mr. ELLISON.

H.J. Res. 36: Mr. GENE GREEN of Texas and Mr. ELLISON.

H.J. Res. 86: Mr. COHEN.

H.J. Res. 87: Mr. CICILLINE, Mr. LANGEVIN, and Mr. YARMUTH.

H. Con. Res. 63: Ms. KAPTUR and Ms. WOOLSEY.

H. Con. Res. 82: Mr. RIBBLE.

H. Res. 295: Mr. ROTHMAN of New Jersey, Mr. LATOURETTE, and Mr. REYES.

H. Res. 298: Mr. POLIS and Mr. TIPTON.

H. Res. 433: Mr. FORBES and Mr. WILSON of South Carolina.

H. Res. 468: Mr. HANNA, Mr. CHABOT, Mr. MULVANEY, Ms. HAHN, Mr. BARTLETT, Mr. COFFMAN of Colorado, Mrs. ELLMERS, Mr. LANDRY, Mr. ROE of Tennessee, Mr. RIGELL, Mr. RICHMOND, Mr. LOEBSACK, Mr. COBLE, and Ms. RICHARDSON.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, NOVEMBER 17, 2011 No. 176

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:

Eternal God, let Your peace that passes understanding be felt on Capitol Hill. Remove distracting priorities from the minds of our Senators, leading them to focus on the things that really matter. Take away disturbing doubts, providing them with certitude regarding Your providential power and purpose. Eradicate false ambition, as You make them content to serve You where they are and as they are.

In a special way, guide the supercommittee in its challenging work. And, Lord, as we enter this season of gratitude, make us truly thankful.

We pray in Your strong 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 assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 17, 2011.

To the Senate:

Under the provisions 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. Following leader remarks, the Senate will be in a period of morning business for 1 hour. The Republicans will control the first half and the majority will control the final half. Following morning business, the Senate will begin consideration of S. 1867, the Department of Defense authorization bill.

We expect to receive the conference report to accompany H.R. 2112, the Agriculture, CJS, and Transportation appropriations bill, which also contains the CR, during today's session. The information I have gotten from the House—and it could change—is that it will be late. I spoke to Senator LEVIN earlier today. It appears we will have to be in session to try to work through some of that bill, anyway, tomorrow, so we may not be able to complete the conference report and the continuing resolution today. We will see what develops as the day goes on.

CBO REPORT

Mr. REID. This week, the nonpartisan Congressional Budget Office, known as the watchdog of the Senate, confirmed what Democrats have been saying for months—that the so-called Republican jobs plan isn't much of a plan and it wouldn't create any jobs.

The Congressional Budget Office report analyzed different approaches to spurring economic growth and jobs proposed by both parties. Among the top job creators were Democratic proposals to extend unemployment benefits and cut middle-class taxes. But when the CBO looked at the GOP plan to eliminate safeguards that protect lives, save money, and shield the environment, it concluded that the idea was a flop. The study concluded that the effects of the changes the Republicans propose would be negligible at best and at worst could actually lower economic growth and slow hiring.

Although their plan would have no positive effect on our economy, the Republicans want to gut the safeguards that saved hundreds of thousands of lives just last year alone. Although their plan could potentially slow economic growth, they want to gut the safeguards that save American companies and consumers $1.3 trillion each year by increasing productivity and reducing medical bills. Nonpartisan experts agree this is not the road to recovery. They also agree with Democrats that putting money back into the pockets of middle-income families and small businesses with tax credits and refunds and extending unemployment benefits is the most efficient way to get Americans working again to turn our economy around. Families who have more money to spend will pump it back into the economy. Businesses that have more money to spend will hire new workers. At a time where we need to conserve every dollar and get the most bang for the buck, these proposals do more with less.

As we continue to discuss ways to combat high unemployment in the coming months, it would behoove my Republican colleagues to remember that not all proposals are created equally. When we consider our next jobs bill in December, my Republican friends will once again face a choice: We can cling to ideological proposals we know won't work or they can join forces with Democrats to pass proposals we know will create jobs. I hope the Republicans prove to be more interested in getting results than in getting their way.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

JOB CREATION

Mr. MCCONNELL. Over the past few weeks, I have repeatedly come to the floor to highlight the good work Republicans in the House have been doing in identifying jobs legislation on which the two parties can actually agree. At last count, House Republicans had passed 22 jobs bills which were designed not only to incentivize the private sector to create jobs but which were also designed to attract strong bipartisan support. In other words, House Republicans have been designing jobs legislation that could actually pass. They have been legislating with an eye toward making a difference instead of just making a point.

I have been encouraging the Democratic majority here in the Senate to follow the House's lead, take up these bipartisan jobs bills, pass them here in the Senate, and send them to the President for signature. That way we would actually be helping to create jobs, and we would send a message to the American people that we can actually do something many of them think we don't do enough of around here; that is, work together.

This morning, I would like to call on my Democratic colleagues once again to take me up on the offer. Once we get back from Thanksgiving, let's take up these bipartisan bills that have already passed the House, pass them here in the Senate, and send them down to the President for signature. We showed we can do it last week when we worked together to pass Senator BROWN's 3 percent withholding bill and Senator MURRAY's Veterans bill. In fact, yesterday the House passed this legislation 422 to 0, sending it to the White House for the President's signature. So I would like to call on the President this morning to invite Senator BROWN down to the White House for the signing ceremony, which would show the American people that cooperation is, indeed, possible when the Senate focuses on bipartisan job-creation solutions.

Let's continue to build off that momentum and do more. Many of the bipartisan House-passed bills already have companion or similar legislation here in the Senate. There is no reason we can't start to take them up as soon as we get back. There is a lot we could do.

Yesterday, I highlighted a bill by Senator COLLINS, the EPA Regulatory Relief Act. It has strong support from both Republicans and Democrats right here in the Senate, including 12 Democratic cosponsors. Let's pass it. The House-passed version of this bill passed overwhelmingly. It got more than 40 Democratic votes. It is supported by more than 300 business groups, including the American Forest and Paper Association, the National Association of Manufacturing, the U.S. Chamber of Commerce, the National Federation of Independent Business, and the Business Roundtable. According to one estimate, this bill could save more than 200,000 jobs and provide greater certainty for businesses that are asking us for it. The EPA has asked for more time. Both parties support it. Let's pass it.

Once we pass that bill, we should take up the four other bipartisan House-passed bills I highlighted last week. These four bills would help businesses raise capital, expand their businesses, and create more jobs. They all passed with bipartisan support over in the House. We have bipartisan companion or similar legislation right here in the Senate. What is the holdup? Let's pass these bills too.

There is the Small Company Capital Formation Act, cosponsored by Senators TESTER and TOOMEY. Its companion legislation got 183 Democratic votes in the House. Let's pass it.

There is the Community Bank Resource Improvement Act, cosponsored by Senators HUTCHISON and PRYOR. Its companion legislation in the House got 184 Democrats. Let's take it up and pass it.

There is the Private Company Flexibility and Growth Act, cosponsored by Senators TOOMEY and CARPER. Let's pass it.

There is the Democratizing Access to Capital Act, sponsored by Senator SCOTT BROWN. A similar bill in the House passed with 407 votes, including 169 from Democrats. Let's pass it.

There is the Access to Capital for Job Creators Act, cosponsored by Senator THUNE. It passed the House with 413 votes, including 175 Democrats. Let's pass it.

And we shouldn't stop there. As I see it, there is no reason we shouldn't take up every one of these bipartisan bills that have already passed the House once we get back and pass them, one by one. They all passed the House on a bipartisan basis. They all help the private sector create jobs. There is no good reason we shouldn't take up all these bills and pass them right here in the Senate because if we can't pass jobs legislation on which we all agree, then what are we going to pass? This should be a layup.

The Republican House has done its job. It is time for the Senate to act. Let's do what the American people expect us to do. Let's take up these jobs bills when we return, pass them, and send them down to the President for signature. Let's do the work we were sent here to do.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

THE FINANCIAL FUTURE

Mr. SESSIONS. Mr. President, once again we find ourselves in a too familiar position. Secret meetings over the financial future of our country are being held as we head toward the final hours—really final minutes as has been the pattern around here—of an agreement that will be produced for us and expected to be passed by a committee of 12. It is less than a week until the deadline and no language has been made public.

The American people should be able to make their voice heard before the committee votes because the truth is, once that vote happens there will be no opportunity to change their product. It will be up or down, the train will have left the station. The bill will, hopefully, be a good bill that can pass but we will not have any opportunity to amend it.

That is not the way Congress was set up to work. I happened to catch, this morning, a statement by former Secretary of Defense under President Bush and President Obama, Robert Gates. This is a statement he made in an interview:

> I think, frankly, the creation of this supercommittee was a complete abdication of responsibility on the part of Congress. It basically says, ''This is too hard for us. Give us a BRAC. Give us a package where all I have to do is vote it up or vote it down and I don't have to take any personal responsibility for the tough decisions.'' So now we are left with this Sword of Damocles hanging over the government, hanging over defense, and if these cuts are automatically made, I think the results for our national security will be a catastrophe.

That is what the former Secretary of Defense said recently.

Admiral Mullen, when asked about this in response to a question I asked him at the Armed Services Committee—the then-Chairman of the Joint Chiefs said, if this sequester takes place:

> It has a good chance of breaking us and putting us in a position of not keeping faith with this all volunteer force that has fought two wars. . . . It will impose a heavy penalty on developing equipment for the future, and it will hollow us out.

One of the reasons I am here this morning is to issue a warning and call attention to some matters that I believe are important. People will make many promises about what this deal will be about if it passes and they reach an agreement. Hopefully they will reach an agreement that is one that can be honestly defended and we

will all be happy to vote for it. But what we have seen so far indicates that secret deals, while they remain secret, are promoted to be far better than they are when you begin to see what is in them. The devil will always be in the details.

Yesterday on the floor I spoke about the Budget Control Act disaster funding gimmick. Over 10 years, the cumulative cost of this gimmick will be about $140 billion to the Treasury, including interest. Done with just a few words tucked into the bill, people did not understand the effect of disaster provisions. It came out in the eleventh hour into the final agreement and people voted on it without fully understanding what it meant. So just a few words can dramatically alter the future fiscal situation of our country.

The record of broken promises is long, improvident promises about what a bill would do. Many deals have been proposed that have promised serious spending cuts and minimal tax increases only for the reverse to be actually true.

Let me run down a brief list: The President's budget, submitted earlier this year, was accompanied with the President's claim that it ''does not add to our debt.'' Clearly, one of the most dramatic, erroneous, blatantly false statements ever issued by a President of the United States. The reality is, that budget would double the debt of the United States in 11 years. That budget would have as its lowest single annual deficit, according to CBO, an annual deficit of $724 billion with deficits in the years 8, 9, 10 up to $1 trillion again. It increased spending, it increased taxes, and it increased the debt more than if we had done nothing.

Then the Senate Democrats talked about a budget I called a phantom budget. We have not had one in the Senate for 932 days. So they talked about a budget, and they made some claims, but we never saw it in detail—never saw the detail. But they claimed it had $2 trillion in spending cuts and $2 trillion in tax hikes, $1 of tax hikes for every $1 of spending cuts.

The President, earlier this year, acknowledged that we should have $3 of spending cuts for every $1 of tax increases. Of course, that has been abandoned now. But the reality was that the phantom budget was talked about but never produced—but an outline was produced—actually added, we think, $2 in tax hikes for every $1 in spending cuts.

Then, Senator REID, during the effort to raise the debt limit, his revised proposal claimed $2.4 trillion in deficit reduction. The reality was they were counting $1.1 trillion in savings from war costs because the CBO assumes that war costs would be the same for 10 years. It was never going to be the same for 10 years. We are always going to bring the war costs down as soon as possible. It is a phony claim that we should reduce spending by $1 trillion by claiming credit for war costs that we are on a steadfast path and have been to reduce.

The President's supercommittee proposal that he submitted to this committee of 12 claims $2 in cuts for every $1 in taxes. But the reality, as we see it, there are no real cuts and 100 percent of the reduction will come from more taxes, more spending, more debt so far. So if this committee proposes a solution and asks us to vote for it, here are some things we should look for and not be happy with, if they are in the bill. The pattern has been—I would say for the promoters of these agreements—to spin them to sound better than they are.

One of the things we should look out for are claims of spending reductions that occur by setting a cap on war spending, as I indicated. The money was never going to be spent. Some are claiming $1 trillion in savings from that and it should not be counted. Another thing we would look at are front-loaded promises, front-loaded revenue increases, tax increases that occur now along with back-loaded promises of spending cuts in the future—in the out-years then they claim these savings. But the pattern around here is that once a tax increase is passed, it is there, but a promise of a spending cut in the future very often does not become a reality. We know that. That is the pattern that has put us in such a desperate financial condition today, just that kind of activity. So whatever happens this time, this cannot be part of the process.

We need to watch for a plan that would rely on directions to standing committees in the House and Senate to, at some point in the future, produce legislation that might reduce entitlement spending and/or would raise revenue.

These committees have not followed through on that in the past, and the supercommittee's directions to them, we have to know, are not likely to occur based on history around here. That is the historic reality. Just directing a committee to raise taxes or cut spending does not at all mean they are going to do it.

Another thing we need to watch out for is if the committee makes unrealistic cuts to programs without reforming those programs, such as the current assumed annual cuts that are in law today to health care providers, doctors, and hospitals to cut their reimbursement rates. Congress knows we cannot go forward with those cuts, and they have been avoided every year by borrowing money to pay to avoid very serious cuts to our providers that, if not paid, would quit doing Medicare and Medicaid work. Doctors don't have to do that. It is just at a point we cannot cut providers anymore.

Another thing we need to watch out for is a plan that assumes unrealistic changes to the Congressional Budget Office baseline. One of the things is to assert overly optimistic economic growth projections for the next 10 years. More and more we are hearing that coming out of this recession is going to be a long, tough, slow slog. If we want to spend more money and claim to have a budget that improves our financial situation, one way to do it is to just assume more growth than is actually going to occur, that the experts don't believe will actually occur. If we do that, that is phony accounting. Our numbers may look better today but not as the years go by. That is the kind of thinking that has gotten us in the deep debt hole we are in today.

Another thing to watch out for is the claim that interest savings derived from tax increases are spending cuts. Interest expense—and it is substantial for our country—is a byproduct of spending and taxes. If you drive up debt, our interest payment will go up. If we raise taxes and reduce the deficit, then interest rates drop. We can't count the interest reduction as a spending cut. That is not cutting any real spending. That is just avoiding a future interest growth that would have occurred if we haven't done it. I don't think we should count—and we must not count—interest reductions either from tax increases or spending cuts as a spending cut.

I would also like to talk about the Defense cuts, briefly. Majority Leader REID said this just yesterday, I believe:

> If the committee fails to act, sequestration
>
> That is, automatic cuts—
>
> is going to go forward. Democrats are not going to take an unfair, unrealistic load directed toward domestic discretionary spending . . . and take it away from the military.

In other words, take the cuts away from the military. The automatic cuts that would fall on the military, which are, as Admiral Mullen, the former Chairman of the Joint Chiefs said, will hollow us out.

These automatic cuts are odd. Many programs with rising costs are protected from any cuts. Cuts are prohibited against the Medicaid Program and the surging Food Stamp program, but the Defense Department, which is already slated to take $450 billion in cuts, is facing another $600 billion in cuts, according to the Department of Defense. It would be a nearly 20-percent net reduction in Defense over the next 10 years. It would be the most severe hammering of the Defense Department, while protecting other programs from any cuts. It is not legitimate. Yet the majority leader is pushing back and saying this is perfectly legitimate. He is not going to have cuts in non-defense discretionary spending. He wants them to fall on the military.

The majority leader's comments suggest that the Defense increases have increased faster than domestic discretionary spending, but nothing could be further from the truth. From fiscal year 2008 to 2011, the Defense budget increased—base budget—by just 10 percent. Meanwhile, education spending surged 67 percent over the 2009 through 2011 period, compared to the previous three year period.

The ACTING PRESIDENT pro tempore. The minority time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have one additional moment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we are at a historic point. I believe this Congress has taken a great risk in turning over to a committee of 12 this responsibility. It is going to be difficult for them to reach an agreement. If they don't, damaging sequestration could occur. If they do reach an agreement, we have to be sure it is an honest agreement that actually achieves what they promised, which is—at a minimum—$1.2 trillion worth of deficit reductions. We need $4 trillion—as every expert has said—over 10 years in savings to begin to put this country on the right path. We are nowhere close to that.

I feel like the country is going to have to take some tough medicine. I hope the committee can help us get there. I do not approve of the process, but hopefully it will work and maybe we will not repeat it in the future.

I thank the Chair.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

UNEMPLOYMENT CRISIS

Mr. REED. I rise to underscore a crucial challenge facing our Nation. There are 14 million Americans who are looking for work. Six million have been unemployed for more than 6 months, and the average length of unemployment is 40 weeks, the longest average in more than 60 years. These are dire circumstances. They must be changed, and we know how to do it. We know how to address our immediate unemployment crisis.

We must enact policies that will put Americans back to work and strengthen our economy. Congress can start by passing the American Jobs Act. The American Jobs Act is a blueprint for boosting our economy. It contains policies that most Americans, and virtually all economists, agree government should do in order to help our economy grow.

It would provide relief to the middle class. It would help small businesses grow and hire. It would invest in our Nation's bridges and roads and schools, help stabilize our housing market and provide aid to States so teachers and first responders can stay on the job.

Congress must also renew basic policies such as Federal unemployment compensation programs that have been a lifeline to the unemployed, their families, businesses and to States and economies throughout this Nation. If we do not extend unemployment benefits by the end of the year, 2 million Americans will lose their benefits by February 2012. This would be disastrous for them and for the local businesses that depend upon these people being able to still go out and get a cup of coffee or go out and buy the essentials of life. It would be disastrous for States that, again, depend on that type of economic activity in our national economy.

This is why I joined several of my colleagues to introduce the Emergency Unemployment Compensation Extension Act of 2011. If Federal support for unemployment benefits is not extended, the economy could lose $72 billion in economic activity, endangering up to 560,000 jobs nationwide—in my State the estimate is 2,300 jobs would be lost—simply because we will again shrink demand as people who are relying on just getting by with an unemployment check no longer even have that—those few dollars—to get by.

These proposals should be nonpartisan and in the past they have indeed garnered both Democratic and Republican support. Unfortunately, in the midst of the deepest and longest unemployment crisis our Nation has faced since the Great Depression, too many of our Republican colleagues have chosen simply to delay and to deny the reality of millions of Americans who are looking for work, underemployed, struggling to get by day to day.

In January 2008, before the economic crisis took hold, the unemployment rate was 5 percent. It ultimately peaked at 10.1 percent nationally in October of 2009. This massive, sudden drop in employment was precipitated by one of the worst financial crises we have ever seen in the history of the country. This crisis was caused by excessive risk taking by financial institutions, lax regulations and, in the minds of so many Americans, out and out greed.

Since that 10.1-percent high of unemployment in October of 2009, the unemployment rate has trended downward, but not fast enough. The national unemployment rate has hovered around 9 percent since January of this year. The fact remains that the economy is generating more jobs than it was under the policies of President Bush, particularly in the last year of his administration, but it is still not generating enough jobs. As we saw with the most recent unemployment report, businesses are hiring despite some strong headwinds, particularly the economic dangers from Europe. In October, the economy added 80,000 jobs and the unemployment rate came down from 9.1 percent to 9 percent. That is the right direction, but not the right speed, not the right momentum, not the right response to this crisis. The economy still has 6.6 million fewer jobs than at the beginning of the 2007 recession, and the rate of job growth is, as I said, simply too slow. Adding 80,000 jobs keeps us a bit afloat, but it doesn't allow us to have the momentum to move the economy forward, which we need.

If we continue to see sluggish job growth with an average 125,000 payroll jobs added per month—and that is the pace this year—it will take us an additional 52 months—not weeks—52 months to get back to the prerecession levels of payroll employment. If we pick up job growth—say to 200,000 jobs per month, which is, again, exceeding the current pace, but not the kind of spectacular pace we need—it still will take an additional 33 months to get back to pre-Bush recession levels in employment. This persistently high unemployment rate and anemic growth have correctly been described as a national crisis.

But more important than the findings of economists and those who are studying the policy effects of this is the damage that this crisis is inflicting upon the families and communities of America. Combined with the fact that middle-class families have not seen a real increase in their family income in 10 years, and now they have seen this high unemployment, this is a double whammy. At the same time, some essentials such as food and fuel have become more expensive. We cannot overstate the difficulty that so many families are seeing: 10 years, effectively, without any real growth in their income, increased prices in essentials, and a job market that is weak, at best, although slightly improved.

That is why what we have to do here is literally get Americans back to work, to give them not only the resources but the confidence that the days ahead will be much better. This crisis requires the full attention of Congress, as well as action, not just discussion. We cannot afford further inaction. We cannot again indulge in a period of time where we were borrowing to pay for two major conflicts.

I note my predecessor from Alabama talking about the military budget. Since 2001, we have fought two major conflicts in Iraq and Afghanistan and we have not raised the revenue to support those efforts. We have put them on the backs of future generations of Americans and on the backs of Americans today who are facing this job crisis. We have to work, to put people to work, to end this problem.

Unfortunately, I fear that, as I have said before, many of my Republican colleagues are simply engaged in delay, which might be politically expedient, but it is not helping the families of America.

Economists who are studying this economy, both national and international, have been emphatic that we have to put policies in place to get people back to work. Many of these policies are encapsulated in the American Jobs Act, which has been repeatedly rejected by my colleagues on the other side. They voted down two parts of the bill we pulled out, one being the Teachers and First Responders Back to Work Act that would have created or protected 400,000 education jobs, kept thousands of police and firefighters on the job, and helped local communities as they are struggling to keep afloat.

They also rejected the Rebuild America Jobs Act, which would have made

an immediate investment of $50 billion in our highways, transit systems, railways, and aviation infrastructure. Frankly, I don't know any American in any part of this country who does not get the idea that we have to begin and continue to reinvest in our infrastructure. Every American can point to a bridge that is failing. They can point to congestion on the highways. They can point to projects that are so necessary not only for the long-term activity of the country but for the immediate employment of our citizens.

The rejection of these efforts is based on one simple fact: that we are asking the wealthiest Americans to pay for these initiatives. No longer are we going to put it on the back of future generations as we have with a decade of foreign conflicts and other programs such as the Medicare Part D expansion. We are trying to be fiscally responsible not only to propose ways to put people to work but also to pay for those measures now. That is what my colleagues object to. They seem to be more concerned about that 1 percent that is talked about than the rest of Americans who need work—not just directly, but their communities need the work so they can prosper along with the Nation.

All of this delay has been accompanied by their proposals, but their proposals always seem to rely upon austerity: We will have to cut more and more and more. But I don't think this single-minded focus on austerity is going to lead to the kind of growth we need. In fact, there are many analysts and economists who argue that the austerity measures being suggested are counterproductive to growing the economy; that, in fact, they lead to higher unemployment and lower wages.

For example, a recent IMF study talking about the consequences of pursuing an agenda focused on austerity found that an austerity program that curbs the deficit by 1 percent of GDP reduces real income by about .6 percent and raises unemployment by .5 percent. So the notion that we can simply cut our way to employment growth is not substantiated by fair-minded analysis.

For example, again, Gus Faucher of Moody Analytics examined the most recent proposal offered by my colleagues Senators MCCAIN and PAUL and said that the Republican proposal wouldn't address the causes of the current weakness in the short term and in fact it would be harmful.

The Congressional Budget Office looked at a broad range of policies from both parties and concluded that reducing taxes on business income and repatriation of foreign income are the most ineffective and inefficient tools for growing jobs. These two measures seem to lead the list of the proposals on the other side of the aisle. Also, the idea of providing more tax breaks to corporations and the wealthy to create jobs is not supported by the record. Bush-era tax breaks for the wealthiest resulted in mediocre growth for our economy and declining wages for the middle class over the period of 2001 to 2008, 2009.

Instead of bringing forth or supporting issues that will actually put Americans to work, my colleagues on the other side want to reframe the issue. They want to talk about burdensome regulations, and this argument doesn't stand up, either.

Mr. President, let me conclude by making a point which I think is very important, because this notion of simply striking away all the regulations and we will have this miraculous growth in employment is not substantiated by careful analysis.

Since 2007, the Bureau of Labor Statistics has tracked reasons behind mass layoffs. Among the reasons an employer can cite for layoffs is ''government regulation.'' The data shows that government regulation accounted for a minuscule .2 percent of layoffs. These are the managers and leaders of these companies checking the box as to what is causing them to lay off people. Instead, employers cite a lack of demand as a reason for 39 percent of the layoffs in 2008 to 2010. Indeed, if regulations are driving unemployment, one would expect to see job losses and high unemployment rates in sectors of the economy where regulation has increased, such as the financial services sector. However, in the financial services sector, the unemployment rate is much lower than the national average. In fact, it is at 5.8 percent. Meanwhile, domestic financial firms have posted extraordinary record profits in the first two quarters of 2011. So this notion that eliminating regulations is going to miraculously solve our problems is not substantiated by the evidence we are collecting.

What we need to do is put people back to work. The programs in the American Jobs Act will do that. I hope that will be recognized and accepted so we can move quickly to pass it.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PRICE INDEX FOR ELDERLY CONSUMERS ACT

Mr. BROWN of Ohio. Mr. President, first of all, I appreciate Senator REED's comments about the state of this economy and what the supercommittee is doing and the direction we need to go on all of these tax issues and all of these spending issues. He is so right.

We know several things about Social Security. We know it has been around for 75 years. We know if we do things right here in Congress, it will be around for another 75 years. We know it makes a huge difference in the lives of our citizens and our constituents in Oregon, in Ohio, in Rhode Island, and all over this country. We know that more than half of seniors in my State who are on Social Security get more than half of their income from Social Security, and it plays such an important role in their lives. We also know that until recently, there was not a cost-of-living adjustment for seniors. We know that over the last 2 years, even though the President and the majority in the Senate—the Democrats in the Senate and in the House—voted for a $250 one-time payment for seniors to help them deal with the increase in costs of their health care—except for that, we know that Social Security beneficiaries in this country didn't get a cost-of-living adjustment for 2 years.

We also know—and the Presiding Officer, the Senator from Oregon, is working with Senator MIKULSKI from Maryland and me on legislation to fix this. We also know the cost-of-living adjustment is, pure and simple, understated because the cost-of-living adjustment seniors usually get—never quite enough to keep up with their expenses—is based on the cost of living for a working person, for someone in his fifties or forties or in her thirties or twenties.

For someone who is working full time, their cost-of-living increase is different than a senior's cost-of-living increase because if a person is 70 years old, they are much more likely to have higher health care costs than if they are 30 years old.

So, historically in this country, we do a Consumer Price Index-W, ''wages''—CPI-W. It is based on a 30- or 40- or 50-year-old who is working full time, their cost of living. We are not basing it on the cost of living of a senior citizen who consumes, if you will, much higher health care, who has much higher health care costs.

That is what the legislation Senator MERKLEY and Senator MIKULSKI and I are working on: CPI-E, Consumer Price Index for the Elderly, reflecting their real costs. Why should a senior's cost-of-living adjustment be based on a 30-year-old's cost of living instead of a 70-year-old's cost of living? That is clearly why we need the change.

We also know another thing about Social Security. We know some conservative politicians in this institution—mostly Republicans, not quite entirely—we know some conservative politicians in this institution want to change the Consumer Price Index the other way, to make it even smaller.

For 2 years in a row, there was no increase, no COLA, no Consumer Price Index increase, no extra dollars to keep up with burgeoning health care costs for seniors. We know that did not happen for 2 years. There are people in this institution—many of whom have never supported Social Security to begin with all that much, frankly, to be honest—who want to see a smaller cost-of-living adjustment. It is something called chained CPI. I will not go into the details about how it works, but it

basically says to seniors: Whatever you are spending money on—if you are buying apples, for instance, then you could buy bananas. My staff says bananas are cheaper. We had an argument about that, whether bananas are cheaper per calorie and per weight and all that. But, nonetheless, they say to seniors, under this chained CPI thing—some conservative think tank, some corporate-funded, insurance company, drug company-funded think tank, I assume, came up with this bizarre idea of CPI chained—they say to seniors: You can pay less for things because you can do substitutions of food—from beef to chicken or from apples to bananas or from something to something—and save money.

Most seniors have already made those substitutions in their buying habits because they are already squeezed because the cost-of-living adjustment has not kept up with their health care costs. That is the whole point. So instead of our moving to reduce the cost-of-living adjustment, going to this chained Consumer Price Index, chained CPI, we should move away from CPI-W, based on wages, to CPI-E, meaning what elderly people's costs are as their health care goes up.

It will mean several hundred dollars in the monthly benefit a senior receives. Let me give those numbers, and then I will wrap up.

For the average person who retired in 1985, that person would get about an $887 increase, if it was the way Senator MERKLEY and Senator MIKULSKI and I want to change Social Security. That CPI, that increase, would then go up a little bit over time, so seniors would, in fact, be able to keep up with their health care costs. That is the importance of this change. That is the importance of our legislation. We cannot go the other way, chained CPI.

The last point I will make is, these conservatives who do not much like Social Security—some of them are Presidential candidates, I might add—they will say: We cannot afford this. The budget deficit is not because of Social Security. It is because of a bunch of other factors. Social Security is not part of this budget deficit. We know how to do minor changes to fix Social Security long term and take care of seniors and their health care needs and their increased costs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I am pleased to rise this morning to support the adoption of a consumer price index for Social Security that would accurately reflect the costs our senior citizens actually face.

I am delighted to join the Presiding Officer, Senator BROWN of Ohio, in this effort, along with Senator MIKULSKI of Maryland. Social Security is a promise, a bond between our government and our senior citizens.

Our senior citizens have worked hard their whole life and paid into Social Security every step of the way. They expect Social Security will be there for them when they retire.

Over the past few years, I have heard from many Oregon seniors who are making ends meet on a fixed income. They ask me: Why is it we are not getting a cost-of-living adjustment, a COLA? Because our costs are rising. They have been deeply disturbed to know, with these fixed incomes and these rising costs, they are being squeezed in the middle.

I explain to them in these townhalls it is because the COLA is calculated not on what seniors face in their costs but upon what a broad cross-section of working people face. They tell me: Senator, that is different than the costs we face. We are at a different point in our lives. Health care becomes a huge component. They tell me: I can tell you, Senator, health care costs are not going down.

Some in this Chamber are coming forward with a proposal that would make it even harder for our seniors. It would use a new calculation: not this standard ''cross-section of America COLA'' we are currently using but what is referred to as a chained CPI. That chained CPI says: If the price of this goes up, you can buy that. Actually, what it does is go in the wrong direction in terms of accurately reflecting the costs our seniors face in retirement.

If we take someone who is 65 today and we look down the road, by the time they are 75, this chained CPI would cost them $560 per year—roughly a month's rent. By the time the average 85-year-old has their payment calculated, the chained CPI would cost them $984 per year; the average 95-year-old: $1,392 per year.

At a time when the best off Americans are paying less than ever before, it is simply wrong to shift costs on to our seniors and the most vulnerable in our society.

There is an alternative. It is called the CPI-E. The Consumer Price Index for our seniors or elderly. I prefer to think of it as the CPI-E for ''experienced.'' Our most experienced citizens face different costs than the rest of us. The CPI-E would track inflation specifically based on the basket of goods those aged 62 and older are purchasing.

It is simply a fairer and more accurate way to calculate the benefits for our seniors. If their costs are rising slower than the overall costs for society, it would reflect that. If their costs are rising higher than the overall pace of inflation, then that would be reflected. Either way, it is fair.

We have to ensure we are keeping our promise to our senior citizens in a way that accurately reflects the reality of living in this country. This bill for the CPI-E or Consumer Price Index for the experienced is the best way to achieve that.

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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 1867, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 1867) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the Republican leader is on the floor. He is going to offer an amendment. The one on this side is not ready. There has been an agreement, and I ask unanimous consent that Senator MCCONNELL be allowed to lay down his amendment. When the one on the Democratic side is laid down, which will be momentarily, it will be considered the first amendment in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader.

AMENDMENT NO. 1084

Mr. MCCONNELL. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. KIRK, proposes an amendment numbered 1084.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran)

At the end of subtitle C of title XII, add the following:

SEC. 1243. IMPOSITION OF SANCTIONS ON FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT TRANSACTIONS WITH THE CENTRAL BANK OF IRAN.

Section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

''(h) IMPOSITION OF SANCTIONS ON FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT TRANSACTIONS WITH THE CENTRAL BANK OF IRAN.—

''(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the President shall—

''(A) prohibit the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted any financial transaction with the Central Bank of Iran; and

''(B) freeze and prohibit all transactions in all property and interests in property of each such foreign financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

''(2) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under paragraph (1) on a foreign financial institution for engaging in a transaction with the Central Bank of Iran for the sale of food, medicine, or medical devices to Iran.

''(3) APPLICABILITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) applies with respect to financial transactions commenced on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

''(B) PETROLEUM TRANSACTIONS.—Paragraph (1) applies with respect to financial transactions for the purchase of petroleum or petroleum products through the Central Bank of Iran commenced on or after the date that is 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

''(4) WAIVER.—

''(A) IN GENERAL.—The President may waive the application of paragraph (1) with respect to a foreign financial institution for a period of not more than 60 days, and may renew that waiver for additional periods of not more than 60 days, if the President determines and reports to the appropriate congressional committees every 60 days that the waiver is necessary to the national security interest of the United States.

''(B) FORM.—A report submitted pursuant to subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

''(5) FOREIGN FINANCIAL INSTITUTION.—For purposes of this subsection, the term 'foreign financial institution' includes a financial institution owned or controlled by a foreign government.''.

Mr. MCCONNELL. Mr. President, I am offering this amendment on behalf of the Senator from Illinois, MARK KIRK, because the time has come for our country to sanction the Central Bank of Iran.

It has become commonplace for political leaders to state that an Iranian regime armed with nuclear weapons is unacceptable. President Obama has stated that an Iranian regime armed with a nuclear weapon is unacceptable. Unfortunately, the Iranian regime has not been deterred from conducting activities relevant to the development of such an explosive device.

The report of the IAEA of November 8, 2011, makes clear that Iran has worked on the development of an indigenous design of a nuclear weapon, including the testing of components, and that Iran has yet to answer all of the IAEA's questions concerning the military dimensions of Iran's nuclear program.

Last month, the world learned of the Quds Force plot to assassinate the Ambassador of Saudi Arabia to the United States.

Iran remains undeterred, and the United States is left with fewer options for dealing with the Iranian nuclear program as time elapses.

This amendment by Senator KIRK from Illinois would add to the current sanctions against Iran by targeting the central bank of that country. This, in my judgment, is one of the few remaining actions, short of an embargo of Iranian shipping and military intervention, to slow or end the Iranian nuclear program. It is worth supporting and pursuing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of the Senate Armed Services Committee, I am pleased to bring S. 1867, the National Defense Authorization Act for fiscal year 2012, to the Senate floor. The Armed Services Committee approved the bill by a unanimous vote of 26 to 0. This is the 50th consecutive year that our committee has reported a defense authorization act. Every previous bill has been enacted into law.

I would like to thank all of the members and the staff of the Senate Armed Services Committee for the commitment they have shown to the best interests of our men and women in uniform as we have developed this legislation. Every year, we take on tough issues, and we work through them on a bipartisan basis consistent with the traditions of our committee. I particularly thank Senator MCCAIN, our ranking minority member, for his strong support throughout the process. The unanimous committee vote in favor of this legislation would not have been possible without his cooperation and support.

We were delayed in getting this year's bill to the Senate floor by two issues that have arisen since the time the Armed Services Committee approved the first version of this bill, S. 1253, in late June.

First, Congress enacted the Budget Control Act of 2011, which mandated deep reductions in discretionary spending, including defense spending. The initial bill reported by the Armed Services Committee would have cut the President's budget request for national defense programs by more than $6 billion. The Budget Control Act, which was adopted after our initial bill was reported, requires an additional $21 billion in reductions.

Second, the administration and others expressed misgivings about the detainee provisions in the initial bill, although the provisions in our initial bill represented a bipartisan compromise that was approved by the committee on a 25-to-1 vote. Many of these concerns were based on misinterpretations of the language in that bill; nonetheless, we have worked hard to address these concerns.

First, relative to the additional $21 billion in budget cuts, we consulted closely with the Department of Defense before identifying these cuts. We believe the reductions we decided upon can be accomplished without an adverse impact on our troops or their vital mission, and without significant increase in risks to our national security.

The committee report which accompanied the initial bill, Senate Report 112–26, did not address these cuts but is otherwise applicable to this bill as well. So the new cuts are not addressed in that Senate report because these new reductions came after that Senate report was made.

For this reason, I ask unanimous consent that a summary of the cuts be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Second, the new bill would modify the detainee provisions to address concerns and misconceptions about the provisions in our initial bill. In particular, the new bill first modifies section 1031 of the bill, as requested by the administration, to assure that the provision that provides a statutory basis for the detention of individuals captured in the course of hostilities conducted pursuant to the 2001 authorization for use of military force, the AUMF, to make sure that those provisions and that statutory basis are consistent with the existing authority that has been upheld in the courts and neither limits nor expands the scope of the activities authorized by the AUMF.

It also modifies sections 1033 and 1034 of the bill, as requested by the administration, to impose 1-year restrictions rather than permanent limitations on the transfer of Gitmo detainees to foreign countries and on the use of Department of Defense funds to build facilities in the United States to house detainees who are currently at Gitmo.

We were unable to agree to the administration's proposal to strike section 1032, the provision that requires military detention of certain al-Qaida terrorists subject to a national security waiver. We did, however, adopt a number of changes to the provision. In particular, we modified the provision so that it clarifies that the President gets to decide who makes the determinations in coverage, how they are made and when they are made, ensuring that executive branch officials will have flexibility to keep any covered detainee in civilian custody or to transfer any covered detainee for civilian trial at any time.

Second, we clarify that there is no interruption of ongoing surveillance and intelligence-gathering activities or of ongoing law enforcement interrogation sessions. There have been misstatements, misimpressions, and misinterpretations of the provisions of our bill relative to those issues. We clarify them to make sure it is clearly understood by this body and the American people that—repeating, it is the executive branch, it is determined by the President, the people he appoints who will make determinations of coverage, how they are made, when they are made, so that it ensures the flexibility that the executive branch wants to keep any covered detainee in civilian custody or to transfer any covered detainee for civilian trial at any time.

It has been suggested that ongoing surveillance and intelligence-gathering activities by law enforcement people would be interrupted, or that their interrogation might be interrupted. It is very explicitly clear in this bill that there is no such interruption, there is no such interrogation session interruption or surveillance interruption or intelligence-gathering activities interruption. The process to make sure that doesn't happen is in the President's hands.

The administration officials reviewed the draft language for this provision the day before our markup and recommended additional changes. We were able to accommodate those recommendations, except for the administration request that the provision apply only to detainees who are captured overseas. There is a good reason for that. But even here, the difference is relatively modest, because the provision already excludes all U.S. citizens. It also excludes all lawful residents of the United States, except to the extent permitted by the Constitution. The only covered persons left are those who are illegally in this country or who arrive as tourists or on some other short-term basis, and that is a small remaining category, but an important one, because it includes the terrorists who clandestinely arrive in the United States with the objective of attacking military or other targets here.

Contrary to some statements I have seen in the press, the detainee provisions in our bill do not include new authority for the permanent detention of suspected terrorists. Rather, the bill uses language provided by the administration to codify existing authority that was adopted by both the Bush administration and the Obama administration and that has been upheld in the Federal courts.

Moreover, the bill requires for the first time that any detainee who will be held in long-term military custody anywhere in the world would have access to a process that includes a military judge and a military lawyer.

I want to repeat that. For the first time, this bill provides that, in determining a detainee's status, the detainee will have access to a lawyer and to a military judge. That is not the case now. Nor would the bill preclude the trial of terrorists in civilian courts, as some have erroneously asserted. As a matter of fact, it is the contrary. The bill expressly authorizes the transfer of any military detainee for trial in the civilian courts at any time. An amendment that eliminated that authority was defeated in the Armed Services Committee on a bipartisan 19-to-7 vote during the markup of the initial bill.

The bill would not require the interruption of ongoing surveillance operations or ongoing law enforcement interrogations of suspected terrorists, as some have incorrectly asserted. The opposite is the case, as I have said, because we have included language in the bill that specifically precludes those possibilities.

The bill also provides that the President, not Congress, will decide who makes determinations of whether a detained person is in the narrow class covered, and the President will decide how and when these determinations are made.

The bill would not require that al-Qaida terrorists who are captured on American soil be transferred to military custody, because it includes an easily effectuated national security waiver. With this waiver authority, executive branch officials may keep any detainee in civilian custody or move any detainee to civilian custody if they choose to do so.

That provision provides the executive branch flexibility to choose the most appropriate course of action for al-Qaida terrorists whom we capture, including detention in civilian custody. That was the intent of the original language, and it has been clarified in the bill before us. I recognize that the administration remains unsatisfied with this provision, but we have gone a long way to address their concerns.

What about the dollar provisions in this bill? The bill we bring to the floor today would authorize $662 billion for national defense programs—$27 billion less than the President's budget request, and $43 billion less than the amount appropriated for fiscal year 2011. I am pleased we were able to find these savings without reducing our strong commitment to the men and women of our Armed Forces and their families, and without undermining their ability to accomplish their important national security missions. In this time of fiscal problems for our Nation, every budget must be closely examined to identify savings, and the Department of Defense budget is no exception.

This bill contains many important provisions that will improve the quality of life of our men and women in uniform, provide needed support and assistance to our troops on the battlefield, and make the investments we need to meet the challenges of the 21st century, and provide for needed reforms in the management of the Department of Defense.

First and foremost, the bill before us continues the increases in compensation and quality of life our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world.

For example, the bill would authorize a 1.6-percent across-the-board pay raise for all uniformed military personnel and extend over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and Reserve military personnel.

The bill provides that annual increases in TRICARE Prime enrollment fees in future years will not exceed the percentage increase in retired pay. The bill authorizes $30 million in supplemental impact aid and related education programs for the children of servicemembers. The bill authorizes service Secretaries to carry out programs to provide servicemembers with job training and employment skills training to help prepare them for the transition to private sector employment. It authorizes the service Secretaries to waive maximum age limitations to enable certain highly qualified enlisted members who served in Iraq or Afghanistan to enter the military service academies.

The bill also includes important funding and authorities needed to provide our troops the equipment and support they will continue to need as long as they remain on the battlefield in Iraq and Afghanistan.

For example, the bill fully funds the President's request for $3.2 billion for the development, testing, production, and sustainment of the MRAP vehicles and new MRAP all-terrain vehicles, which are needed to protect our troops against improvised explosive devices.

The bill authorizes $11.2 billion to train and equip the Afghan National Army and the Afghan police, the funding level recommended by the commander of U.S. Central Command after consultation with the commander of U.S. and coalition forces in Afghanistan. The purpose here is to grow the capability of those Afghan security forces to prepare them to take over increased responsibility for Afghanistan's security as we begin reductions in U.S. forces.

The bill provides $400 million for the Commanders' Emergency Response Program in Afghanistan and $400 million for the Afghanistan Infrastructure Fund to support projects that enhance the counterinsurgency campaign.

The bill extends the authority of the Department of Defense to conduct a program for the reintegration of former insurgent fighters into Afghan society.

The bill establishes a new Joint Urgent Operational Needs Fund to allow the Department to rapidly field new systems in response to urgent operational needs identified on the battlefield, and it provides the Central Command—CENTCOM—commander new

contracting authorities needed to stop the flow of money through U.S. contracts to persons who are actively opposing U.S. forces in Afghanistan.

The bill also contains a number of provisions that will help improve the management of the Department of Defense and other Federal agencies. For example, the bill would address shortcomings in the Department of Defense's management of operating and support costs, which are estimated to constitute 70 percent of the lifecycle costs of major weapons systems.

The bill freezes DOD spending on contract services at fiscal year 2010 levels and requires the Department of Defense to take a number of commonsense steps to achieve savings in this area.

The bill adds $32 million for the Department of Defense's corrosion prevention and control and requires implementation of the recommendations of a recently congressionally mandated report on corrosion control on the F–22 and F–35 programs.

The bill improves the management of defense business systems by strengthening the authority of the Department of Defense's chief management officers in the investment review process and ensures that this process covers existing systems as well as new ones.

The bill also adds $43 million to enable the Department of Defense IG to provide more effective oversight and to help identify waste, fraud, and abuse in defense programs, especially in the area of procurement.

In light of the budget constraints we face this year, the committee worked hard to keep funding increases of any kind to a minimum. We added the following items: $66 million for unfunded requirements identified by military leaders, $90 million for investments in programs such as the DOD IG and corrosion control that have high payback rates, $63 million for critical investments in intelligence and cyber security improvements, $497 million for increased funding needed to ensure the efficient execution of ongoing Department of Defense programs, and $270 million for a handful of broad-based competitive programs needed to help us keep our leadership in military technology.

I continue to believe it would be wrong for us to give up the power of the purse given Congress in the Constitution. I don't believe the executive branch has a monopoly on good ideas. In fact, I think we are more often receptive to creative new ideas that can lead to advances in the national defense than the defense bureaucracy is. Nonetheless, there are no earmarks in this bill.

Finally, I would like to discuss four major issues in the bill that were the subject of extended debate in the course of our markup this year.

First, this bill includes provisions that would require sound planning and justification before we spend more money for Marine Corps realignment from Okinawa to Guam and on tour normalization in Korea. These provisions follow detailed oversight that Senators WEBB, MCCAIN, and I have conducted over the past years. In particular, the bill prohibits the expenditure of funds for Marine Corps realignment from Okinawa to Guam until we receive an updated force laydown and a master plan detailing construction costs and schedule of all projects necessary to carry it out.

The bill requires the Department of Defense to study moving Marine Corps aviation assets currently at Marine Corps Air Station Futenma to Kadena Air Base, and the feasibility of relocating some or all Air Force assets currently at Kadena Air Base, rather than building a replacement facility at Camp Schwab that is unrealistic and unaffordable.

The bill prohibits the obligation of funds for tour normalization on the Korean Peninsula until the Secretary of the Army provides Congress with a master plan, including all costs and schedule projections to complete the program, and the Director of Cost Assessment and Program Evaluation performs an analysis of alternatives justifying the operational need.

The Department of Defense current plans for Okinawa, Guam, and Korea were developed years ago in a different fiscal environment and are projected to cost billions of dollars more than anticipated. At a time of tight budgets, we owe it to the Department of Defense and to the taxpayers to insist on a close examination and strong justification before we proceed.

Second, the committee adopted an amendment to strike all funding for the Medium Extended Air Defense System, MEADS. In February, the Department of Defense announced that after investing more than $1.5 billion in the MEADS Program, the program remained a high risk and the additional funding needed to field the system was unaffordable. However, the Department declined to terminate the program because the memorandum of understanding with our allies on which the program is based commits us to continued funding even if we withdraw from the program. For this reason, the Department requested over $400 million in funding for the continued development of a system that it has no intention of fielding. The committee amendment eliminates this funding. We recognize that under the memorandum of understanding, our decision not to fund this program could require the United States to pay for a program in which it is no longer a participant. However, the committee concluded that the course proposed by the Department is untenable and that the Department should explore all options with our allies before continuing to fund a program which we no longer need.

Third, our committee members share both a deep concern about the rising cost of the Joint Strike Fighter Program, on which we are now projected to spend more than $1 trillion—which includes operation and sustainment costs—and a strong belief that the Department of Defense must take stronger action to contain these costs.

The committee unanimously adopted an amendment requiring that the next JSF contract be entered on a fixed-price basis and that the contractor assume full responsibility for all costs above the target cost specified in the contract. This amendment puts the contractor on notice that we have lost patience with continued overruns on the program and we are determined to protect the taxpayer from further cost increases, without unnecessarily jeopardizing the heavy investment we have already made in the program by prematurely terminating the program. Senator MCCAIN has taken, really, the active lead in this effort, and it is a very critically important effort for our taxpayers.

Finally, the bill includes a bipartisan compromise regarding detainee matters—as I have made reference to before—that would address a series of important issues that relate to detainees. It is worth summarizing the detainee-related provisions in the bill.

First, the bipartisan compromise would codify the military's existing detention authority, as stated by both the administration of President Bush and the administration of President Obama and approved in the courts.

Second, the bill would require military detention for a core group of detainees who are part of al-Qaida—or an associated force that acts in coordination with or pursuant to the direction of al-Qaida—and who participate in planning or carrying out attacks or attempted attacks against the United States or its coalition partners. That is a defined core group of detainees.

This provision includes a national security waiver and includes language expressly authorizing the transfer of detainees for trial in civilian courts. It continues the conditions on the transfer of Gitmo detainees to foreign countries, including certification requirements to be met before a transfer may take place. Contrary to what some have said, this provision does not prohibit transfers from Gitmo. In fact, it is less restrictive of such transfers than legislation passed in the last Congress and signed by the President. In particular, this year's provision includes a national security waiver that is designed to address concerns expressed by the Secretary of Defense about a similar restriction which was included in last year's authorization and appropriations act.

The bill contains the same limitation on the use of Department of Defense funds to build facilities in the United States to house Gitmo detainees that has been included in past authorization and appropriations acts. This provision applies only to Department of Defense funds. It does not prohibit the use of Department of Justice funds that might be needed in connection with a

transfer for the purpose of a criminal trial, and it does not prohibit the closure of Gitmo.

The provision requires the Department of Defense to issue procedures addressing ambiguities in the review process established for Gitmo detainees. The provision clarifies but does not overturn the Executive order issued by the President earlier this year.

The provisions require the Department of Defense to establish procedures for determining the status of detainees, including, as I indicated before, for the first time, a military judge and a military lawyer for a detainee who will be held in long-term military custody.

The bill clarifies procedures for guilty pleas in trials by military commission. This provision would require a separate trial on the penalty, with a unanimous verdict needed to impose the death penalty. So while a death penalty could be imposed by a commission, the detainee would have no assurance of that result, for those detainees who want that assurance so they can make themselves martyrs.

As I have already indicated, these provisions have been substantially modified as a result of extensive discussion with administration officials. We did not make every change requested by the administration, although we adopted many of them—probably most of them—and made additional changes to address specific concerns raised by administration officials.

Mr. President, as we are here today, we have over 96,000 U.S. soldiers, sailors, airmen, and marines on the ground in Afghanistan, with 23,000 more remaining in Iraq. While there are issues on which we may disagree, we all know we must provide our troops with the support they need as long as they remain in harm's way.

Senate action on the national defense authorization bill for fiscal year 2012 will improve the quality of life of our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we as a nation stand behind them and appreciate their service.

We look forward to working with our colleagues to promptly pass this important legislation. And as I yield the floor, I again want to thank Senator MCCAIN and all the members of our committee for their hard work on this bill, as well as our staffs for their extraordinary capability. But I want to thank personally Senator MCCAIN for everything he has done to make it possible for us to get to the floor at this time.

EXHIBIT 1

SUMMARY OF $21 BILLION IN ADDITIONAL CUTS RESULTING FROM SECOND MARKUP OF NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

AIRLAND SUBCOMMITTEE

Army Programs: The bill would cut an additional $2.8 billion in Army Procurement and $800 million in RDTE. This includes over $1 billion in reductions proposed by the Army, and over $2 billion for programs that had unjustified or excessive growth, misaligned schedules, fact of life changes including terminations, or other management challenges. These recommended reductions include $518.7 million for the Joint Tactical Radio System, $224.0 million for Warfighter Information Network-Tactical, $172.5 million for Ground Soldier System-Nett Warrior, and $157.3 for HMMWV recapitalization programs. The bill would also transfer over $600 million from the base request to the overseas contingency operations accounts for capabilities directly or closely related with military operations in Iraq and Afghanistan such as increased ISR, mine protected vehicles, armoring kits, and base defense and force protection systems.

Navy Programs: The bill would cut an additional $724.5 million in Navy Procurement and $55.9 million in RDTE. This includes $532.1 million for programs that had unjustified or excessive growth, misaligned schedules, fact of life changes including terminations, or other management challenges. These recommended reductions include $163.5 million for the E–2D Advanced Hawkeye, $159.9 million for spares and repair parts, $69.9 million for AMRAAM, and $99.7 million for the F/A–18E/F Hornet.

Air Force Programs: The bill would cut an additional $910.2 million in Air Force Procurement and $596.0 million in RDTE for programs that had unjustified or excessive growth, misaligned schedules, fact of life changes including terminations, or other management challenges. These recommended reductions include $145 million for the A–10, $120 million for AFNET, $103 million for initial spares and repair parts, and $101 million for the AMRAAM. The bill would also transfer $87.2 million from the base request to the overseas contingency operations accounts for activities directly or closely related with military operations in Iraq and Afghanistan such as war consumables.

EMERGING THREATS AND CAPABILITIES SUBCOMMITTEE

Program Delays and Under-Execution: The bill would reduce funding for science and technology and information technology by $216 million due to excessive program growth and program delays; reduce funding for U.S. Special Operations Command by $135 million due to unjustified growth and items already funded in recent reprogramming actions; reduce funding for counter-drug programs by $128 million based on a DOD assessment that this funding is excess to need; reduce funding for counter-proliferation programs by $43 million due to slow execution; reduce funding for the Joint IED Defeat Organization (JIEDDO) by $85 million based on unjustified program growth; and reduce funding for the Chemical and Biological Defense Program by $40 million due to under-execution and program delays.

PERSONNEL SUBCOMMITTEE

Military Personnel Funding: The bill would reduce funding for military personnel by $100.6 million, by taking an additional $42.6 million in unobligated balances and using updated CBO estimates for savings attributable to a change in the calculation of hostile fire pay.

Defense Health Care: The bill includes a $330.0 million cut to private sector care under the Defense Health Program, based on an assessment of historical under execution rates for private sector care.

Military Spouse Career Advancement Accounts (MyCAA): The bill reduces funding for the program by $120 million. This reduction was offered by the Department of Defense because although the President's budget request included $190 million for the program, DOD has indicated that as a result of its redesign of the MyCAA program, only $70 million is needed for execution in fiscal year 2012.

READINESS SUBCOMMITTEE

Military Construction: The bill would cut an additional $527 million in military construction funding. This includes three domestic projects valued at $83.1 million, the largest of which the Technology Center's Third Floor Fit Out, valued at $54.6 million does not need funding because NSA has indicated that it has sufficient unobligated balances to complete the project. The balance of the cuts are for: (1) overseas military construction projects in areas that are subject to an ongoing strategic review (including five projects in EUCOM valued at $179.6 million); (2) planning and design funds rendered unnecessary due to previous cuts; and (3) programs that are not fully budgeted for in the FYDP.

Operation and Maintenance: The bill would cut an additional $3.1 billion in operation and maintenance funding. This includes $1.5 billion in reductions proposed by the military services; $315 million for ammunition account cuts based on inefficient ammunition management and recommendations from the military services; $294 million for excess growth in service contractors and civilian employees; and $258 million in the OCO accounts for a transfer of Coast Guard support to the Department of Homeland Security.

Transfers to Overseas Contingency Operations Funding: The bill would transfer to OCO accounts $4.9 billion of operation and maintenance funding for activities closely associated with military operations in Iraq and Afghanistan, including MRAP vehicle sustainment, body armor sustainment, overseas security guards, theater security packages, depot maintenance and readiness funding in support of combat operations, and CENTCOM headquarters public affairs. Most of these activities have previously been funded from OCO accounts.

SEAPOWER SUBCOMMITTEE

Navy Programs: The bill would cut an additional $234.4 million in Navy Procurement and $496.7 million in RDTE for programs that had unjustified or excessive growth, misaligned schedules, fact of life changes including terminations and a Navy-requested realignment of the VXX Presidential Helicopter program, or other management challenges. The recommended reductions include $120 million for JTRS, $70 million for the Future Unmanned Carrier-Based Strike System, $63 million for ship contract design and live fire T&E, and $58 million for the Standard Missile.

Marine Corps Programs: The bill would make additional reductions of $101.0 million in Procurement, Marine Corps due to slow program execution or contract award delays.

Air Force Programs: The bill would cut an additional $108.6 million in Air Force Procurement for unnecessary post production funding for the C–17 program and $45.9 million in RDTE for programs that had contract delays or where the programs were being rephased.

STRATEGIC SUBCOMMITTEE

Space: The bill would reduce funding for space programs by $233 million due to slow execution in the development of the Family of Advanced Line of Sight Terminals (FAB–T) used in conjunction with the Advanced Extremely High Frequency (AEHF) satellite system; by $300 million by dropping authorization for the long term lease of a commercial satellite by the Defense Information

Systems Agency due to a lack of an analysis of alternatives; and by $105 million in connection with delays in contract awards associated with GPS systems under development.

Department of Energy: The bill would reduce funding for environmental cleanup at former atomic weapons production sites by $356 million due to slow program execution; reduce the NNSA nonproliferation program by $168 million due to cost overruns for a pit disassembly facility to produce mixed oxide fuel, which is now developing a new program base line; and for NNSA program management by $45 million due to an excessive rate of growth.

Missile Defense: The bill would reduce funding by $55 million for the procurement of Standard Missile-3 Block IB missiles due to a test failure which requires an investigation, correction, and retest, delaying production (an additional $260 million of funding would be moved from procurement to the R&D account to facilitate the fixes); and reduce funding for the Terminal High Altitude Area Defense (THAAD) missile defense system by $120 million to reflect the reality of slower production rates due to delays in the program. A few joint or Army programs would be reduced by $47 million for underexecution.

Intelligence Funding: The bill includes a number of reductions to the Military Intelligence Program because of late contract awards, slow execution rates, program delays, and changes in programs since markup; it also includes reduced funding for the National Intelligence Program reflecting cuts agreed to by the two intelligence committees.

GENERAL PROVISIONS

Troop Reductions in Afghanistan: The bill would reduce OCO funding by $5.0 billion due to the President's decision to withdraw the 33,000 U.S. surge force from Afghanistan, with 10,000 to be withdrawn by December 2011 and the remaining 23,000 to be withdrawn by next summer. The Department of Defense has informed us that the $5.0 billion is no longer needed as a result of the planned Afghanistan troop reduction.

Afghanistan Security Forces Fund: The bill would reduce funding for the Afghanistan Security Forces Fund (ASFF) to $11.2 billion, a $1.6 billion reduction from the President's request. The Commander, U.S. Central Command, has determined that FY2012 ASFF funding can be reduced by $1.6 billion because of efficiencies and cost avoidances achieved by the NATO Training Mission in Afghanistan in its plans for building and sustaining the Afghan Army and Police.

AMENDMENT NO. 1092

(Purpose: To bolster the detection and avoidance of counterfeit electronic parts)

Mr. LEVIN. Mr. President, pursuant to a unanimous consent request which was previously entered into on this matter, I send to the desk an amendment on behalf of myself and Senator MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for himself and Mr. MCCAIN, proposes an amendment numbered 1092.

Mr. LEVIN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LEVIN. Mr. President, I call for regular order with respect to the amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. LEVIN. Is it now pending first in line?

The PRESIDING OFFICER. It is now pending first in line.

Mr. LEVIN. I thank the Presiding Officer, and I want to make one quick comment about this amendment.

This is a bipartisan amendment that addresses the massive issue created by counterfeit parts getting into the defense supply system. It is something our staffs have investigated heavily.

Senator MCCAIN and I are introducing this bipartisan amendment. We hope it has strong support in this Senate. It will address a critically important issue we have now seen in the defense supply system with millions of counterfeit parts—mainly from China—getting into our defense system and threatening the security of our troops, the effectiveness of their mission, and costing the taxpayers a heck of a lot of money.

The PRESIDING OFFICER. The senior Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a brief colloquy with the chairman, Senator LEVIN.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. MCCAIN. First of all, I wish to thank the Chairman for the long years of work we have had together. This is the culmination of this year's work which is coming to the floor after great difficulty and a lot of obstacles. I want to thank the Senator again for the spirit of bipartisanship, which is a long tradition in the committee which was practiced by our predecessors. Obviously, we know on occasion that we have differences of views, and sometimes we—especially I—express those in perhaps a passionate manner. But the fact is, at the end of the day, we continue to come together and work together for the good of this Nation's security.

The reason I ask the Senator is because I think our colleagues ought to understand the context of this bill. First of all, it is a new bill, and it has a reduction of some $20 billion in authorization in order to keep with the Budget Control Act, a total now of a $27 billion reduction, which is a significant amount of money. It seems to me our colleagues should understand this $9.8 billion cut in defense procurement, $3.5 billion cut in research, development, test, and evaluation, $1.6 billion cut in military construction, $6.7 billion in overseas—these are significant reductions already in what we had originally envisioned as necessary for our Nation's defense capability.

I would ask the chairman, these are painful decisions we had to make. For those who somehow believe it is business as usual in the Department of Defense and on the Defense authorization, it simply is not correct. We have already made significant reductions, I ask my colleague.

Mr. LEVIN. I agree with my friend from Arizona. We literally worked months to get to the first reduction which was in our original bill. Then when the Congress adopted the Deficit Reduction Act, which required additional reductions, these are very difficult decisions to make because they in many cases will increase risks which we don't want to increase but nonetheless have got to accept some additional degree of risk on some of our programs in order to do the fiscally responsible thing. I agree with my friend.

Mr. MCCAIN. Could I ask my colleague, also, two more points. One is that we also have planned for an additional well over $400 billion reductions in the next decade, and those will again entail at some point an increase in risk. So in that context, I would appreciate again an expression of the chairman's view of a Draconian cut that would take place as a result of sequestration. The Secretary of Defense has testified before our committee of the ''devastating effects,'' as have our military leaders.

Mr. LEVIN. These cuts that would result from sequestration are massive not just in defense but also in nondefense discretionary areas. The purpose of that threat is to hopefully prevent it from taking place, as with any other kind of a sword of Damocles held over people's heads—our heads—that if we don't reach some kind of an agreement with our special committee, the group of 12 that is working so hard to come up with a reduction that will meet the requirements of the bill, we would then have a sequestration, across-the-board cuts, which are not the rational way to budget, are massive, Draconian—to use the word which the Senator from Arizona quoted. And that is true in both defense and nondefense. But, again, the purpose of having that sequestration process in place is, hopefully, an incentive so that it doesn't take place.

Mr. MCCAIN. Finally, I would ask the chairman, we have met the requirements of the Appropriations Committee with this additional $20 billion reduction in this ''new'' legislation. Then it seems it would be only appropriate that the Appropriations Committee meet the provisions of authorization that are in the authorization bill.

In other words, I am told there are some differences in the Appropriations Committee's bill as far as what the authorizing committee's responsibilities are. I hope the Appropriations Committee would address those differences in deference to our role as authorizers.

Mr. LEVIN. That is always our hope. It doesn't work out the way we wish frequently, but it is always our hope that the way it should work—at least theoretically—around here is that should be what the appropriators do.

That has not worked out that way in I don't know how many recent years. The Senator and I have had some discussions about that. When I first got here, many years ago, that was an issue which had not been resolved. But I think what the Senator sets out is the hope that the appropriators would look at our authorizations and follow our authorizations.

Mr. MCCAIN. I thank the Senator from Michigan.

I finally wish to comment. I am more than hoping. I intend to identify those areas of difference between the authorizing committee and the Appropriations Committee, and fully expect the appropriating committee—unless there is some overriding reason—to conform with the authorization bill.

Again, I thank Senator LEVIN and his staff for the work we are doing. And I thank the leadership. I thank Senator REID for bringing the bill to the floor. I know he has a lot of important priorities, but I believe it is very important that we continue an over half-century tradition of the Senate taking up, passing, and then finally seeing enacted into law the Defense authorization bill.

I think it is a valid statement to say that there is no greater priority the people's representatives have than to take every measure we can possible to ensure the security of our Nation and the men and women who serve in it. This legislation is the result of literally thousands of hours of discussion, debate, hearings, input to make sure we do the very best job we can to protect our Nation.

As I mentioned earlier, with the committee's action earlier this week we have ensured that our authorization top line of $526 billion for the base Defense budget complies with the budget allocation levels adopted by the Senate Appropriations Committee for fiscal year 2012.

We have worked with the administration over the past several weeks to address their concerns with the detainee provisions in our bill. We understand the administration is still not satisfied with the committee work. We have made many clarifications, modifications at the request of the administration to the detainee provisions as they were reported from the committee in June. As a result, we were able to report out the bill again this week with an overwhelming bipartisan vote of 26 to 0.

We will be glad to continue our discussions with the administration. I am grateful the administration reached out to us and that because of that discussion in negotiations with Mr. Brennan and others from the White House we were able to make some changes. I regret they haven't been sufficient to overcome their objections, but we will continue to work with them. This is a very important issue.

Obviously, our collective goal is to make sure that members of terrorist organizations, specifically al-Qaida, do not return to the fight, and that we make sure we are able to treat al-Qaida members who are captured in keeping with international law, but at the same time in keeping with the priority interests of America's national security. So I understand there will be an amendment on that issue or amendments. We look forward to debating and discussing that aspect.

Whatever additional concerns that may remain with the detainee provisions should be dealt with, as they will be, through debate and amendment. But, importantly, all of the aspects of this bill are of such vital importance to supporting the men and women of our Armed Forces and their families. We have already started to work on amendments that we know our colleagues are preparing to offer on this bill, and I encourage all my colleagues to file their germane amendments as quickly as possible.

Obviously, I repeat, the legislation is extremely important to our Nation's defense and the men and women in uniform. I know all of my colleagues appreciate that fact.

I would hope that this year, unlike in recent previous years, we will not add to this bill policy riders that are not relevant to the bill.

The committee bill before the Senate is the culmination of 11 months of hard work conducted through 71 hearings and meetings this year on the full range of national security priorities and issues. This tradition of deliberative review and oversight is typical of what the Defense authorization bill has provided our Nation's military for over 50 years, without fail. The committee's priorities this year and every year start with our bipartisan commitment to improve the quality of life for the men and women of the all-volunteer force—active duty, National Guard, and Reserves—and their families, through fair pay, improved policies, benefits commensurate with the sacrifices of their service, and by addressing the needs of the wounded, ill, and injured servicemembers and their families.

To do these things, this bill authorizes a 1.6-percent across-the-board pay raise for all members of the uniformed services, authorizes pay incentives for recruitment and retention of our most highly skilled and highly sought-after men and women, and improves the Uniformed Code of Military Justice to more effectively respond to accusations of certain types of misconduct. This bill provides essential resources, training, technology, equipment, and force protection our military needs to succeed in their missions, including authorizing a 6-percent increase in funding for our enormously important professional and dedicated special operations forces who play such a large role in our counterterrorism operations worldwide, and over $2.4 billion for the Department of Defense counter-improvised explosive device activities. I cannot overemphasize the importance of the timely funding of these counter-IED funds given the increase in the use of this kind of attack against our troops, first in Iraq and now in Afghanistan.

The bill enhances the capability of our military and that of our allies to conduct counterinsurgency operations, including the authority to provide support to those aiding U.S. Special Operations in combating terrorism in Yemen and East Africa, authorization of $400 million for the Commanders Emergency Response Program—known as CERP—in Afghanistan, and authorization of $11.1 billion to train and equip the Afghan security forces for the security of the Afghan people.

The bill strengthens and accelerates nuclear nonproliferation programs while maintaining a credible nuclear deterrent, reducing the number of nuclear weapons, and ensuring the safety, security, and reliability of the nuclear stockpile, the delivery systems, and the nuclear infrastructure. In this regard, the bill authorizes $1.1 billion to continue development of the Ohio-class submarine replacement program to modernize the sea-based leg of the nuclear triad of delivery platforms. It improves our ability to counter nontraditional threats, focusing on terrorism and cyber warfare; in part by requiring DOD to acquire and incorporate capabilities for discovering previously unknown cyber attacks and establishing a new Joint Urgent Operational Need Fund to allow the Department to rapidly field new systems in response to battlefield requirements. It authorizes DOD to immediately void a contract if a contractor has been determined by the commander, U.S. Center Command, to be actively opposing U.S. forces in Afghanistan.

A related provision would provide enhanced audit authority to assist in the enforcement of this provision. It authorizes over $13 billion for new construction of critical facility projects that have a direct impact on the readiness and operations of our military while also providing much needed construction jobs in a struggling economy.

In contrast to these enhancements and new authorities, the committee also had to make some very difficult decisions. The President's budget request of $553 billion was cut by nearly $27 billion in recognition of the difficult budget situation our country faces. These difficult funding reductions include: $10 billion cut in the operation and maintenance accounts for the military services used to fund readiness and training activities. This was done mainly by scaling back the growth in service contracts while also reducing certain accounts for daily operating activities and training; a $9.8 billion cut in defense procurement accounts for programs that had more money than could be efficiently put under contract this year and programs that were not able to meet production milestones; a $3.5 billion cut in the research, development, test and evaluation accounts by examining the performance of hundreds of programs and

identifying those that showed excessive cost growth or a lack of performance; $1.6 billion in cuts in military construction projects, mostly at overseas locations, to allow for a review of our U.S. military force posture worldwide. In addition, the bill cuts $6.7 billion from the President's budget request of $118 billion for overseas contingency operations, known as OCO, due to a forecast of reduced operations in Afghanistan during 2012.

These cuts are the first step in what will be an extremely critical debate on the right amount of defense spending over the next 10 years. We will need to make some very difficult decisions that will undoubtedly increase risk as we decide whether to continue or terminate costly and, in some cases, troubled and overdue programs. We will need an informed and honest debate on which defense requirements and capabilities most effectively and efficiently protect the full range of our Nation's interests.

As such, this committee's review and curtailment of troubled, wasteful or unnecessary programs is not only essential to ensure proper stewardship of taxpayer funds but also stays true to the intent of preserving funds for war fighter priorities. Along these lines, this bill proposes to cut: $452 million for the Enhanced Medium Altitude Reconnaissance and Surveillance System due to program delays; $192 million from related Brigade Combat Team Modernization projects due to a program termination by the Army; $200 million for the Joint Tactical Radio System due to program delays; $406 million for the Medium Extended Air Defense Systems, known as MEADS, which is a high-risk joint program for air defense with Germany and Italy which the Army has decided not to deploy operationally; $519 million for the Joint Tactical Radio System, called JTRS, as a result of program execution and cost concerns; $244 million for Warfighter Information Network-Tactical; $173 million for Ground Soldier System-Net Warrior; $157 million for HMMWV recapitalization programs; $108 million for unnecessary postproduction funding for the C–17 Program; $233 million due to slow execution in the development of the family of Advanced Line Of Sight Terminals used in conjunction with the Advanced Extremely High Frequency Satellite System; $300 million by curtailing authority for long-term lease of a commercial satellite by the Defense Information Systems Agency due to a lack of an analysis of alternatives; $105 million in connection with delays in contract awards associated with GPS systems under development.

Even after this long list of cuts to troubled programs, I would have liked to have done more.

I wish to point out that in the days when we were increasing defense spending, it was one thing not to be in sync with the appropriations committee. In the days of reductions in defense spending, it is absolutely vital that the Appropriations Committee follow the guidance and authorization of the authorizing committee. I intend to do everything in my power to make sure that happens.

An example of what I would have liked to have seen more of is the Joint Strike Fighter or the F–35 Programs. I offered an amendment during the committee's markup that would have put the program on a 1-year probation if the costs under the fixed-price contract for the fourth lot of early production aircraft grew by more than 10 percent over their target cost by the end of the year. My goal was to send a strong, simple, and powerful message to the Pentagon and to Lockheed Martin, a message that we will no longer continue down the road of excessive cost growth and schedule slips on this program just because other alternatives are hard to come by.

We now are faced with a prospect of the first $1 trillion weapons system in history, which it certainly was not originally designed to be.

As it turned out, the amendment did not go forward as a result of a tie vote in committee. An alternative provision offered by Chairman LEVIN will instead require that the fifth lot of early production F–35 aircraft be procured under a fixed-price contract and that Lockheed Martin bear the entire responsibility for any cost overrun other than certain limited costs needed to make specific changes that the government requests. Because I feel it is essential to use fix-price contracts for large Pentagon weapons programs, I supported the chairman's amendment during the markup and I support it now.

Today, as we speak, the Pentagon is negotiating with Lockheed Martin on who will bear the cost of changes to the design and manufacturing of the aircraft that could come down the road as a result of thousands of hours of flight testing that lie ahead. In this sense, the excessive overlap between development and production that is called concurrency is now coming home to roost. The Defense Department quite rightly says it will not sign any contract for the next lot until Lockheed Martin agrees to pay a reasonable share of these concurrency costs, and Lockheed Martin doesn't want to bear the risk of new discoveries.

Let me be clear. I strongly support the Department of Defense position. I think it reflects exactly the congressional view reflected in our markup. As we agree to buy more early production jets while most of the development testing has yet to be done, Lockheed Martin must be held increasingly accountable for cost overruns that come as a result of wringing out necessary changes in the design and manufacturing process for this incredibly expensive aircraft.

How does this legislation affect pending negotiations? It means on the next production lot, Congress expects the Department to negotiate a fixed-price contract that requires Lockheed Martin to assume an increased share of any cost overruns. It requires a ceiling price for that lot that is lower than the previous contract for the last lot purchased. It ensures a shared responsibility for reasonable concurrency cost increases.

In other words, the deal we negotiate on this next production lot must be at least as good, if not better, than the deal we negotiated under the previous one. Otherwise, we are moving in the wrong direction and it will only be a matter of time before the American people and the U.S. Congress lose faith in the F–35 Program, which is already the most expensive weapons program in the history of this country.

I look forward to having the opportunity to address this and other significant national security policies related to detainee policies, cyber operations, Iranian aggression, Pakistan, acquisition reform, and the way we buy space programs and launch services, further limiting the use of fixed-price contracts for procurement, reducing the cost of military health care, counterfeit parts, and the future of our military in the face of major budget reductions.

On the issue of counterfeit parts, I commend the initiative of the chairman to address this critical issue. The proliferation of counterfeit parts threatens the safety of our men and women in uniform, our national security, and our economy. We cannot risk a ballistic missile interceptor missing its target or a helicopter pilot unable to fire his or her weapons or display units failing in aircraft cockpits or any other system failure, all because of a counterfeit electronic part. Nor can we keep affording the hundreds of thousands, even millions, of dollars to fix the systems they penetrate.

Our committee has been conducting an investigation for the past year, and we will have an amendment—there is one already pending—as a result of this outstanding work.

I also plan to offer amendments that will start us on the course of an updated plan for U.S. military forces in the Pacific theater. The current plan to move 8,700 marines, 9,000 family members from their current bases on Okinawa to Guam is now estimated to require spending between $18 and $23 billion on Guam to build up its capabilities as a permanent base. This is an increase of well over $10 billion from the original estimate. I believe the pricetag will continue to rise. As a result, I, along with Chairman LEVIN and Senator WEBB and other colleagues, view this program as unworkable, unaffordable, and an unnecessary strain on the relations between our government and the Government of Japan. Recognizing this strain, both the Armed Services Committee and the Military Construction and Veterans Affairs' Committee of the Appropriations Committee have stopped funding Guam

military construction projects until the Department of Defense provides a master plan and considers alternatives that may provide the needed Marine forward presence at much less expense.

Let's face it, we simply are at a level we cannot afford under the present plan. I also understand our relations with Japan are very important in this whole move. We cannot send a signal that America is leaving the area. In fact, I was very pleased to see the agreement the President of the United States signed with the Prime Minister of Australia just yesterday that provides for a joint operating base in Australia. But we must understand the delicacy of our relations with the Government and people of Japan, especially in the time of rising concern about some of the behavior that has been exhibited by the Chinese.

I believe we need to take advantage of this pause to convene a congressional commission of experts in Asian affairs, with multilateral input, to review our national security interests in the Pacific region over the next 30 years and charter that commission to propose a posture for our military forces that will both strengthen our traditional alliances while offering opportunities for cooperative efforts with emerging partners and allies to solidify our mutual interests in the region.

In the face of the doubt about the scope and timing of the Pacific realignments, we also need to ensure that this pause in potentially unnecessary spending is extended in 2012 to the use of defense funds to activities that have no direct impact on military functions or missions on Guam, such as the purchase of civilian school buses and an artifact repository and a mental health clinic on Guam. While these projects may have legitimate value to the Government of Guam to address current needs for citizens of Guam, they simply are not my idea of top defense priorities in the fiscal environment we face.

In addition, despite the efforts of Congress to ban earmarks and special interest projects, this bill contains almost $850 million in authorizations of funding for items and programs not requested by the administration. The full Senate needs to consider the merits of these unrequested spending items and to determine whether they are top defense priorities in today's fiscal environment.

The bill also cuts $330 million for private sector care under the Defense Health Program, based on an assessment of historical underexecution rates. This is the first step in an important progress in helping the Department of Defense control spiralling health care costs. It is the other challenges we face in this bill where we could have and should have done more.

Secretary Panetta, speaking at the Woodrow Wilson Center, said:

> The fiscal reality facing us means we also have to look at the growth in personnel costs, which are a major driver of budget growth and are, simply put, on an unsustainable course.

The Secretary concludes:

> If we fail to address [these costs], then we won't be able to afford the training and equipment our troops need in order to succeed on the battlefield.

Providing the Department with the authority to adjust Tricare PRIME enrollment fees based on a realistic index of national health expenditures per capita, as the administration requested, would have been the right thing to do. Instead, this bill limits all future enrollment fee increases to the cost-of-living adjustment for military retired pay.

Military retirees and their families deserve the best possible care and nothing less in return for a career of military service. But we cannot ignore the fact that health care costs will undermine the combat capability and training and readiness of our military if we don't begin to control the cost growth now. Our committee report reflects the desire of the committee to review options for phasing in more realistic future adjustments beginning in fiscal year 2014, and that is exactly what we must do.

I wish to emphasize a point here. I am solemnly aware of the commitment this Nation has made to the men and women who have served in the military regarding health care and benefits. This Nation has made promises for many years and has endeavored to keep those promises. But we are faced with a set of dire circumstances regarding the long-term viability of entitlement programs that threatens to undermine a whole range of promises we have made to every American.

I am also keenly aware that in this unprecedented fiscal crisis facing this country, providing for our national defense is the most important responsibility that our or any government has. It is our Nation's insurance policy. And in a world that is more complex and threatening than I have ever seen, we cannot allow arbitrary budget arithmetic to drive our defense strategy in spending. We have to look at every program to determine what risks we can afford to take without risking the lives and welfare of those brave young Americans who volunteered to serve in the military.

As such, some of the defense cuts being discussed—particularly as a result of sequestration—would do grave harm to our military and our Nation's security. The immediate impact of a sequester, according to Secretary Panetta, who previously served as chairman of the House Budget Committee and Chief of Staff to President Bill Clinton, could be a 23-percent across-the-board cut to our Nation's defense programs. Shipbuilding and construction contracts would have to be curtailed. Civilian personnel and contractors would have to be furloughed. The end results of these cuts after 10 years would be ''the smallest ground force since 1940, the smallest number of ships since 1915, and the smallest Air Force in its history.'' The United States would face ''substantial risk of not being able to meet our defense needs.''

Defense spending is not what is sinking this country into fiscal crisis, and if the Congress and the President act on that flawed assumption, they will create a situation that is truly unaffordable—the decline of U.S. military power and a hollow military. We cannot let this happen. Despite a significant decline in defense spending, the growing threats we face around the world demand a strong and resolute U.S. military that continues as the first line of protection for peace, freedom, justice, and democracy around the world.

I have had the privilege of a long career in public service, but in all my years I don't think I have ever seen a geopolitical environment as complex and as multidimensional as the one we face today. This will only increase in the years to come. The rise of China is one of the most seminal events in world history, but it is not an isolated occurrence. Other nations across the Asia-Pacific—most notably India—are also growing rapidly and using their newfound wealth to enhance their comprehensive national power, especially new military capabilities.

The challenge for the United States is this: How do we, as a historic Pacific power, use the next few years—despite the necessary cuts that will have to be made in our defense spending—to make smart, strategic investments that set us up to shape the future of the coming Pacific century? That means a more geographically dispersed and operationally resilient regional force posture. It means developing new operational concepts, such as the Defense Department's AirSea Battle concept, which aims to enable us to operate effectively in an anti-access and area-denial environment. It means taking advantage of the many opportunities we face to enhance the capabilities and interoperability of our alliances and partnerships. And perhaps most of all, it means making some difficult and at times painful choices about where we can go, what we do, and what we can do without. We all must take responsibility for these choices.

When we talk about our increasing focus on the Asia-Pacific region, what this does not mean and cannot mean is a lack of commitment to the broader Middle East. After all, the United States still has a capacity to do at least two things at once, and we cannot afford to allow that to change.

The Middle East and north Africa are undergoing perhaps the most consequential period of upheaval since the collapse of the Ottoman Empire. Governments with long patterns of authoritarian control—some of them our partners—are falling under the popular pressure of millions of citizens who desire dignity, freedom, and opportunity. Our old and dear ally Israel faces a more tumultuous and potentially threatening position than it has in decades. At the same time, new regional

leaders, such as Turkey and Qatar and the UAE, are playing a more confident and assertive role in shaping the events of the region despite the failure of leadership that led us to the full withdrawal of U.S. troops in Iraq. The success of that country remains a critical national security interest of the United States. We must remain committed to Iraq's success and stability. And all the while, the Iranian regime continues to threaten the security of the region and that of the United States.

Amid all of these complicated and important global trends, it is absolutely vital that the Members of this body be allowed to engage in a fulsome and serious debate about the vital national security interests contained in this bill. I hope there will be a generous opportunity to offer amendments and debate them. I am confident we can do this while still moving diligently and quickly along.

We have given the majority leader the commitment that we will work to ensure Senate consideration of this bill on an expedited basis. This Chamber must have the opportunity to complete this bill and then send it to the conference with the House. We need to have a conference report before the end of the year.

We cannot continue to place critical authorizations in appropriations bills or continuing resolutions because we cannot get the Defense authorization bill done in a timely manner. As an example, this bill includes extensions for several important counternarcotics authorities that expired at the end of fiscal year 2011. The expiration of these authorities has had a direct impact on DOD efforts to combat illicit trafficking networks where proceeds often directly fund the activities of terrorists and other criminal organizations that pose a significant threat to U.S. security interests. Timely passage of the Defense authorization bill will ensure that these counternarcotics missions can continue in places such as Afghanistan, Colombia, and along our southern border.

I, for one, am not proud of the 9-percent approval rating in the performance of Congress determined by various polls. They are right—we need to do more for the American people. I hope we can reverse this downward trend in our approval by tackling the critical national security challenges facing this country in an efficient and effective manner.

I look forward to working with Senator LEVIN to pass this bill as quickly as possible and get it into law for the benefit of our military and our country. I would ask our colleagues—as we usually do—to get their amendments to us so we can have them considered and have as prompt action as possible on them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me thank my friend from Arizona for his great work on this bill and the way in which he and our members, our brothers and sisters on the committee, including the Presiding Officer, worked so well together on a bipartisan basis and the way our staffs worked together. We are now in a position where we can consider amendments, as the Senator from Arizona said, pending the receipt of amendments for our consideration.

I yield the floor.

Mr. MCCAIN. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the McCain-Levin amendment No. 1092.

Mr. MCCAIN. I think that is the Levin-McCain amendment.

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. I would like to discuss that amendment. This amendment is a result of the effort made by our committee staff and other members of the committee to identify a very serious problem that can affect our Nation's security; that is, the counterfeiting of critical components that end up in our defense systems—in some cases, helicopters; in some cases, aircraft; in some cases, missiles—literally every high-tech aspect of our Nation's defense systems.

We traced, in hearings under Senator LEVIN's leadership, the way in which, through different shell companies, these parts that originate in China that are counterfeit end up, through various establishments and then by our major parts suppliers, in our weapons systems. There already have been occasions where there have been system failures, and there have also been situations which have inhibited or reduced readiness and further capabilities. So far, thank God, it has not resulted in any casualties or deaths, but there is very little doubt that this counterfeiting poses a serious threat. According to our findings, some 70 percent of these counterfeit parts come from China.

It has to be stopped. We don't know, to tell my colleagues the truth, if all the parts of this amendment will stop it because it is a huge money-making business, but I think this initial amendment will move us in the right direction to try to bring at least under some control the flow of these counterfeit parts into our Nation's defense.

So I hope that with the help of my colleagues we could adopt this amendment as rapidly as possible and move on to the next one. I know of no one who objects to it. I know there are other members of the committee who were involved in the examination of this situation, and perhaps they would like to come and speak on it. But I would recommend to the chairman that we move on this amendment as quickly as possible.

Mr. LEVIN. Madam President, I thank the Senator from Arizona. I very briefly described this amendment before, but I will take a few minutes now to describe it in some greater length because it is very significant. It is going to totally change the way we buy replacement parts for our weapons systems to avoid the absurdity that we have so many counterfeit parts, including used parts, where we need new parts on these weapons systems.

The investigative staff of our committee looked at just a slice of the Defense chain for getting replacement parts. In that one slice of that supply chain, they identified 1,800 examples of where counterfeit parts were in our weapons systems. There were 1,800 different examples, but they involve millions of parts.

What happens here is that these used computers that originate from China, which are called e-waste, are sent back to China where they are pulled apart. The electronic parts are then washed, frequently in a stream—and there are pictures of these parts being washed in streams—dried out in the open, and then they go mainly to one place in China, Shantou. The surfaces of these parts are then sanded down, new surfaces are put on them, and a number is placed on them to make them look like new parts. Then, those parts, through various ways, get into the supply chain. That is what we have to stop.

This is dangerous for our troops. It jeopardizes their missions. We believe we are losing approximately 11,000 American jobs that would be making these parts if they weren't counterfeited overseas. That is just one estimate by the Semiconductor Industry Association. Our semiconductor manufacturers suffer about $7.5 billion in lost revenue. So there is a safety issue and a mission threat issue here, first and foremost, but this is also an unnecessary and unfair blow to the American economy and to American jobs.

This is what this amendment does. We are requiring the Secretary of Homeland Security to establish a program of enhanced inspection of electronic parts imported from any country that is determined by the Secretary of Defense to be a significant source of counterfeit parts in the DOD supply chain.

This amendment requires the Department of Defense and its suppliers to purchase electronic parts from original equipment manufacturers and their authorized dealers, or from trusted suppliers who meet established standards for detecting and avoiding counterfeit parts. It establishes requirements for notification, inspection, testing, and authentication of electronic parts that are not available from such suppliers.

It requires the Department of Defense and DOD contractors who become aware of counterfeit parts in the supply chain to provide written notification to the Department of Defense inspector general, the contracting officer, and the Government-Industry Data Exchange Program—GIDEP—or a similar program designated by the Secretary of Defense.

The amendment would authorize Customs to share information with original component manufacturers from electronic parts inspected at the border to the extent needed to determine whether an item is a counterfeit.

It requires large Department of Defense contractors to establish systems for detecting and avoiding counterfeit parts in their supply chains, and it authorizes the reduction of contract payments to contractors who fail to develop adequate systems.

The amendment requires the Department of Defense to adopt policies and procedures for detecting and avoiding counterfeit parts in its own direct purchases, and for assessing and acting upon reports of counterfeit parts from Department of Defense officials and DOD contractors.

The amendment authorizes the suspension and debarment of contractors who repeatedly fail to detect and avoid counterfeit parts or otherwise fail to exercise due diligence in the detection and avoidance of counterfeit parts.

The amendment also includes a bill Senator WHITEHOUSE introduced that was passed out of the Judiciary Committee to toughen criminal sentences for counterfeiting military goods or services.

Finally, the amendment requires the Department of Defense to define the term ''counterfeit part'' which is a critical and long overdue step toward getting a handle on the problem.

We also make it clear that it is the supplier of the counterfeit part who is going to pay for its replacement, and not the taxpayers of the United States.

This amendment touches the jurisdiction of two or three other committees, so we have sent this amendment to the other committees to try to clear this amendment. The Judiciary Committee is one, and I think Homeland Security is another, and I believe the Finance Committee is the third. We are hoping we can get prompt, positive response, but obviously we want to make sure those other committees are consulted and that they concur. If not, we would have to then make changes in the amendment, probably, in order to accommodate what those concerns are. But there are some jurisdictional issues here which we are currently working out.

I had an opportunity this morning, with Senator MCCAIN, to talk to Senator LEAHY, who was before our committee introducing a nominee, to alert him to the fact that we had this amendment which touched on the jurisdiction of his committee. I hope by now the language of the amendment has been shared with the staffs of those three committees—and I think I have them all—but we intend to do exactly that.

Mr. MCCAIN. Madam President, will the Senator yield for a question?

Mr. LEVIN. Surely.

Mr. MCCAIN. Is it not also true that as the Senator mentioned, and I wish to emphasize, that Senator WHITEHOUSE's Combating Counterfeiting Military Act is a part of this bill, so that would hopefully satisfy at least the Judiciary Committee? I see the distinguished Senator from Iowa here. He does not intend to address this issue, but I hope we can get the committees of jurisdiction involved in this as quickly as possible. I think this is an issue we should not delay too much longer.

Mr. LEVIN. Well, we do need to consult with those committees. That is underway. I am hopeful the committees and their leaders will take a prompt look at this and see if there is any problem with the language from the perspective of their committees.

Mr. MCCAIN. If the chairman will further yield briefly, so we will not voice vote this until we get the signoff of the relevant committees; is that correct?

Mr. LEVIN. That is correct.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

CONSTITUTIONALITY OF PPACA

Mr. GRASSLEY. Mr. President, I am pleased the Supreme Court has agreed to hear the arguments in three cases challenging the constitutionality of the health care reform law Congress passed 2 years ago. I appreciate that the Obama administration asked the Supreme Court to hear this question. In light of the importance of these cases, I have written to Chief Justice Roberts asking him to provide live audio and video coverage of the oral arguments.

The constitutionality of the health care law was the subject of a hearing in the Judiciary Committee last February. Regrettably, the Judiciary Committee would not hold such a hearing until after the bill became law. Those who voted for that law should have given these constitutional questions more attention before they voted for the bill. Today I wish to discuss the issues that are presented in the cases, focusing primarily on the constitutionality of the individual mandate and another recent appellate court ruling on that topic.

When Congress passed this law last year, we were told it would be very popular and truly and clearly constitutional. Neither is true. Polls show that the law remains unpopular. The law's individual mandate provision requires nearly all Americans who do not otherwise have health insurance to purchase such insurance or to pay a monetary penalty. That provision also raises serious constitutional questions about the scope of congressional power to regulate interstate commerce.

Normally, the Supreme Court grants only 1 hour for oral argument. Here, the constitutional questions associated with the bill are so difficult that the Supreme Court has decided to devote 5½ hours to oral argument. The answers to the questions are not clear. Besides considering the commerce clause question, the Court will also hear oral arguments on three other questions. The first is severability: Will the remainder of the law stand if the individual mandate is struck down? Normally, the Court does not even consider severability until it has decided that a part of a statute is, in fact, unconstitutional. The fact that at least four Justices have voted to hear arguments on this question should cause uneasiness among those who are confident that the law is constitutional. The second issue is the constitutionality of the law's expansion of the Medicaid Program upon the States. The third is whether procedurally the law can be challenged in the courts before it actually takes effect.

There is always the possibility that after all the briefs, all the arguments, and all the public expectations, the Supreme Court will finally resolve whether the health care law is, in fact, constitutional. Conversely, the Court could determine that it is too soon for it to rule on the issue because the law hasn't fully gone into effect.

Before the Supreme Court agreed to hear these cases, the U.S. Court of Appeals for the DC Circuit ruled that the individual mandate was within the constitutional power to regulate interstate commerce. That court concluded that this result followed from existing Supreme Court decisions. It also ruled that Congress could, therefore, require private individuals to purchase any product that Congress chose. The majority opinion was written by Judge Laurence Silberman.

I respect Judge Silberman, but I strongly dispute his ruling and I wish to take this opportunity to outline my disagreements with Judge Silberman.

I think Judge Silberman has selectively read Supreme Court decisions. For instance, he noted that no Supreme Court has ever held the commerce clause authority is limited to people who are currently engaging in an activity that involves interstate commerce, but it is equally true that no Supreme Court case has ever held that the commerce clause covers people who are not engaging in an activity and may never do so in the future. It is not clear why Judge Silberman focused only on the first formulation and did not consider the second. This omission is even more peculiar when compounded by his omission of the Supreme Court's repeated skepticism of congressional claims that it can exercise a power that it never before discovered in more than 200 years of our constitutional history. The Court has always been wary when a new power is claimed.

Judge Silberman recognized that the power claimed here to require that the purchase of a product or service is novel, but he did not continue with the next step that the Supreme Court

would have taken. Instead, the judge concluded that the argument against the power was equally novel.

I think it is common sense no one would have made such an argument if Congress had not claimed this power. For instance, when the Supreme Court in the Plaut case ruled that Congress could not reinstate a statute of limitations once it had expired, it pointed out that Congress had never done that. It did not belittle the argument against the practice by characterizing it, as Judge Silberman did, as novel. In fact, the argument against the novel claimed power won.

Judge Silberman stated that Congress cannot regulate noneconomic behavior based on a weak link to interstate commerce. He ruled that Congress cannot regulate intrastate economic activity that in the aggregate does not substantially affect interstate commerce. Agreeing with Judge Silberman, so far so good. But then he found that decisions whether to purchase health insurance do affect interstate commerce. However, the Supreme Court has never ruled that Congress can regulate decisions—in other words, thoughts—on whether to purchase a good or service. The Court for decades has referred to the power of Congress to regulate activities that affect interstate commerce.

Since Congress cannot regulate noneconomic activities or intrastate economic activities that have no combined effect on commerce, then it follows naturally that Congress cannot regulate at all inactivity—such as refraining from buying a product.

Judge Silberman considered the ''activity'' argument and, in my mind, he repeated an earlier error. He concluded that no Supreme Court case had ever said that existing activity was necessary for Congress to exercise its power to regulate interstate commerce.

But it is just as true that many Supreme Court cases have described the kinds of activities Congress may regulate under the commerce clause. Judge Silberman could have as accurately found that no Supreme Court case has ever held that Congress has the power to regulate commerce in the absence of an activity.

Another way Judge Silberman selectively read the Supreme Court precedents is that he could have struck down the individual mandate consistent with all Supreme Court precedents.

This point was confirmed in the Judiciary Committee hearing we held in February. I asked the witnesses whether the Supreme Court could strike down the individual mandate without overruling any of these precedents. The Republicans' witnesses both responded that the Court could do so. The Democrats' witnesses identified no cases that would have to be overturned. So not only is the individual mandate unconstitutional, but the Supreme Court could strike it down without overturning any of its precedents.

Judge Silberman disagreed. He said the mandate here is close to the facts of Wickard v. Filburn, a famous 1942 Supreme Court decision that broadly read the powers of Congress to regulate interstate commerce. The Court then upheld the second Agricultural Adjustment Act. Under that law, a farmer could be penalized for growing wheat on his own farm even for the use of his own family and livestock. He could not grow that wheat if he exceeded his wheat quota. The homegrown wheat substituted for the wheat the farmer otherwise would have had to purchase on the open market, so the Court concluded that would depress the price of wheat when combined with the actions of similar farmers all across the country. So, obviously, in Filburn, that farmer affected interstate commerce. That may not make sense to us today, but it made sense in 1942, and it is still a precedent.

Judge Silberman, however, ruled that the regulation at issue in that case is very similar to the individual mandate, which is an inactivity if you decide not to purchase it, and that any activity involved in the Wickard case was incidental to simply owning a farm.

I take issue with that. The Wickard case differs conceptually from the individual mandate. Farmer Filburn, in 1942, could avoid the regulation by ceasing to farm, by no longer engaging in the regulated activity. In fact, that is true in all of the cases Judge Silberman cited. A person can avoid laws penalizing cultivation of marijuana by not cultivating marijuana. A person can avoid laws criminalizing child pornography by not downloading child pornography. A person can avoid public accommodation regulations by not operating a public accommodation. Those are activities Congress can constitutionally regulate under the commerce clause.

But that is not the case with the individual mandate. You cannot avoid being subject to that mandate. If you exist, if you are alive, an individual in this country, you are regulated. And, of course, that is not the situation with respect to any other decisions Judge Silberman cited. It is why he is, respectfully, wrong to find that the infringements on liberty are the same in those cases as they are in the individual mandate. The liberty of avoiding the regulation was preserved in the laws at issue in those cases. Liberty would prevail because you did not have to abide by the law if you were not in that business, but not so with the individual mandate under the health care reform bill.

Moreover, I disagree with Judge Silberman's assertion that it is for political reasons and not constitutional ones that it took until 2010 for Congress to conclude that the Constitution allows it to force people to buy goods or services. If this power truly existed, Congress would have exercised it frequently and long ago.

Why would Congress pass tax incentives to encourage people to buy hybrids if Congress could simply order you or anybody else to buy hybrids? Why would Congress give strong incentives for farmers not to grow wheat so as to keep the price up when it could force people—the consumer—simply to buy wheat? Why could it not raise the price of beef by requiring vegetarians to purchase it, so long as it did not require them to eat that beef? Why would Congress take the political heat for raising taxes when it could order some people to pay third parties for goods and services?

Even more sinister, Members of Congress could use this supposed power under the commerce clause to entrench ourselves in office. Congress could require that the goods and services Americans must purchase be limited to those providers who contribute to the political party of the Members. Or it could prohibit purchases from those providers who contribute to the other political party. It could require people to buy houses or cars or other products in areas where that political party has its base of support. Sounds a little bit like Mussolini's Italy, doesn't it?

Before the Supreme Court's Lopez decision, there were people who believed Wickard v. Filburn, since 1942, gave Congress the ability to regulate anything Congress chose to regulate. Then, in the Lopez case, the Supreme Court ruled that the commerce clause did not permit Congress to regulate the possession of handguns near schools. At the time, there was widespread fear among liberals that the power of Congress to regulate interstate commerce would be jeopardized. Those fears did not materialize. Similarly, today, people such as Judge Silberman again believe that Wickard v. Filburn gives Congress the ability to regulate nearly anything it chooses and, therefore, the individual mandate must be upheld. I do not agree.

Where I give Judge Silberman credit—and if you knew the man, you would know this is his character—is in his intellectual honesty. Unlike the Obama administration, Judge Silberman recognizes the truth. If Congress can force people to buy health insurance, he admits, it can force people to buy any goods or services. It can regulate inactivity because it can affect interstate commerce. This is consistent with the opinion of the Congressional Budget Office, which wrote in a 1994 memorandum that ''a mandate-issuing government'' could lead ''[i]n the extreme'' to ''a command economy, in which the President and the Congress dictated how much each individual and family spent on all goods and services. . . . '' That is not the America our Constitution writers envisioned.

At the oral arguments in the DC Circuit, the judges asked the Obama administration lawyer if Congress could require Americans to buy broccoli, or to buy cars to keep General Motors in business, or to set up mandatory retirement accounts in place of Social

Security. The lawyer weaseled an answer, saying that ''It would depend.'' That is not a principled position on the nature of the supposed powers of Congress, which has no limit.

Judge Silberman is a former Ambassador to what used to be Yugoslavia. He understands the difference between a command economy and a free market economy. What his decision implicitly states is that Wickard v. Filburn permits Congress to enact a command economy with no individual economic freedom whatsoever. But our Constitution provides protections for private property and for contracts. It establishes some form of a free market system. Judge Silberman's interpretation may imply that Wickard v. Filburn was wrongly decided and should be overturned, but I do not believe it is necessary to overrule that decision, any more than it was necessary to reverse the Filburn case when they decided the Lopez case.

Apart from cases, we need to go back to the basics. We should consider first principles in evaluating the constitutionality of the individual mandate in the health care reform bill. The people are sovereign in our country. The government serves the people, not the other way around. That is enforced through our Constitution. And that Constitution gives Congress just limited powers.

In the Federalist Papers, James Madison wrote that the powers of the Federal Government are few and are defined, and the powers of the States are many and are undefined. Although there is much more interstate commerce in today's economy than there was in 1787, the power is still limited. If Congress can require Americans to purchase goods and services that Congress chooses, without a limiting principle, then there is no limited Federal Government. There would be no issue that Congress could not address at the Federal level. There would be no range of State powers that the Federal Government cannot usurp. And there would be no individual economic autonomy that the Federal Government must respect. Surely, the Constitution would not have been ratified if Americans had understood it to permit such a result.

The upcoming Supreme Court decisions on the constitutionality of the individual mandate are important, not only for the fate of that provision but for their effect on the powers of the Federal Government and for the very survival of individual economic activity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1084

Mr. KIRK. Mr. President, I wish to speak on the pending amendment. I rise in support of the Kirk-Manchin-Heller and Blunt amendment regarding Iran. What we know with regard to Iran is that they have persecuted 330,000 Baha'is in their country, registered their houses, kicked their kids out of university, made sure that they can do no business with the Iranian Government.

We know Iran is the chief sponsor of the terrorist group Hezbollah that has had a grip on southern Lebanon. We know Iran jumped the Shiite divide to also support the terrorist group called Hamas in the Sunni community.

We know Iran has been a state sponsor of terror as certified by Presidents Carter, Reagan, Bush, Clinton, Bush, and Obama.

We know Iran recently sentenced an Iranian actress to 90 lashes for appearing in an Australian movie without a headdress.

We know Iran recently arrested 70 of its fashion designers, for crimes I cannot even imagine that they would have committed.

But, most importantly, we know the International Atomic Energy Agency has certified that now Iran has enriched uranium far beyond what it needs to run a civilian reactor program; that Iranian military personnel have been involved in acquiring information on the design of nuclear weapons; that the Iranians are working on the details of a warhead for their Shahab-3 missile that fits all of the profiles of a nuclear weapon.

Finally, we know, according to the Attorney General of the United States, Eric Holder, that Iran and its Iranian Revolutionary Guards Quds force established a bomb plot with the Mexican cartel, the Zetas, to blow up a Georgetown restaurant, to kill a number of Americans, even talked about possibly killing Senators, in an effort to assassinate the Saudi Arabian Ambassador to the United States here in Washington, DC.

I think it is clear with this bipartisan amendment that we all recognize we are at a turning point and that we need new sanctions against Iran. Without crippling sanctions, I believe we have then turned the international community on the path toward war, likely between Iran and our allies, in Israel.

This would cause a needless loss of life. It would lead to higher energy prices for the West, an increase in instability in Europe when we can least afford it. Therefore, we need to level crippling sanctions, especially against the Iranian center of gravity, the Central Bank of Iran.

The Central Bank of Iran is the principal funder of the Ahmadinejad regime itself. It is probably the source of funds so substantially provided to terrorist groups by Iran to Hamas and Hezbollah. It is the Central Bank of Iran that is supporting operations in Afghanistan and Iraq against our allies there.

It is the Central Bank of Iran that is the principal underlying financial support for the Iranian nuclear program, and the Central Bank of Iran that is the paymaster for the Iranian Revolutionary Guards force, especially their Quds force. Likely the money that was planned for the Zetas to carry out the bomb plot in Washington, DC, had its origin point with the Central Bank of Iran.

That is why 92 Senators, Republicans and Democrats, despite these partisan times, have joined to say we should level this crippling sanction against the Central Bank of Iran.

I thank the 92 Senators who signed the Schumer-Kirk letter. Indications are that the Obama administration is going to take further actions on the Central Bank of Iran. This amendment lays out the full roadmap for what we should do.

What does the amendment do? It is patterned after the bipartisan amendment adopted under the authorship of Democratic California Congressman HOWARD BERMAN, unanimously adopted in the House Foreign Affairs Committee, that says for any business, if you do business with the Central Bank of Iran, you cannot do business with the United States of America.

We know that world financial arrangements and especially oil markets are complicated instruments, so under this bipartisan amendment we have a 180-day timeclock to make sure that especially key allies and friends of the United States can unhook from Iranian oil and the financial ties that bind them to Iran. This is particularly important for Turkey, for Sri Lanka, for Italy, and for Greece, who would all use that time under this amendment to unhook from Iran.

In this, I think we are going to have a very willing partner in the Government of Saudi Arabia, recently obviously focused on, because the Iranians tried to kill their Ambassador to the United States. I will be meeting with that Ambassador tomorrow. I think this amendment lays the groundwork not just to work with Israel, not just to work with Saudi Arabia, but our allies, to collapse the Central Bank.

Without action, I think we turn the Middle East and especially the Persian Gulf toward war. That is why we should take every nonmilitary action possible to avoid that conflict, to collapse the Central Bank of Iran.

There are a number of bipartisan heroes in this story—Senator LIEBERMAN, who has been a key actor on these issues and a partner with me on many of these issues; Senator GILLIBRAND also who has helped out; obviously Senator SCHUMER, who was the coauthor of the 92-Senator letter on the Central Bank of Iran; Senator MENENDEZ, who also has an outstanding idea on creating an Iranian oil-free zone; and obviously my bipartisan partner on this and best friend in the Senate, Senator MANCHIN, who joined me on this effort.

Together, we can have a clear statement about what has happened with the IAEA and the Iranian nuclear program, with their record on human rights, with their record on support for terrorism and, most importantly, according to the Attorney General, with a brazen attempt to attack the United States directly with this bomb plot.

I urge Members of this Chamber to vote for this amendment, which is now pending to the National Defense Authorization Act, because it puts a clear statement forward, levels the toughest nonmilitary sanction we had, helps reduce the chance for war or market and oil instability and higher prices, and has such a strong bipartisan pedigree behind it.

I yield the floor.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. AYOTTE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, as a member of the Senate Armed Services Committee and as the ranking member of the Readiness Subcommittee, I wish to speak for a few moments and comment on the National Defense Authorization Act.

I will begin by thanking the majority leader for honoring his commitment to bring the National Defense Authorization Act to the floor for debate, amendment, and passage. As Leader REID pointed out this morning, this would have been the first time in a half century in which we would not have passed a national defense authorization bill. In the midst of two wars, with our brave sons and daughters and husbands and wives fighting in Iraq and Afghanistan, with our country facing a serious threat from radical Islamist terrorists, that would have been unacceptable.

I very much thank Chairman LEVIN and Ranking Member MCCAIN for their leadership. In this era that has been characterized by gridlock and partisanship in Washington, the Armed Services Committee has represented a welcome exception. The Senate Armed Services Committee has a long-enjoyed, well-deserved reputation for professionalism and bipartisanship as we work across party lines to support our troops and their families who sacrifice so much for our country to keep us safe.

This bipartisan spirit is reflected by the fact that the Armed Services Committee unanimously reported the initial Defense authorization bill out of committee this summer, and did so again this week, after reducing the authorization levels consistent with the requirements we need to meet, in light of the fiscal crisis our country faces, and after revising the detainee compromise to take into consideration some of the administration's concerns.

This year, once again, the quality of Senator LEVIN's and Senator MCCAIN's leadership is reflected in the quality of the legislation the Armed Services Committee has produced. This bill will ensure that our war fighters have what they need to accomplish their missions, protect themselves, and defend our country.

I am especially proud of the work of the Readiness Subcommittee. It has been a pleasure to work with Chairman MCCASKILL. Our committee made significant, well-informed reductions that achieve taxpayer savings without endangering our military readiness.

However, going forward, I wish to raise one issue. We have to guard against excessive cuts to our readiness accounts that will leave our troops and our Nation less prepared for future contingencies. In light of the supercommittee meeting in Washington, we have to come to an agreement to avoid what Secretary Panetta has described as catastrophic and a deep concern for our national security if those sequestration cuts occur.

I am particularly pleased key provisions of the Brown-Ayotte ''no contracting with the enemy'' legislation are included in the bill. This provision will make it easier for the Defense Department, contracting officials in Central Command area operations, to void contracts with contractors that, unfortunately, in some instances, have funneled taxpayer dollars to our enemies.

Let me conclude by saying that, again, I very much appreciate the leadership and bipartisan nature of the work done on the Armed Services Committee. This is a very important bill that I am very glad we are going to take up and fully debate in the Senate. I certainly urge my colleagues to pass this bill.

AMENDMENT NO. 1065

Ms. AYOTTE. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 1065.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Ms. AYOTTE], for herself, Mr. MCCAIN, and Mr. REED, proposes an amendment numbered 1065.

Ms. AYOTTE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Relating to the force structure for strategic airlift aircraft)

At the end of subtitle C of title I, add the following:

SEC. 136. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE.

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking ''October 1, 2009'' and inserting ''October 1, 2011''; and

(2) by striking ''316 aircraft'' and inserting ''301 aircraft''.

Ms. AYOTTE. Mr. President, the amendment I have just offered to the Defense authorization bill is an amendment that Senator REED from Rhode Island is joining me in sponsoring.

The amendment itself would allow the Air Force to reduce its strategic airlift aircraft inventory to what they need to meet our readiness needs. It would save $1.2 billion of taxpayer money in the next few years, without compromising the readiness we need to protect our Nation.

Our Nation's strategic air fleet provides global air mobility to the U.S. military. As GEN Raymond Johns, commander of the Air Force Air Mobility Command, said in his statement in a hearing before the Armed Services Committee, where we had this amendment addressed:

The strategic airlift is a national asset allowing America to deliver hope, to fuel the fight, and to save lives anywhere in the world within hours of getting the call.

In order to meet this need, the United States uses C–5s and C–17s as their strategic airlift capability, and current Federal law sets the Air Force's minimum number of strategic aircraft at 316. However, the Air Force and the administration—when the Department of Defense submitted their budget request, they made very clear that we don't need to keep the minimum requirement at 316 to meet the needs of our country; that only a minimum requirement of 301 aircraft are needed to meet the strategic airlift capacity requirements of our country. The requirement to maintain the bottom-line limit of 316 is a situation where Congress is requiring the Air Force to maintain planes it does not need to protect the readiness of our country. So it was the Air Force that wanted this amendment to be brought forward to ensure we can save taxpayer dollars—over $1 billion.

This is very important at a time when we are asking our military, as a result of the Budget Control Act, over the next 10 years, to reduce spending by close to $450 billion. So they have to look at areas where we are spending money we don't need or where we are maintaining assets we do not need to meet our readiness.

That is why I brought this amendment forward. It is a commonsense amendment that I am so pleased Senator REED has joined me on. I hope my colleagues will support it in this time of great fiscal challenges. But the need remains ever present to protect our national security against those who would want to harm Americans and our allies for what we believe in.

We have to allow the Air Force and our Armed Forces to make sensible decisions on where they need to put resources to protect our country. That is what this amendment does. I will say we had a full hearing in the subcommittee of the Armed Services Committee on the strategic airlift aircraft requirement. The military testified uniformly that reducing the number of the strategic airlift from 316 to 301 would put us in a very strong position to meet every contingency that we can anticipate going forward, including multiple contingencies around the world, as well as homeland events.

This area has been studied very carefully. It will allow us to continue to

protect our country, but again, will save $1.2 billion in taxpayer money over the next few years.

I urge my colleagues to support this amendment.

Mr. MCCAIN. Will the Senator yield for a question?

Ms. AYOTTE. I will yield to the Senator.

Mr. MCCAIN. Is it correct that the U.S. Air Force not only supports this but considers it one of their very high priorities?

Ms. AYOTTE. Yes, this is a very high priority of the Air Force, because in this difficult time when they are making reductions, this is an area where they can meet our national security needs. Yet Congress has actually asked the Air Force to maintain more planes than it needs. So this is a commonsense provision that is very important to our Air Force.

Mr. MCCAIN. In these times of very difficult budgetary decisions that are having to be made, is it not true also the President's budget in 2011 had included a plan to retire 17 C–5As in 2011 and 5 in 2012?

Ms. AYOTTE. Yes. Actually, this amendment I am bringing forward is consistent with the administration's budget request they submitted for the Congress's consideration. So this is a situation where, after a careful hearing we had before a subcommittee of the Armed Services Committee, and after the administration had submitted its request, and after the Air Force asked for this, it makes complete sense that we would allow them to reduce this strategic airlift capacity.

Mr. MCCAIN. May I ask if any State where these aircraft are presently stationed would lose that mission or whether the older C–5s would convert to new C–17s? Is that pretty much the conclusion the Senator would draw from the Air Force plan?

Ms. AYOTTE. This is not going to be a diminishment for States. This is just going to be a right-sizing of the fleet.

What I am concerned about is if we don't pass amendments such as this, where the administration has asked for it, where all of the data supports that we don't need to keep the level at 316, and where we can save $1.2 billion by doing it, how can we then ask our military to make significant reductions if we don't allow them to take such commonsense action such as this?

Mr. MCCAIN. I thank the Senator from New Hampshire, and I hope we can dispose of this amendment. I don't know if a recorded vote would be required by any of the Members, but I hope we can voice vote it.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank the Senator from New Hampshire for not only her comments about the committee work and myself and Senator MCCAIN personally, but I want to tell her, and tell anyone within the sound of my voice, what a valuable member of our committee she is. She is someone who is there all the time, and I very much value the input she gives to us because of her regular presence at our hearings and our meetings. So I thank her for that as well as her comments.

I also thank her for this amendment. It is a good amendment. I understand from my staff, and from what the Senator said as well, there was a hearing held specifically on this subject, and that Senator REED, as chairman, made a commitment to hold that hearing, as I understand it. He is a cosponsor of the amendment of Senator AYOTTE. As far as I can see, it is a good amendment, a sound amendment, and it does what Senator MCCAIN said, as well as what the Senator from New Hampshire has said. It avoids spending money on something we can't afford to spend money on.

I don't know of any objection on this side, and I support the amendment.

Ms. AYOTTE. I thank the Senator.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Arizona.

Mr. MCCAIN. Is it true we are trying to clear the amendment on both sides at the moment?

Mr. LEVIN. I don't know of an objection on this side. As far as I am concerned, if there is no further debate, the Presiding Officer can put the question.

Mr. MCCAIN. I ask the Chair to put it to a vote.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1065) was agreed to.

Ms. AYOTTE. I thank the chairman.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank the chairman, Senator LEVIN, and the ranking member, Senator MCCAIN, for the immensely important work they have done on the bill we are considering, S. 1867, the National Defense Authorization Act. It is a massively important bill, a big bill, and I want to focus on one part of it—a seemingly small section but a vitally important provision of the bill—that enables our Department of Defense to more effectively counter improvised explosive devices, known as IEDs, which have been a major source of attacks against United States and coalition forces in the wars of Iraq and Afghanistan and threaten not only our troops there but all around the world as well as our coalition partners.

I thank particularly one of my colleagues, Senator BOB CASEY, who has been a champion of these efforts against the IEDs or roadside bombs for some time. He has been a relentless and tireless leader in this effort and has included me and others, and I am proud to join him in seeking more effective measures.

This summer saw the highest volume of IED incidents ever recorded in Operation Enduring Freedom, approximately 1,800 a month. That is a staggering and alarming number, and they continue. These devices are deadly and devastating, killing and maiming our troops and causing loss of limbs, traumatic brain injury, posttraumatic stress, and other horrific injuries that are the signature wounds of the ongoing wars. In fact, roadside bombs cause 60 percent of all casualties in Afghanistan. They are the hidden killers in this war.

I speak with the urgency of an elected official whose State citizens are at risk and who are returning with these signature wounds of war and whose lives and limbs can be preserved if we act effectively. I speak as a citizen who has visited the hospitals and the troops who have come back. We have all visited our constituents and their families, their loved ones, their friends and neighbors who have been victims of these terrible weapons of destruction.

Most IEDs in Afghanistan, in fact more than 80 percent, are made with materials originating in Pakistan. There is no magic bullet or panacea to solving this problem or addressing the challenge. It will take a comprehensive fight. Both the provisions contained in the Foreign Operations appropriations bill with regard to Pakistan and the vital force protection equipment in the Defense authorization bill are essential to shutting down the sources of bomb-making materials in Pakistan. They include steps to interdict bomb-making materials at the border and to provide the armor and force protection against the IED threat.

Roadside bombs in Afghanistan are typically made with calcium ammonium nitrate, a very common fertilizer. It is a seemingly innocent product but capable of detonation when processed and packaged in these roadside bombs and then placed in areas where our troops go. This fertilizer from Pakistan accounts for more than 80 percent of the IEDs in Afghanistan. Every day bags of this fertilizer are smuggled to Afghanistan from Pakistan, sometimes hidden in the convoys of goods that cross the open 1,500-mile border. The fertilizer pellets are boiled down and the material is put in a package or container with an explosive detonator that is often linked to a simple trigger system—something such as a tripwire buried in the sand awaiting the tire of a passing vehicle or the foot of an American soldier on patrol. At this moment, thousands of our soldiers and Marines have been injured. Thousands of these bombs are buried in Afghanistan soil and, sadly, many more will be planted in the coming weeks and months.

Again, my colleague from Pennsylvania, Senator CASEY, has been a leader in the Senate and, indeed, led a bipartisan group of Senators, including

myself, in writing to the Secretary of State to request a greater diplomatic effort by our government to encourage Pakistan to stem the flow of bomb-making materials into Afghanistan. Then, in August, we went on an official trip, a CODEL, to take the message straight to the Government of Pakistan. We met with the most senior leaders of Pakistan and we urged stronger action against the misuse of everyday materials by terrorist groups in making the bombs that kill and maim our troops in Afghanistan. We took this message to officials of Pakistan at the highest level, and they responded with a plan that is supposedly being implemented.

The fact is, stronger measures are needed. We need a crackdown and a shutdown on the bomb-making materials, the fertilizer, and the calcium ammonium nitrate that is transported and smuggled across the border so that it can be made into bombs and maim and kill troops from Connecticut and from across the country—troops who are innocent victims—and the people of Pakistan and Afghanistan themselves who have become victims.

We saw firsthand how our troops seek to protect themselves from these IEDs. In fact, at a sand-swept compound in Helmand Province in Afghanistan our congressional delegation saw the most common types of protective practices and devices, including how our soldiers and marines wear body armor, lie face down in the dirt and drag a 10-foot pole with a hook on the end on the ground to look for the telltale signs of an IED. Other measures range from the use of dogs that sniff out bombs to huge armor vehicles and more advanced technology. But even with the most effective and advanced means of detection and disarming bombs, body armor is still essential to protecting our troops.

Pakistan's plan to address the IED smuggling supply chain, which is a threat to its own people as well as our soldiers and marines, has yet to prove effective. The plan addresses border security, regulation of fertilizer materials, and promoting public awareness of the threat posed by these IEDs. But we cannot rely on Pakistan's goodwill to ensure this important work is given the priority it requires.

There can be no ambiguity, no doubt, no uncertainty in our relationship with Pakistan, and that is why I support the even stronger measures Senator CASEY has championed in a process he has suggested that would withhold any assistance if verification cannot be accomplished. The Pakistanis need to prove with action, not mere plans or conferences, that they are stemming and stopping the flow of fertilizer. They need to prove more than good will or good intentions but effective action to stem and stop the flow of all of the bomb-making materials across the border.

We also must support efforts by the Department of Defense to procure and deploy body armor and equipment, such as this bill does, that protects all our troops in harm's way. We are all familiar with the force protection development such as enhanced ceramic plates and redesigning vehicles with V-shaped hulls to deflect blast impact. These advances, make no mistake, came at great expense in terms of blood and treasure to our Nation. We learned how to properly equip our troops in some respects for these measures. But even as the end of Operation Enduring Freedom is now in sight, the requirement to develop even better protection continues and it must be relentless and tireless.

We cannot abandon our efforts. We simply cannot abandon this fight to protect our troops in the field. The lessons learned will serve to honor our commitment to ensure that the brave men and women who protect our freedom and protect our safety and security have the best protection we can provide them.

Enhanced ballistic armor, including underwear protection—or blast boxers—are essential to combatting the threat of roadside bombs. When an IED detonates against dismounted troops, it blasts sand and fragments that shred skin, literally tears apart the skin of our troops. Covering their legs and groin area with flexible armor can prevent amputation of a limb or worse.

I have asked and been informed about delivery of this equipment. To date, 165,000 of the tier 1 sets of blast protection have been delivered into theater. The Marine Corps received 15,000 sets of tier 2-level protection, delivered 4 days ahead of schedule. By the middle of next month, the Army will also receive its complete requirement of tier 2-level sets.

This armor was adapted from one of our allies, British forces, and the Army has now established domestic production of the equipment. I am hopeful that additional types of protection will also be processed and produced and sent and I hope it will be expeditiously.

When I learned of this lifesaving equipment and the challenges involved in delivery, I wrote to the Department of Defense urging swift delivery of the body armor. I was joined by colleagues Senators CASEY, BENNET, and WHITEHOUSE. I am hopeful this program will be an example of our body armor procurement system working effectively. I am hopeful it will set an example and provide a model for this body armor being provided expeditiously, as it is needed. I look forward to our passing the Defense authorization bill, which continues these efforts to supply body armor and equipment needed for troops in Afghanistan.

This bill provides also for the equipment needed to interdict IEDs, from the small backpacks carried by our troops to UAVs to giant Buffalo vehicles. Interdiction also requires the right specialized equipment to detect materials to make those IEDs as they are smuggled across the porous Afghan-Pakistan border. This effort also requires training and awareness of both our military personnel and our allies in this fight. As of September 2011, the Afghan border police had 20,852 personnel. This growth is encouraging.

But the border police have problems with endemic corruption, and they are effective only to the extent that our special forces augment this effort. Our special forces, our special operators, should be encouraged and enabled to continue this effort. Interdiction is an integral part to larger efforts to understand battles based in this region. Force alone can't solve this problem. We need better intelligence and the right detection equipment, combined with the efforts of our special forces. It must be truly a comprehensive effort, as the Defense authorization bill clearly recognizes. We need to show all who live on both sides of this border that the cost of supplying the ingredients of these bombs that kill and maim our troops is too high for them, just as it is too high for us to tolerate.

Let me again thank chairman Senator LEVIN and ranking member Senator MCCAIN for their recognition of this problem. Our Nation has spent more than $½ trillion in support of the war in Afghanistan. We have sustained more than 2,800 coalition casualties. An Afghanistan that is stable and self-sufficient certainly is our goal, and it depends upon the tactical success of these efforts.

IEDs remain the weapon of choice of our enemy. Should we not learn to successfully counter the threat of IEDs, we will see this asymmetrical threat repeated on the battlefield, wherever our troops are deployed around the world.

Given the enormity of this challenge, I urge my colleagues to remain committed to this goal, remain true to this strategy, and counter these IEDs. We must authorize both our foreign operations expenses and this bill and I thank my colleagues for their truly bipartisan support of these efforts.

I yield the floor.

Mr. CARDIN. As to the floor privileges, Mr. President, let me just comment how valuable these Navy fellows are in our offices. I am very grateful for LCDR Knisley's service in my office, and I know Senator WICKER feels the same.

LCDR Shane Knisley will be leaving my office next month, and I wish to thank him very much for the service he has provided in the Senate.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. CARDIN. Mr. President, in a moment, I am going to be asking unanimous consent that the Senate take up to confirm the nomination of Ken Kopocis to be Assistant Administrator for the Office of Water for the Environmental Protection Agency.

Before I make that unanimous consent request, I wish to just take a moment to say a few words about this nominee and the process that has taken place in Senate.

I have known Ken Kopocis since I was first elected to Congress in 1986 and have worked personally with him on a number of water-related issues. Ken has extensive background in water policy and legislative issues, having worked at the Congress for 25 years. I worked with him first when I was in the House of Representatives. I know the Presiding Officer also, when he was in the House, remembers the good work Ken did for the House of Representatives. He has now worked, of course, in the Senate.

He has played a role in crafting and defending numerous pieces of environmental legislation, including the Clean Water Act. At a time when there are so many controversial issues concerning water issues in the Congress, I think it is important we have someone at the helm who has the confidence of Senators on both sides of the aisle.

I have the honor of chairing the Subcommittee on Water and Wildlife in the Environment & Public Works Committee. Ken Kopocis enjoys the confidence of all the members of our committee.

When his nomination was considered in the Environment & Public Works Committee back in July—that is when we took it up—Ken was praised by both Republicans and Democrats alike. Most of my colleagues have had the opportunity to work with him, and they are enthusiastic about his credentials and his levelheaded bipartisan approach to every issue.

It is time the Senate take up this confirmation. It is the right thing to do.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 403, 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 the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, reserving the right to object. There are still questions that need to be answered and information that needs to be provided by Mr. Kopocis.

I am concerned about the depth of his past involvement to change the scope of the Clean Water Act beyond congressional intent. To me, this nominee still needs to explain his views on public and stakeholder input on regulations he would be in charge of and explain his understanding—his understanding—of the role of Congress versus the role of the Environmental Protection Agency in terms of who makes the laws in this country.

Until those issues are clarified, I do not believe it is appropriate for this nominee to move forward.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, I ask for regular order.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. CARDIN. Mr. President, I am going to yield the floor in just a moment.

Let me say to my friend from Wyoming, I am going to do my best to make sure the Senator gets all the information he needs. I wish to make sure every Senator has all the information they need. I think this is a very important position to be filled. Mr. Kopocis has the qualifications and confidence. I wish to make sure that is done as quickly as possible. I respect my colleague's views, and I will work to make sure he gets all the information he needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, it is my understanding that the Senator from Colorado, Mr. UDALL, is coming over to propose an amendment and I hope that will happen momentarily and I hope Members will be prepared with other amendments that we can dispose of this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I rise this afternoon in support of the fiscal year 2012 national defense authorization bill.

As ranking member on the Seapower Subcommittee, I wish to thank both Chairman LEVIN and Ranking Member MCCAIN for their leadership. It is somewhat of an achievement in actually getting the bill to the floor at this time, and I appreciate their determination.

As we approach the Thanksgiving holiday next week, I would like to take a moment to honor the men and women of our Armed Forces. We are grateful for their service, and our thoughts and prayers are with those now deployed at sea and ashore. My own State of Mississippi is home to many brave servicemembers. Their sacrifices are matched, of course, by those of their families who have supported them day in and day out as they selflessly serve this country.

As ranking member of the Seapower Subcommittee, I have had the pleasure of working with my friend Senator REED of Rhode Island, who is chairman of that subcommittee. We both worked to ensure that this bill meets a wide range of procurement, sustainment and research and development needs for the Navy and the Marine Corps.

Our deliberations were informed by, among other things, a series of hearings we held that addressed force structure and modernization for the Department of the Navy. This process has resulted in a bill that contains provisions which will deliver important capabilities and support our sailors and marines.

The bill before us is supportive of the President's shipbuilding budget request and contributes to the continued vitality of our shipbuilding industrial base which is very important. At a time when we are concerned about job creation, the last thing we want to do is let our industrial base be chipped away.

The fiscal year 2012 shipbuilding budget funds new construction for various types and classes of ships, including an aircraft carrier, amphibious ships, submarines, and large and small surface combatants, totaling more than $15 billion.

From our discussions during the Seapower Subcommittee meetings, it has become abundantly clear that members are concerned about challenges in maintaining fleet capacity among many classes of ships and the capability gaps that exist that have a real effect on the sailors who crew these ships. From amphibious ships to aircraft carriers to destroyers and to submarines, our Navy must maintain an adequate balance among all classes of ships to ensure our Navy can execute these responsibilities.

Through classified briefings we have received from senior officials in the Navy and in the intelligence community, the Seapower Subcommittee also is well aware of the imminent and emerging threats facing our sea services. America must maintain its capability to project power and uphold our obligations to our friends and allies throughout the world. This means robust investment in seapower, and I am heartened that this bill contains such an investment.

With the Deficit Reduction Committee's recommendations due to Congress in less than 1 week, I know all my colleagues agree that cutting our deficit and reducing our national debt responsibly is a must. Failing to act will put the burden on our children and grandchildren. We must make tough decisions now on spending because our current track is unsustainable.

I hope the Deficit Reduction Committee is able to come to an agreement on spending priorities because the alternative is unacceptable cuts in national defense. We must remember that national defense is solely a Federal responsibility. Failure to reach consensus would have grave consequences for our military. Marine Corps Commandant GEN James Amos cautioned about such cuts earlier this week.

In conclusion, I believe the national defense authorization bill reaffirms our commitment to national security and to our men and women in uniform.

I urge my colleagues to act quickly on this important piece of legislation, and once again I thank and commend my friends, Chairman LEVIN and Ranking Member MCCAIN.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I come to the floor to comment on the NDAA, the bill in front of us today. I want to start my remarks by acknowledging the leadership of Chairman LEVIN and Ranking Member MCCAIN. Under their tutelage and leadership the committee has worked tirelessly to craft a Defense Authorization Act that provides our Armed Forces with the equipment, the services, the training, and the overall support they need to keep us safe while they themselves are being protected. I thank the chairman and ranking member, my colleagues, and, most important, the wonderful staff that works for us for their diligence and dedication to this important work.

I also come to the floor to speak out against a proposed change that I think would alter what has been a very effective set of terrorist detention policies and procedures. I believe to make those changes would complicate our capacity to prosecute the war on terror and call into question the principles we as Americans hold dear.

I filed an amendment, No. 1107, that would take a look at what is proposed in the NDAA. We have a solemn obligation to pass the National Defense Authorization Act. But we also have a solemn obligation to make sure those who are fighting the war on terror have the best, most flexible, most powerful tools possible. I have to say again, and I will say it more than two times in my remarks, I am worried these changes we are about to push through would actually hurt our national security.

I am a proud member of the Senate Armed Services Committee. As I have implied, and I want to be explicit, I understand the importance of this bill. I understand what it does for our military, which is why, in sum, what I am going to propose with my amendment is that we pass the NDAA without these troubling provisions but with a mechanism by which we can consider what is proposed and perhaps at a later date include any applicable changes in the law.

We need to hear from the Department of Defense, our intelligence community, and the administration more broadly on what our men and women in the field actually need to effectively prosecute the war on terror, especially before we change detainee policies that are already working. As I am saying, I have serious concerns about the detainee provisions that have been included in the bill.

In my opinion, and in the opinion of many others—and I will share those opinions and insights with my colleagues—these provisions disrupt the capacity of the executive branch to enforce the law, and they impose unwise and unwarranted restrictions on our ability to aggressively combat international terrorism. In so doing, they inject legal uncertainty and ambiguity that may only complicate the military's operations and detention practices.

I am not the only one who has serious concerns. The Secretary of Defense has urged us to oppose these new provisions. Both chairmen of the Intelligence and Judiciary Committees strongly oppose them. The President's team is recommending a veto. These are people whose opinions should be carefully considered before we put these new proposals into our legal framework.

In the Statement of Administration Policy the White House states:

> We have spent 10 years since September 11, 2001, breaking down the walls between intelligence, military and law enforcement professionals; Congress should not now rebuild those walls and unnecessarily make the job of preventing terrorist attacks more difficult.

Those are striking words that should give us all pause as we face what seems to me a bit of a rush to submit these untested and legally controversial restrictions on our ability to prosecute terrorists.

I ask unanimous consent to have the entire Statement of Administration Policy printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. UDALL of Colorado. Mr. President, these are complex issues that have far-reaching consequences for intelligence, civilian law enforcement agencies, and our intelligence community as they work to keep Americans safe from harm. Despite this fact, the Department of Defense and the national security staff, as far as I know, had little opportunity to review or comment on the final language in the provisions. As a result, these provisions restrained the ''Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.''

That quote comes directly from a letter addressed to the Armed Services Committee from Secretary Panetta. I think we all know that before he held the job he has now, Secretary of Defense, Mr. Panetta, was the Director of the CIA. He very well knows the threats facing our country, and he knows we cannot afford to make mistakes when it comes to keeping our citizens safe.

I also ask unanimous consent that Secretary Panetta's letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. UDALL of Colorado. Mr. President, the provisions I am speaking to are well intended. I have much admiration for my colleagues who propose them, but I think we need to take some more time to consider the ramifications. The United States, our country, can currently choose from several options when prosecuting terrorists. That flexibility has allowed us to try, convict, and imprison hundreds of terrorists, and it allows the government to select the venue that will provide the highest likelihood of obtaining a conviction. The current detention provisions in the bill we are debating would strip away that flexibility and potentially impair our capacity to successfully prosecute and convict terrorists. It is not clear to me why, after 10 years of successfully prosecuting terrorists and preventing another 9/11-like attack, why we would want to limit our options while our enemies are constantly adapting their tactics and expanding their efforts to do us harm.

In a recent op-ed in the Chicago Times, a bipartisan group of three former Federal judges, including William S. Sessions, who was also the appointed Director of the FBI under President Reagan, said it best when describing these provisions:

> Legislation now making its way through Congress would seek to over-militarize America's counterterrorism efforts, effectively making the U.S. military the judge, jury and jailer of terrorism suspects to the exclusion of the FBI and local and State law enforcement agencies. As former Federal judges, we find this prospect deeply disturbing. Not only would such an effort ignore 200 years of legal precedent, it would fly in the face of common sense.

And I ask unanimous consent that op-ed be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. UDALL of Colorado. I also point out these provisions raise serious questions as to who we are as a society and what our Constitution seeks to protect. One section of these provisions, section 1031, could be interpreted as allowing the military to capture and indefinitely detain American citizens on U.S. soil. Section 1031 essentially repeals the Posse Comitatus Act of 1878 by authorizing the military to perform law enforcement functions on American soil. That alone should alarm my colleagues on both sides of the aisle. But there are other problems with these provisions that must be resolved.

These detainee provisions are unnecessary, counterproductive, and potentially harmful to our counterterrorism efforts. I know I have said this a couple of times already, but it feels as though they are being rushed through in a manner that does not serve us well. The Department of Defense has had little input. There have been no hearings. Earlier this week the changes were presented to us in the Armed Services Committee just hours before we were asked to vote on them. These are just too important a set of questions to let them pass without a thorough review and far greater understanding of their

effect on our national security and our fight against terrorism. It feels to this Senator that we are rushing hastily to address a solution in search of a problem. We ought to hear from the Department of Defense, the intelligence community, our colleagues, and other relevant committees before we act. Do we believe this Congress—again, let me underline that after 10 years of successfully prosecuting the war on terror—should substitute its views for that of our Defense, intelligence, and Homeland Security leadership without careful analysis?

I recently received a letter signed by 18 retired military leaders in opposition to these provisions. The letter states that: ''Mandating military custody would undermine legitimate law enforcement and intelligence operations crucial to our security at home and abroad.'' I could not agree more.

I would ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. UDALL of Colorado. We are already trying and convicting terrorists in both civilian courts and under military commissions. The provisions that are in this bill would require the DOD to shift significant resources away from their mission, to act on all the fronts all over the world, and they would become a police force and jailer. This is not what they are good at. This is not what we want them to do. I think it has potentially dangerous consequences because we have limited resources and limited manpower. We would not lose anything by taking a little bit more time to discuss and debate these provisions, but we could do real harm to our national security by allowing this language, unscrutinized, to pass, and that is exactly what our highest ranking national security officers are warning us against doing.

This is a debate we need to have. It is a healthy debate, but we ought to be armed with all of the facts and expertise before we move forward. The least we can do is take our time, be diligent, and hear from those who will be affected by these new limitations on our ability to prosecute terrorists.

It concerns me that we would tell our national security leadership—a bipartisan national security leadership, by the way—that we would not listen to them and that Congress knows better than they do. It doesn't strike me that that is the best way to secure and protect the American people. That is why I have filed amendment No. 1107. I think it is a commonsense alternative that will protect our constitutional principles and beliefs while also allowing us to keep our Nation safe. The amendment has a clear aim, which is to ensure we follow a thorough process and hear all views before rushing forward with new laws that could be harmful to our national security.

What is in the amendment? It is straightforward. Specifically the amendment would require that our Defense, intelligence, and law enforcement agencies report to Congress with recommendations for any additional authorities or flexibility they need in order to detain and prosecute terrorists. In other words, let's not put the cart before the horse or fix something that is not broken. Let's first hear from the stakeholders as to what laws they believe need to be changed to give them better tools to do their job.

My amendment then asks for hearings to be held so we can fully understand the views of respected national security experts. Moreover, it would require input from each of the relevant committees to ensure that we have carefully considered the benefits and consequences of our actions. The chairmen of our Judiciary and Intelligence Committees have deep concerns about the detainee provisions in the pending legislation. And, of course, as we underwent this process, the existing laws that guide our actions today would remain in place. They have been successful.

I see some of my colleagues who I think share my views who have come to the floor. They also made the compelling case that it is a system that is working. Why would we change it without thinking it through? It is straightforward, it is common sense, and it allows us to make sure we will win the war on terror.

Mr. DURBIN. Will the Senator from Colorado yield for a question, through the Chair?

Mr. UDALL of Colorado. Yes.

Mr. DURBIN. I thank the Senator from Colorado for his strong statement and totally support his position. This change in the Defense authorization bill goes beyond a military decision. It goes to the fundamental questions of principles of our Constitution and our body of law. As a member of the Senate Judiciary Committee, I believe this matter should have been considered as well by the Senate Judiciary Committee, and I believe Senator FEINSTEIN has expressed the feeling that it should have been considered as well by the Senate Intelligence Committee.

I wish to use one example to ask the Senator from Colorado a question. When we had the so-called Underwear Bomber, the passenger on a commercial aircraft who tried to detonate a bomb—and thank God was unsuccessful—he was subdued, arrested, and interrogated by the Federal Bureau of Investigation in Detroit. After that investigation was underway—and he surrendered some information—he stopped talking, at which point the FBI investigators read him his Miranda rights.

Then later, working with his parents, he resumed talking to the investigators and literally—according to the FBI—gave a dramatic amount of information helpful to us in keeping America safe and stopping terrorism. He was then prosecuted in the criminal courts of America, article 3 courts, and ultimately, weeks ago, pled guilty.

Mr. MCCAIN. Will the Senator state his question.

Mr. DURBIN. I am going to. I would say to the Senator from Arizona, I think it is important we take some time on this important issue.

Mr. MCCAIN. I would say it is important that all voices be heard.

Mr. DURBIN. Senator MCCAIN, of course, as the ranking member, will have ample opportunity to express his point of view.

What I am asking the Senator from Colorado is this: Taking into consideration the language that is now being presented in this Defense authorization bill, particularly section 1032, it is my understanding the Federal Bureau of Investigation could not have continued their interrogation of this suspected terrorist without first contacting our military and bringing them in to determine whether they had jurisdiction over this matter. In other words, time would have been lost, opportunities would have been lost, information might have been lost by following the new section in the bill.

I am asking the Senator from Colorado if this is a decision which he believes we should make in the haste of a Defense authorization bill or ought to step back and work with the President of the United States, the FBI, the military, and our intelligence forces to make sure we do not lose an opportunity to catch an alleged terrorist, to interrogate them, and to keep this country safe.

Mr. UDALL of Colorado. I thank the Senator from Illinois for his question. My understanding is the Senator from Illinois is correct, that provision 1032 would change the way in which interrogations would unfold. There may be some in the Senate who would see it differently, but that is all the more reason to adopt my amendment, which would allow a thorough process of hearing from the very experts who interrogated the Underwear Bomber and other experts who have been on the front lines in fighting terrorism. We ought to go slow. We should not fix something that is working fine right now.

I thank the Senator for his question.

Mr. DURBIN. If the Senator from Arizona will forgive me, I would ask one more question through the Chair. The question goes back to the point the Senator made: Section 1031, as I understand it, would be a departure from current law and would say that those who are American citizens can be detained indefinitely if they are suspected of certain terrorist conduct. I ask the Senator from Colorado: Is that the point the Senator made in his statement?

Mr. UDALL of Colorado. The Senator from Illinois is correct. Mr. President, 1031 would do just that, and it would come directly at a piece of law, posse comitatus, which dates back to the Civil War, that is held dear by all of us in America because it distinguishes between the military used to protect us

against foreign foes and how we manage our own civil affairs here at home.

Also, as the Senator alludes to, it causes questions to be raised about something that is very sacred in our system of law, which is the writ of habeas corpus. You have to prove why you hold someone. You cannot detain an American citizen indefinitely in any other circumstance.

I thank the Senator for his questions.

Mr. LEVIN. Would the Senator yield for a question?

Mr. UDALL of Colorado. I would be happy to yield for a question.

Mr. LEVIN. We explicitly wrote into this bill the following language: that the procedures providing for the determination that somebody is an Al-Qaida terrorist or related, affiliated one is not required to be implemented until after the conclusion of the interrogation session, which is ongoing at the time the determination is made.

Is the Senator familiar with that language which explicitly says that the President will adopt the procedures—whatever procedures the President determines—to make sure there is no interference with an ongoing interrogation by the civilians as it appears in section 2(c) on page 363? Is the Senator familiar with that?

Mr. UDALL of Colorado. I am familiar with the language in the general way it has been introduced. I would say to the chairman of the Armed Services Committee that we had a chance to review this language starting about 48 hours ago.

One of the reasons I think my amendment is important is it would give those voices, which are being heard more and more as of today, who have concerns with this provision—they are not sure how it applies—that that is all the more reason to slow this down, to keep the existing law in place, and go through a more thorough process to understand the ramifications of the waiver provision and the other provisions the chairman and ranking member——

Mr. LEVIN. Is it not true, however, that the language which is in this bill that I just read clearly provides there will not be any interference with an interrogation session, that those procedures are to be determined by the President, and that it explicitly says there will not be any interference with the interrogation and the procedures will guarantee there will not be? That is the point of this language.

I don't understand how the statement could be made that this language in this bill interferes with the interrogation by civilian authorities and the FBI when the very language here says they will not interfere with that interrogation. I wonder if the Senator could explain to me his agreement with the Senator from Illinois that something in this bill would result in an interference with an interrogation.

Mr. UDALL of Colorado. What I would say to my friend is that just having had an opportunity to review this language in the last 48 hours, I have no question about his intent, but I have heard from people with much greater expertise than I have that there are questions that are still unanswered. Maybe this provision is appropriate and will do what the chairman says it will do. But, again, that is why I think it would be well worth our time to take a further look at what is involved in these provisions.

Mr. LEVIN. I do appreciate the Senator's response. I have one other question, and that has to do with an American citizen who is captured in the United States and the application of the custody pending a Presidential waiver to such a person. I wonder whether the Senator is familiar with the fact that the language which precluded the application of section 1031 to American citizens was in the bill we originally approved in the Armed Services Committee, and the administration asked us to remove the language which says that U.S. citizens and lawful residents would not be subject to this section.

Is the Senator familiar with the fact that it was the administration which asked us to remove the very language which we had in the bill which passed the committee, and that we removed it at the request of the administration that this determination would not apply to U.S. citizens and lawful residents? Is the Senator familiar with the fact that it was the administration which asked us to remove the very language, the absence of which is now objected to by the Senator from Illinois?

Mr. UDALL of Colorado. I am familiar now because the Senator from Michigan has shared that fact with me. I am also familiar with the fact that the administration has other questions and concerns which has caused it to issue a set of provisions and issues they wish to further consider.

Mr. LEVIN. I thank my friend.

Mr. LEAHY. Would the Senator yield for a question?

Mr. UDALL of Colorado. I would be happy to yield to my friend from Vermont.

Mr. LEAHY. Is the Senator from Colorado aware that the administration has raised real concerns—both DOD and the White House—saying that requiring the President to devise the kind of procedures discussed in this bill creates all kinds of problems, and that this is one of the reasons why both the Senate Intelligence Committee and the Senate Judiciary Committee have asked to have the opportunity to hold hearings on a section that obviously involves the jurisdiction of both the Senate Intelligence and Senate Judiciary Committees?

Mr. UDALL of Colorado. I am. The Senator from Vermont is correct. That knowledge on my part is, in part, one of the reasons I filed the amendment we are discussing right now.

Mr. LEAHY. I thank the Senator.

Mr. UDALL of Colorado. I thank the Senator from Vermont.

I yield the floor.

EXHIBIT 1

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

Washington, DC, November 17, 2011.

STATEMENT OF ADMINISTRATION POLICY

S. 1867—NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2012—(SEN. LEVIN, D–MI)

The Administration supports Senate passage of S. 1867, the National Defense Authorization Act for Fiscal Year (FY) 2012. The Administration appreciates the Senate Armed Services Committee's continued support of our national defense, including its support for both the base budget and for overseas contingency operations and for most of the Administration's initiatives to control spiraling health costs of the Department of Defense (DoD).

The Administration appreciates the support of the Committee for authorities that assist the ability of the warfighter to operate in unconventional and irregular warfare, authorities that are important to field commanders, such as the Commanders' Emergency Response Program, Global Train and Equip Authority, and other programs that provide commanders with the resources and flexibility to counter unconventional threats or support contingency or stability operations. The Administration looks forward to reviewing a classified annex and working with the Congress to address any concerns on classified programs as the legislative process moves forward.

While there are many areas of agreement with the Committee, the Administration would have serious concerns with provisions that would: (1) constrain the ability of the Armed Forces to carry out their missions; (2) impede the Secretary of Defense's ability to make and implement decisions that eliminate unnecessary overhead or programs to ensure scarce resources are directed to the highest priorities for the warfighter; or (3) depart from the decisions reflected in the President's FY 2012 Budget Request. The Administration looks forward to working with the Congress to address these and other concerns, a number of which are outlined in more detail below.

Detainee Matters: The Administration objects to and has serious legal and policy concerns about many of the detainee provisions in the bill. In their current form, some of these provisions disrupt the Executive branch's ability to enforce the law and impose unwise and unwarranted restrictions on the U.S. Government's ability to aggressively combat international terrorism; other provisions inject legal uncertainty and ambiguity that may only complicate the military's operations and detention practices.

Section 1,031 attempts to expressly codify the detention authority that exists under the Authorization for Use of Military Force (Public Law 107–40) (the ''AUMF''). The authorities granted by the AUMF, including the detention authority, are essential to our ability to protect the American people from the threat posed by al-Qa'ida and its associated forces, and have enabled us to confront the full range of threats this country faces from those organizations and individuals. Because the authorities codified in this section already exist, the Administration does not believe codification is necessary and poses some risk. After a decade of settled jurisprudence on detention authority, Congress must be careful not to open a whole new series of legal questions that will distract from our efforts to protect the country. While the current language minimizes many of those risks, future legislative action must ensure that the codification in statute of express

military detention authority does not carry unintended consequences that could compromise our ability to protect the American people.

The Administration strongly objects to the military custody provision of section 1032, which would appear to mandate military custody for a certain class of terrorism suspects. This unnecessary, untested, and legally controversial restriction of the President's authority to defend the Nation from terrorist threats would tie the hands of our intelligence and law enforcement professionals. Moreover, applying this military custody requirement to individuals inside the United States, as some Members of Congress have suggested is their intention, would raise serious and unsettled legal questions and would be inconsistent with the fundamental American principle that our military does not patrol our streets. We have spent ten years since September 11, 2001, breaking down the walls between intelligence, military, and law enforcement professionals; Congress should not now rebuild those walls and unnecessarily make the job of preventing terrorist attacks more difficult. Specifically, the provision would limit the flexibility of our national security professionals to choose, based on the evidence and the facts and circumstances of each case, which tool for incapacitating dangerous terrorists best serves our national security interests. The waiver provision fails to address these concerns, particularly in time-sensitive operations in which law enforcement personnel have traditionally played the leading role. These problems are all the more acute because the section defines the category of individuals who would be subject to mandatory military custody by substituting new and untested legislative criteria for the criteria the Executive and Judicial branches are currently using for detention under the AUMF in both habeas litigation and military operations. Such confusion threatens our ability to act swiftly and decisively to capture, detain, and interrogate terrorism suspects, and could disrupt the collection of vital intelligence about threats to the American people.

Rather than fix the fundamental defects of section 1032 or remove it entirely, as the Administration and the chairs of several congressional committees with jurisdiction over these matters have advocated, the revised text merely directs the President to develop procedures to ensure the myriad problems that would result from such a requirement do not come to fruition. Requiring the President to devise such procedures concedes the substantial risks created by mandating military custody, without providing an adequate solution. As a result, it is likely that implementing such procedures would inject significant confusion into counterterrorism operations.

The certification and waiver, required by section 1033 before a detainee may be transferred from Guantánamo Bay to a foreign country, continue to hinder the Executive branch's ability to exercise its military, national security, and foreign relations activities. While these provisions may be intended to be somewhat less restrictive than the analogous provisions in current law, they continue to pose unnecessary obstacles, effectively blocking transfers that would advance our national security interests, and would, in certain circumstances, violate constitutional separation of powers principles. The Executive branch must have the flexibility to act swiftly in conducting negotiations with foreign countries regarding the circumstances of detainee transfers. Section 1034's ban on the use of funds to construct or modify a detention facility in the United States is an unwise intrusion on the military's ability to transfer its detainees as operational needs dictate. Section 1035 conflicts with the consensus-based interagency approach to detainee reviews required under Executive Order No. 13567, which establishes procedures to ensure that periodic review decisions are informed by the most comprehensive information and the considered views of all relevant agencies. Section 1036, in addition to imposing onerous requirements, conflicts with procedures for detainee reviews in the field that have been developed based on many years of experience by military officers and the Department of Defense. In short, the matters addressed in these provisions are already well regulated by existing procedures and have traditionally been left to the discretion of the Executive branch.

Broadly speaking, the detention provisions in this bill micromanage the work of our experienced counterterrorism professionals, including our military commanders, intelligence professionals, seasoned counterterrorism prosecutors, or other operatives in the field. These professionals have successfully led a Government-wide effort to disrupt, dismantle, and defeat al-Qa'ida and its affiliates and adherents over two consecutive Administrations. The Administration believes strongly that it would be a mistake for Congress to overrule or limit the tactical flexibility of our Nation's counterterrorism professionals.

Any bill that challenges or constrains the President's critical authorities to collect intelligence, incapacitate dangerous terrorists, and protect the Nation would prompt the President's senior advisers to recommend a veto.

Joint Strike Fighter Aircraft (JSF): The Administration also appreciates the Committee's inclusion in the bill of a prohibition on using funds authorized by S. 1867 to be used for the development of the F136 JSF alternate engine. As the Administration has stated, continued development of the F136 engine is an unnecessary diversion of scarce resources.

Medium Extended Air Defense Systems (MEADS): The Administration appreciates the Committee's support for the Department's air and missile defense programs; however, it strongly objects to the lack of authorization of appropriations for continued development of the MEADS program. This lack of authorization could trigger unilateral withdrawal by the United States from the MEADS Memorandum of Understanding (MOU) with Germany and Italy, which could further lead to a DoD obligation to pay all contract costs—a scenario that would likely exceed the cost of satisfying DoD's commitment under the MOU. Further, this lack of authorization could also call into question DoD's ability to honor its financial commitments in other binding cooperative MOUs and have adverse consequences for other international cooperative programs.

Overseas Construction Funding for Guam and Bahrain: The Administration has serious concerns with the limitation on execution of the United States and Government of Japan funds to implement the realignment of United States Marine Forces from Okinawa to Guam. The bill would unnecessarily restrict the ability and flexibility of the President to execute our foreign and defense policies with our ally, Japan. The Administration also has concerns over the lack of authorization of appropriations for military construction projects in Guam and Bahrain. Deferring or eliminating these projects could send the unintended message that the United States does not stand by its allies or its agreements.

Provisions Authorizing Activities with Partner Nations: The Administration appreciates the support of the Committee to improve capabilities of other nations to support counterterrorism efforts and other U.S. interests, and urges the inclusion of DoD's requested proposals, which balance U.S. national security and broader foreign policy interests. The Administration would prefer only an annual extension of the support to foreign nation counter-drug activities authority in line with its request. While the inclusion of section 1207 (Global Security Contingency Fund) is welcome, several provisions may affect Executive branch agility in the implementation of this authority. Section 1204 (relating to Yemen) would require a 60–day notify and wait period not only for Yemen, but for all other countries as well, which would impose an excessive delay and seriously impede the Executive branch's ability to respond to emerging requirements.

Unrequested Authorization Increases: Although not the only examples in S. 1867, the Administration notes and objects to the addition of $240 million and $200 million, respectively, in unrequested authorization for unneeded upgrades to M–1 Abrams tanks and Rapid Innovation Program research and development in this fiscally constrained environment. The Administration believes the amounts appropriated in FY 2011 and requested in FY 2012 fully fund DoD's requirements in these areas.

Advance Appropriations for Acquisition: The Administration objects to section 131, which would provide only incremental funding—undermining stability and cost discipline—rather than the advance appropriations that the Administration requested for the procurement of Advanced Extremely High Frequency satellites and certain classified programs.

Authority to Extend Deadline for Completion of a Limited Number of Base Closure and Realignment (BRAC) Recommendations: The Administration requests inclusion of its proposed authority for the Secretary or Deputy Secretary of Defense to extend the 2005 BRAC implementation deadline for up to ten (10) recommendations for a period of no more than one year in order to ensure no disruption to the full and complete implementation of each of these recommendations, as well as continuity of operations. Section 2904 of the Defense Base Closure and Realignment Act imposes on DoD a legal obligation to close and realign all installations so recommended by the BRAC Commission to the President and to complete all such closures and realignments no later than September 15, 2011. DoD has a handful of recommendations with schedules that complete implementation close to the statutory deadline.

TRICARE Providers: The Administration is currently undertaking a review with relevant agencies, including the Departments of Defense, Labor, and Justice, to clarify the responsibility of health care providers under civil and workers' rights laws. The Administration therefore objects to section 702, which categorically excludes TRICARE network providers from being considered subcontractors for purposes of the Federal Acquisition Regulation or any other law.

Troops to Teachers Program: The Administration urges the Senate's support for the transfer of the Troops to Teachers Program to DoD in FY 2012, as reflected in the President's Budget and DoD's legislative proposal to amend the Elementary and Secondary Education Act of 1965 and Title 10 of the U.S. Code in lieu of section 1048. The move to Defense will help ensure that this important program supporting members of the military as teachers is retained and provide better oversight of 6 program outcomes by simplifying and streamlining program management. The Administration looks forward to

keeping the Congress abreast of this transfer, to ensure it runs smoothly and has no adverse impact on program enrollees.

Constitutional concerns: A number of the bill's provisions raise additional constitutional concerns, such as sections 233 and 1241, which could intrude on the President's constitutional authority to maintain the confidentiality of sensitive diplomatic communications. The Administration looks forward to working with the Congress to address these and other concerns.

EXHIBIT 2

THE SECRETARY OF DEFENSE,
Washington, DC, November 15, 2011.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to express the Department of Defense's principal concerns with the latest version of detainee-related language you are considering including in the National Defense Authorization Act (NDAA) for Fiscal Year 2012. We understand the Senate Armed Services Committee is planning to consider this language later today.

We greatly appreciate your willingness to listen to the concerns expressed by our national security professionals on the version of the NDAA bill reported by the Senate Armed Services Committee in June. I am convinced we all want the same result—flexibility for our national security professionals in the field to detain, interrogate, and prosecute suspected terrorists. The Department has substantial concerns, however, about the revised text, which my staff has just received within the last few hours.

Section 1032. We recognize your efforts to address some of our objections to section 1032. However, it continues to be the case that any advantages to the Department of Defense in particular and our national security in general in section 1032 of requiring that certain individuals be held by the military are, at best, unclear. This provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.

Moreover, the failure of the revised text to clarify that section 1032 applies to individuals captured abroad, as we have urged, may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States.

Next, the revised language adds a new qualifier to ''associated force''—''that acts in coordination with or pursuant to the direction of al-Qaeda.'' In our view, this new language unnecessarily complicates our ability to interpret and implement this section.

Further, the new version of section 1032 makes it more apparent that there is an intent to extend the certification requirements of section 1033 to those covered by section 1032 that we may want to transfer to a third country. In other words, the certification requirement that currently applies only to Guantanamo detainees would permanently extend to a whole new category of future captures. This imposes a whole new restraint on the flexibility we need to continue to pursue our counterterrorism efforts.

Section 1033. We are troubled that section 1033 remains essentially unchanged from the prior draft, and that none of the Administration's concerns or suggestions for this provision have been adopted. We appreciate that revised section 1033 removes language that would have made these restrictions permanent, and instead extended them through Fiscal Year 2012 only. As a practical matter, however, limiting the duration of the restrictions to the next fiscal year only will have little impact if Congress simply continues to insert these restrictions into legislation on an annual basis without ever revisiting the substance of the legislation. As national security officials in this Department and elsewhere have explained, transfer restrictions such as those outlined in section 1033 are largely unworkable and pose unnecessary obstacles to transfers that would advance our national security interests.

Section 1035. Finally, section 1035 shifts to the Department of Defense responsibility for what has previously been a consensus-driven interagency process that was informed by the advice and views of counterterrorism professionals from across the Government. We see no compelling reason—and certainly none has been expressed in our discussions to date—to upset a collaborative, interagency approach that has served our national security so well over the past few years.

I hope we can reach agreement on these important national security issues, and, as always, my staff is available to work with the Committee on these and other matters.

Sincerely,

JOHN MCCAIN.

EXHIBIT 3

[From the Chicago Tribune, Oct. 7, 2011]

BEYOND GUANTANAMO

(By Abner Mikva, William S. Sessions and John J. Gibbons)

A new shift in philosophy has begun to emerge among lawmakers in Washington. Legislation now making its way through Congress would seek to overmilitarize America's counterterrorism efforts, effectively making the U.S. military the judge, jury and jailer of terrorism suspects, to the exclusion of the FBI and local and state law enforcement agencies. As former federal judges, we find this prospect deeply disturbing. Not only would such an effort ignore 200 years of legal precedent, it would fly in the face of common sense.

The bill in question, the 2012 National Defense Authorization Act, would codify methods such as indefinite detention without charge and mandatory military detention, and make them applicable to virtually anyone picked up in anti-terrorism efforts—including U.S. citizens—anywhere in the world, including on U.S. soil. Such an effort to restrict counterterrorism efforts by traditional law enforcement agencies would sadly demonstrate that many members of Congress have very little faith in America's criminal justice system.

It is a fact that our criminal justice system is uniquely qualified to handle complex terrorism cases. Indeed, civilian courts have successfully overseen more than 400 terrorism-related trials, whereas military commissions have handled only six. While the use of military commissions may occasionally be appropriate under the Constitution, the Guantanamo military commissions remain subject to serious constitutional challenges that could result in overturned guilty verdicts. The simple truth is that existing federal courts operate under rules and procedures that provide all the tools necessary to prosecute terrorism cases and they are not subject to the same legal challenges as military commissions.

We need access to proven instruments and methods in our fight against terrorism. Stripping local law enforcement and the FBI of the ability to arrest and gather intelligence from terrorism suspects and limiting our trial options is counterintuitive and could pose a genuine threat to our national security. Furthermore, an expanded mandatory military detention system would lead to yet more protracted litigation, infringe on law enforcement's ability to fight terrorism on a local and state level, and invite the military to act as law enforcement within the borders of our states.

In the face of these disturbing developments, we are encouraged by the fact that the administration has expressed its own concerns. The Obama White House has raised strong objections to congressional efforts to undermine the use of our traditional criminal justice system, efforts that would effectively eliminate the administration's ability to leverage ''the strength and flexibility'' of the system to ''incapacitate dangerous terrorists and gather critical intelligence.'' In previous statements, President Barack Obama said he intends to oppose any attempt to extend or expand such restrictions in the future. We submit to the president that the future is now.

We firmly believe the United States can preserve its national security without resorting to sweeping departures from our constitutional tradition. We call on Obama and Congress to support a policy for detention and trial of suspected terrorists that is consistent with our Constitution and maintains the use of our traditional criminal justice system to combat terrorism. Further restricting the tools at our disposal is not in the best interest of our national security.

EXHIBIT 4

NOVEMBER 7, 2011.

DEAR SENATOR: We write today to thank you for signing on to the October 21, 2011 letter to Senator Reid regarding detainee provisions 1031–1033 in the National Defense Authorization Act. We are members of a nonpartisan group of forty retired generals and admirals concerned about the implications of U.S. policy regarding enemy prisoner treatment and detention. We have been following the public debate concerning the provisions closely and are troubled by the overreaching nature of the legislation that would allow for indefinite detention without trial, mandatory military custody of counterterrorism suspects and permanent transfer restrictions imposed on inmates already at GTMO, some of whom have been cleared for release.

We understand there has been significant disagreement about the provisions and exactly what their impact on national security would be; however, the fact that such disagreement exists underscores that further public debate is needed and the provisions should not go forward as a part of the NDAA.

Regardless of how one interprets the intent of the provisions, it does not cure the underlying defect: over-militarization of our counter terrorism response. Our military does not want nor seek to try all foreign terror suspects. Congress has wisely enacted dozens of criminal laws to incapacitate potential terrorists, and federal courts have convicted more than 400 of terrorism related crimes since 9/11. Using military commissions as a one-size-fits-all response threatens our security because commissions do not have the same broad array of criminal laws that our federal courts have.

Military custody may be an incident of battlefield operations, but mandating military custody would undermine legitimate law enforcement and intelligence operations crucial to our security at home and abroad. Providing an individualized waiver would only serve to politicize each decision and possibly paralyze effective national security response.

We thank you again for signing on to the October 21, 2011 letter to Senator Reid and your attention to these important issues. As former members of our armed forces, please

call on us as a resource as debate moves forward on detainee provisions as part of the NDAA

Sincerely,

General Joseph P. Hoar, USMC (Ret.); General Charles C. Krulak, USMC (Ret.); General William G. T. Tuttle Jr., USA (Ret.); Lieutenant General Robert G. Gard Jr., USA (Ret.); Vice Admiral Lee F. Gunn, USN (Ret.); Lieutenant General Charles Otstott, USA (Ret.);Rear Admiral Don Guter, USN (Ret.); Rear Admiral John D. Hutson, USN (Ret.); Major General William L. Nash, USA (Ret.); Major General Thomas J. Romig, USA (Ret.); Major General Walter L. Stewart, Jr., ANG (Ret.); Brigadier General James Cullen, USA (Ret.); Brigadier General Evelyn P. Foote, USA (Ret.); Brigadier General Leif H. Hendrickson, USMC (Ret.); Brigadier General David R. Irvine, USA (Ret.); Brigadier General John H. Johns, USA (Ret.); Brigadier General Murray G. Sagsveen, USA (Ret.); Brigadier General Stephen N. Xenakis, USA (Ret.).

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, for the sake and the accommodation of the schedules of my colleagues, I ask unanimous consent that following my remarks and whoever the speaker is on the other side designated by the chairman, Senator AYOTTE be recognized, and then after a speaker from the other side, if necessary, Senator CHAMBLISS, followed by a speaker on the other side, followed by Senator GRAHAM. I do that because of the time constraints of my colleagues. So I ask unanimous consent and agreement from the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Reserving the right to object, before we go into the series of speakers, I ask unanimous consent that I be allowed to just call up and then set aside amendment No. 1072, which is sponsored by myself and Senator GRAHAM, and there is a list of 67 cosponsors.

Mr. McCAIN. Sure. I yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank my friend from Arizona.

AMENDMENT NO. 1072

(Purpose: To enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response)

I ask unanimous consent to call up amendment No. 1072.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. GRAHAM, and others, proposes an amendment numbered 1072.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. LEAHY. Mr. President, this is on behalf of myself, Senators GRAHAM, ROCKEFELLER, AYOTTE, BAUCUS, BEGICH, BENNET, BINGAMAN, BLUMENTHAL, BLUNT, BOOZMAN, BOXER, SCOTT BROWN, SHERROD BROWN, BURR, CANTWELL, CARDIN, CARPER, CASEY, COATS, CONRAD, COONS, CORKER, CRAPO, DURBIN, ENZI, FEINSTEIN, FRANKEN, GILLIBRAND, GRASSLEY, HAGAN, HARKIN, HELLER, HOEVEN, INHOFE, INOUYE, JOHANNS, RON JOHNSON, TIM JOHNSON, KLOBUCHAR, LANDRIEU, LAUTENBERG, LEE, LUGAR, MANCHIN, McCASKILL, MENENDEZ, MERKLEY, MIKULSKI, MORAN, MURRAY, BEN NELSON, PRYOR, RISCH, SANDERS, SCHUMER, SHAHEEN, SNOWE, STABENOW, TESTER, MARK UDALL, VITTER, WARNER, WHITEHOUSE, and WYDEN. It has been called up, and I ask unanimous consent to have it set aside to deal with the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the foregoing request from the Senator from Arizona is——

Mr. LEVIN. Reserving the right to object, and I don't object because that is the way we should proceed, going back and forth, and usually we do that informally. I don't know whether there may be implications because I don't know who will be speaking.

Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I thank my friend from Michigan. I do that for the convenience of my colleagues because I know there will also be others coming to speak on this important issue.

I wish to point out that the Senator from South Carolina—a member of the National Guard, one of the major authors of the Detainee Treatment Act, and a person who has tried hundreds of cases in military courts—brings a degree of knowledge and expertise on this issue.

The Senator from New Hampshire served as attorney general of her State for a number of years. She understands the Miranda rights. She has been a student and leader on this issue of detainee treatment.

Also, of course, Senator CHAMBLISS, in his role as the Republican leader on the Intelligence Committee, has a deep and longstanding involvement on detainee issues and the requirements for making our Nation safe.

I will be fairly brief except to say that by any judgment, the President's policy, the President's strategy, the President's movements concerning detainees have been a total and abysmal failure. If the President of the United States would have had a coherent policy that made any sense whatsoever to anyone, we would not have had to act in the Senate Armed Services Committee.

Let me point out a couple of facts. The President of the United States campaigned saying that he would close Guantanamo Bay. Guantanamo Bay remains open. The President of the United States also said we would have detainees tried in civilian as well as military courts, and that was a position he has held.

So they had a great idea: Let's take Khalid Shaikh Mohammed to New York City. That was a great idea. Let's have $300 million in security costs while they have a trial of one of the most notorious international criminals. Obviously, that one got the support it deserved.

Thanks to the release policy of Guantanamo, 27 percent of the detainees of Guantanamo who have been released are back in the fight, trying to kill Americans—only this time they have a red badge of courage and a degree of legitimacy because they spent time in Guantanamo Bay. Leaders of al-Qaida have been released from Guantanamo Bay under this administration. They were released under the Bush administration as well, to be fair, but we didn't know at that time how many of them would return to the fight. Some of the leaders in Yemen whom we are speaking about who are now doing everything they can to kill Americans were released from Guantanamo Bay. That can't be viewed as a successful policy. Thirty individuals in Guantanamo today are citizens of Yemen. We can't release them, obviously, back to Yemen.

So now what do we do in order not to have people go to Guantanamo Bay? We are now using U.S. naval ships to detain suspected terrorists. For 60 days, they kept a suspected al-Qaida member on board a ship. Now, when I support the construction of more Navy ships, I have a lot of missions in mind. Serving as a detainment facility for suspected terrorists is not one of them.

The Underwear Bomber was Mirandized 50 minutes into custody, and the Senator from Illinois forgot to mention that several weeks went by before the Underwear Bomber's family came and convinced him to cooperate. Suppose there had been an impending attack on the United States of America during the 50 minutes in captivity before he was Mirandized. Most Americans don't believe al-Qaida members should be Mirandized, as the Senator from New Hampshire, who has had a lot of experience with individuals who have exercised their Miranda rights, will point out.

So the administration policy has been a complete failure. What we are trying to do in this legislation—and we have tried and tried again to satisfy many of the concerns the administration has, including, I would point out, doing certain things such as making this legislation only for 1 year—not permanent but only for 1 year—and we have put into this legislation a national security waiver which is a mile wide. If the President of the United States decides that an individual should be given a trial in civilian court, he has a waiver that all he has to do is exercise. So I am not exactly sure why the administration feels so strongly about a 1-year restriction, with a national security waiver that is a mile wide. We made a couple of other changes at the request of the administration. So I can only assume that

somehow this has some sort of political implications—and I don't say that lightly—as most of the actions concerning this whole detainee issue seem to be driven by.

So there were hearings held in the Senate Armed Services Committee. There was input from different sources. The Senator from Michigan has been fair and objective on this issue, and I am very appreciative of that. The vote in the Senate Armed Services Committee was, I believe, 26 to 0.

We feel very strongly that these provisions in this bill are necessary to keep Americans secure. We want to stop more than one out of every four of these detainees going back into the fight. We want to make sure the military court system applies here to people who are noncitizens and known members of al-Qaida. All of it seems to me to make perfect sense.

So obviously the administration ratcheted up the stakes today with a threat of a veto. I hope they are not serious about it. There is too much in this bill that is important to this Nation's defense.

I yield the floor.

Mr. LEVIN. I wonder if we can amend the unanimous consent agreement. There is nobody that I know of on this side at the moment who wants to speak in support of the amendment, so I am wondering if it would be agreeable to the ranking member to have two Members on his side go and then two Members on our side, should that occur.

Mr. MCCAIN. That is not agreeable to me. I would say that they have the ability to walk over here if they are interested.

Mr. LEVIN. In that case, I note the absence of a quorum.

Mr. MCCAIN. I would agree to that, but it is not fair.

Mr. LEVIN. I don't want you to agree if you think it is not fair.

Mr. MCCAIN. You know it is not fair. If you have a speaker, bring them up.

Mr. LEVIN. I am in opposition to the amendment. I want to be fair.

The PRESIDING OFFICER. Does the Senator from Arizona agree with the revised unanimous consent request?

Mr. MCCAIN. I agree.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to the motion of the Senator from Colorado. As the vice chairman of the Senate Intelligence Committee, let me just say in response to the statement from the distinguished chairman of the Judiciary Committee that there has not been a lack of discussion of this issue, both within the Armed Services Committee and within the Intelligence Committee. While I am not permitted to talk about what has gone on within the Intelligence Committee, I assure my colleagues that this has been a major issue from a discussion standpoint for a number of months. In fact, it has been a point of discussion for almost 3 years now. I will get into some of that in my comments.

Secondly, just in quick response to the comment of the Senator from Illinois, the assistant majority leader, when he talked about how we would treat U.S. citizens under this, I know how smart he is, and he is my friend, but he obviously hasn't read the bill. There is a specific exclusion for citizens of the United States being required to be detained by the military in this bill.

Over the past several years, there has been an ongoing debate concerning our Nation's ability to fully and lawfully interrogate suspected terrorists. One thing remains clear: After all of these years after 9/11, we still lack an unambiguous and effective detention policy. The consequences of that failure are very real. If we had captured bin Laden, what would we have done with him? If we had captured Anwar al-Awlaki, what would we have done with him? If today we capture Zawahiri, the leader of al-Qaida, what would we do with him? Many of us have posed these same questions to various administration officials, and the wide variety of responses only confirms that there is no policy. That is unacceptable, and that is why the detainee provisions in this bill are so absolutely critical.

I think it is fair to say that if we had captured bin Laden or Awlaki, we could have gained very actionable intelligence from either one of them, and that is our primary goal. But how would we have done that? We have no detainee policy; there is no place we could have taken them for long-term interrogation. The closest thing to a policy we have heard from the administration is that Guantanamo is off the table. But that is not helpful when they provide no other alternatives.

We have heard some administration officials say holding detainees on ships for brief periods of time solves this detention problem. Now, Senator MCCAIN just addressed that issue, and we have a great U.S. Navy. It is not the intention of the U.S. Navy to function in a way of sailing ships around the world and having terrorists brought to ships for detention. A state-of-the-art facility like Guantanamo Bay is off the table, but holding someone on a ship, never intended to be a floating prison and prohibited from long-term detention by the Geneva Conventions is somehow a humane replacement for Guantanamo? That simply does not make sense.

The intent behind the detainee provisions in this bill is very simple: We must be able to hold detainees for as long as it takes to get significant foreign intelligence information without them lawyering up, as the Christmas Day bomber did so famously after only 50 minutes of interrogation.

Again, to my friend from Illinois, who talked about the fact that once this young man's parents got involved, that after his Miranda rights had been given to him, he gave us an awful lot of intelligence—and that is true in his case—I doubt very seriously that Zawahiri's parents, who probably are not even alive, are going to step up and tell their son: You ought to go in and talk to these folks and give them all the details about the way you helped plan the September 11 attacks on the United States of America. We just know with high-value targets that is not going to happen on a wholesale basis, and we simply need to be in a position to gain actionable intelligence from every one of those individuals.

While I fully support the detainee provisions in this bill, I believe there are other improvements that can and should be made. For example, I am cosponsoring Senator AYOTTE's amendment which will allow our intelligence interrogators to use lawful interrogation methods beyond those set forth in the Army Field Manual.

We need to be clear on exactly what this means. This amendment does not authorize or condone torture, and every technique used in every interrogation must comply with our laws and treaty obligations. I believe there needs to be flexibility in how we interrogate terrorists. But even more so I believe it is foolish to publicize—as the Army Field Manual does—the specific techniques that can be used in interrogating a suspected terrorist.

Over the years, we have heard repeatedly from the intelligence community that the element of surprise is sometimes our greatest asset in gathering timely intelligence from detainees. Senator AYOTTE's amendment gives the intelligence community the ability to use techniques that have not been broadcast over the Internet. In my opinion, that makes a lot of sense. I hope my colleagues will agree because the folks we are dealing with in the terrorist world today—these guys who are the meanest, nastiest killers in the world; who wake up every morning trying to figure out ways to kill and harm Americans—are not stupid. They carry laptops. They know how to use the Internet. We gain valuable information oftentimes through the airwaves. We know how smart they are, and we know they have the capability of going on the Internet today and reviewing the Army Field Manual. They know exactly the way they are going to be interrogated and the type of techniques that are going to be used to gain intelligence from them.

The Armed Services Committee has worked very hard on a bipartisan basis to come up with legislation that will improve congressional oversight of detainee matters, as well as provide greater assurance that detainees who pose a threat to our national security are not released so they can return to the fight.

As the vice chairman of the Intelligence Committee, I have a specific interest in making sure our intelligence community has the ability to gather timely and actionable intelligence from detainees. I believe this bill will help our intelligence interrogators do exactly that, and I urge my colleagues

to support these provisions fully as was done on a unanimous basis within the Armed Services Committee when this issue was discussed, debated, and talked about thoroughly during the markup.

I yield to my friend from New Hampshire.

Mr. LEVIN. No. Yield the floor.

Mr. CHAMBLISS. I am sorry. I thought you gave us two, Mr. Chairman.

Mr. LEVIN. You had two, I believe. You were the second, I think.

Mr. MCCAIN. I think what the chairman meant was, there would be two if——

Mr. LEVIN. If we did not have somebody here, we were going to do it two at a time.

Mr. MCCAIN. Yes. I think it is the other side's turn.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I appreciate the courtesy of the Senator from New Hampshire. I will not speak long. I know she is here waiting to speak, as we go back and forth across the aisle in sequence.

I want to begin by thanking Chairman LEVIN and his ranking member, Senator MCCAIN, for the work they have done on this detention issue. I think they have made a lot of progress, and I look forward to continuing to work on the Senate floor to try to conclude what I hope will be a successful agreement for everyone.

AMENDMENT NO. 1092

But I am here to speak about amendment No. 1092 to the National Defense Authorization Act, which is the piece that has been put in that responds to the serious and ever-growing problem of counterfeit parts that appear in our military supply chain.

Our Nation asks a lot of our troops. We send them far away. We send them into danger. We ask them to suffer prolonged separation from their families. We ask them to put their life and limb in peril. In return, we have a high obligation to give them the best possible equipment to fulfill their vital missions and come home safely.

In order to assure the proper performance of our weapons systems, of our body armor, of our aircraft parts, and of countless other mission critical parts, we have to make sure they are legitimate and not counterfeit parts.

That was why I introduced the Combating Military Counterfeits Act, which was reported without objection by the Judiciary Committee on July 21 of this year. It is cosponsored by my colleague, Senator GRAHAM, whom I see on the floor; by the ranking member, Senator MCCAIN—again, my appreciation to him—Senator COONS; the chairman of the Judiciary Committee, Senator LEAHY; Senator KYL; Senator SCHUMER; Senator HATCH; Senator BLUMENTHAL; and Senator KLOBUCHAR. I thank all of those cosponsors for their support and leadership on this important issue.

I particularly want to thank Chairman LEVIN and Ranking Member MCCAIN for including this legislation in their amendment No. 1092, which was offered earlier today.

Senator LEVIN and Senator MCCAIN led an in-depth investigation in the Armed Services Committee into this problem of military counterfeits, and they have drawn on that investigation in making these important reforms that will protect military procurement from counterfeit parts. I am very glad they believe, as I do, the enhanced criminal penalties in my bill would provide a useful complement to those important changes.

Prosecutors have an important role to play in the fight against military counterfeiters. The criminals who sell counterfeit military products should not get off with light sentences. They knowingly sell the military, for instance, counterfeit body armor that could fail in combat, a counterfeit missile control system that could short-circuit at launch, or a counterfeit GPS that could fail under battlefield conditions.

The Combatting Military Counterfeits Act of 2011 makes sure appropriate criminal sanctions attach to such reprehensible criminal activity, first, by doubling the maximum statutory penalty for an individual who trafficks in counterfeits and knows the counterfeit product either is intended for military use or is identified as meeting military standards; and, second, by directing the Sentencing Commission to update the sentencing guidelines as appropriate to reflect our congressional intent that trafficking in counterfeit military items be punished seriously, sufficiently to deter this kind of reckless endangering of our servicemembers.

The administration has called for these increased sentences for trafficking in counterfeit military products. In the private sector, this legislation is supported by the U.S. Chamber of Commerce, the National Association of Manufacturers, the Semiconductor Industry Association, DuPont, the International Trademark Association, and the International AntiCounterfeiting Coalition. I thank all of them for their work and leadership on this issue.

One semiconductor manufacturer, ON Semiconductor, which has a development center in East Greenwich, in my home State of Rhode Island, has written a letter of support explaining that military counterfeits are a particular problem since ''[m]ilitary grade products are attractive to counterfeiters because their higher prices reflect the added costs to test the products to military specifications, specifications that include the full military temperature range.'' So it is a target area for counterfeiters.

I will say, without going on at any great length, the examples are shocking. The Defense Department, for instance, has found out in testing that what it thought was Kevlar body armor was, in fact, nothing of the sort and could not protect our troops the way proper Kevlar can. In another example, a supplier sold the Defense Department a part that it falsely claimed was a $7,000 circuit that met the specifications of a missile guidance system.

A January 2010 study by the Commerce Department quoted a Defense Department official as estimating that counterfeit aircraft parts were ''leading to a 5 to 15 percent annual decrease in weapons systems reliability.'' The investigation, led by Chairman LEVIN and Ranking Member MCCAIN, revealed countless other grave and sobering examples.

I am glad we are responding to the serious and ever-growing threat posed by counterfeit military parts. Again, I thank Chairman LEVIN and Ranking Member MCCAIN for their great work to eliminate counterfeit parts from the military supply chain, and I hope all my colleagues will support their amendment No. 1092.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first, let me thank Senator WHITEHOUSE for the extraordinary effort he has made to go after counterfeit parts. We have incorporated his legislation in our legislation. It is a critically important part of our legislation. But his leadership has been early, often, and strong on this issue, and we commend and thank him for it. Hopefully, when this amendment gets passed, there will be a recognition of the critical role the Senator from Rhode Island played. It is an ongoing saga to stop counterfeiting coming in, mainly from China. This is a major effort to stem that flow.

Mr. WHITEHOUSE. I thank the chairman and the ranking member.

Mr. MCCAIN. Madam President, could I just add my words of appreciation, along with those of the chairman, for Senator WHITEHOUSE's hard work on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I rise in opposition to the amendment offered by the Senator from Colorado to strike the detainee provisions from the defense authorization markup—provisions that were agreed upon on an overwhelming bipartisan basis in the Armed Services Committee.

I would like to start first by revisiting the history of this and where we are because the reason the Armed Services Committee, in the first place, thought it was very important we discuss this issue in committee and address it is that having participated in hearings over the course of months and months in the Armed Services Committee, there has been witness after witness from our Defense Department who has come in and our military leaders with whom we have been talking about the detention policy and asking

them very important questions about where we are and how we are going to ensure that our military and intelligence community has the tools they need to protect America, and also asking them about this issue of detainees and how we are treating them.

Because one of the important facts my esteemed colleague from Georgia, as well as the ranking member, Senator MCCAIN, mentioned, is that we have a recidivism rate of 27 percent from Guantanamo—those who have reengaged our soldiers again and are back in theater. I was very concerned about this in the Armed Services Committee. That caused, over a series of months, us to ask about the administration's detainee policy.

I just want to share some of the comments that were made over that period of time in February. Secretary Michael Vickers said the administration is in the final stages of revising or establishing its detention policy.

Now, that was 8 months ago, and we are now 10 years into this war. In April I questioned GEN Carter Ham, the Commander of Africa Command, about what we would do if we captured a member of al-Qaida in Africa. Do you know what he told me. He said, ''We would need some lawyerly help on answering that one.''

So this is an area that cried out for clarification on a bipartisan basis because it is so important to ensure that while we remain at war with terrorists that we have the right policies in place to protect Americans. That is why the Armed Services Committee worked very hard.

I thank the chairman of the committee, Chairman LEVIN, for his diligent work, along with other members of the committee for coming forward with this provision—that the Senator from Colorado is seeking to strike—as well as the ranking member, Senator MCCAIN.

What ended up happening is, we brought forward a compromise that passed overwhelmingly out of committee originally in June. In fact, it passed out 25 to 1, and then the administration raised some concerns about it. In reaction to those concerns, I know the chairman of the Armed Services Committee, as well as the ranking member and some others of us, including myself, sat down with members of the administration to hear out their concerns and to try to accommodate their concerns while still making sure we had a policy that would give proper guidance, would protect Americans, and would fundamentally deal with this issue of making sure, in the first instance, that we reaffirmed our authority that we are at war with al-Qaida post 9/11; second, reaffirming that when we are at war the presumption is military custody because the priority has to be gathering intelligence to protect our country; and then, third, those who are released from Guantanamo, making sure there is a standard in place so they cannot reengage back into the battle to harm our troops, our partners, and our allies.

In that process, that is how this provision was derived that Senator UDALL from Colorado seeks to strike with his amendment. If we were to eliminate these provisions, we would be putting our country in a position where these important issues are not being addressed, and they need to be addressed just based on what we have heard from our military leadership over many months in the Armed Services Committee.

So I would also echo what Senator CHAMBLISS, who is the vice chairman of the Intelligence Committee, said. This is an issue that has been thoroughly discussed in this body and cries out for passage in the Defense Authorization Act. I want to point out a couple of very important parts to this. Now, I am someone who, on the recent appropriations bill, the CJS appropriations bill, brought an amendment that would have provided for military commissions trials for members of al-Qaida and associated forces who have committed an attack against us or our coalition partners because I am deeply concerned that this administration has been treating these types of cases as common criminal cases.

When I brought that amendment forward, it did not pass this body. I feel very strongly that the policy should be that we treat these cases for what they are, military cases, because we remain at war and our priorities should be to gather intelligence. But I point out the fact that after my amendment lost, I sat down with the chairman of the Armed Services Committee, the ranking member, and the administration to hear out their concerns.

So while this amendment—I would have gone further in my amendment—addresses many of the objections that were raised—in fact, I think all of the objections which were raised to the amendment I brought to the floor from the other side; that is, we have given the administration flexibility to make the decision on whether they believe it is appropriate, based on national security concerns, which has to be the primary concern and consideration of how to treat those who have committed an attack on our country who are members of al-Qaida or associated forces, and also who are not members of this country, so who are foreign citizens and are seeking to attack our country or have attacked our country in a way that the administration can decide it is best to handle them in a civilian court or a military system.

So all of the objections that were raised to my amendment—I stand by my amendment—but they are addressed in this compromise. And to hear the objection to it, that there is not flexibility, it is very clear that is just not true when you look at the language in this amendment because we adjusted the amendment to address the administration's concerns to say no interrogation will be interrupted based upon this amendment; that interrogations have to be the priority, and we are giving the administration maximum flexibility under this amendment.

So I do not understand why there are such objections continuing when this is as a result of a very good, strong good-faith effort to address any operational concerns that were raised based on the amendment I brought and even based on the prior language which, in my view, I think was very sufficient.

I want to point out something that is very important. In the course of the discussions we had with the administration on section 1031, which we have heard cited as a section that could be used to detain Americans indefinitely, this section was changed based on feedback from the administration. In fact, the administration asked us to actually strike a provision in it that would have said American citizens—it did not apply to American citizens, and, in fact, had to comply with the Constitution of the United States.

So I am a little bit apoplectic to understand why the administration is raising an objection about something they actually asked to be removed on a section they told us they were satisfied with and based on revisions that we made that they wanted. We said we would be happy to make these accommodations because we wanted to make sure we got this right.

So on that section, I do not understand why we are in a position where the Senator from Colorado is trying to remove it—the administration is objecting to it—when we took the language they gave us and incorporated it directly into the National Defense Authorization Act.

One point I think is being lost: So why is it that this amendment creates an initial presumption for military custody? This is the most important point. The priority has to be in protecting American citizens by gaining available intelligence to protect our country. The esteemed Senator from Illinois cited the case of the so-called Christmas Day or Underwear Bomber as an example of how cases have worked well.

Well, I think it is important to appreciate the facts of that case. This is a situation where the underwear bomber is caught with the explosives strapped to him, where there are hundreds of witnesses on the plane, and they were able to make their case in the absence of any interrogation or confession. What ended up happening is he was questioned at the scene for about 50 minutes? Then he was read his Miranda rights, one of those being: You have the right to remain silent.

Let's think about that for a second. We would want to tell terrorists: You have you have the right to remain silent. Common sense will tell you telling a terrorist they have the right to remain silent is counter to what we need to do to protect Americans. We do not want them to remain silent, we

want them to tell us everything they know. But continuing on with that case, the only reason he reengaged in providing information for our country is because his parents intervened. Weeks later, his parents convinced him he should cooperate with us; that he should provide information and tell us what he knew.

If our interrogation policy for people who commit attacks on our country is going to be, well, we hope a parent comes and intervenes to help us get information that will protect Americans, I think we are in trouble if that is our intelligence-gathering procedure.

So I wanted to point out, since that case is cited as an example by the Senator from Colorado and the Senator from Illinois as to why this section should be struck, if anything, I think that case points out why we need guidance in this area and why it is very important the priority be on gathering intelligence.

That is what this amendment does. It gives the administration sufficient flexibility, based on concerns they raised, operational concerns. If the FBI is conducting an interrogation, they do not have to stop it because of anything in this provision. That is very clear.

If the administration wants to treat someone in a civilian court, even though I do not think they should versus a military commission who is a member of al-Qaida who has attacked our country, that waiver is in here. That flexibility is in here.

This was a reasonable compromise where people like me who would have gone a lot further did not get what we wanted. But what we did do is get a very strong bipartisan compromise that came out of this committee overwhelmingly. When we had a vote at the beginning of the week, and the Senator from Colorado raised the very same amendment to strike this provision, it was rejected overwhelmingly on a bipartisan basis.

So I hope this Chamber will also overwhelmingly reject striking this very important provision from the National Defense Authorization Act.

Again, we cannot be in a position where we spend the next year in the Armed Services Committee again hearing from our military leaders: The administration is still in the final stages of revising or establishing its detention policy. I certainly do not want to hear again from one of our generals, when I ask him about our detention policy and what we are going to do with terrorists: I would need some lawyerly help in answering that one.

This amendment gives us the guidance we need. I would ask my colleagues to reject striking it from the authorization.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I view the detention provisions of this bill as real pernicious, as an attack on the Executive power of the President, and contrary to the best interests of this Nation. So I rise to express my strong opposition to three specific detention provisions in the Defense authorization bill.

There was some discussion on the Senate floor that the Intelligence Committee had reviewed these. This is not true. I would like to read a letter that I sent to the majority leader that was signed by every Democratic member of the Intelligence Committee on October 21.

> We write as members of the Senate Judiciary Committee—

Because there were some Judiciary Committee members on this.

> and the Senate Select Committee on Intelligence, to express our grave concern with subtitle D, titled Defense Matters of title 10 of S. 1253, the National Defense Authorization Act for Fiscal Year 2012. We support the majority of provisions in the bill which further national security and are of great importance. But we cannot support these controversial detention positions.

Then we go on to say—and I will not read the whole letter. I will put the whole letter in the RECORD.

> The executive branch must have the flexibility to consider various options for handling terrorism cases, including the ability to prosecute terrorists for violations of U.S. law in Federal criminal court.
>
> Yet, taken together, sections 1031 and 1032 of subtitle (d) are unprecedented and require more rigorous scrutiny by Congress. Section 1031 needs to be reviewed to consider whether it is consistent with the September 18, 2001, authorization for use of military force, especially because it would authorize the indefinite detention of American citizens without charge or trial . . .

I will stop reading here, but again, I want to emphasize this point. We are talking about the indefinite detention of American citizens without charge or trial. We have not done this at least since World War II when we incarcerated Japanese Americans. This is a very serious thing we are doing. People should understand its impact.

I want to outline the provisions in the Armed Services bill that would further militarize our counterterrorism efforts and ignore the testimony and recommendations of virtually all national security and counterterrorism officials and experts. We have heard from the Secretary of Defense, the Attorney General, the general counsel of the Defense Department, and John Brennan, the Assistant to the President for Homeland Security and Counterterrorism. Every one of them opposes these provisions. They have to carry them out. They are the professionals responsible for so doing. Yet, we are going to countermand them?

The first problematic provision, section 1032, requires mandatory military custody with no consideration of the details of individual cases. The bill mandates military detention of any non-U.S. citizen who is a member of al-Qaida, or an associated force, whatever that may be, and who planned or carried out an attack, or attempted attack, on this country or abroad. Here is the problem: The Armed Services Committee ignores the administration's request to have this provision apply only to detainees captured overseas. Therefore, any noncitizen al-Qaida operative captured in the United States would be automatically turned over to military custody.

Military custody for captured terrorists may make sense in some cases, but certainly not all. Requiring it in every case could harm our Nation's ability to investigate and respond to terrorist threats and create major operational hurdles. For example, the FBI has 56 local field offices around the country. It is staffed with agents who can arrest, interrogate, and detain. The military does not. As has been the policy of Republican and Democratic Presidents before and after 9/11, the decision about where to hold a prospective terrorist should be based on the facts of each case, and should be made by national security professionals in the executive branch.

In a letter, Secretary Panetta said this week that this provision ''restrains the executive branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.''

He added that the bill as written ''. . . may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States.''

This is the man who ran the CIA and is now running the Department of Defense, and we are going to ignore him? Are we saying it doesn't make any difference what he says? I am not part of that school of thought. I think what he says does make a difference.

I ask unanimous consent to have Secretary Panetta's November 15 letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, November 15, 2011.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to express the Department of Defense's principal concerns with the latest version of detainee-related language you are considering including in the National Defense Authorization Act (NDAA) for Fiscal Year 2012. We understand the Senate Armed Services Committee is planning to consider this language later today.

We greatly appreciate your willingness to listen to the concerns expressed by our national security professionals on the version of the NDAA bill reported by the Senate Armed Services Committee in June. I am convinced we all want the same result—flexibility for our national security professionals in the field to detain, interrogate, and prosecute suspected terrorists. The Department has substantial concerns, however, about the revised text, which my staff has just received within the last few hours.

Section 1032. We recognize your efforts to address some of our objections to section 1032. However, it continues to be the case that any advantages to the Department of

Defense in particular and our national security in general in section 1032 of requiring that certain individuals be held by the military are, at best, unclear. This provision restrains the Executive Branch's options to utilize, in a swift and flexible fashion, all the counterterrorism tools that are now legally available.

Moreover, the failure of the revised text to clarify that section 1032 applies to individuals captured abroad, as we have urged, may needlessly complicate efforts by frontline law enforcement professionals to collect critical intelligence concerning operations and activities within the United States.

Next, the revised language adds a new qualifier to ''associated force''—that acts in coordination with or pursuant to the direction of al-Qaeda.'' In our view, this new language unnecessarily complicates our ability to interpret and implement this section.

Further, the new version of section 1032 makes it more apparent that there is an intent to extend the certification requirements of section 1033 to those covered by section 1032 that we may want to transfer to a third country. In other words, the certification requirement that currently applies only to Guantanamo detainees would permanently extend to a whole new category of future captures. This imposes a whole new restraint on the flexibility we need to continue to pursue our counterterrorism efforts.

Section 1033. We are troubled that section 1033 remains essentially unchanged from the prior draft, and that none of the Administration's concerns or suggestions for this provision have been adopted. We appreciate that revised section 1033 removes language that would have made these restrictions permanent, and instead extended them through Fiscal Year 2012 only. As a practical matter, however, limiting the duration of the restrictions to the next fiscal year only will have little impact if Congress simply continues to insert these restrictions into legislation on an annual basis without ever revisiting the substance of the legislation. As national security officials in this Department and elsewhere have explained, transfer restrictions such as those outlined in section 1033 are largely unworkable and pose unnecessary obstacles to transfers that would advance our national security interests.

Section 1035. Finally, section 1035 shifts to the Department of Defense responsibility for what has previously been a consensus-driven interagency process that was informed by the advice and views of counterterrorism professionals from across the Government. We see no compelling reason—and certainly none has been expressed in our discussions to date—to upset a collaborative, interagency approach that has served our national security so well over the past few years.

I hope we can reach agreement on these important national security issues, and, as always, my staff is available to work with the Committee on these and other matters.

Sincerely,

LEON E. PANETTA.

Mrs. FEINSTEIN. Let me explain why this proposal is bad policy.

Consider the case of Najibullah Zazi. He was arrested in September of 2009 as part of an al-Qaida conspiracy to carry out suicide bombings of the New York City subway system. The FBI arrested Zazi after they had followed him on a 24/7 basis. He began providing useful intelligence to the FBI once captured.

If the mandatory military custody in the Armed Services bill were law, all of the surveillance activities, all of what the FBI did would be in jeopardy. Instead of interrogating him about his coconspirators, or where he had hidden other bombs, the FBI would have squandered valuable time determining whether Zazi was a member or part of al-Qaida or an ''associated force.'' Requiring law enforcement and national security professionals to determine whether an individual meets a specific legal definition adds a delay—most people would have to admit this. Also a waiver process takes time as it proceeds through the President and Secretary of Defense, both of whom believe it unduly complicates the ability to immediately interrogate an individual or prevent another attack.

Suppose a terrorist such as Zazi were forced into mandatory military custody. Then the government could also have been forced to split up codefendants, even in cases where they otherwise could be prosecuted as part of the same conspiracy in the same legal system.

Zazi was a permanent legal resident. His coconspirators were both U.S. citizens. They would be prosecuted on terrorist charges in Federal criminal court, but Zazi himself would be transferred to military custody. Two different detention and prosecution systems would play out and could well complicate a unified prosecution.

Incidentally, in the Zazi case, prosecutors have obtained convictions against six individuals, including guilty pleas from Zazi, who faces life in Federal prison without parole.

What could be better than that? If it is not broke, don't fix it. What is happening now isn't broke. That is the point.

Guess what. I try to do my homework, I read the intelligence, and I try to know what is happening. It is working. The government has its act together. Now arbitrarily this is going to change because there is a predilection of some people in this body that the military must do it all—if they cannot do it all, a part of it. But what this does is essentially militarize certain criminal terrorist acts in the United States. I have a real problem with that. I don't understand why Congress would want to jeopardize successful terrorism prosecutions.

The former speaker was talking about Farouq Abdulmutallab, better known as the Underwear Bomber, from Christmas Day in 2009. Abdulmutallab was brought into custody in Detroit after failing to detonate a bomb on Northwest Flight 253. He was interrogated almost immediately by FBI special agents. And he talked.

Some critics contend that Abdulmutallab stopped talking later that day because he was Mirandized. That happens to be correct, at least temporarily. But what these critics don't mention is that he likely would have been even less forthcoming to military interrogators.

It was FBI agents who traveled to Abdulmutallab's home in Nigeria and persuaded family members to come to Detroit to assist them in getting him to talk. The situation would have been very different under Section 1032. Under the pending legislation, it would have been military personnel who were attempting to enlist prominent Nigerians to assist in their interrogation, and Abdulmutallab would have been classified as an enemy combatant and held in a military facility and, therefore, his family would not be inclined to cooperate. This is we have been told on the Intelligence Committee.

For the record, Umar Farouq Abdulmutallab pleaded guilty to all charges last month in a Federal criminal court in Michigan and will likely spend his life behind bars. What can be better than that? Where can the military commission come close to that effort? In fact, they can't. They had 6 cases, minor sentences, or released, plus 300 to 400 convictions in Federal Court.

To conclude on this mandatory military custody provision, the Defense Department has made clear it does not want the responsibility to take these terrorists into mandatory military custody. But do we know better? I don't think so.

The Department of Justice has said that approximately one-third of terrorists charged in Federal Court in 2010 would be subject to mandatory military detention, absent a waiver from the Secretary of Defense.

The administration contends that the mandatory military custody is unwise because our allies will not extradite terrorist suspects to the United States for interrogation and prosecution—or even provide evidence about suspected terrorists—if they will be sent to a military brig or Guantanamo.

Finally, the military isn't trained or equipped for this mission—they have plenty to do as it is—but the Department of Justice is.

As John Brennan, the Assistant to the President for Homeland Security and Counterterrorism, said in March:

> Terrorists arrested inside the United States will, as always, be processed exclusively through our criminal justice system. As they should be.

I agree.

> The alternative would be inconsistent with our values and our adherence to the rule of law. Our military does not patrol our streets or enforce our laws in this country. Nor should it.

I could add that our military doesn't spend its resources and expertise surveilling terrorists in the U.S. like Najibullah Zazi, as the FBI did, to know his every move, to know where he bought the chemicals, to know the amount of chemicals, to know what backpacks they had, and to follow him to New York. It makes no sense to me to have to transfer that jurisdiction.

The second problematic provision imposes burdensome restrictions to transfer detainees out of Guantanamo, section 1033. This provision essentially establishes a de facto ban on transfers of detainees out of Gitmo, even for the purpose of prosecution in U.S. courts or another country.

The provision requires the Secretary of Defense to make a series of certifications that are unreasonable—and, candidly, unknowable—before any detainee is transferred out of Gitmo.

Again, here is an example: The administration proposed eliminating the requirement that the Secretary of Defense certify that the foreign country where the detainee will be sent is not ''facing a threat that is likely to substantially affect its ability to exercise control over the individual.''

How can the Secretary of Defense certify that—facing a threat that is likely to not just affect, but substantially affect, its ability to exercise control over the individual? What does it mean for a nation to ''exercise control'' over a former Gitmo detainee? Does he have to be in custody? Can he have an ankle bracelet? Is he remanded to his home? Is he in some county facility somewhere? What does it mean?

The Secretary of Defense must also certify, in writing, that there is virtually no chance that the person being transferred out of American custody would turn against the United States once resettled.

I agree with the sentiment, but as it is written, this is another impossible condition to satisfy.

The administration tried to work with the Armed Services Committee to make this section more workable, but the input by professionals in the defense, law enforcement, and intelligence communities, quite frankly, was rejected.

The committee didn't address the concerns of the administration except to limit these restrictions to 1 year.

In his November 15 letter, Secretary Panetta wrote he was troubled this section remains essentially unchanged and that none of the administration's concerns or suggestions for the provision were adopted. This in itself is a concern. The views of the professionals who do this day in and day out should be considered. Congress is not on the streets, we are not shadowing terrorists, we are not putting together intelligence. So I find this just terribly imperious.

The third problematic detention provision reverses the interagency process of detention reviews for those detained at Guantanamo.

Let me begin by saying I support detention of terrorists under the law of war. There must be a way to hold people who would, if free, take up arms against us. But detention without charge, perhaps forever, is a power that must be subject to serious review to ensure it is applied correctly and that we are only holding people—in some cases for decades—with cause and careful consideration and review.

Incidentally, this would apply to U.S. citizens. Do we want to go home and tell the people of America we are going to hold them, if such a situation comes up, without any thorough and considered review? It is just not the American way.

In March, the President issued an executive order that laid out the process for reviewing each detainee's case to make sure indefinite detention continues to be an appropriate and preferred course. Section 1035 essentially reverses the interagency process created by the President's order.

Let me just say a few things about this process. The Secretary of Defense is in charge of the decision. He is allowed to reject the findings of an interagency review board that includes a senior official from the State Department, the Department of Defense, the Justice Department, DHS, the Office of the Director of National Intelligence, and the Office of the Chairman of the Joint Chiefs of Staff. They, together, review a case of a person who could be held forever without trial, without charge. They can deliberate on the kind of threat this individual continues.

There are people who are in Guantanamo—or I should say who were in Guantanamo—who were simply in the wrong place at the wrong time. That is possible for an American as well. Everything we are all about is to see that the system is a just system. This is not just and particularly not for a U.S. citizen. I don't care who they are, they have certain rights under the Constitution as a U.S. citizen.

Why should we place the Department of Defense above the unified judgment of five other departments on what is, at its heart, a question about the legality of continued detention, the assessment of the threat a detainee poses, and the options available to handle that individual?

Secretary Panetta is not requesting new authority in this section. Again, reading from the Secretary's November 15 letter, he says:

> Section 1035 shifts to the Department of Defense responsibility for what has been a consensus-driven interagency process that was informed by the advice and views of counterterrorism professionals from across the Government. We see no compelling reason—and certainly none has been expressed in our discussions to date—to upset a collaborative, interagency approach that has served our national security so well over the past few years.

Let me conclude by saying I support the vast majority of provisions in this authorization. The bill improves our national security and it is essential to meet our commitment to the men and women of our Armed Forces. I understand all that, and I have voted for virtually every Defense authorization bill. But I intend to continue to oppose these three detention policy provisions.

I have not made up my mind, candidly, how I will vote on this bill. I guess maybe I see things a little differently than many in this body, because one of the things I have learned in my time here is the importance of the U.S. Constitution—and I have had 18 years on the Judiciary Committee—and what it means to have due process of law, and that means for everybody. That is for the poorest person on the street, the wealthiest person or whoever it is. Criminals are entitled to due process of law.

How can we do this? It may not stand the test of constitutionality. But be that as it may, despite having raised these concerns months ago and offered suggestions to address them, this bill does very little to resolve my three principal concerns and those of the administration about mandatory military custody and the possibility this bill will create operational confusion and problems in the field.

I look forward to the debate. Candidly, I hope sides haven't hardened. The three amendments I will offer will—one will strike the language, one will insert the word ''abroad,'' in section 1032, and one will carry with it the administration's proposal. I hope there will be the opportunity to offer these amendments.

I can't think of anything more serious that we are doing, and I must tell you a lot of effort has gone into putting the FBI in a position by creating a huge intelligence operation within the Federal Bureau of Investigation to be able to deal with terrorist threats in this country. We also have a Department of Homeland Security to do that as well. To now say the military is going to take over in certain situations is going to end up unworkable, if, in fact, this becomes the law and I hope it will not.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I wonder if the Senator from California might offer those amendments right now and call them up so we can get a vote on them. We are trying to vote on amendments, and I am wondering if she could call up one of those amendments, we could debate it, and then vote on it.

Mrs. FEINSTEIN. I only found out this bill was coming up this morning, so the administration is reviewing the largest amendment at the present time.

The other two amendments, we may already have filed those.

We have filed those, but I would prefer to wait until we have the larger amendment, which is being reviewed by the administration, and then I will be making a decision as to which I want to go with.

Mr. LEVIN. Which amendment is the larger one?

Mrs. FEINSTEIN. This is the amendment currently being reviewed by the administration.

Mr. LEVIN. Is that one of the three?

Mrs. FEINSTEIN. Yes.

Mr. LEVIN. Which was the larger of the three; can the Senator describe it for us?

Mrs. FEINSTEIN. There are several amendments.

Mr. LEVIN. Which is the one currently being reviewed, if the Senator is able to share that with us.

Mrs. FEINSTEIN. This essentially would strike the detention provisions

and replace them with proposals from the executive branch. It reflects what the White House offered to Senators LEVIN and MCCAIN as compromise language on the detention provisions to address the opposition raised by the administration.

Mr. LEVIN. I thank the Senator.

Mrs. FEINSTEIN. I have more to say, but I am not sure.

Mr. LEVIN. That helps. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, one, I would like to begin by thanking Senators LEVIN and MCCAIN. I don't know how long Senator LEVIN and I have been working on this together—it seems like forever—trying to get a detainee policy in a post-9/11 world that the courts will accept and that lives within our values. I have just been thinking throughout the years about the journey we have taken—beginning with the Bush administration—where the idea of indefinite detention of unlawful enemy combatants originated by executive order.

I do believe, since 9/11, we have been in a state of undeclared war with organizations such as al-Qaida. The Congress created legislation early on—right after the attacks of 9/11—allowing the President to use military force against al-Qaida. Part of being able to engage someone militarily is to detain those we capture. But that has been years ago. This is the first time Congress has spoken since the early days of the war.

We tried during the Bush administration to work with the Bush people to create a law of war detention system by statute. We had a problem there. They felt the executive order was the way to go. I have always believed when the Congress and the White House work together, the courts appreciate it as being a more collaborative process. So we went from sort of one extreme—to where we had military commissions that were almost legislating a conviction—to a better product, and the end product was the 2009 bill we worked on with Senator LEVIN that got almost 80 votes. So we have come a long way.

About the detention issue. Here is what I have been trying to accomplish for years. I wish to make sure we understand the difference between fighting a war and fighting a crime. When it comes to al-Qaida operatives, whether they are captured in the United States or overseas, the first thing we should be doing as a nation is trying to find out what that person knows about the attack in question or future attacks. When we capture an enemy prisoner, the first thing our military does is turn the person over to the military intelligence community for questioning.

I am of the belief that we have the ability to question people under the law of war without congressional authorization. But when the Congress acts, it is better for us all. So in this bill, working with Senators LEVIN and MCCAIN, we have, as a body, said the President—this President and all future Presidents—will have the ability to detain a member of al-Qaida and other allied organizations, regardless of where they are captured in the world, and hold them as an enemy combatant.

Under the law of war, when we capture an enemy prisoner, there is no magic date we have to let them go. The problem with this war, unlike other wars, is there will not be a definable end. We had 400,000 German prisoners in military prisons inside the United States during World War II. We weren't going to let those folks go if they had been in jail 1 year. Not one of them got to go see a Federal judge saying: Let me out of here.

Under the law of war of our military, the executive branch of government has the authority to protect the Nation, and courts have not interfered with that 200-year right.

What is different about this war? There are no capitals to conquer, there is no air force to shoot down or navy to sink. So we have people who don't wear uniforms who are roaming the globe, and they don't have a home country, they have a home idea, and we are fighting an ideology. Sometimes they make it to our soil and sometimes they don't.

So here is what we are trying to do. We are trying to create a hybrid system, for lack of a better word. If you captured an al-Qaida member overseas in Afghanistan, Iraq, or Yemen, it is clear that they have no constitutional right to petition a judge in the United States: Let me go.

When we put people in Guantanamo Bay, the Bush administration argued that prison wasn't subject to legal review by our courts. And in the Hamdi case involving a U.S. citizen captured in Afghanistan, the Supreme Court held that we could hold an American citizen as an enemy combatant. They suggested to the Bush administration a procedure to ratify that decision. They pointed to an Army regulation, 190—I can't remember the number—and we tried to come up with a procedure that would allow us some due process as a nation for an enemy combatant, including an American citizen.

In the Boumediene case, the Court said: Wait a minute. We are going to allow a habeas petition by those held as enemy combatants—American citizens or non-American citizens—if they are at Guantanamo Bay because we have control over that facility. That is part of the United States in terms of our legal infrastructure.

So the law of the land is that if you are captured overseas, even if you are an American citizen, you can be held as an enemy combatant and questioned by our military with no right to proceed to a criminal venue. It is not a choice to try them or let them go. You can hold an unlawful enemy combatant for an indefinite period of time just like you could hold any other enemy prisoner in any other war. But what we have done differently in this war is we have said: Our courts will review the military's decision to declare you as an enemy combatant in a habeas procedure—not a criminal trial but a habeas procedure—as to whether there is sufficient evidence to label you as an unlawful enemy combatant.

So, to my colleagues on the other side, the law of the land by the Supreme Court is that an American citizen can be held as an enemy combatant. Like every other enemy combatant, they have habeas rights, but they don't have the right to say: Try me in a civilian court or military commission court, because when we capture someone, the goal is to gather intelligence.

The Christmas Day Bomber, the Times Square case—the reason many of us want military custody from the outset is that under domestic criminal law, other than a very narrow public safety exception, we don't have the right under criminal law to hold someone for an indefinite period of time without providing them a lawyer and telling them what their legal rights are or charging them in a court of law. And let me say, as a military lawyer, I would never want that to be the case. I don't want to change our domestic criminal system to allow us to grab someone and hold them indefinitely, pending criminal charges, without the right to a lawyer, the right to remain silent being presented to the defendant, and presentment to court, because that is what criminal law is all about. Under military law, whether it is here at home or abroad, you can hold someone suspected of being an enemy agent, enemy prisoner, and you can interrogate them humanely and lawfully—and we have good laws now governing interrogation procedures—without having to present them to a court. That is the difference between intelligence gathering and fighting a crime.

The Padilla case was an American citizen captured inside the United States. He was held for about 4 years in Charleston Naval Brig, and the Fourth Circuit Court of Appeals ruled that, yes, an American citizen captured within the United States can be held as an unlawful enemy combatant, but they have the right to counsel when it comes to presenting their habeas case. They don't have the ability to tell the interrogator and the military: I don't want to talk to you now. I want my lawyer.

When you are talking to a military interrogator or the FBI or the CIA trying to gather intelligence, you don't have a right to remain silent, you don't have a right to a lawyer because we are trying to defend ourselves against an enemy bent on our destruction. The day we decide to treat you as a common criminal, even a terrorist suspect, all those civilian rights attach.

So this bill is trying to create a process that if you are captured in the United States, this legislation says

that you will be presumptively put in military custody because that is the only way we can hold you and interrogate you because under domestic criminal law, that is not available, nor should it be.

There is a waiver provision here. If the administration believes that military custody is not the right way to go, they can waive that. But the day you turn someone over to civilian authorities for the purpose of prosecution, you have a very limited window to gather intelligence because all the criminal rules apply. And what we are trying to do is to make sure we can defend ourselves and not overly criminalize the war. That is why this is so important.

As to the White House concerns—they wanted to have that flexibility without any statutory involvement—I believe this will serve the Nation well long after President Obama leaves office. I don't know who the next President will be, but I do believe this: We will be under threat and siege by an enemy bent on our destruction.

So if you believe, as I do, that we are at war but it is a different kind of war, please give your Nation—our Nation—the ability to defend us. And the best way to be safe in the war on terror is to gather good intelligence and hit them and stop them before they hit you because they could care less about dying. So intelligence gathering is the way to keep us safe.

Most enemy prisoners captured in traditional wars never go to court. The last thing I am worried about is how you prosecute these guys. The first thing I worry about is, what do they know, and what is coming our way?

So the provisions of 1032 apply to captures within the United States. And we are saying that when an al-Qaida operative suspected of being involved in a terrorist act—a very limited class of cases, by the way—is captured on our soil, we would like them to be in military custody from the get-go. But we have provisions that say: You don't have to make that decision or interrupt an interrogation. There is a window of time in which you can deal with the case without having to make the waiver. We are not impeding interrogations, and we are not saying you have to stay in military custody forever because we give this administration and future administrations the flexibility to waive that provision if it makes sense.

To the Christmas Day Bomber—he was read his Miranda rights within an hour, his family was involved, and it turned out that he pled guilty. I am not a professional interrogator, but I do know this: You don't read an enemy prisoner their rights when you capture them on the battlefield in a war. The question is, Is the United States part of the battlefield? That is really what this is about. Are we going to allow the enemy to get here, and all of a sudden all the rules change because they made it to our homeland? I would argue that the closer they are to us, the more we want to know. So it would be an absurd outcome that if somehow the enemy could find a way to get to our homeland, all the rules change because if you capture one of these guys in Yemen, nobody is suggesting you have to give them a lawyer.

Well, when you get to the United States, what we are suggesting is that we have a legal system that understands the difference between fighting a war and fighting a crime, and if you are suspected of being an al-Qaida member, citizen or not, we are going to find out what you know through lawful interrogation techniques. That has to be done under the military system because civilian domestic criminal law doesn't allow that to be done.

That is what we created here—a bifurcated system with waivers. If we don't have this in place, we are going to lose intelligence and our Nation is going to be at risk. People are going to get killed if we lose good intelligence.

So, to me, the idea of reading someone their Miranda rights doesn't make a lot of sense, but you have the flexibility to do that, if you choose, out in the field. You just have to get a waiver. So when you capture somebody on the homeland, I don't want our people to think that you have to give them a lawyer and read them their rights and that you can't question them about what they know about attacks against our homeland. That is dumb. That doesn't make us a better people, that makes us less safe. Let's put them in military custody, with the right to waive that. Let's give our interrogators plenty of time to find out what is going on. Then we will make a decision about where to prosecute.

I believe Federal courts have a role in the war on terror. There have been plenty of cases involving terrorism that went to Federal court where you had a good outcome. There have been cases going to Federal court where you had less than a stellar outcome. The key is, if you are holding an enemy combatant for 4 or 5 years under the law of war, I don't think it makes sense to put them in civilian court. You should put them in military commissions. And we are talking about people we have been holding for a period of time because we looked at them as a military threat, not as a common criminal.

So the provisions in 1032 are good law that will stand the test of time. It will allow us on our homeland to do what we can do overseas. Wouldn't it be odd not to be able to protect yourself because the enemy got to the United States less than you could if you captured them overseas?

Now let's talk a little bit about American citizens. There are a few people—and I give them credit for having passionate, honest-held beliefs that the President of the United States doesn't have the authority to designate an American citizen who has now joined al-Qaida—to issue an order to kill him—this al-Awlaki guy who was in Yemen. The bottom line is, the President, through a legal process we created years ago, made a determination that an American citizen has joined the enemy forces, and he issued an order through a legal process that says: If you find this guy, you can capture or kill him.

Now, wouldn't it be odd if you had a law that says you can kill somebody, but when you capture them, you can't hold them for a very long time, you can't indefinitely detain them? Well, death is pretty indefinite. So if you can kill a guy, why in the world can't you hold them and interrogate them to find out what they know about this attack or future attacks?

So let's be consistent. It makes sense to me that if an American citizen wants to join al-Qaida, they are no longer our friend, they are our enemy. And if the evidence is solid and it has gone through a legal process and this President or any other President determined that an American citizen is now operating abroad trying to harm us, joining al-Qaida, I believe they have the absolute legal and moral authority to identify that person as a threat to the United States; kill or capture. And if you don't agree with me, fine. I think about 80 percent of my fellow citizens do. It would be absurd not to be able to have that ability. Citizenship is something to be respected. It is something to be cherished. It is not a ''get out of jail free'' card when you turn on your fellow citizens.

So at the end of the day, we have a system in place now that I am very proud of.

To Senator LEVIN, we have negotiated and we have compromised because the administration had some legitimate concerns. They had some legitimate concerns about Congress overly mandating how you detain, interrogate, and try prisoners. What we have come up with is the balance I have been seeking for 5 years. If you capture someone in the United States, you start with the presumption that you are going to gather intelligence in a lawful manner and prosecution is a secondary concern. We give the executive branch the ability to waive that requirement, and we have conditions on that requirement that will not interrupt an interrogation.

But we need to let this President know, and every other President, that if you capture someone in the homeland, on our soil—American citizen or not—who is a member of al-Qaida, you do not have to give them a lawyer or read them the rights automatically. You can treat them as a military threat under military custody, just like if you captured them overseas.

So this provision that Senators LEVIN, MCCAIN AYOTTE, and all of us have worked on makes perfect sense to me. It is a balance between protecting our homeland, living within our values, and giving the executive branch the flexibility they need to protect us, but just using good old-fashioned common

sense. Under domestic criminal law, you cannot hold someone indefinitely without giving them a lawyer or reading them their rights, nor should you. But under military law, if you have evidence that the person is a military threat, you don't have to give them a lawyer. That makes no sense whether you capture them here or overseas.

Everyone held as an unlawful enemy combatant has the right to access our Federal courts. Under this bill, it is not just one time you get to go to court. We create an annual review process so that if you are held as an enemy combatant in military prison or civilian prison, you will get an annual review. We don't want you to go into a black legal hole. We don't want an enemy combatant determination to be a de facto life sentence.

I am proud of this work product. We go further than what the courts require. The courts require a habeas review of any person held as an enemy combatant. But at the end of the day, we say you have an annual review.

That requirement is for people captured in the United States, held at Gitmo. It doesn't apply to people held in Afghanistan. Thank God it doesn't. But in circumstances where someone is captured in the United States, held at Guantanamo Bay, every person will have their day in court to challenge the status of enemy combatant, and if they are going to be held indefinitely, they are going to get an annual review process as to whether it makes sense to hold them for 1 year.

Again, I wish to emphasize in war we do not have to let people go who are a danger. Most of these cases are intel cases. We are not fighting a crime, we are fighting a war. If the intelligence is good enough to convince a Federal judge that this person is a military threat, why in God's name would you want to let him go because of the passage of time? Our message to al-Qaida recruits is don't join al-Qaida because you could get killed or wind up dying in jail. Isn't that the message we want to send? Why in the world would we require our Nation to release somebody when the evidence presented to a Federal judge is convincing enough for him to sign off on what the military determined at an arbitrary point in time? That doesn't make us better people. It would make us less safe.

This bill is a very sound, balanced work product, and I will stand by it, I will fight for it, and I respect those who may disagree. But why did we take out the language Senator LEVIN wanted me to put in about an American citizen could not be held indefinitely if caught in the homeland? The administration asked us to do that. Why did they ask us to do that? It makes perfect sense. If American citizens have joined the enemy and we captured them at home, we want to make sure we know what they are up to, and we do not want to be required, under our law, to turn them over to a criminal court, where you have to provide them a lawyer at an arbitrary point in time. So the administration was probably right to take this out.

Simply stated, if you are an American citizen and you want to join al-Qaida: Bad decision; you could get killed or you could spend the rest of your life in military prison as a military threat or you could wind up in an article 3 court and maybe get the death penalty. I want people to know there is a downside to joining the enemy. I want to give our country the tools we need as a nation to fight an enemy and do it within our values. I don't want to waterboard people, but I don't want the only interrogation tool to be the Army Field Manual, online where anybody can read it. I wish to make sure everybody has a chance to say: I am not an enemy combatant. But I don't want to criminalize the war by capturing somebody on our soil and saying: You have a right to remain silent, when we would never read that right and present that to them if we captured them overseas.

We want to make sure we can gather intelligence, whether we capture them at home or abroad, whether they are an American citizen or not, if there is evidence they have joined al-Qaida.

To my colleagues, if you join al-Qaida, no matter where you join, no matter where you take up arms against the United States, we have every right in the world to treat you as a military threat. People who have joined al-Qaida are not members of a mob. They are not trying to enrich themselves. They are trying to put the world into darkness. Our laws need to distinguish the difference between a guy who robbed a liquor store and somebody who wants to blow up an airplane over Detroit or blow up innocent people in Times Square. If you do not understand that difference and if you do not have a legal system that can recognize that difference, then we have failed the American people.

This is a good work product. It has strong bipartisan support. We worked with the administration. But we are in a long war where a lot is at stake. I have tried to be as reasonable as I know how to be, and this work product is the best effort of a lot of well-meaning people, Republicans and Democrats. I will defend it. If you want to keep arguing about it, some people suggested we will talk a long time about this—yes, we will talk a long time about this. We will have a good discussion among ourselves as to whether an al-Qaida operative caught in the United States gets more rights than if we caught him overseas. We will have an argument among ourselves as to whether our military should be able to gather intelligence to protect us, regardless of where the person is captured, and the question for the nation is: Is America part of the battlefield? You better believe it is part of the battlefield. This is where they want to come. This is where they want to hurt us the most. If they make it here, they should not get more rights than they would get if they attacked us overseas.

They should not be tortured because it is about us, not about them. The reason I don't want to torture anybody is because I like being an American. I think it makes us stronger than our enemies. There are ways to get good intelligence from the enemy without having to mimic their behavior. I do believe the military's work product should be judged and reviewed in Federal court in a reasoned way. That is part of this legislation. I do not want anybody to be sitting in jail forever without some review process so that one day maybe they could get out.

But here is what I will not tolerate. I will not criminalize what is a war. I will not put this Nation in the box of having captured a terrorist, when the evidence is solid that we know they are part of the enemy trying to kill us and say we have to give them a lawyer or let them go because of the passage of time. That makes no sense.

Senator LEVIN, Senator MCCAIN, this is a product we should be proud of. We should fight for it, and we are going to fight. If you want to make it a long fight, it will be a long fight. We are not giving up.

Mr. MCCAIN. Will the Senator yield for a question?

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Arizona.

Mr. GRAHAM. Yes.

Mr. MCCAIN. I am a little puzzled. Maybe the Senator from South Carolina has a response to this. Perhaps Chairman LEVIN does. We did give a national security waiver, which is very generous, in that the President just has to certify that it is in the national interest.

Mr. GRAHAM. Right.

Mr. MCCAIN. Why does he think that would not be acceptable if there were a case where an individual would be held by civilian authorities rather than military authorities?

Mr. GRAHAM. The only answer I can give to Senator MCCAIN is that there is a legitimate concern about encroaching on executive power. I have that concern. The executive branch is the lead agency in this war. They are the lead agency when it comes to prosecuting crime. But what I am trying to do, along with his help and that of Senator LEVIN, is to create statutory authority for this President and future Presidents that will serve the Nation well.

Congress has been too quiet and too silent. During the Bush years, we did not assert ourselves enough. We let things go. We were reluctant to get involved. Now we are involved in a constructive way.

What we have said as a Congress, if this bill passes, is that the executive branch has flexibility, but the Congress of the United States—which has powers when it comes to war—believes that an al-Qaida operative, those associated with al-Qaida, should be initially held in military custody because we are trying to gather intelligence. As I tried to

explain, if you turn them over to civilian authorities for law enforcement purposes, then the whole process of intelligence gathering stops. You have to read Miranda rights. There is a very limited public safety exception. We allow a waiver if that is in the best interests of our national security. We have requirements in the bill not to impede interrogation. That is why we are doing this, because we want a process that will allow us to deal with people caught in the United States in a consistent way from administration to administration and understand the distinction between gathering intelligence to defend yourself in a war and prosecuting a crime.

Mr. MCCAIN. Everyone we capture may not be as stupid as the couple who waived their Miranda rights. One of them is going to be pretty smart and certainly not waive their Miranda rights. Wouldn't that make sense over time?

Mr. GRAHAM. The Senator is absolutely right. The flexibility of whether to Mirandize somebody exists. I don't know what is the best way. I do believe the best start is to take the Christmas Day Bomber off the plane and interrogate him in terms of what he knows about future attacks, how he planned this attack, and worry about prosecution in a secondary fashion. The only way you can do that is through a military custody intelligence-gathering process.

At the end of the day, I do believe it makes a lot of sense for the Congress to weigh in. We have not done it before. We have balanced this out. The administration's concerns have been met as much as I know how to meet them, and I am very proud of the work product.

Mr. LEVIN. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. The Christmas Day Bomber, I believe he was taken off that plane in Detroit, he was interrogated by the FBI; is that correct?

Mr. GRAHAM. Yes, I believe so.

Mr. LEVIN. There was nothing wrong with that. That was the choice of the executive branch. It worked here.

Mr. GRAHAM. Nothing wrong with that.

Mr. LEVIN. We make it flexible. This is something which I heard today from the supporters of this amendment. They want flexibility.

Mr. GRAHAM. Right.

Mr. LEVIN. That is exactly what we provide in this amendment. That is the question Senator MCCAIN just asked: If this administration or any administration decides that they want to provide the civilians with opportunity to interrogate, for whatever length of time they want, they are going to set the procedures under this language in our bill; is that not correct? The President will determine the procedures. If he wants those procedures to be civilian control until some point, that is going to be up to the President. We may disagree with that or not.

Mr. GRAHAM. Exactly.

Mr. LEVIN. There are Members of our body who very strongly disagree with that.

Mr. GRAHAM. Right.

Mr. LEVIN. But that is not who is going to decide. We are not going to make the decision that the person is going to be given or not given civilian interrogation. That decision is going to be made by a President who sets the procedures for interrogation and will decide whether to provide a waiver; is that correct?

Mr. GRAHAM. That is contract. If I might continue the conversation for a minute, if you don't mind. Would the Senator agree with me that if we all of a sudden required our soldiers to read Miranda warnings to an al-Qaida operative caught in Afghanistan, people would think we were crazy?

Mr. LEVIN. I would think it would be a very bad policy.

Mr. GRAHAM. OK. What if we have the very same person who made it out of Afghanistan and makes it to America. I think most people would want us to gather intelligence to find out what is coming next. Would the Senator agree with me, if you put someone in civilian control for the purpose of prosecution, intelligence gathering becomes very difficult?

Mr. LEVIN. Not necessarily. I think there are occasions where the civilian interrogation may be actually more workable.

Mr. GRAHAM. OK. Fair enough. But does the Senator agree with me that you cannot indefinitely hold someone under domestic criminal law without presenting them to court or reading them Miranda rights?

Mr. LEVIN. That is correct—indefinitely. But how long that lasts is a procedure the President is going to determine.

Mr. GRAHAM. Right. But here is the point we are going to make. Some of us believe that presentment to a court and a Miranda warning may not be the best way to go, in terms of gathering intelligence. Under military custody for intelligence gathering there is no right to remain silent; does the Senator agree with that?

Mr. LEVIN. Under military custody, yes.

Mr. GRAHAM. So we are starting the game with military custody but for the reasons the Senator just said—and they may be good reasons, to say that is not the right way to go—they can go down another path. That is all we are trying to do. Because there is a sort of a gap when it comes to someone caught in the United States. We are trying to provide clarity, what to do with an al-Qaida member caught in the United States, to create flexibility but start the process with intelligence gathering because, in the United States, if you hold someone, under the law enforcement model, caught in the United States, you have to read them their rights. You have to present them to court.

If they are in military custody, you don't have to do that. But what system fits the situation best should be left to the executive branch. We are just creating an avenue for military custody that can be waived.

Mr. LEVIN. That is correct, providing flexibility which we should provide in order for the executive branch to have what they want, which is the flexibility. There, I think, many of our colleagues believe there is too much flexibility. But whether that is right or——

Mr. GRAHAM. Oh, yes, they are over here. There are plenty of them.

Mr. LEVIN. But whether they are right or wrong, the facts are in this bill there is flexibility. It is carefully laid out. The President will lay out the procedures and notify the Congress of those procedures. But the point is, we do provide the very flexibility that the President of the United States has sought. We give them that flexibility, and it seems to me for the characterization of this bill to be that there is no flexibility, that somebody must go into military detention, is inaccurate. We ought to debate policy, but we should not debate what the words of a bill are.

One other thing. Is it not correct that when it is said, as the Senator from California did, that this provision has unprecedented and new authority for indefinite detention of American citizens without trial, that as a matter of fact we had in section 1031, in the bill filed months ago, language which would have exempted American citizens? It was the administration that wrote 1031 the way it is now and has approved of that language; is that not correct?

Mr. GRAHAM. That is absolutely correct. Let's talk about indefinite detention and what it means. When someone is captured as a member of al-Qaida—the Bush administration has had people at Guantanamo Bay for years. They are being held under the law of war. Does the Senator agree with that?

Mr. LEVIN. I am sorry?

Mr. GRAHAM. The Bush administration has had prisoners held at Guantanamo Bay for years now who have not been prosecuted. They are held under the law of war.

Mr. LEVIN. That is correct.

Mr. GRAHAM. The Obama administration has continued to hold at least 48 under that same theory.

Mr. LEVIN. And believes they have that authority.

Mr. GRAHAM. I believe they are right. All the Congress is saying to the President—this one and future Presidents—is we agree with you, that if the person is a member of al-Qaida or an affiliated group, you can hold them as an enemy combatant without the requirement to let them go at an arbitrary point in time, but under the law, if they are at Guantanamo Bay or captured in the United States, they have a

habeas right to appeal that determination to a judge.

Under our bill, does the Senator agree with me, we have done more than that? We have created an annual review process so the person being indefinitely held will have some due process every year?

Mr. LEVIN. The Senator is correct. The Senator has led the way to have this kind of additional protection for those prisoners. There is greater protection in this bill because of that review process than there is without this bill.

Mr. GRAHAM. Right. And we should do that.

Mr. LEVIN. If I could, one other question, because the Senator is an expert on this subject. Is it also not true for the first time in terms of determining whether a person is, in fact, somebody who needs to be detained under the law of war—for the first time when that determination is made, that person is entitled to a lawyer and entitled to a military judge?

Mr. GRAHAM. Let me tell the Senator how he is dead right. I offered an amendment to the first bill we put on the table here on the floor about this, and I had a requirement of a military lawyer being given to the respondent at a combat status review tribunal. Every person being held as an enemy combatant by our military gets a combat status review tribunal. We are saying that tribunal has to be chaired by a military judge, and we are saying they can access a lawyer. That, to me, is a welcomed change.

The Obama administration and the Bush administration decided to put the military judge requirement in place. But this now is a statutory requirement, so the next President is going to be bound to do that. We are trying to create a process to allow a status tribunal hearing to be done in a more due-process friendly fashion. We require a judge and we provide access to counsel. To me that is a giant step forward.

Mr. LEVIN. And it is the law for the first time; is that not correct?

Mr. GRAHAM. For the first time it is now not the whim of the administration. It will be the law of the land.

Mr. MCCAIN. If this bill is enacted.

Mr. GRAHAM. If this bill is enacted.

Mr. MCCAIN. To kind of summarize this issue for our colleagues, we believe an al-Qaida operative is an enemy combatant and, therefore, the assumption should be that that enemy combatant should be under military custody whether it be in the United States or any place else?

Mr. GRAHAM. That is correct.

Mr. MCCAIN. I would argue especially in the United States since that poses the greatest threat. However, with our assumption that that person should be held under military custody, we still give a very wide waiver in case there are extenuating circumstances.

In other words, we are saying that we assume an al-Qaida operative, or a suspected al-Qaida operative, is an enemy combatant wherever they are on Earth and, therefore, they should be under military custody unless there is some reason that the President determines otherwise.

The counterargument we are hearing, in summary, is that because that al-Qaida operative is apprehended in the United States, therefore, they should fall under civil authority, thereby negating the assumption that he is an enemy combatant; he is a common criminal. This is a very important principle in this discussion we are having.

How do you treat a suspected al-Qaida terrorist who wants to, in the case of the Underwear Bomber, blow up a plane with 100 some-odd passengers on it? Shouldn't that person be treated as an enemy combatant and, therefore, subject to all of the rules of military people who are under the supervision of the military? Isn't that what we are debating here? The ACLU and the left, with all due respect, feel that person should be—first of all, that al-Qaida operatives should be treated under our criminal system rather than treated as an enemy combatant who wants to do great harm to the United States of America. Is that an accurate description of what we are talking about here?

Mr. GRAHAM. Yes, with one caveat. There is a line of thinking that we should be using Federal courts exclusively, that military commissions are not appropriate in any circumstance, and that we should be using the law enforcement model once we deal with an al-Qaida operative, particularly here in the United States.

What we are saying in this legislation is that the battlefield includes our own homeland. So that argument being made by the ACLU, I think, will bear that because most Americans feel we are not dealing with somebody who robbed a liquor store. These people present a military threat, and we should be able to gather intelligence in a lawful way.

The administration's concern was, are we overstepping Executive power. I have, quite frankly, said I am concerned about that. Peter was concerned about that; Dave was concerned about that; I have been concerned about that because I don't believe you can have 535 attorneys general or commanders in chief.

What we did to accommodate that concern is what the Senator from Arizona said, we started out with a military custody requirement that can be waived and the procedures to be waived are in the hands of the executive branch. As Senator LEVIN has indicated, this, to me, is very flexible and is so flexible that I feel very good about it.

If it were a mandate to put everybody in military custody and try them in military commissions, even though I think that is the best thing to do, I would object, because the flexibility to make those decisions needs to be had in the executive branch. There may be a time when an article 3 court is better than a military commission court for an al-Qaida operative. I don't want the Congress to say article 3 courts could never be used. I don't want the Congress to say military commissions are bad. We now have a good military commission system. We have a process where the homeland is part of the battlefield. The individual being captured on our homeland can be held to gather intelligence under military law. And if somebody is smarter than us and believes that is not the right model, they can change the model.

That is the best we can do, and that is the best I am going to do because I am very worried that in the future we are going to lock ourselves down into policies that would have an absurd outcome that if you made it to America, we cannot gather intelligence, which would be crazy. There is no good reason for that.

Mr. LEVIN. Would the Senator yield?

Mr. GRAHAM. Yes.

Mr. LEVIN. In addition to providing in this bill that the determination as to whether somebody is al-Qaida is to be made through procedures which the President will adopt, No. 1, which is flexibility.

Mr. GRAHAM. Right.

Mr. LEVIN. No. 2, that determination shall not interfere with any interrogation which is undertaken by civilian or any other authorities; is that not correct? And, finally, on top of that, there is a waiver that is provided. We have all of that protection. So the statements that are made on this floor and in some of the press that somehow or other we are pushing everybody who is determined to be al-Qaida into the military detention system is not accurate because we have those three protections, the procedures for that decision as to whether someone is al-Qaida, our procedures, which the President is going to adopt; secondly, we only apply this to al-Qaida, not to everybody who might be captured; and, third, we have a waiver for triple protection to protect what the Senator rightly is sensitive to, and that is there be flexibility in the executive branch.

All of us may say we want it done one way or another. We may presume it be done one way or another, we may wish that it be done one way, civilian or military. Some of us may have different opinions. That is not the point. That is not the issue. The issue is what does this bill provide. This bill provides a reasonable amount of flexibility and does not tell the President you must turn somebody who is suspected of being al-Qaida over to the civilians at any point or to the military at any point.

Mr. GRAHAM. If I may add another layer of process here. Some people on our side say that is way too much. You should throw these people in military—Senator LIEBERMAN, my dear friend, if you left it up to him, everybody caught as an al-Qaida operative would be thrown in military custody and would

be held as long as we need to hold them and would be tried by military commissions.

At the end of the day that is sort of where I come out, but I am not going to create a 535-commander-in-chief body here because there are times when that may not work. What we have done is what the Senator said. If you capture someone at home, it is as the Senator described. The reason, to my colleagues on this side, I wanted to build in the things the Senator described is because I am very worried about crossing over out of our lane into the executive lane. I think we have created a great process.

But here is what happens to that al-Qaida operative. Not only does the executive branch have the flexibility to go one way versus the other, starting with the idea of military custody, but all the things the Senator said are true.

What do they have beyond that? If someone is being held as an enemy combatant, there are regulations requiring that they be presented to a combat status review tribunal, now with a military judge, access to counsel—I think it is within 60—I cannot remember the time period. That is done. Then they have the right to take that decision and appeal it to a habeas Federal district court judge.

No one in America is going to be held as an enemy combatant who doesn't get their day in Federal court. But their day in Federal court is a habeas proceeding, not a criminal trial. If the judge agrees with the United States that you are, in fact, an enemy combatant, then you can be held indefinitely, but we require an annual review. If the judge lets you go, they have to let you go. This is the best we can do. This is a hybrid system. In no other war do you have access to a Federal court.

As I said before, this is war without end, and if we don't watch it, an enemy combatant determination can be a de facto life sentence because there will never be an end to these hostilities probably in my lifetime. I recognize that. And in working with the Senator from Michigan and Peter and others, we have come up with a process now that allows the Federal court to review the military decision. We will have an annual review process if the judge agrees with the military. That, to me, is due process that makes sense in a war without an end; something you would not do in World War II, but something we need to do here.

So to the critics, please read the damn bill. I apologize for saying it that way, but you are talking about things that don't exist. There is plenty of flexibility and waiver requirements in this bill. No one is being held indefinitely without due process. Not only is this due process you wouldn't get in any other war, this is due process beyond what exists today only if we can pass this bill.

I don't mind being considered by some of my colleagues as maybe too friendly to due process. The reason I am so passionate about this is what we do sets a precedent for the world and the future. If one of our guys is captured, I can look the other people in the eye—al-Qaida could care less, but other people might—and say we are a rule of law nation. I believe in the rule of law, but there is a difference between the rule of law of fighting a crime and fighting a war.

I am proud of the military legal system. I do believe the military justice system has a role to play in this war. In military commissions, the judges are the same judges who administer justice to our own troops, the same prosecutors, the same defense attorneys, the same jurors. I am proud of the military legal system. I am proud of the Federal court system. I want to use both.

Senator LEVIN, we have been working on this for years. This is the best work product I have seen. I hope my colleagues will understand we have thought long and hard about this, and if we don't get a process in place that has some definition, some certainty, some guidance, we are letting our Nation down.

This is a good bill, and I hope people will vote for it.

Mr. LEVIN. If this bill contained the provisions as described by our friend from California, I would vote against our bill.

Mr. GRAHAM. So would I, at my own detriment.

I don't want to mandate the executive branch to do everything as LINDSEY GRAHAM would like. I want to start with a theory that makes sense and provides flexibility to change it if that makes sense. I don't want anybody to be in jail because somebody in the military said they are an enemy combatant. I want a Federal judge involved in a sensible way. I want due process to make sure we can tell the world: You are not sitting in a jail because somebody said you were guilty of something. You had a chance to challenge that. But to the critics: I will not stand for the idea that we can't defend ourselves under the law of war, because I believe we are at war. In war, we have the right to hold enemy prisoners. We don't have to let them go to kill again. In war, you can hold people and gather intelligence in a human way.

That is what we are able to do under this bill—fight a war within our values.

I yield.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I see the Senator from Illinois on the Senate floor, whom I know is very heavily involved in this issue. I think we have been debating this amendment now for about 3 hours, at least, and we have had a number of speakers from both sides.

I hope that perhaps we can go ahead and vote on this amendment. I was informed and the chairman was informed by Senator REID that there is a limited amount of time that can be spent on this bill. I realize how important it is to him, but we have no further speakers right now. I know the Senator from Illinois wishes to speak on it. But would it be agreeable that after we have exhausted the number of speakers that we could go ahead and vote on the amendment?

Mr. DURBIN. No. It is not pending.

Mr. MCCAIN. It is too bad. Let me just say to the Senator from Illinois, this is an important issue, and I understand how important it is to him. But this legislation has a lot to do with defending this country. For the Senator to hold up the entire bill because he doesn't think it has been discussed enough is a disservice to the men and women in the military whose concerns and needs this bill addresses, as well as the needs of the Nation's security.

So we took up this amendment in the belief that we were going to go ahead and debate it and vote on it. So the Senator from Illinois, if we are forced to not be able to complete work on this legislation, I think bears a pretty heavy burden because we have a lot of other provisions in this bill that are also vitally important to the security of this Nation.

We have had spirited debate. I have been involved in this legislation of the national defense authorization bill for a quarter of a century. We have moved forward and we have had debate and we have had votes. I hope we can do that now so we can move forward to other issues.

The Senator from Kentucky is on the Senate floor with an amendment he would like to have debated and voted on, and we have about 100 more. So I say to the Senator from Illinois that after we have had sufficient debate, I hope we can go ahead and vote on the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I don't know—I now have the floor, so I will proceed.

First, let me thank the Senator from Arizona. We have served together in the House and in the Senate. I respect him very much. I certainly have the highest respect, as well, for the Senator from Michigan. But I will tell my colleagues this: If the argument is, if we don't vote on this amendment tonight the security of the United States is in peril, that is a little hard to make because we are not going to finish this bill tonight, No. 1. No. 2, it is pretty clear the administration opposes this particular amendment, at least I have been told they do. No. 3, if we are talking about something as fundamental as changing some laws in this country relative to the U.S. Constitution, I have to agree with Senator LEAHY, the chairman of the Judiciary Committee, and Senator FEINSTEIN, the chairman of the Intelligence Committee, that this great body should take the time, debate the issue, and vote on it in a timely fashion.

I am not here to filibuster this matter, but I am here to discuss it.

To those who have come to the floor and said it is imperative to move now to change the way we deal with terrorist detainees in the United States, I would like to make a record for them.

For the record, over the last 10 years we have dealt with alleged terrorists in the United States. During that 10-year period of time 300 alleged terrorists have been successfully prosecuted in the criminal courts of America and incarcerated safely in American prisons—300. During that same 10-year period of time, six—count them, six—have been subjected to prosecution through military tribunals. So the score is 300 to 6 for those who want to change the system, with 300 saying we have a pretty darn good Federal Bureau of Investigation, we have excellent lawyers at the Department of Justice, and the American court system has responded well to keep us safe. So the notion that this has to be changed tonight to keep America safe, I don't know there is any evidence to support that.

I listened to some of the arguments on the Senate floor, and I wish to call to the attention of my colleagues that this is not an insignificant change in the law. If section 1031 is enacted into law, for the first time we will be saying in the law that we can detain indefinitely an alleged terrorist who is an American citizen within the United States of America.

Mr. GRAHAM. Would the Senator yield?

Mr. DURBIN. I will yield after I complete my point. I believe most of us feel if someone is charged with terrorism—an American citizen—that normally they would be subjected to constitutional protections and rights as American citizens. For those who believe in military tribunals—and I know the Senator from South Carolina does because he has been engaged in them personally and feels they are an honorable and effective way of prosecuting individuals—he knows, as I do, we have gone through in the last 10 years a series of Supreme Court cases that have questioned whether we are handling military tribunals in the right fashion.

The law is not settled when it comes to military tribunals, but the law is clearly settled when it comes to article 3 criminal courts, to the point that 300 alleged terrorists have been successfully prosecuted and convicted.

So I think this is worthy of debate. It is a valid issue. The security of America will always be a valid issue on the floor of the Senate. But let's do it in a thoughtful way. This matter was not referred to the Senate Judiciary Committee. It was not referred to the Senate Intelligence Committee. It was decided by the Armed Services Committee. As good as they are, as great as the people are who serve on that committee, there are others who should have a voice in the process.

I yield to the Senator from South Carolina if he has a question he would like to direct through the Chair.

Mr. GRAHAM. I thank the Senator from Illinois. I wish to respond. No. 1, it is good to debate. It is good to have discussions about important matters. The Senator from Illinois is right. There is nothing more important than defending the homeland.

Now, let me just state the law as I understand it. The Hamdi case was an American citizen captured in—

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Would my friend from South Carolina allow a unanimous consent request?

Mr. GRAHAM. Absolutely.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2112

Mr. REID. I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 2112, an act making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development and related programs; that there be up to 90 minutes of debate, equally divided 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 conference report; further, that the vote on adoption be subject to a 60 affirmative-vote threshold.

Before there is a response to my request, I would tell everyone we are going to be in session tomorrow. I have spoken to the two managers of the bill. We will likely not have votes tomorrow. In fact, I don't think we will have votes tomorrow. But I would say to all Senators if they have amendments to offer, they should offer them because the time for the Defense authorization bill is winding down. People can't sit around and say we will do something next week because next week may be a lot shorter.

Mr. LEVIN. Will the leader yield for a question?

Mr. REID. I would like to change that from 90 minutes to 120 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object.

Mr. LEVIN. Would the Senator yield for a question? I think I may be able to satisfy Senator PAUL, I hope.

Mr. PAUL. Yes.

Mr. LEVIN. Would the leader make that unanimous consent effective after there is 5 more minutes of discussion between ourselves?

Mr. REID. We can make it effective after a half hour of discussion.

Mr. LEVIN. And after Senator PAUL calls up an amendment and after Senator MERKLEY calls up an amendment and then lay them aside.

The PRESIDING OFFICER. Is there objection to the modified request?

Mr. LEVIN. Would that be acceptable?

Mr. REID. I accept the modification with pleasure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Finally, we will get some people offering some amendments.

Mr. LEVIN. If I could just comment very quickly to my friend from Illinois.

Mr. REID. Can we get the consent?

Mr. LEVIN. I think the Chair ordered it.

The PRESIDING OFFICER. Yes.

Mr. REID. The Senator from South Carolina has the floor.

Mr. GRAHAM. I yield if it will make this proceed faster.

Mr. LEVIN. I just wanted to ask the Senator a question.

Mr. REID. I would say to my friend, my friend from South Carolina yielded to me for a unanimous consent request.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. GRAHAM. If I may respond to my friend from Illinois, Hamdi was an American citizen captured in Afghanistan. He had joined al-Qaida—the Taliban, I guess in that case. We captured him when we went into Afghanistan. We brought him back and we held him as an enemy combatant for intelligence-gathering purposes. His case went to the Supreme Court. The Supreme Court said we could hold an American citizen as an unlawful enemy combatant, we just have to create procedures, a due process requirement. Eventually, the court said every unlawful enemy combatant has a habeas right.

The law of the land is clear that an American citizen helping the enemy overseas can be held indefinitely. But they have the right to petition a judge as to whether the initial determination was correct. If the habeas judge believes there is not enough evidence to hold this enemy combatant, then they have to release them. But if the judge agrees with the government that there is enough evidence to hold them as an enemy combatant, they can be held indefinitely. This President is holding 48 people at Guantanamo Bay who have never seen a criminal courtroom because of the theory of law of war.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I say to the Senator from South Carolina, I yielded for a question.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Can the Senator bring it to a question?

Mr. GRAHAM. The question is—I forget what I said.

Mr. DURBIN. Let me just say to my colleague, whom I respect and count as a friend, the critical difference between the Senator from Michigan and the Senator from South Carolina is this: The Hamdi case involved an American citizen, part of the Taliban, arrested in Afghanistan, OK? The Senator from South Carolina made that point when he said the word ''overseas.'' Unfortunately, section 1031 does not create

that distinction. An American citizen arrested in the United States, charged with terrorism, without any connection to overseas conduct—having been arrested overseas, I should say—is still going to be subject to indefinite detention.

The only thing I would add is this: I think this is a good exchange, and I think we need more. The notion that we have to hurry up and get this done in the next 5 minutes is not, I don't think, an appropriate way to deal with this. I know Senator PAUL and Senator MERKLEY are waiting, and I am prepared to yield the floor at this point.

If this matter comes up again this evening, I hope we can engage in further discussion.

Mr. LEVIN. I just have a question, if the Senator would yield, of the Senator from Illinois.

Mr. DURBIN. Sure.

Mr. LEVIN. Is the Senator aware of the fact that section 1031 in the bill we adopted months ago in the committee had exactly the language that the Senator from Illinois thinks should be in this section 31, which would make an exception for U.S. citizens in lawful residence? That was in our bill. I am wondering if the Senator is aware that the administration asked us to strike that language from section 1031 so that the bill in front of us now does not have the very exception the Senator from Illinois would like to see in there.

Mr. DURBIN. I have the greatest respect for the Senator and the administration, but I think I am also entitled to my own conclusion.

Mr. LEVIN. No, I understand. But I am just asking the Senator, is the Senator aware it was the administration that asked us to strike that language, the exception for U.S. citizens?

Mr. DURBIN. Not being a member of the committee, I did not follow it as closely as the Senator did. I respect him very much and take his word.

Mr. LEVIN. I thank the Senator.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Kentucky.

AMENDMENT NO. 1064

Mr. PAUL. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 1064.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL], for himself and Mrs. GILLIBRAND, proposes an amendment numbered 1064.

Mr. PAUL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002)

At the end of subtitle B of title XII, add the following:

SEC. 1230. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note) is repealed effective on the date of the enactment of this Act or January 1, 2012, whichever occurs later.

Mr. PAUL. Mr. President, this amendment will call for a formal end to the war in Iraq. Our Founding Fathers intended the power to commit the Nation to war be lodged in Congress, and that is what the Constitution says. The power to declare war is one of the most important powers given to Congress, and it should remain in Congress.

James Madison wrote at the beginning in the Federalist Papers that ''[t]he Constitution supposes what history demonstrates, that the Executive is the branch most prone to war . . . therefore the Constitution has with studied care vested that power [to declare war] in the Legislature.''

We are calling for a formal end to the war in Iraq as the troops come home, as the President has planned by January 1. This will reclaim the power to declare war that is vested in Congress. It allows for checks and balances and is an important milestone and an important retaining of power for Congress. So I will ask very careful deliberation of a formal end to the war in Iraq by supporting this amendment.

At this time, I would like to yield the floor to Senator MERKLEY.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, just briefly, I would ask the indulgence of the Senator from Oregon. I just would ask the Senator from South Carolina if he would finish the response, and I am sure it would only take him 2 or 3 minutes to finish.

Mr. GRAHAM. I promise, I will.

Mr. MCCAIN. So I ask unanimous consent that Senator MERKLEY be recognized after the Senator from South Carolina speaks for a couple minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I thank the Senator from Oregon.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, the exchange with Senator DURBIN was very good. The law of the land is pretty clear—unequivocal, in my view—that an American citizen captured overseas can be held as an enemy combatant, and every enemy combatant held at Guantanamo Bay or captured in the United States has habeas rights. The Padilla case involves an individual who was captured in the United States, suspected of being an al-Qaida operative, and was held for 4 years. He appealed his case to the Fourth Circuit, and the Fourth Circuit said: You have a right to a lawyer to prepare your habeas case, but you do not have a right to a lawyer to interrupt the interrogation. You can be held as an enemy combatant, and they can gather intelligence for an indefinite period.

That is the law of the land, and that is why the administration came over and said the provision that Carl and I were talking about really would change the law. They are preserving the ability, if they want to—they do not have to do this—basically, to hold an American.

Here is the thought process for the body and the Nation: If you capture somebody—not just involved in terrorism; that is not just what we are talking about—al-Qaida operatives involved in an attack on the United States, if they are an American citizen—who cares?—if they are doing that, we want to know what they know, interrogate them and hold them for prosecution, or just hold them so they will not go back to the fight. That is the law.

All we are doing is creating a procedure for that system to be followed. We are not doing anything different than already exists. This notion, somehow, that the homeland is not part of the battlefield is absurd. Why in the world would we give somebody rights who came to America to attack us different than we would if we caught them overseas, when the point is, they are involved with the enemy—American citizen or not. We are just creating a procedure that will allow that situation to be handled. So that is why the administration objected to our language, and I think they are right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1174

Mr. MERKLEY. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 1174.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY], for himself, Mr. LEE, Mr. UDALL of New Mexico, Mr. PAUL, and Mr. BROWN of Ohio, proposes an amendment numbered 1174.

Mr. MERKLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan)

At the end of subtitle B of title XII, add the following:

SEC. 1230. SENSE OF CONGRESS ON TRANSITION OF MILITARY AND SECURITY OPERATIONS IN AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) After al Qaeda attacked the United States on September 11, 2001, the United States Government rightly sought to bring to justice those who attacked us, to eliminate al Qaeda's safe havens and training camps in Afghanistan, and to remove the terrorist-allied Taliban government.

(2) Members of the Armed Forces, intelligence personnel, and diplomatic corps have skillfully achieved these objectives, culminating in the death of Osama bin Laden.

(3) Operation Enduring Freedom is now the longest military operation in United States history.

(4) United States national security experts, including Secretary of Defense Leon E. Panetta, have noted that al Qaeda's presence in Afghanistan has been greatly diminished.

(5) Over the past ten years, the mission of the United States has evolved to include a prolonged nation-building effort in Afghanistan, including the creation of a strong central government, a national police force and army, and effective civic institutions.

(6) Such nation-building efforts in Afghanistan are undermined by corruption, high illiteracy, and a historic aversion to a strong central government in that country.

(7) Members of the Armed Forces have served in Afghanistan valiantly and with honor, and many have sacrificed their lives and health in service to their country.

(8) The United States is now spending nearly $10,000,000,000 per month in Afghanistan at a time when, in the United States, there is high unemployment, a flood of foreclosures, a record deficit, and a debt that is over $15,000,000,000,000 and growing.

(9) The continued concentration of United States and NATO military forces in one region, when terrorist forces are located in many parts of the world, is not an efficient use of resources.

(10) The battle against terrorism is best served by using United States troops and resources in a counterterrorism strategy against terrorist forces wherever they may locate and train.

(11) The United States Government will continue to support the development of Afghanistan with a strong diplomatic and counterterrorism presence in the region.

(12) President Barack Obama is to be commended for announcing in July 2011 that the United States would commence the redeployment of members of the United States Armed Forces from Afghanistan in 2011 and transition security control to the Government of Afghanistan.

(13) President Obama has established a goal of removing all United States combat troops from Afghanistan by December 2014.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should expedite the transition of the responsibility for military and security operations in Afghanistan to the Government of Afghanistan;

(2) the President should devise a plan based on inputs from military commanders, the diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities prior to December 2014; and

(3) not later than 90 days after the date of the enactment of this Act, the President should submit to Congress a plan with a timetable and completion date for the accelerated transition of all military and security operations in Afghanistan to the Government of Afghanistan.

Mr. MERKLEY. Mr. President, I offer this amendment with several original cosponsors: Senator MIKE LEE, Senator RAND PAUL, Senator TOM UDALL, and Senator SHERROD BROWN. I would like to thank them for joining in this effort to address our military presence in Afghanistan and the fact that our military forces have done such an excellent job of completing the original missions of destroying al-Qaida training camps and bringing justice to those responsible for 9/11.

But over this past decade, our mission has changed to one of nation building—a mission that is obstructed by vast corruption, by extraordinary traditional cultural resistance to a strong central government, and by a very high illiteracy rate. These factors should have us rethinking how to have the most effective use of our military forces, our intelligence assets, in taking on the war on terror, and that we should be engaging in counterterrorist efforts using our resources wherever the terrorist threat emerges across the world rather than concentrating these vast resources in Afghanistan.

Our sons and daughters, fathers and mothers, sisters and brothers could not have done a better job in their military mission. But it is right that now we do less nation building abroad and we do more nation building at home. It is right that now we refocus our effort to have the most effective strategy to take on terrorism around the world. It is in that philosophy that we come together in a bipartisan fashion to propose this amendment. We ask that colleagues take a chance to consider it and join us in redirecting our efforts to be more effective.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I ask unanimous consent to add Senators AKAKA, CHAMBLISS, BLUMENTHAL, INHOFE, GILLIBRAND, BEN NELSON, STABENOW, and MARK UDALL as cosponsors of amendment No. 1092, which is the pending Levin-McCain amendment on counterfeit parts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Secondly, Mr. President, we are going to move now, I believe, to the conference report. But I do want to remind folks of what Senator MCCAIN said; which is, we will be here tomorrow morning. We are here to try to clear amendments. We want to be able to give our colleagues as much opportunity as possible to debate and to clear amendments. But we have to move this bill. We are not going to be given a whole week after we come back to get this bill passed, hopefully.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. S. 1867 is still pending.

Mr. MCCAIN. Is not the Paul amendment the pending business?

The PRESIDING OFFICER. The Merkley amendment is pending.

Mr. MCCAIN. The Merkley amendment is pending.

Mr. President, I ask unanimous consent that the Paul amendment be the—

Mr. LEVIN. No. Regular order.

Mr. MCCAIN. OK, that the regular order be—

The PRESIDING OFFICER. The Levin amendment is now pending.

Mr. LEVIN. The Levin-McCain amendment.

The PRESIDING OFFICER. The Levin-McCain amendment is now pending.

Mr. MCCAIN. I thank the Presiding Officer.

AMENDMENT NO. 1064

I would just like to say a couple words about the Paul amendment. I would just like to point out, we will still have 16,500 Americans in Iraq for an extended period of time. Now, whether they should be there is the subject of another debate on another day. But to then not be able to do whatever is necessary to protect the lives and safety of those men and women who will continue to serve the country, sometimes in variously difficult circumstances—I think this amendment is unwarranted.

Finally, I would like to ask my colleagues who have further views on the detainee issue if they would come over and add their voices to the debate and discussion because we would like to dispose of this amendment. I respect the desire of the Senator from Illinois that everybody be allowed to speak. We have been now speaking on this single amendment for, I believe, well over 3 hours.

So if there is further discussion on the Udall amendment, I would very much like to have a vote on it so we can bring other important issues before the body.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask unanimous consent to enter into a colloquy with my colleague from New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. We are talking about this amendment. Let's debate this amendment. Let's vote on this amendment. But the heart of the issue is whether the United States is part of the battlefield in the war on terror. The statement of authority I authored in 1031, with cooperation from the administration, clearly says someone captured in the United States is considered part of the enemy force regardless of the fact they made it on our home soil. The law of war applies inside the United States not just overseas. The authorization to use military force right after the war began allowed us to go into Afghanistan and use detention and capture and military force to deal with the enemy in Afghanistan and other places overseas.

To my colleague from New Hampshire, does she believe al-Qaida considers American soil part of the battlefield?

Ms. AYOTTE. In response to the Senator from South Carolina, I would say, unfortunately, our country is the goal for al-Qaida, and we saw that with September 11 and the horrible attacks on

our country that day that killed Americans.

They want to come here and harm us and hit us where it hurts us the most. So, unfortunately, America is part of the battlefield. To put ourselves in a position where we would not allow our military intelligence, law enforcement, to have the tools they need to gather the most intelligence to protect Americans on our soil would lead to an absurd result.

Mr. GRAHAM. Does the Senator agree that with Senator LEVIN and a very bipartisan work product we have now created a legal system that says the following: If a U.S. citizen, a non-U.S. citizen is involved in an al-Qaida attack on our Nation, and is captured within the United States, we are allowing our military the ability to hold them as part of the enemy force, to question and interrogate them for intelligence gathering, and that right we have overseas to hold somebody now exists in the United States because the threat is the same?

Ms. AYOTTE. I would say to my colleague from South Carolina, when he spoke on the floor he captured the most important part of this; that is, without the amendment we have been debating, we do not even give our military, law enforcement, intelligence officials the ability to decide which system is best in each incident. Rightly so, when you are in our country, when you are an American citizen, you are given your Miranda rights. You are told: You have the right to remain silent. You have the right to have a lawyer. We need to make sure we do not create a distinction where if you are captured abroad, you are treated one way—and we are giving our officials maximum flexibility to gather as much information as possible to protect our country—but if you make it here, the rules are different, and we do not give the officials who are set to protect us every day, both from a military and law enforcement end, the flexibility they need to gather maximum intelligence.

It would just be an absurd result to treat it differently. It would almost encourage: Come to America—unfortunately—to attack us because you will actually be given greater rights if the attack occurs here.

Mr. GRAHAM. Would the Senator agree that what we have been able to do on the committee is basically say, in law for the first time, that the homeland is part of the battlefield; that military custody is available to hold a suspected al-Qaida operative caught in the United States—American citizen or not—but we are going to allow the administration—this administration and all future administrations—to change that model if they believe it is best?

To me, we have created a right by our intelligence community, law enforcement community, to do at home what they can do overseas. If we do not do that, that would just not only be absurd, I think it would make us all less safe for no higher purpose. So to my colleagues who believe we are changing something, all we are trying to do is make sure that when the enemy makes it to America, we can hold them and gather intelligence to protect ourselves, no more and no less.

We start with the presumption of military custody. But if the experts in the field, this administration or future administrations, believe that model is not best, they can seek a waiver. That, to me, is what we should have been doing for years. Because the battlefield, to those who are listening, is an idea, not a country. We are battling an idea; that is, a terrible idea.

Their idea is, if you are a moderate Muslim seeking to worship God a different way, you are not worthy of living. If you are a Jew or a Gentile, you name it, if you do not bow to their view of religion, then you are going to live in hell. So that is what we are fighting. At the end of the day, this legislation creates a process to deal with the threats in our own backyard and, unfortunately, does the Senator from New Hampshire agree, that there is going to be further radicalization, that homegrown terror is where this war is going to?

Ms. AYOTTE. I would agree with the Senator from South Carolina that unfortunately there are threats we face within our own country from homegrown radicalism. But also let's not forget, this amendment, in terms of the military custody, applies to members of al-Qaida or associated forces who have planned an attack against our country or our coalition partners and are not U.S. citizens. So in this provision we are talking about foreigners coming to our country who are members of al-Qaida and who want to harm Americans, if we think about what happened on September 11.

I would also add, I think it is very important what is in this important provision of the Defense Authorization Act, in response to the Senator from California, who raised the case of Zazi as an example where she thought that case would be impacted by this amendment, that is simply, with all respect to the Senator from California, not the case.

Because if one looks at the language in our amendment, we have given flexibility to the executive branch to conduct the interrogations, to have surveillance. So in the Zazi case, there was surveillance undertaken. We put express language in here allowing the executive branch to allow law enforcement to conduct surveillance, to conduct interrogation.

I would point out that provision in terms of the amount of flexibility we have actually given the executive branch. But most importantly, we have dealt with the issue the Senator talked about, which is, in the absence of this provision, when terrorists come to our country and attack us, we are in a position where, under our law enforcement system, they have to give Miranda rights. They have the right to presentment. We are simply saying they have the option to make sure they can put intelligence gathering as the top priority.

So this, as the Senator has identified and talked about, is a very reasonable compromise. As the Senator knows, my colleague from South Carolina, I would have actually liked to have seen this go further. But it is very important that we bring this forward.

Mr. GRAHAM. I would add that Senator LIEBERMAN would have gone further than the Senator. There is nobody whom I respect more than Senator LIEBERMAN, but we are trying to find a balanced way.

So in summary, 1032, the military custody provision, which has waivers and a lot of flexibility, does not apply to American citizens, and 1031, the statement of authority to detain, does apply to American citizens. It designates the world as the battlefield, including the homeland.

Are you familiar with the Padilla case? That is a Federal court case involving an American citizen captured in the United States who was held for several years as an enemy combatant. His case went to the Fourth Circuit. The Fourth Circuit Court of Appeals said: An American citizen can be held by our military as an enemy combatant, even if they are caught in the United States, because once they join the enemy forces, then they present a military threat and their citizenship is not a sort of a get-out-of-jail-free card; that the law of the land is that an American citizen can be held as an enemy combatant. That went to the Fourth Circuit. That, as I speak, is the law of the land.

Ms. AYOTTE. That is right. That is the law of the land. That is what is reflected in this provision in the Defense Authorization Act. It is reflective of case law issued by our U.S. Supreme Court, which in not only that case but in subsequent cases basically said, in those instances, you do have to provide habeas-type relief.

Mr. GRAHAM. In the Padilla case, that went to the Fourth Circuit. The Hamdan case went to the Supreme Court. That was capture overseas. But the Fourth Circuit ruling stands that an American citizen captured in the United States can be held as an enemy combatant.

But 1032, requiring military custody, is only for noncitizens captured in the United States. So the bottom line is, I think we have constructed a very sound, solid system that deals with homeland captures and homeland threats. We have created due process that understands this is a war without end, that no one is going to be held in jail indefinitely without going to a Federal court to make their case that they are unfairly held, that if the Federal court rules with the government, there is an annual review process that would allow the opportunity to get out

in the future based on an evaluation of the case.

From a due process point of view, I am very proud of the work product. I think it makes sense. I think it is a balance between our right to be safe and our rights to provide individuals with due process. But the big breakthrough is that we are now, for the first time as a Congress, creating a system that not only will allow this President flexibility and guidance, but future Presidents, and it will help us in further court challenges.

Quite frankly, the Congress is saying, through this bill, if someone is caught in the United States, citizen or not, joining al-Qaida, trying to do harm to our Nation, we are going to create a system where you can be held, you can be prosecuted, you can be interrogated within our values, and we are not going to create an absurd result that if you make it here, none of that applies. That is all we are trying to do. Does the Senator agree with that?

Ms. AYOTTE. I would agree with that. The Senator has already pointed out how important it is to have these provisions in place to give the officials who do this work every day whom we have so much respect for the ability to gather intelligence.

We need this provision to protect our country from attacks on our homeland. It is so important. I would ask one question of the Senator from South Carolina. He is familiar with the military commissions.

Mr. GRAHAM. If I may, I think we need to move to the appropriations conference report. We will do it very quickly.

Ms. AYOTTE. I will ask the Senator quickly. The Senator from Illinois said we have only had six civilian trials with terrorists.

Mr. GRAHAM. Military commissions.

Ms. AYOTTE. Six military commission trials and hundreds of civilian trials of terrorists. I would ask the Senator, did the administration suspend military commission trials for a period of time?

Mr. GRAHAM. The reason we have not had more is because the Obama administration withdrew charges. Thank goodness they have reinstated charges. There are military commission hearings going on as we speak. I am in the camp of ''all the above.''

Sometimes article 3 courts are the best venue, sometimes military commissions. The Ghailani case was someone we held as an enemy combatant for years, took to Federal court and 200-and-something charges and got convicted on 1. Our Federal courts are not set up to deal with people who have been held as enemy combatants under the law of war, then tried in civilian systems.

The Christmas Day Bomber, it made perfect sense to me to put him in an article 3 court. We found out he was a low-level guy, not one of the higher-ups. But if we catch someone here at home or overseas who is involved deeply in terrorism in terms of what they know, then we would hold them for a period of time to question them.

Then, if you wanted to decide to prosecute, military commissions make the most sense. So the only reason we have not had more military commission trials is because they have been stopped. I am not saying Federal courts are not an appropriate venue sometimes. I am saying that when you hold someone under the law of war for years to gather intelligence, which you have a right to do, we need to keep them in the same system, and you see what happens when you mix systems.

I am very proud of the bill, great debate to have, long overdue. If we can get this enacted into law, I will say this: Americans can look anyone in the world in the eye and say: We have robust due process. We can also tell the people in this country whom we are sworn to protect that we have a system that recognizes the difference between an al-Qaida operative trying to kill us and destroy our way of life and a common criminal. We need to do both.

I yield the floor.

Mr. SHELBY. Mr. President, I rise to speak regarding the Agriculture-CJS-THUD Appropriations Conference Report that the Senate will be voting on today. I was the only conferee not to sign this conference report and I regret to say that I have serious concerns with provisions in this bill.

The conference report contains language that will raise the loan limits for FHA to over $729,000. I strongly oppose this language for three reasons. First, this change means that FHA, along with the GSEs will continue to crowd out the private sector. The government currently accounts for 96 percent of mortgage-backed security issuance in this country. We desperately need private sector investment to return so that we can finally achieve sustained growth in the housing market. Second, raising the loan limits for only FHA puts further pressure on the FHA and the taxpayer. Just this week, we learned that there is nearly a 50 percent chance the taxpayers will need to bail out the FHA. Increasing the loan limit only increases the risk that the taxpayer will have to bail out FHA. Finally, this will cause the American taxpayer to subsidize homes for wealthy buyers. Helping affluent people buy homes worth over three quarters of a million dollars is directly at odds with FHA's mission to develop affordable housing.

It is a shame that this bill contains these ill-advised provisions, as there is so much worthwhile contained elsewhere within the text. I particularly want to commend Chairman INOUYE and Vice Chairman COCHRAN, and CJS Subcommittee Chair MIKULSKI and Ranking Member HUTCHISON, for the great work they did in supporting the Space Launch System, SLS, NASA's heavy lift rocket. The bill we will vote on this evening provides $1.86 billion to support SLS, $60 million above the President's request. The bill puts us on a path towards regaining our rightful place as the world's lead spacefaring nation. SLS will take us beyond low Earth orbit, where we have been stuck for decades, and once again make the American space program the envy of the world.

It is only as a result of continual pressure from both houses of Congress that the U.S. has not completely forfeited space supremacy to the Russians and the Chinese. The Obama administration's 2009 plan would have abandoned NASA's focus on manned exploration and instead subsidized so-called ''commercial'' space companies to perform endless taxi missions to low Earth orbit. Apollo astronaut Eugene Cernan, rightfully called the Obama plan a ''pledge to mediocrity.''

Fortunately, Congress has pushed back hard. Many of my Senate colleagues and I joined to pass authorization and appropriations legislation requiring NASA to develop a 130 metric ton heavy lift vehicle that will take America's next generation of astronauts to the moon and beyond. In countless hearings and private meetings with NASA and the administration we have come to an agreement that the primary purpose of NASA is to expand human frontiers, not serve as a grant administrator for speculative private ventures. Thankfully, after more than 2 years of continual pressure from Congress and the American people, we appear to have achieved a breakthrough. NASA is moving ahead with SLS and this CJS Appropriations bill will ensure that they have the resources to implement the plans the Administrator has laid out.

It is important to note that the recently announced SLS acquisition strategy goes to great lengths to control cost and technical risk. The strategy makes maximum use of existing contracts and flight-tested hardware from the Constellation and Shuttle programs while leaving room for competition where appropriate. Neil Armstrong recently told a House panel: ''Predicting the future is inherently risky, but the proposed Space Launch System includes many proven and reliable components which suggest that its development could be relatively trouble free.''

Mr. President, SLS is a bold and workable plan with strong support in both chambers and both parties. Although I have serious reservations about the overall legislation, I thank my colleagues on the CJS Subcommittee for embracing American leadership and the promise of American ingenuity through their support for SLS.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012, AND FOR OTHER PURPOSES—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of conference report to accompany H.R. 2112, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on 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, having met, have agreed and do recommend to their respective Houses that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same; that the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

Ms. MIKULSKI. I ask unanimous consent that committee report be considered as read.

The PRESIDING OFFICER. The report is considered read. Under the previous order, there will be 2 hours of debate, equally divided, between the two leaders or their designees.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on behalf of the conference committee. I rise as the chair of the Subcommittee on Commerce, Justice, and Science, one of the three subcommittees in the conference report. The other is agriculture. Senator KOHL will be coming to the floor to speak on behalf of his bill that is part of the conference, and others will speak.

I wish to speak on the Commerce-Justice bill. I am pleased the Senate is considering the conference agreement on fiscal year 2012. As I said, I am CJS. Senator KOHL will speak on agriculture. Senator PATTY MURRAY managed the bill on transportation and housing. She is the chair, and I am sure either she or her designee will speak about a subcommittee we affectionally call THUD.

But let me talk about the CJS conference agreement. This is a great agreement. It is the product of bipartisan and bicameral compromise and cooperation. I wish to thank my ranking member, Senator KAY BAILEY HUTCHISON and her excellent staff. We worked hand in hand on this bill.

I wish to talk about our colleagues in the House. Much is made about the prickly situation sometimes between the House and the Senate. But I wish to thank Chairman FRANK WOLF and ranking member CHAKA FATTAH for their bipartisan support. There was give and take; sometimes stormy exchanges. But at the end of the day, we worked cooperatively and collegially.

So as we look at the process, what I wish to say is that the conference agreement itself is a good one. Our bill, the CJS bill, totals $52.7 billion in discretionary spending. We were frugal. It is $600 million below the 2011 level, and it is $5 billion below the President's request.

The purpose of this bill is to help create American jobs, make our streets and our neighborhoods safe from violent crime and terrorism, and to support innovation and technology so America can continue to be an exceptional Nation.

It also promotes trade. We do this through our Federal agencies: the Commerce Department, through its Economic Development Administration, Patent Office, International Trade Administration, and the Census Bureau. It also has important agencies related to innovation: the National Institutes of Standards and the National Oceanic and Atmospheric Administration.

Our bill also has in it the Department of Justice, NASA, and the National Science Foundation.

It has a lot of important things in it. It is also a bill that promotes justice, including the Commission on Civil Rights, the Equal Employment Opportunity Commission, and the Legal Services Corporation.

Within shrinking funding levels, the CJS conference agreement prioritizes activities that focused on creating jobs, saving lives, protecting communities, and looking out for the future of our country.

The subcommittee faced two very pressing problems that are critical to life and safety. One, our weather satellites. We had to come up with a substantial chunk of money to make sure we had those important new weather satellites that tell us about hurricanes, tornadoes, and other things that are coming. Also, we had a real challenge in providing adequate funding for America's prison population.

These activities are not considered mandatory for budget purposes, but they are not truly discretionary. We had an obligation to fund them. We also had an obligation to provide security funding to the two conventions, to help them underwrite their security concerns.

Together, the bare minimum needed for the new JPSS satellite and prison expenses is nearly $800 million—$350 million for prisons—and we were able to meet that obligation.

We also looked out for our law enforcement, for our State and local police departments. This bill provides $2.2 billion to support our Blue Line to keep our police safe, to protect them with the equipment they need, such as bulletproof vests, so they can protect us with modern tools relating to crime scene analysis, forensic science, and enough cops on the beat.

We funded Byrne grants at $370 million, a main Federal tool for State and local police operations.

In terms of Federal law enforcement, we met obligations to the FBI and funded them at $8 billion; our Drug Enforcement Agency at $2 billion; the Bureau of Alcohol, Tobacco, and Firearms and the Marshals Service, each at $1.2 billion. Our marshals no longer necessarily ride the planes, but what they are out there doing is serving the warrants that go after sexual predators and also make sure they fulfill their responsibility to protect our Federal judiciary at the courthouses. Those Federal law enforcement actions are at our borders, in our streets, in our communities, and in important task forces protecting our communities.

In terms of science and innovation, I am proud of what we did with NASA—from the space shuttle legacy to our new vehicles for space exploration. We also funded the James Webb Space Telescope, which will be the successor to the Hubble. It is 100 times more powerful and will assure America's place as a leader in astronomy for the next 30 years.

Our conference agreement was $17.8 billion. It is a balanced space program. It ensures the continuity or continuation of human space flight, does important work in space science, and also bold research in aeronautics, so we can be at the cutting edge.

We also funded the National Science Foundation, which continues to do that groundbreaking innovative work that the private sector works off of. This year, three Americans shared the Nobel Prize for physics. One was Dr. Adam Riess at Johns-Hopkins. He used the Hubble space telescope to look out for dark energy, to look at decaying supernovas, and found out that the expansion of the universe was speeding up.

The 2011 Nobel Prize in chemistry winner, Dr. Dan Shechtman, was working at the National Institute of Standards and Technology—which this bill also funds—when he discovered new subatomic particles. Both discoveries were considered unexpected and even game changers. These Nobel Prize winners were those wonderful Americans who make use of whether it was the Hubble telescope or the kind of work that goes on in our chemistry labs. So we are out there winning the Nobel Prizes, but our bill lays the groundwork for winning the markets.

On the floor is the chairman of the full committee, Senator INOUYE, and also Senator KOHL, who managed the bill and will speak for Agriculture. There are many things I could say about what we did in the bill, but I think I have summarized the basic themes.

I will be available to answer any questions from colleagues. I also want the chairman of the full committee to have an opportunity to speak and certainly Senator KOHL and Senator BLUNT. I want to say to Senator BLUNT, when Senator KOHL had to be temporarily off the floor, I thank him for working with me. We moved this bill and showed we knew how to govern and move legislation. If we work this way, we will get America moving again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, first I thank Chairman BARBARA MIKULSKI for her valiant work in the conference.

As we are all aware, the congressional budget process has faced unprecedented obstacles over the past year. We have struggled to find common ground on one of the most basic responsibilities of Congress—funding the operations of the Federal Government.

Earlier this year, we saw politically charged threats of government shutdowns, culminating with an irresponsible debt ceiling standoff that brought our economy to the brink of disaster. The American people are deeply frustrated that many in Congress put partisanship ahead of the national interest.

Yet, despite these challenges, we now consider legislation that reflects the good-faith efforts and input of Members of both sides of the aisle in both the House and Senate. Given current fiscal and political realities, this is no small accomplishment.

The conference report before us today includes three fiscal year 2012 appropriations measures: Agriculture; Commerce, Justice, Science; and Transportation, Housing and Urban Development. This legislation also includes a continuing resolution that funds government operations through December 16, giving Congress time to finish its work on the remaining funding bills.

These bills are focused on a number of basic priorities: job creation, public safety, science, nutrition, housing, and transportation. Due to the stringent funding limits included in the Budget Control Act, which established a discretionary spending level that is $7 billion below last year's level, many items in these bills are not funded to the levels I would prefer.

As we all await the outcome of the supercommittee, I again remind my colleagues that we cannot balance the Nation's books on the back of nondefense discretionary spending.

Despite our reduced spending levels, I am pleased that we have been able to maintain investments in several critical areas.

Public safety is a top priority of this bill. The conference report before us provides the resources necessary for the Food and Drug Administration to begin implementation of the Food Safety Modernization Act, which will better protect the American people from foodborne illnesses.

The funding levels provided in the conference agreement for the Federal Bureau of Investigation; the Drug Enforcement Agency; Bureau of Alcohol, Tobacco, Firearms and Explosives; and the U.S. Marshals Service will prevent layoffs and furloughs of Federal agents, enabling the agencies to continue their critical missions with regard to public safety.

The funds provided will also allow for increased law enforcement on the Southwest border. I note that the bill maintains funding for COPS hiring grants, which were eliminated in the original House bill.

The conference report before us funds an additional 11,000 new housing vouchers for homeless veterans. It includes $500 million for competitive TIGER surface transportation grants, as well as nearly $2 billion for new transit rail projects, and it maintains Federal support for Amtrak.

This bill includes more than $12 billion for basic research at the National Institute of Standards and Technology, the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration.

This research will plant the seeds for new discoveries that not only win Nobel Prizes, but also earn profits and create American jobs in our highly competitive global economy.

The conference report before us represents thousands of compromises on issues large and small. It represents, in no small measure, the way the Congress of the United States is meant to function.

The credit for this accomplishment rests with the members of the subcommittees and their staffs. I thank the leadership of the three subcommittees, Senators KOHL, MIKULSKI, MURRAY, BLUNT, HUTCHISON, and COLLINS for their exceptional efforts in completing these three bills.

We all recognize that we would not have been able to accomplish this task without the countless hours put in by the staff of the subcommittee. I want to take a moment—I think it is important—to recognize them for their efforts.

I want to publicly thank Galen Fountain, Jessica Arden Frederick, Dianne Nellor, Bob Ross, Molly Barackman-Eder, Gabrielle Batkin, Jessica Berry, Jeremy Weirich, Jean Toal-Eisen, Molly O'Rourke, Alex Keenan, Meaghan McCarthy, Rachel Milberg, Dabney Hegg, Stacy McBride, Rachel Jones, James Christoferson, Allen Cutler, Goodloe Sutton, Courtney Stevens, Heideh Shahmoradi, Brooke Hayes Stringer, Carl Barrick, and Mike Clarke. They are the ones who should be receiving the medal this evening.

This conference report is the culmination of a process that includes countless hours of hearings, markups, debate, negotiations, and posting online—and I underline this—all of the hearing testimony and legislative text for any citizen to review. Finally, it represents the one essential ingredient to a functioning democracy that has been in short supply in recent months: compromise.

I urge my colleagues to vote in favor of this measure and send it to the President for his signature.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this conference report contains agreements between the House and Senate on three appropriations bills.

These bills support a wide range of important Federal Government activities. It also includes an extension of the continuing resolution that expires on Friday.

The conference report is the product of negotiations that have taken place with the other body's conferees over the past several weeks.

I commend the chairmen and ranking members of each of the subcommittees for the thoughtful manner in which they have undertaken their responsibilities. I also thank the staff members for their diligence and the many long hours they have spent in the performance of their duties and bringing us to this point.

The practice of combining multiple appropriations bills into a single package is not ideal, nor should it be encouraged. I would prefer, and I know other Senators would as well, that we have the opportunity to consider, offer amendments, and vote on the bills individually.

This summer, the months during which we normally debate appropriations bills, Congress and the President were wrangling over legislation to increase the debt ceiling and other matters. While the committee moved quickly to report bills in September, we are now more than a month into the new fiscal year and are only now approaching enactment of the first three appropriations bills. I don't know how or when we will be able to actually complete action on all these measures, but I want the Senate to know that the members of this committee, under the very able and distinguished leadership of Senator INOUYE from Hawaii, have done everything within our power to try to get the Senate to move quickly but carefully to approve these bills.

So, Mr. President, without prolonging the debate and knowing other Senators are here to speak, let me just say that we have the restraints of the Budget Control Act, which were respected by the Appropriations Committee. Caps were included that locked in recent cuts in discretionary spending, and that is holding future discretionary growth below the rate of inflation. The act we are passing will bring discretionary spending as a percentage of GDP to the lowest levels since the Eisenhower administration.

I am confident the House and Senate will work together in the coming weeks to complete our negotiations on these and other appropriations bills that will fully comply with the guidance set out in the Budget Control Act. Today, we are making a good start with these three appropriations bills, and I urge support for the conference report.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I support the conference report, which includes appropriations for Agriculture, Rural Development, and the Food and Drug

Administration. I am pleased that we followed the regular process to get to this point. It has not always been an easy process, but it has produced a good and well-balanced bill.

Overall spending levels in this bill are closer to the Senate bill than the House-passed bill. The conference bill is consistent with our allocation and includes a nondisaster spending level of $19.565 billion, compared to $19.78 billion in the Senate and $17.253 billion in the House. This funding level allowed us to protect important ongoing programs, while continuing to reduce spending from last year.

Some of the highlights of the conference report funding levels are as follows:

For the WIC Program, we were able to provide an additional $36 million above the Senate, bringing total funding to $570 million above the House level.

The Emergency Food Assistance Program, which provides assistance to food pantries, is funded at the fully authorized level of $140 million.

The Food and Drug Administration is funded at the Senate level of $2.497 billion, including increased funding to begin implementation of the Food Safety and Modernization Act.

The Food Safety and Inspection Service is funded at $1.004 billion, an increase of more than $32 million above the House level.

The Public Law 480 Program, which provides international food assistance, is funded at $1.466 billion, an increase of $426 million above the House level.

Agricultural research funded through the Agricultural Research Service and the National Institute of Food and Agriculture is funded at $2.297 billion, an increase of $282 million above the House level.

Disaster relief funds for the Emergency Watershed Protection Program, Emergency Conservation Program, and the Emergency Forest Restoration Program were provided based on the latest USDA estimates.

Beyond these important funding items, we also rejected many of the controversial policy riders that were included in the House bill. Among them were a provision prohibiting any food aid for North Korea, which would tie the hands of U.S. negotiators; a provision blocking enforcement of the Energy Independence and Security Act; and a provision blocking participation in a global climate change task force, as well as others.

Again, I think this is a well-balanced bill. We worked hard with our House counterparts to identify and maintain priorities that benefit the American people. I would like to again thank Senator BLUNT for his help during this entire process. His insights were extremely valuable.

Mr. President, I urge my colleagues to vote in favor of this conference report.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I am pleased to join Senator KOHL in supporting the conference report, and I particularly want to talk about the agricultural programs in the report.

This is my first year as the ranking member of the agriculture subcommittee, and I have certainly enjoyed working with the chairman. He has been generous and kind to me, including me in many of these discussions.

In these days, it is no small feat for an appropriations bill to get through the Senate in what is pretty close to regular order, and so I am glad we were able to work closely together to get that done. I hope we can do the same thing next year and have hearings and floor time to pass the Agriculture, Rural Development, FDA bill again next year and maybe in a way that is even closer to the timing and the order we would like to see.

The conference report we are considering today reminds us that we can and should return to the regular way of doing business on appropriations bills. Even though the conference report includes three separate bills, they were all vigorously debated on the floor, and more than two dozen amendments were accepted. The process has certainly yielded a better outcome than a large omnibus appropriations bill would have.

The chairman has reviewed the details of the Agriculture bill, so I will touch on only a few of the highlights.

Discretionary spending for agriculture programs is $350 million below the fiscal year 2011 level and significantly below the fiscal year 2010 level. We are slowly but surely reining in discretionary spending.

To reduce overall spending, we have made difficult decisions. Most programs in the bill that related to agriculture were reduced by 5 percent. We have, however, prioritized those programs that protect the public health and help maintain the strength of our Nation's agricultural economy.

I am particularly pleased we have been able to maintain funding for formula research and competitive agricultural research programs in this bill. Smart investments in American agriculture have been made by the Federal Government for well over a century now, and this bill continues that process of promoting competitiveness and is critical to helping our farmers increase production and produce a food supply that is safe, abundant, and affordable.

With unemployment still hovering around 9 percent, now is not the time to place unnecessary restrictions on the competitive marketplace. Therefore, this plan prohibits the Department of Agriculture from moving forward with a costly and burdensome rule—GIPSA—that Agriculture released earlier this year. This rule would have negatively impacted poultry and livestock markets and damaged the overall strength of the farm economy.

I am also glad the Agriculture bill includes funding to help farmers and communities recover from natural disasters. Missouri has seen unprecedented devastation from both tornadoes and flooding this year. Funding included in this bill for the Emergency Watershed Protection Program and the Emergency Conservation Program is necessary to help those areas recover. It is important that we support our farmers as they clear debris and as they regrade and rehabilitate their land for the next growing season.

As the ranking member of the agriculture subcommittee, I have limited my comments to agricultural funding, but I would be remiss if I didn't point out the significant contributions of the Commerce, Justice, Science Subcommittee and the Transportation, and Housing and Urban Development Subcommittee in developing this conference report.

This bill, although it may have been referred to as the agriculture minibus, doesn't do justice to the great efforts of my colleagues, Senators MIKULSKI, MURRAY, HUTCHISON, and COLLINS, and their staffs. They have all contributed a lot of time and effort to get this report this far. It is not exactly what any of us would have done, but none of us are exactly in charge of doing it all by ourselves.

I hope my colleagues will join me and join Senator KOHL in supporting this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate the distinguished Senator from Missouri for managing the bill for our side because there are three appropriations bills included in this package. I am also pleased that we are actually passing appropriations bills that have been amended and debated in the Senate the way it ought to be done.

I am also very pleased to talk about the Commerce, Justice, Science, and Related Agencies bill, which is the subcommittee on which I am the ranking member. The chairman, Senator MIKULSKI, has already spoken earlier this evening on the bill and what is in it and how we put it all together.

I can't thank Senator MIKULSKI enough for being the kind of chairman who could really bring people together, bring the House Members together, where we had some significant differences. I believe she and I were on the same page, that we have national priorities in this bill, and we ensured that those priorities were met because they are so important for our country. It wasn't easy. As has been said by everyone who has spoken, difficult choices had to be made. We had an allocation that was $583 million below the fiscal year 2011 continuing resolution level. It was $4.7 billion below the President's request.

This bill is also in accordance with the Budget Control Act that passed on August 2, 2011. I just want to mention

on that point that all of the appropriations bills that have gone through the Appropriations Committee this year have met the Budget Control Act requirements. That is something I think we should have done and certainly something we were expected to do.

There are some Members, however, who will be speaking against these bills. They wanted a different standard from the standard we set, which was below the fiscal year 2011 continuing resolution and below the President's request. But that is the standard we should have met, and we did.

We struck a balance between the competing interests of law enforcement, terrorism, research, and competitiveness through investing in science. I think the chairman, Senator MIKULSKI, spoke about the specifics of that, but I want to highlight some of the programs of national interest that I was particularly insistent that we focus on.

We have worked hard to ensure that law enforcement receives the priority funding needed to protect our Nation, our communities, our children, and the victims of crime. That was a particular point that Senator MIKULSKI made and with which I agree.

We have also made sure the FBI has the resources it needs to continue its major role in the global mission of counterterrorism and counterintelligence. Director Robert Mueller has seen the largest transition of the agency certainly in modern times, but maybe ever—a transformation from a traditional crime-fighting organization into an intelligence-driven, threat-focused law enforcement organization and a full member of the U.S. intelligence community since 9/11.

A lot of people are going to say: Well, gosh, why would you increase the FBI? Well, because they are a part of our national security today. They are no longer just a domestic crime-fighting agency—though very important but nevertheless a smaller function. They are part of our U.S. intelligence agencies that are helping us fight terrorism all over the world. So we funded them, and I am glad we did.

We have also included language to encourage the Department of Justice to maintain its current fiscal year 2011 level of funding that focuses on the southwest border. This is so important, as we read about the atrocities happening in Mexico and on our border, some of which have begun to spread across the border, and drug cartels are becoming increasingly emboldened.

I was talking to someone in the law enforcement community today who has had very high positions in our government, and he said those drug cartels are terrorists. I agree with him. Those drug cartels are terrorists. What they are doing to innocent people is atrocious. So we are encouraging and we have given the money to the Justice Department for the southwest border.

The El Paso Intelligence Center is another important program that is one of our first safeguards along the border. It is a national tactical intelligence center that supports law enforcement in the United States, Mexico, and the whole Western Hemisphere. It is the Drug Enforcement Administration's most important intelligence-sharing entity focusing on all things related to our borders.

Another important program in this bill is the State Criminal Alien Assistance Program which we funded to provide Federal assistance to the States and localities that are incurring the costs of incarcerating undocumented criminal aliens who have been accused or convicted of State and local offenses. We know there are counties throughout our country that do not have big budgets. Yet we have illegal alien criminals who are being put in county jails and city jails and it is important for the Federal Government and it is the Federal Government's responsibility to pay for housing those illegal alien criminals. We have done so in this bill.

I was also pleased to work with Senator MIKULSKI and JON KYL, the Senator from Arizona, to include more money for the U.S. Marshals Service for its mission along the southwest border, including detention construction and security upgrades in southwest border Federal courthouses.

The last thing I wish to mention is that we had a very moving ceremony yesterday honoring the significant astronauts—they are all significant, but some of those who took the first chance to go where no human being had ever been, and we honored them with the Congressional Gold Medal, which is the highest honor Congress can bestow on a civilian: John Glenn, the first American to orbit the Earth, Neil Armstrong and Buzz Aldrin, the first and second men to walk on the Moon, the Americans who did that, and they were ferried there by Michael Collins, who landed Apollo 11.

We talked, and the speeches were very uplifting, about the importance of space exploration and what it has done for our country. It has clearly been an economic boon to this country. It has created jobs, it has created better quality of life, and it has also inspired generations of scientists. With the significant support of Senator MIKULSKI, we were able to give NASA the funding it needs to assure that we have not only the vision that was established by Congress in the 2010 authorization bill but the funding to achieve the vision going forward.

Since our space shuttle program has been shut down, we are now on a mission to provide a commercial crew vehicle to take our astronauts to the space station, where we are doing scientific research, and we have fully funded the launch vehicle that is going to take our astronauts beyond Earth orbit and into the asteroid and, hopefully, Mars. That funding has started with this appropriations bill that is going through this year.

So we will have our launch system and our Orion capsule that will be the next generation of space exploration for our country, and Senator MIKULSKI and I agreed on that priority, along with the Webb telescope, which is a very significant scientific priority, that we would assure that those priorities were met. We support the emerging commercial space companies to bring cargo and astronauts to the space station, and our investment for discovery on the space station as well as the science that is gotten from these wonderful, incredible telescopes that fly out there in space and gather information.

NASA has now released its design for the heavy launch vehicle that will be able to carry our astronauts in the Orion crew vehicle to the Moon, the asteroid, and beyond. Now that that decision has been made, we can focus on the future and on moving human exploration forward. NASA has announced its commitment to the path that Congress authorized, and now we are providing the funds to accomplish the development of that rocket.

Chairman MIKULSKI and I have strived to produce a bill that reflects not only the Senate's priorities but the needs of our Nation. Not only do I commend her and all the Senators who have a part in passing these bills and the House Members who also have a significant part, but our staffs did a lot of the work in making sure these priorities were met. Her staff, Gabrielle Batkin, Jessica Berry, Jean Toal Eisen, Jeremy Weirich, and Molly O'Rourke did wonderful work and were so close in concept and in close relationships and working relationships with my staff, James Christoferson, Goodloe Sutton, and Allen Cutler.

I recommend our bill. I think we stayed within the budget resolution, the Budget Control Act we passed, but we set the priorities, and I am very pleased to offer it to the Senate tonight.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask to be notified after 5 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. SESSIONS. I appreciate the work of the sponsors on this difficult piece of legislation.

There is so much we would like to do. But every American knows that when they are in debt, they have to cut back on spending. But Washington remains in denial. This bill is a statement that Washington does not take seriously the extraordinary dangers imposed by our debt. It is bizarre that we passed on to a committee of 12 the job of achieving deficit reduction while at the same time working to increase the deficit with bills such as this one.

After the first 2 years of the Obama administration in which nondefense discretionary spending surged 24 percent—not counting the stimulus—it

should not be difficult for us to find reductions that can be achieved in these three bills that have been cobbled together as a mini omnibus. But instead of doing the hard work and finding things we can reduce the spending for and bringing this bill in with a reduction—a real reduction—in spending, we now have a piece of legislation that is moving forward with increases. In fact, what this amounts to and what we are seeing in the committee of 12, the supercommittee, in their secret work is apparently a demand by our Democratic colleagues that taxes be substantially increased to fund the spending level we have been on.

I recently also addressed some of the gimmicks I believe this bill uses to conceal more spending than is apparent. One of these gimmicks, creating the false appearance of cash savings in mandatory spending, was actually increased, in this current version of the bill, in conference. That is why I introduced the Honest Budget Act: to confront these continuing problems.

Senator OLYMPIA SNOWE and I believe these kind of gimmicks, such as on mandatory spending and claims of reductions that are not real, need to be eliminated from our process as they help cause the great deficit we are in.

I think it is particularly offensive that the bill is being represented as a spending cut, even though that was the most minute spending cut of $1 billion, when, in truth, it clearly increases spending. We need real cuts, not minuscule cuts and certainly not increases.

With the President at the helm of the ship of State, Washington is continuing to steer toward financial disaster. We must get off this path. The American people know it. I believe they spoke clearly last November. We still have not gotten the message. We still remain in denial.

Some say: Oh, the tea party. You shouldn't pay attention to them. They were angry people. I think they were deeply frustrated people and, yes, somewhat angry. Why should they not be when the people they have elected to Congress, they now discover, are spending billions and billions of dollars day after day, week after week, borrowing 40 cents of every dollar that is spent? How can we defend that? How can we defend to any American citizen our behavior that has allowed such a debt situation to occur? We have had three consecutive trillion-dollar deficits, and this fiscal year we are expecting to have another trillion-dollar deficit. It is an unacceptable course.

I will oppose the legislation and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, as the ranking member of the Transportation, Housing and Urban Development Appropriations Subcommittee, I rise in support of this conference report, and I encourage our colleagues to join me in voting for this measure.

Let me first thank Chairman PATTY MURRAY and her staff who worked collaboratively with me and with my talented staff throughout this entire process. I also wish to thank Chairman KOHL, Ranking Member BLUNT, Chairman MIKULSKI, Ranking Member HUTCHISON, and of course the leaders of the full Appropriations Committee, Senator INOUYE and Senator COCHRAN. All of us have worked closely together to usher this first group of appropriations bills to final passage.

I am particularly pleased that we brought these appropriations bills to the floor through the regular order enabling members to examine, debate, and vote in a fair and transparent process. That is a big change from the approach that has, unfortunately, marred the process in previous years when all the appropriations bills—or nearly all of them—were bundled into one enormous omnibus bill that was considered at the last moment in a rushed manner and without the opportunity for full and fair debate and amendment. We didn't do it that way this time, and I think that represents progress.

I am also pleased this conference report contains provisions that are important to the State of Maine.

The Transportation-HUD bill recognizes the fiscal reality of what is now an unsustainable $15 trillion debt, while making critical infrastructure and economic development investments that will help to create jobs. In this bill, we are also meeting our responsibility to very vulnerable populations in our country. The bill strikes the right balance between thoughtful investment and fiscal restraint, thereby setting the stage for future economic growth. The proposed nonemergency funding levels for fiscal year 2012 in this bill are nearly $13 billion below fiscal year 2010, a reduction of nearly one-fifth in 2 years' time. These significant savings represent an unmistakable commitment and movement in the direction of fiscal responsibility.

For those reasons, and for many more, I urge my colleagues to vote in favor of this conference report.

Mr. COBURN. Mr. President, I want to spend a minute because I do not think the American public knows how badly they have been hoodwinked by Congress. The Budget Control Act told the American people that we cut $1 trillion. That is what the claims were. The fact is, under the Budget Control Act spending, discretionary spending will still rise by $850 billion over the next 10 years. That is the truth.

We hear in the bills that are coming up the word ''emergency.'' One of the things the American people cannot quite understand is—when they have an emergency what they do is they end up having to make choices. They do not have a bank that will loan them money regardless of whether they are worthy of paying it back, and that is where we are. We are not worthy of paying the money back that we are borrowing now. That is going to become acutely obvious over the next 18 months in our country as we see our interest rates rise.

We have a bill on the floor that meets the numbers and meets what the Budget Control Act said but totally denies what the American people are expecting. Let me talk about what I mean by that. There are five major problems with this bill.

No. 1, it claims to cut spending when in fact it does not. When you take all spending, it does not cut spending. We are going to hear and we have heard already how it cuts spending but usually with the caveat ''not counting emergency spending.'' So the first thing it does is not to address any of the problems our country has in terms of having to deal with real cuts in spending, not decreases in the rate of growth of spending. We have to have real cuts if we are going to create a future for our kids. If we are going to be able to borrow money in the future at an affordable interest rate, we are going to have to have real cuts. We have to quit playing the game to the American people and start talking to them as adults, not playing the game and actually being dishonest with them about what we are doing.

This bill also continues to demonstrate that we are shirking our duties in terms of doing oversight. We have provided funding for things that obviously need to be corrected but we will not correct them. We do not eliminate the wasteful programs. There is nothing in here, not one duplicative program in any of these three segments of appropriations bills, that is eliminated. Yet we know there is over $200 billion a year in duplication costs to the Federal Government on programs that do exactly the same thing. Yet we did not do any of it. It is no wonder you can't cut spending if you don't get rid of programs that do the same thing, none of which or 80 percent of which never accomplish their goals or never have been measured as to whether they accomplish their goals. That is the third thing.

The fourth thing this bill does is absolutely ignore FHA's condition. It was announced they are about to run out of money. What do we do? We raise the amount of money that people can borrow from the FHA at the time when FHA is running out of money. The only problem with that is FHA has a very friendly banker which the Congress has no control over because when FHA runs out of money, do you know what they do? They go and get it from the Treasury and we cannot stop it.

What we have done is we have raised the loan limit for FHA homes to $729,000 in this bill. FHA is going to be out of money this year. They will have no capital to protect the $1.1 trillion worth of loans they are guaranteeing, and they will go get the money. Where is that money going to come from? That money is going to come from—we are going to borrow it from the Chinese. So we are going to compound the

very problem we have today. It is absolutely ignoring what the real situation is on the ground, ignoring the real complications of not acting, and consequently we actually make it worse for our kids and our country.

Finally, it includes very few of the amendments that were passed by wide margins in the Senate. One of mine is there. I am very thankful for it. I think it is an appropriate amendment. But several others are not, that were good, commonsense amendments. Yet somebody in the Appropriations Committee decided even though they may have voted for it, they pulled it out. It was not the majority on the other side who insisted it come out because I checked.

What we have done is we are up here and we are going to pass this bill. I have no doubt about it. But we are continuing down the road of, No. 1, being dishonest with the American people about what we are doing, how we are doing it; No. 2, we are shirking our responsibility to eliminate the wasteful portions of the Federal Government which at least are $350 billion a year, when you combine waste, fraud, and duplication. None of that was attacked in this bill, none of it. Then we are lying to them about whether we are actually increasing spending or not increasing spending.

Our time is shortening. If you look at what happened in Europe in the last 2 weeks, to the bond yields for Italy, to the bond yields for Spain, we know what is coming. How bad does it have to get or how close does it have to get to us before we will act in the best interests of the country instead of the best interests of partisanship or the best interests of our careers?

This is not a bad bill. It just doesn't do what the American people need us to do right now, which is start cutting out the waste, fraud, and duplication in the Federal Government so that their children will have an opportunity to live in a country of opportunity.

This bill fails on that count. It should be defeated and a bill coming back here with $10 or $12 or $15 billion less is what ought to come back here. That is what ought to happen, if we were going to be truly honest. Either I am being dishonest about the situation facing our country or you are being dishonest in what you are bringing as the answer on the floor. One of us is not telling the truth and I guarantee the markets are going to prove me right. When we can no longer borrow, as the Chairman of the Federal Reserve said, we are going to eventually fix all this, regardless of the politicians. Do you know why we are going to fix it? Because they are going to quit loaning us money. And we have done nothing with this bill to solve the very real and immediate problems in front of this country.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Missouri.

Mr. BLUNT. Mr. President, we are going to move this bill this evening. I think we have other people who wish to speak and there is no reason they should not come and speak. I encourage them to come over here and say what needs to be said so we can get our work done. We have a few people who still have opportunities to make a plane. We are not going to be voting tomorrow. We plan to be voting here in the next 30 minutes or so. I hope people come to the floor and speak on the bill. This bill has gone through a process with lots of amendments, lots of debate. It went through a conference committee. It is not perfect by anyone's standard of perfect, but legislation seldom is.

It is under the level that was established in the debt ceiling agreement that also established how we deal with emergency spending. Of course, many of our colleagues did not vote for that. They did not agree with that at the time. It has only been a few weeks ago, but it is the standard that the House and Senate worked on. These numbers should be below that number. They are a little lower than the Senate number which was at that number but higher than the House number. I wish we could have been closer to the House number, but the House has a different majority than the Senate does.

The real point is, if people want to come speak on this bill, the vote is scheduled here in about a half hour or so and I hope people will come on over and have their say on this bill, let the people know in addition to their vote where they stand. We are waiting for a couple of people to come. This would be a good time for them to do that.

I yield, and we will be waiting.

Mr. President, 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.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. 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. MURRAY. I rise to speak about the transportation-housing title of the bill before the Senate. It has broad bipartisan support because it addresses the very real housing and transportation needs of American families across the Nation.

This is not a perfect bill, but there is a lot to be proud of in the conference report, and I am pleased with what we have been able to accomplish with my colleague Senator COLLINS, because she has worked so hard in a bipartisan way to get us to this point, and Chairman LATHAM and Congressman OLVER on the House side and all of their staff.

This bill makes needed investments in our transportation infrastructure and creates critical jobs, while also supporting housing and services for our Nation's most vulnerable.

This bill touches the lives of all Americans in ways they can appreciate every day, whether it is a parent who commutes every day and needs safe roads or new public transportation options so they can spend more time with their family, a business that depends on a solid infrastructure to move goods and attract customers, young families searching for safe and affordable communities to raise their children or a repeatedly laid-off worker who needs help to keep his or her family in their home. This bill has a real impact on Americans who are struggling in these troubling economic times.

Our bill takes a balanced approach that addresses the most critical needs we face in both transportation and housing, while remaining financially responsible and staying within the constraints of the budget.

The bill contains improvement investments for our Nation, including $500 million for the competitive, multimodal TIGER Program to help improve our Nation's infrastructure, including rail transportation projects; $1.4 billion for Amtrak, including funding for State-supported services; sufficient funding to preserve housing for our Nation's low-income families, elderly, disabled, and veterans who rely on HUD's housing and rental assistance programs; $39.8 billion to continue the Federal-Aid Highway Program at current levels; $45 million for housing counseling; and $75 million for 11,000 new vouchers for homeless veterans.

The bill also addresses the needs of communities that have been hit by disasters this year, providing $1.7 billion in emergency relief highway funding and up to $400 million in CDBG funding for areas that have been most impacted by recent disasters.

It is not a perfect bill, but it is a good bill. It represents a fair, bipartisan compromise that makes investments in our infrastructure and protects the most vulnerable, while living within our funding restraints. Our bill helps commuters, homeowners, and the most vulnerable in our society. Most importantly, it creates jobs and supports the continued recovery of the national economy.

I look forward to having it reach the President's desk soon for his signature, and before I close I again thank my colleague Senator COLLINS and all of her staff for all of their very hard work on this bill. I also thank all of my staff members who worked beyond reasonable hours to get this bill to this point tonight to be able to send it to the President. They are Alex Keenan, Megan McCarthy, Dabney Hegg, Rachel Milberg, Molly O'Rourke, Travis Lumpkin, Evan Schatz, and Lauren Overman. I thank all of them for their hard work and all of Senator COLLINS' staff as well as our chairman, Senator INOUYE, and look forward to the passage of this bill this evening.

Thank you, Mr. President.

Ms. COLLINS. Mr. President, I wanted to add to my earlier remarks in support of the FY 2012 conference report which includes language I co-authored

along with Senator LEAHY allowing the heaviest trucks to travel on the interstate highways in Maine and Vermont rather than forcing them onto secondary roads and downtown streets.

Currently, the heaviest trucks in Maine are diverted onto secondary roadways that cut through our downtowns on narrow streets. This creates a major safety concern. It simply makes no sense to force heavier trucks off the highway and onto our smaller roads, jeopardizing the safety of both drivers and pedestrians.

In 2009, I authored a pilot project that allowed trucks weighing up to 100,000 pounds to travel on Maine's Federal interstates for 1 year. According to the Maine Department of Transportation, the number of accidents involving trucks decreased. During the 1-year period covered by the pilot, the number of crashes involving trucks on Maine's local roads was reduced by 72 compared to a 5-year average. This information and other data gathered during the pilot provide proof that this language will increase safety.

In a case study of a freight trip following this route from Hampden to Houlton, when these trucks were allowed to use I–95 rather than Route 2, the driver avoided 300 intersections, 4 hospitals, 30 traffic lights, 9 school crossings, 4 railroad crossings, and 86 crosswalks.

Virtually every safety group in Maine supports this language. These groups include the Maine Association of Police, the Maine State Police, the State Troopers Association, the Maine Department of Public Safety, and the Maine Chiefs of Police. This language is also supported by education and child advocacy groups such as Maine Parent Teachers Association and the Maine School Superintendents Association.

Let me make clear: my amendment does not increase the size or weight of Maine trucks. The only question is on which roads they are allowed to travel.

This has been a long and hard-fought battle. But I am delighted that I was able to convince my colleagues in both the House and Senate to support my provision to allow the heaviest trucks to drive on Federal highways in Maine.

I also want to voice my support for the Agriculture Appropriations title of this legislation. I am particularly appreciative of the efforts of the chairman and ranking member of the Agriculture Subcommittee, Senators KOHL and BLUNT, and their staffs for their diligent work to move this legislation forward.

I also want to thank my colleague, Senator MARK UDALL, for joining me in co-authoring an amendment to ensure that schools continue to have the flexibility they need to serve children nutritious meals at an affordable cost. We worked with Members from both sides of the aisle and from across the country in crafting a bipartisan amendment that achieves this goal.

Our efforts will go a long way in ensuring that schools can serve healthy meals that meet the nutritional needs of students in a way that fits their budgets. The language overturns arbitrary restrictions proposed by the USDA that would have so restricted the use of potatoes in the school lunch program that a school could not have served a baked potato and an ear of fresh corn in the same week—an absurd result.

We heard from many school advocacy organizations and school and school food service professionals that the rule as proposed was too prescriptive, too limiting, and too expensive. USDA estimates that the opposed rule would have cost as much as $6.8 billion over 5 years. The lion's share of these costs would have been incurred by the state and local agencies.

We were pleased to have the support of the American Association of School Administrators, National School Boards Association, Council of the Great City Schools, National Association of Elementary School Principals, Maine Parent Teacher Association, Maine School Management Association, Maine Principals Association, Maine Department of Education, and so many more.

Mr. President, for these and many other reasons I am proud to support the FY 2012 conference report.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we would yield back whatever time is left on the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back on the Democratic side.

Mr. REID. Mr. President, we are going to continue to work tomorrow on the DOD authorization bill. Everyone has been told by the two managers of this bill that if they have amendments, they should offer them.

We are working on the Energy and Water bill. While we are making progress on that with Senators FEINSTEIN and LAMAR ALEXANDER, we have some nominations we are working on.

The next vote will be at 5:30 on November 28.

We will be in session tomorrow.

Mr. BLUNT. Mr. President, I yield back the Republican time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the conference report to accompany H.R. 2112.

Mr. BLUNT. 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.

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—70

Akaka	Graham	Murkowski
Alexander	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hoeven	Nelson (FL)
Bennet	Hutchison	Pryor
Bingaman	Inouye	Reed
Blumenthal	Johanns	Reid
Blunt	Johnson (SD)	Roberts
Boozman	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (MA)	Kohl	Schumer
Brown (OH)	Kyl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Manchin	Warner
Conrad	McCaskill	Webb
Coons	McConnell	Whitehouse
Durbin	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Moran	

NAYS—30

Ayotte	Enzi	McCain
Barrasso	Grassley	Paul
Burr	Hatch	Portman
Chambliss	Heller	Risch
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter

The PRESIDING OFFICER. On this vote the yeas are 70, the nays are 30. Under the previous order requiring 60 votes for the adoption of this conference report, the conference report is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion upon the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—Continued

Mr. LEVIN. Mr. President, if I could, there are a number of Senators here who want to offer their amendments and make them pending tonight. That is fine with us. Then if they have speeches, I would suggest that they withhold speeches until everybody who has amendments here can offer them and set them aside so that we can allow people to leave and then have the speeches come, if there are speeches tonight, after anybody who wants to make their amendment pending has that opportunity.

That is the process I would suggest, and Senator MCCAIN is supportive of that process. So that is my suggestion: that the Chair recognize people as the Chair wishes, call up your amendment, set it aside, let the next person call up their amendment, set it aside, and if there are any speeches, that they come after everybody who is recognized to call up their amendment has that opportunity.

Now, one other thing. This relates to what will happen, hopefully, tonight and tomorrow; that is, we are going to try to clear amendments, if we can, tonight and tomorrow. We will be here at 9 o'clock, and we are going to try to clear as many amendments as we can because we have to make progress on this bill.

I just want to thank Senator MCCAIN for all he is doing to help that process and help our leaders.

Mr. MCCAIN. Mr. President, I understand we have a couple of amendments already from Senator CARDIN, No. 1073 and 1188.

Mr. LEVIN. Are his two amendments cleared on your side? We have cleared one.

Mr. MCCAIN. We should momentarily.

The PRESIDING OFFICER. The Senator from California.

AMENDMENTS NOS. 1125 AND 1126

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the pending amendments be set aside in order to call up amendments Nos. 1125 and 1126.

I further ask that Senators LEAHY, DURBIN, and UDALL of Colorado be added as cosponsors to both amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes en bloc amendments numbered 1125 and 1126.

The amendments are as follows:

AMENDMENT NO. 1125

(Purpose: To clarify the applicability of requirements for military custody with respect to detainees)

On page 361, line 9, insert ''abroad'' after ''is captured''.

AMENDMENT NO. 1126

(Purpose: To limit the authority of the Armed Forces to detain citizens of the United States under section 1031.)

On page 360, between lines 21 and 22, insert the following:

(e) APPLICABILITY TO CITIZENS.—The authority described in this section for the Armed Forces of the United States to detain a person does not include the authority to detain a citizen of the United States without trial until the end of the hostilities.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1107

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 1107 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. UDALL] proposes an amendment numbered 1107.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To revise the provisions relating to detainee matters)

Strike subtitle D of title X and insert the following:

Subtitle D—Detainee Matters

SEC. 1031. REVIEW OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with appropriate officials in the Executive Office of the President, the Director of National Intelligence, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, submit to the appropriate committees of Congress a report setting forth the following:

(1) A statement of the position of the Executive Branch on the appropriate role for the Armed Forces of the United States in the detention and prosecution of covered persons (as defined in subsection (b)).

(2) A statement and assessment of the legal authority asserted by the Executive Branch for such detention and prosecution.

(3) A statement of any existing deficiencies or anticipated deficiencies in the legal authority for such detention and prosecution.

(b) COVERED PERSONS.—A covered person under this section is any person, other than a member of the Armed Forces of the United States, whose detention or prosecution by the Armed Forces of the United States is consistent with the laws of war and based on authority provided by any of the following:

(1) The Authorization for Use of Military Force (Public Law 107–40).

(2) The Authorization for Use of Military Force Against Iraq Resolution 2002 (Public Law 107–243).

(3) Any other statutory or constitutional authority for use of military force.

(c) CONGRESSIONAL ACTION.—Each of the appropriate committees of Congress may, not later than 45 days after receipt of the report required by subsection (a), hold a hearing on the report, and shall, within 45 days of such hearings, report to Congress legislation, if such committee determines legislation is appropriate and advisable, modifying or expanding the authority of the Executive Branch to carry out detention and prosecution of covered persons.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1115

(Purpose: To reauthorize and improve the SBIR and STTR programs, and for other purposes)

Ms. LANDRIEU. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 1115, and I ask to make it pending on behalf of myself, Senator SNOWE, and I appreciate the cosponsorship of Senators SHAHEEN, BROWN of Ohio, and KERRY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] for herself and Ms. SNOWE, proposes an amendment numbered 1115.

Ms. LANDRIEU. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Ms. LANDRIEU. This is an amendment which would reauthorize two of the most important research programs for small businesses of this country.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 1197

Mr. FRANKEN. I ask unanimous consent to set aside the pending amendment and call up my amendment No. 1197.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. FRANKEN] proposes an amendment numbered 1197.

Mr. FRANKEN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require contractors to make timely payments to subcontractors that are small business concerns)

At the end of subtitle E of title VIII, add the following:

SEC. 889. TIMELY PAYMENT OF SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

''(s) REGULATIONS RELATING TO TIMELY PAYMENTS.—

''(1) REGULATIONS REQUIRED.—Not later than 1 year after the date of enactment of this subsection, the Director of the Office of Management and Budget, in consultation with the Administrator, shall issue regulations that require any prime contractor awarded a contract by the Federal Government to make timely payments to subcontractors that are small business concerns.

''(2) CONSIDERATIONS.—In issuing the regulations under paragraph (1), the Director of the Office of Management and Budget, in consultation with the Administrator, shall consider—

''(A) requiring a prime contractor to pay a subcontractor that is a small business concern not later than 30 days after the date on which the prime contractor receives a payment from the Federal Government;

''(B) developing—

''(i) incentives for prime contractors that pay subcontractors in accordance with the regulations; or

''(ii) penalties for prime contractors that do not pay subcontractors in accordance with the regulations; and

''(C) requiring that any subcontracting plan under paragraph (4) or (5) of section 8(d) contain a detailed description of when and how each subcontractor will be paid.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 638(d)(6)) is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) in subparagraph (G)(ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(H) any information required to be included under the regulations issued under section 15(s).''.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 1073

Mr. CARDIN. Mr. President, I ask unanimous consent that the pending amendments be set aside so I may offer my first amendment, No. 1073.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself and Ms. MIKULSKI, proposes an amendment numbered 1073.

Mr. CARDIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland)

At the end of subtitle H of title X, add the following:

SEC. 1088. PROHIBITION ON EXPANSION OR OPERATION OF DISTRICT OF COLUMBIA NATIONAL GUARD YOUTH CHALLENGE PROGRAM IN ANNE ARUNDEL COUNTY, MARYLAND.

Notwithstanding any other provision of law, no funds may be used to expand or operate the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 1188

Mr. CARDIN. I ask unanimous consent that the amendment now be set aside so I can offer amendment No. 1188.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. CASEY, and Mr. BURR, proposes an amendment numbered 1188.

Mr. CARDIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations)

At the end of subtitle E of title X, add the following:

SEC. 1049. EXPANSION OF OPERATION HERO MILES.

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

''(b) TRAVEL BENEFIT DEFINED.—In this section, the term 'travel benefit' means—

''(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

''(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.''.

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking ''the air or surface carrier'' and inserting ''the business entity referred to in subsection (b)'';

(2) by striking ''the surface carrier'' and inserting ''the business entity''; and

(3) by striking ''the carrier'' and inserting ''the business entity''.

(c) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking ''the air carrier or surface carrier'' and inserting ''the business entity referred to in subsection (b)''.

(d) STYLISTIC AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

''2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.''.

Mr. LEVIN. Mr. President, on No. 1188, I believe this amendment has been cleared on both sides, and we could actually agree to it tonight, right now.

The PRESIDING OFFICER. Is there further debate on the amendment?

The amendment (No. 1188) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion upon the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1114

Mr. BEGICH. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 1114.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. BEGICH], for himself, Ms. SNOWE, Mr. CASEY, Mr. GRASSLEY, Mr. LEAHY, Mr. GRAHAM, and Ms. MURKOWSKI, proposes an amendment numbered 1114.

Mr. BEGICH. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents)

At the end of subtitle E of title III, add the following:

SEC. 346. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDOWERS OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

''§ 2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents

''(a) RESERVE MEMBERS.—A member of a reserve component holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis.

''(b) RESERVE RETIREES UNDER APPLICABLE ELIGIBILITY AGE.—A member or former member of a reserve component who, but for being under the eligibility age applicable to the member under section 12731 of this title, otherwise would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis.

''(c) WIDOWS AND WIDOWERS OF RETIRED MEMBERS.—

''(1) IN GENERAL.—An unremarried widow or widower of a member of the armed forces described in paragraph (2) shall be provided transportation on Department of Defense aircraft, on a space-available basis.

''(2) MEMBERS COVERED.—A member of the armed forces referred to in paragraph (1) is a member who—

''(A) is entitled to retired pay;

''(B) is described in subsection (b);

''(C) dies in the line of duty while on active duty and is not eligible for retired pay; or

''(D) in the case of a member of a reserve component, dies as a result of a line of duty condition and is not eligible for retired pay.

''(d) DEPENDENTS.—A dependent of a member or former member described in subsection (a) or (b) or of an unremarried widow or widower described in subsection (c) holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, if the dependent is accompanying the member.

''(e) SCOPE.—Space-available travel required by this section includes travel to and from locations within and outside the continental United States.

''(f) PRIORITY.—The priority level and category for space-available travel for the eligible members described in subsection (a), (b), (c), and (d) shall be determined by the Secretary of Defense.

''(g) DEFINITION OF DEPENDENT.—In this section, the term 'dependent' has the meaning given that term in section 1072 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641b the following new item:

''2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents.''.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement section 2641c of title 10, United States Code, as added by subsection (a).

AMENDMENT NO. 1149

Mr. BEGICH. I ask unanimous consent that the current amendment be set aside for one more.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. BEGICH] proposes an amendment numbered 1149.

Mr. BEGICH. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) IN GENERAL.—In an effort to reduce Federal expenses, resolve evolving land use conflicts, and maximize the beneficial use of real property resources by and between Joint Base Elmendorf Richardson (in this section referred to as the ''JBER''); the Municipality of Anchorage, an Alaska municipal corporation (in this section referred to as the ''Municipality''); and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as ''Eklutna''), the following conveyances are authorized:

(A) The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this subparagraph.

(B) The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER's current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(2) RIGHT TO WITHHOLD TRANSFER.—The Secretary may withhold transfer of any portion of the real property described in paragraph (1) based on public interest or military mission requirements.

(b) TRANSFER OF ADMINISTRATIVE CONTROL.—

(1) REAL PROPERTY ACTIONS.—The Secretary of the Interior shall complete any real property actions necessary to allow the Secretary of the Air Force to convey property under this section.

(2) ADMINISTRATIVE JURISDICTION.—The Secretary of Interior, acting through the Bureau of Land Management, shall, upon request from the Secretary of the Air Force, transfer administrative jurisdiction over any requested parcel of property to the Secretary of the Air Force for purposes of carrying out the conveyances authorized under subsection (a).

(c) CONSIDERATION.—

(1) MUNICIPALITY PROPERTY.—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force may receive in-kind solid waste management services at the Anchorage Regional Landfill, and such other consideration as determined satisfactory by the Secretary.

(2) EKLUTNA PROPERTY.—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary.

(d) RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP.—The Secretary of the Air Force shall retain liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and any other applicable environmental statute or regulation, for any environmental hazard on the properties conveyed under subsection (a) as of the date or dates of conveyance, unless such liability is conveyed in consideration for the exchanged property.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Municipality and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and of the real property interests to be acquired under subsection (b) shall be determined by surveys satisfactory to the Secretary.

(h) OTHER OR ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, if there is no one else who wishes to offer amendments—

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1120

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 1120.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN], for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BLUMENTHAL, Ms. STABENOW, and Mr. DURBIN, proposes an amendment numbered 1120.

Mrs. SHAHEEN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense)

At the end of subtitle B of title VII, add the following:

SEC. 714. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: ''or in a case in which the pregnancy is the result of an act of rape or incest''.

Mr. CARDIN. Mr. President, first, let me thank Senator LEVIN and Senator MCCAIN with regard to amendment No. 1188, which was my Hotels for Heroes amendment. I am going to be very brief.

Hotels for Heroes follows on Hero Miles, a successful program which allows our wounded warriors and their families to use frequent flyer miles that are donated for trips to military care facilities. I compliment my colleague in the House, Congressman DUTCH RUPPERSBERGER, for his work on establishing that program.

The amendment which was just accepted, which Senators WICKER, FEINSTEIN, MIKULSKI, ROCKEFELLER, CASEY, and BURR cosponsored, expands that program to include hotel points so that family members can use the donated hotel points for housing so they can be near and visit their wounded warriors who are on rest and recuperative leave, emergency leave, convalescent leave, or another form of authorized leave necessary because of an injury or illness incurred or aggravated in the line of duty in support of a contingency operation.

I also want to comment very briefly on the other amendment I filed, which is No. 1073, that Senator MIKULSKI cosponsored. This amendment would prohibit the District of Columbia's National Guard from operating or expanding its Youth Challenge Program in Anne Arundel County because there is also a better alternative already in place.

The DC National Guard currently partners with the Maryland National Guard to provide valuable service to at-risk children through the Youth Challenge Program at Aberdeen Proving Grounds in Harford County, MD. I have visited the two programs at that site, and that is where I think it is logical to see an expansion.

Here's the problem with the so-called Oak Hill facility in Anne Arundel County, which is what this amendment deals with: that parcel of land borders the National Security Agency (NSA), which will need more space. This is Federal property located in the State of Maryland that is important for our national security.

In the 1920s, the District of Columbia got permission from Congress to place on that property—and please understand I am quoting from the original authorizing language—a facility for children that are ''feeble-minded.'' That was the exact language contained in the fiscal year 1924 District of Columbia appropriations bill.

Since that time, the District, without our knowledge, constructed a juvenile detention facility and now wants to add the Youth Challenge Program, which is doing just fine at Aberdeen. The purpose of this amendment is to say: Look, we already have a place where the Youth Challenge Program should be and can expand as necessary. We should not be using this other Federal land in the State of Maryland adjacent to NSA for this type of expansion without working with the appropriate State and local officials, as well as federal officials.

I hope this amendment can get cleared. But I wanted to explain the reason I filed it and called it up. I thank the Chair for your attention.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, the amendment I offered—

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. FRANKEN. I yield.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. McCAIN. Mr. President, I would just say that we have the Senator from Maine here. I thought we were going to go through the process of pending amendments before we spoke. I think the Senator's amendment is already pending.

Mr. FRANKEN. It is. Because the Senator from Maryland spoke to his amendment, I thought that process was over. I apologize.

Mr. McCAIN. Not at all. It is no big deal at all. Maybe the Senator from Maine could make her amendments pending.

Mr. LEVIN. Would the Senator from Maine yield?

I wanted to thank the Senator from Minnesota for his courtesy because he had no way of knowing that the Senator from Maine was here to offer her amendments. I just want to thank the Senator.

Mr. FRANKEN. I would like to thank the Senator from Michigan for thanking me.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NOS. 1105, 1155, 1158, AND 1180

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside so I could call up to make pending en bloc amendments Nos. 1105, 1155, 1158, and 1180, which are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments en bloc.

The bill clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes en bloc amendments numbered 1105, 1155, 1158, and 1180.

The amendments are as follows:

AMENDMENT NO. 1105

(Purpose: To make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities)

On page 365, line 12, strike ''for fiscal year 2012''.

AMENDMENT NO. 1155

(Purpose: To authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy)

At the end of subtitle D of title V, add the following:

SEC. 547. EDUCATIONAL ASSISTANCE FOR ADVANCED DEGREES IN PHYSICAL THERAPY AND OCCUPATIONAL THERAPY UNDER THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—In accordance with guidance issued by the Secretary of Defense for purposes of this section, assistance under the Armed Forces Health Professions Scholarship program under subchapter I of chapter 105 of title 10, United States Code, shall be available for pursuit of a master's degree and a doctoral degree in the disciplines as follows:

(1) Physical therapy.

(2) Occupational therapy.

(b) TERMINATION.—The guidance under subsection (a) shall provide that the availability of assistance as described in that subsection for pursuit of a degree in a discipline covered by that subsection shall cease when the Secretary certifies to Congress that there no longer exists a current or projected shortfall in qualified personnel in that discipline in either of the following:

(1) The military departments.

(2) Any major military medical treatment facility specializing in the rehabilitation of wounded members of the Armed Forces.

AMENDMENT NO. 1158

(Purpose: To clarify the permanence of the prohibition on transfers of recidivist detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities)

On page 367, strike line 11 and all that follows through ''Guantanamo'' on line 18 and insert the following:

(c) PERMANENT PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PERMANENT PROHIBITION.—Except as provided in paragraph (2) and subject to subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense for any fiscal year to transfer an individual detained at Guantanamo

AMENDMENT NO. 1180

(Purpose: Relating to man-portable air-defense systems originating from Libya)

At the end of subtitle C of title XII, add the following:

SEC. 1243. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb–6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence shall submit to Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft, posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) ELEMENTS.—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector.

(D) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disarmed, or otherwise rendered unusable following Operation Unified Protector.

(E) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) through (D), and the current disposition and locations of such man-portable air-defense systems.

(F) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(G) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(H) An assessment of the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(I) An assessment of the effectiveness of efforts undertaken by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the Director) to reduce the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(J) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) NOTICE REGARDING DELAY IN SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(4) FORM.—The assessment under this subsection shall be submitted in unclassified form, but may include a classified annex.

(c) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection (b) is submitted to Congress, the President shall submit to Congress a report setting forth the strategy required by paragraph (1).

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(ii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iii) A summary of United States Government efforts, and technologies current available, to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(iv) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(v) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENTS NOS. 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, AND 1093

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the pending amendment for the purpose of the consideration of 10 amendments en bloc. I will read these: 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, and 1093.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes en bloc amendments numbered 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, and 1093.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1094

(Purpose: To include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities)

At the end of subtitle E of title VIII, add the following:

SEC. 889. INCLUSION OF DEPARTMENT OF COMMERCE IN CONTRACT AUTHORITY USING COMPETITIVE PROCEDURES BUT EXCLUDING PARTICULAR SOURCES FOR ESTABLISHING CERTAIN RESEARCH AND DEVELOPMENT CAPABILITIES.

Section 2304(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The Secretary of Commerce shall be treated as the head of an agency for purposes of procurements under paragraph (1) that are covered by a determination under subparagraph (C) of that paragraph.''.

AMENDMENT NO. 1095

(Purpose: To express the sense of the Senate on the importance of addressing deficiencies in mental health counseling)

At the end of subtitle H of title X, add the following:

SEC. 1088. MENTAL HEALTH COUNSELING TRAINING FOR MILITARY CHAPLAINS.

(a) FINDINGS.—The Senate makes the following findings:

(1) A decade of deployments for the United States Armed Forces has led to significant increases in traumatic stress for members of the Armed Forces and their families.

(2) Increases in the severity and frequency of stress for members of the Armed Forces and their families has driven up demand for mental health counseling services by specially trained counselors and military chaplains.

(3) The emotional needs, mental strain, and interpersonal issues that arise among soldiers and their families before, during, and after deployment are highly unique. It is critical that military counselors and chaplains have a specialized understanding of the total deployment experience.

(4) The military chaplain's corps for all military services has experienced significant shortfalls in personnel. The Army and Army National Guard have been especially affected by the inability to field needed personnel.

(5) A muted ability to field qualified military health counselors and chaplains has an adverse affect on the mental and emotional health of members of the Armed Forces and their families.

(6) The United States Army Chaplain Center and School, United States Navy Chaplaincy School and Center, and other military chaplaincy schools rely on accredited universities, seminaries, and religious schools to produce qualified counselors and chaplain candidates.

(7) It is important that accredited universities, seminaries, and religious schools producing chaplain candidates or providing post-graduate education and supplemental training adequately prepare students with the training required to address the needs of members of the Armed Forces and their families.

(8) There is both opportunity and need for the Chaplain Corps of the United States Armed Forces to work with accredited universities, seminaries, and religious schools to produce qualified counselors and chaplain candidates and provide post-graduate education and supplemental training, and to do so in a way that is cost effective.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of Defense, in conjunction with the Chief of Chaplains for each military service, should produce a plan to ensure sustainable throughput of qualified chaplains in the military chaplain centers and schools; and

(2) the plan should include integration of accredited universities, seminaries, and religious schools to include programmatic augmentation when efficient and fiscally advantageous.

AMENDMENT NO. 1096

(Purpose: To express the sense of the Senate on treatment options for members of the Armed Forces and veterans for Traumatic Brain Injury and Post Traumatic Stress Disorder)

At the end of subtitle C of title VII, add the following:

SEC. 723. SENSE OF SENATE ON TREATMENT OPTIONS FOR MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST TRAUMATIC STRESS DISORDER.

(a) FINDINGS.—The Senate makes the following findings:

(1) Approximately 1,400,000 Americans experience Traumatic Brain Injury (TBI) each year, and an estimated 3,200,000 Americans are living with long-term, severe disabilities as a result of brain injury. Another approximate 360,000 men and women are estimated to have been experienced a Traumatic Brain Injury in the conflicts in Iraq and Afghanistan to date.

(2) Congressional funding for Traumatic Brain Injury activities began with Public Law 104–166 (commonly referred to as the ''Traumatic Brain Injury Act of 1996'') and has subsequently been addressed in title XIII of Public Law 106–310 (commonly referred to as the ''Traumatic Brain Injury Act Amendments of 2000''), which mandated reports and requirements for mild Traumatic Brain Injury, and in Acts authorizing and appropriating funds for the Department of Defense to date.

(3) In 1992 during the Persian Gulf War, Congress created the Defense and Veterans Head Injury Program (DVHIP) to integrate specialized Traumatic Brain Injury care, research, and education across the military and veteran medical care systems.

(4) With Congressional oversight and appropriations, the Department of Defense subsequently transitioned the Defense and Veterans Head Injury Program to the Defense and Veterans Brain Injury Center (DVBIC) in order improve the military and veterans medical communities ability to develop and provide advanced Traumatic Brain Injury-specific evaluation, treatment, and follow-up care for military personnel, their beneficiaries, and veterans with mild to severe Traumatic Brain Injury.

(5) Though Congress, the Department of Defense, and the Department of Veterans Affairs have increased the capacity to provide health services, particularly in the areas of mental health and Traumatic Brain Injury, gaps in access and quality remain, to include a selected method for diagnosing a Traumatic Brain Injury, a consistent process for treatment for a Traumatic Brain Injury, availability of providers, shortages of personnel, organizational deficiencies, cultural understanding and acceptance, and available technology in diagnosis and treatment.

(6) Gaps in quality of care and limited access to proper care remain for both members of the Armed Forces and veterans, especially veterans who are demobilized members of the National Guard and Reserve. Some estimates indicate that approximately 57 percent of those returning from Iraq and Afghanistan are not being evaluated by a physician for a brain injury.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense and Department of Veterans Affairs should be commended for increasing the treatment options for Traumatic Brain Injury that are available to veterans;

(2) the Secretary of Defense should, in consultation with the Secretary of Veterans Affairs, continue to test, prove, and make available viable treatment options for Traumatic Brain Injury, including alternative treatment methods that have been determined, through testing, to be an effective form of treatment; and

(3) the Secretary of Defense and the Secretary of Veterans Affairs should take actions to ensure that existing veteran and medical benefits cover the use of viable available treatment options for Traumatic Brain Injury, including alternative treatment methods.

AMENDMENT NO. 1097

(Purpose: To eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury)

At the end of subtitle C of title VII, add the following:

SEC. 723. PLAN FOR STREAMLINING PROGRAMS THAT ADDRESS PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY.

(a) FINDINGS.—Congress makes the following findings:

(1) There are over 200 programs within the Department of Defense that address psychological health and traumatic brain injury (TBI).

(2) The number of programs reflects the seriousness with which the Department and the United States Government and people take the treatment of the invisible wounds of the wars in Iraq and Afghanistan.

(3) Notwithstanding the proliferation of programs, there are still gaps in the treatment of our wounded warriors.

(4) Because of the proliferation of programs, redundancies and inefficiencies exist and waste resources that would otherwise be used to effectively treat members of the Armed Forces suffering from psychological health and traumatic brain injuries.

(5) Section 1618 of the Wounded Warriors Act (title XVI of Public Law 110–181; 122 Stat. 450; 10 U.S.C. 1071 note) required the Secretary of Defense to submit a comprehensive plan for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, research, and otherwise respond to traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces.

(6) The plan required in that Act was to assess the capabilities of the Department, identify capability gaps, identify resources required, and identify appropriate leadership that would coordinate the various programs.

(7) Section 1621 of the Wounded Warriors Act (title XVI of Public Law 110–181; 122 Stat. 453; 10 U.S.C. 1071 note) established the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury (DCoE) to implement the Department's comprehensive plan and strategy.

(b) STREAMLINING PLAN.—

(1) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to streamline programs currently sponsored or funded by the Department to address psychological health and traumatic brain injury.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following elements:

(A) A complete catalog of programs currently sponsored or funded by the Department to address psychological health and traumatic brain injury, including details of the intended function of each program.

(B) An analysis of gaps in the delivery of services and treatments identified by the complete catalog required under subparagraph (A).

(C) An analysis of redundancies identified in the complete catalog required under subparagraph (A).

(D) A plan for eliminating redundancies and mitigating the gaps identified in the plan.

(E) Identification of the official within the Department that will be responsible for enactment of the plan.

(F) A timeline for enactment of the plan.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on progress in implementing the plan required under subsection (b).

AMENDMENT NO. 1098

(Purpose: To require a report on the impact of foreign boycotts on the defense industrial base)

At the end of subtitle E of title VIII, add the following:

SEC. 889. REPORT ON IMPACT OF FOREIGN BOYCOTTS ON THE DEFENSE INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than February 1, 2012, the Comptroller General of the United States shall submit to the appropriate congressional committees a report setting forth an assessment of the impact of foreign boycotts on the defense industrial base.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a summary of foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the date of the enactment of this Act;

(2) the apparent objection of each such boycott;

(3) an assessment of harm to the defense industrial base as a result of each such boycott;

(4) an assessment of the sufficiency of Department of Defense and Department of State efforts to mitigate the material risks of any such foreign boycott to the defense industrial base; and

(5) recommendations of the Comptroller General to reduce the material risks of foreign boycotts to the defense industrial base, including recommendations for changes to legislation, regulation, policy, or procedures.

(c) CONFIDENTIALITY.—The Comptroller General shall not publicly disclose the names of any person, organization, or entity involved in or affected by any foreign boycott identified in the report required under subsection (a) without the express written approval of the person, organization, or entity concerned.

(d) DEFINITIONS.—In this section:

(1) FOREIGN BOYCOTT.—The term ''foreign boycott'' means any policy or practice adopted by a foreign government or foreign business enterprise intended to directly penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense, or otherwise dissociate the foreign government or foreign business enterprise from such a contractor or subcontractor on account of the provision by that contractor or subcontractor of any product or service to the Department.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

AMENDMENT NO. 1099

(Purpose: To express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces)

At the end of subtitle B of title VII, add the following:

SEC. 714. SENSE OF CONGRESS ON ADOPTION BY DEPARTMENT OF DEFENSE OF RECOMMENDATIONS BY GAO REGARDING HEARING LOSS PREVENTION.

(a) FINDINGS.—Congress makes the following findings:

(1) The advent of the jet engine and more powerful munitions has increased the instance of auditory injury to members of the Armed Forces.

(2) Since 2005, the most common service-connected disabilities for which veterans received compensation under laws administered by the Secretary of Veterans Affairs have been auditory impairments, including hearing loss and tinnitus. The number of veterans receiving such compensation for auditory impairment has risen each year since 2005, increasing the number and cost of compensation claims paid by the Secretary and prompting a series of reports on the subject, include a January 2011 report by the Comptroller General of the United States entitled ''Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes''.

(3) Costs to the Department of Veterans Affairs relating to compensation for hearing-related disabilities are expected to double between 2009 and 2014, exceeding $2,000,000,000 by 2014.

(4) There is a growing body of peer reviewed literature indicating a direct connection between traumatic brain injury, post traumatic stress disorder, and auditory disorders.

(5) 70 percent of members of the Armed Forces who are exposed to a blast report auditory disorders within 72 hours of the exposure.

(6) Section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4506) requires the Secretary of Defense to establish a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury.

(7) There is no cure for tinnitus, which consists of an often debilitating ringing in the ear. The projected effect of tinnitus on veterans, rise in new cases of tinnitus-related service-connected disabilities among veterans, and the correlating rise in disability claims and cost to the Department of Veterans Affairs make finding effective treatment, abatement options, and a cure for tinnitus a priority.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should, in cooperation with the Secretary of Veterans Affairs and the Director of the Hearing Center of Excellence of the Department of Defense, implement the recommendations of the Comptroller General of the United States in the January 2011 report of the Comptroller General entitled ''Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes'' that address prevention, abatement, data collection, and the need for a new interagency data sharing system so that sufficient information is available to address and track hearing injuries and loss.

AMENDMENT NO. 1100

(Purpose: To extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan)

At the end of subtitle A of title VIII, add the following:

SEC. 808. TEMPORARY AUTHORITY TO ACQUIRE CERTAIN PRODUCTS AND SERVICES PRODUCED IN LATVIA.

Section 801(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2400) is amended by striking ''or Turkmenistan'' and inserting ''Turkmenistan, or Latvia''.

AMENDMENT NO. 1101

(Purpose: To strike section 156, relating to a transfer of Air Force C–12 aircraft to the Army)

Strike section 156.

AMENDMENT NO. 1102

(Purpose: To require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace)

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON FEASIBILITY OF USING UNMANNED AERIAL SYSTEMS TO PERFORM AIRBORNE INSPECTION OF NAVIGATIONAL AIDS IN FOREIGN AIRSPACE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the feasibility of using unmanned aerial systems to perform airborne flight inspection of electronic signals-in-space from ground-based navigational aids that support aircraft departure, en route, and arrival flight procedures in foreign airspace in support of United States military operations.

AMENDMENT NO. 1093

(Purpose: To require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term)

At the end of subtitle D of title X, add the following:

SEC. 1038. REQUIREMENT FOR DETENTION AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, OF HIGH-VALUE DETAINEES WHO WILL BE DETAINED LONG-TERM.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is still in a global war on terror and engaged in armed conflict with terrorist organizations, and will continue to capture terrorists who will need to be detained in a secure facility.

(2) Since 2002, enemy combatants have been captured by the United States and its allies and detained in facilities at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(3) The United States has detained almost 800 al-Qaeda and Taliban combatants at the Guantanamo Bay Detention Facility.

(4) More than 600 detainees have been tried, transferred, or released from the Guantanamo Bay Detention Facility to other countries.

(5) The last enemy combatant brought to the Guantanamo Bay Detention Facility for detention was brought in June 2008.

(6) The military detention facilities at the Guantanamo Bay Detention Facility meet the highest international standards, and play a fundamental part in protecting the lives of Americans from terrorism.

(7) The Guantanamo Bay Detention Facility is a state-of-the-art facility that provides humane treatment for all detainees, is fully compliant with the Geneva Convention, and provides treatment and oversight that exceed any maximum-security prison in the world, as attested to by human rights organizations, the International Committee of the Red Cross, Attorney General Holder, and an independent commission led Admiral Walsh.

(8) The Guantanamo Bay Detention Facility is a secure location away from population centers, provides maximum security required to prevent escape, provides multiple levels of confinement opportunities based on the compliance of detainees, and provides medical care not available a majority of the population of the world.

(9) The Expeditionary Legal Complex (ELC) at the Guantanamo Bay Detention Facility is the only one of its kind in the world. It provides a secure location to secure and try detainees charged by the United States Government, full access to sensitive and classified information, full access to defense lawyers and prosecution, and full media access by the press.

(10) The Guantanamo Bay Detention Facility is the single greatest repository of human intelligence in the war on terror.

(11) The intelligence derived from the Guantanamo Bay Detention Facility has prevented terrorist attacks and saved lives in the past and continues to do so today.

(12) The intelligence obtained from questioning detainees at the Guantanamo Bay Detention Facility includes information on the following:

(A) The organizational structure of al-Qaeda, the Taliban, and other terrorist groups.

(B) The extent of the presence of terrorists in Europe, the United States, and the Middle East, and elsewhere around the globe.

(C) The pursuit of weapons of mass destruction by al-Qaeda.

(D) The methods of recruitment by al-Qaeda and the locations of its recruitment centers.

(E) The skills of terrorists, including general and specialized operative training.

(F) The means by which legitimate financial activities are used to hide terrorist operations.

(13) Key intelligence used to find Osama bin Laden was obtained at least in part through the use of enhanced interrogation of detainees at the Guantanamo Bay Detention Facility, with Leon Panetta, Director of the Central Intelligence Agency, acknowledging that ''[c]learly some of it came from detainees and the interrogation of detainees. . .'' and confirming that ''they used these enhanced interrogation techniques against some of those detainees''.

(b) REQUIREMENT.—Each high-value enemy combatant who is captured or otherwise taken into long-term custody or detention by the United States shall, while under such detention of the United States, be detained at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(c) HIGH-VALUE ENEMY COMBATANT DEFINED.—In this section, the term ''high-value enemy combatant'' means an enemy combatant who—

(1) is a senior member of al-Qaeda, the Taliban, or any associated terrorist group;

(2) has knowledge of an imminent terrorist threat against the United States or its territories, the Armed Forces of the United States, the people or organizations of the United States, or an ally of the United States;

(3) has, or has had, direct involvement in planning or preparing a terrorist action against the United States or an ally of the United States or in assisting the leadership of al-Qaeda, the Taliban, or any associated terrorist group in planning or preparing such a terrorist action; or

(4) if released from detention, would constitute a clear and continuing threat to the United States or any ally of the United States.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, the amendment I offered, No. 1197, will help small businesses. Small businesses often serve as subcontractors, or suppliers, to large corporations that have a primary government contract. My amendment would help guarantee that small businesses get paid by these large corporations in a timely way. More specifically, my amendment would require the Office of Management and Budget to issue regulations in the next year to do this.

This amendment sounds simple. There is a reason for that. It is. It is something we can do here today that will offer real and significant help to small businesses. It is going to offer predictability and certainty to them.

Anyone who owns a small business will tell you that they can't hire more people or plan for the future if they don't know when their next paycheck is coming. Getting their money more predictably and quickly will enable them to make the investments they need to grow, thrive, and hire more people.

The administration has recognized that small businesses are the engine that drives our economy. According to the U.S. Census Bureau, small businesses create an overwhelming majority of all new jobs. Small businesses are also responsible for producing half of the private sector GDP.

Given this, it makes sense to me that we need to figure out how to make sure small businesses are getting paid on

time. OMB recognized this and issued a new policy statement that will require all Federal agencies to make payments to their small business contractors within 15 days of receiving an invoice. But the fact is, a lot of small businesses serve as subcontractors to direct prime contractors. It only makes sense that we should require our large prime contractors to play by the same rules we play by and to pay their suppliers in a timely manner.

When Congress passed the Prompt Payments Act back in 1983, it recognized that the Federal Government needed to lead by example, and that we should be paying all of our contractors in no more than 30 days after the contractor sent an invoice our way. Congress went back in 1988 to create an obligation on construction contractors that they pay their suppliers within 7 days of the government paying them. But no other contractors were under the same commonsense obligation. I think that is a mistake we should correct, especially as we are pouring billions and billions of government dollars into contingency operations overseas—and all sorts of other projects that have nothing to do with construction. All suppliers working with these contractors deserve to be paid on time. I am hoping one day we can tackle this problem for all subcontractors, not just small businesses that are contractors.

For now, my amendment takes a modest approach and focuses on the biggest problem—creating certainty and predictability for small business subcontractors.

The National Federation of Independent Business recently conducted a survey, and they found nearly 40 percent of firms reported that receivables are coming in at a slower pace. I have heard stories from companies that have not been paid in 90 days or 120 days after they have invoiced. This is unacceptable.

These sorts of delays affect cashflow for these small businesses and make it tough for these businesses to meet payroll obligations and pay their other basic bills, such as their rent.

I want to tell a personal story that relates to small businesses and how important it is to them to be paid on time or how important cashflow is. My uncle, Lionel Kunst, was a small businessman. He died in 1994. I went to his funeral. At the funeral were a number of his business associates—people who supplied him. He made fabric, quilting. These were people who supplied him and people whom he supplied. One after another got up and testified how quickly he paid, or how, if they could not pay on time, he would cut them some slack. That is how important this is. That is how important it was to them. My uncle was a mensch. It was a big deal. These guys got up and all talked about this.

This is what we should do. We should do it for these small business subcontractors—make sure they get paid on time. That is all.

This is a sensible, simple solution to a real problem that small businesses are confronting. I urge my colleagues to support me in this effort.

I thank the Chair and yield the floor.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. 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. CASEY. Mr. President, I would first of all like to thank Chairman LEVIN and Ranking Member MCCAIN for their work on this national defense authorization bill, and tonight I will speak to an amendment I filed. I will not call it up for now. I just want to speak to it. This is a critically important debate for the country, and I know the chairman and ranking member have worked very hard on it.

I have had the honor and the pleasure to work with Senator LEVIN on a number of measures over the years, and one of the real concerns we all have is what is happening to our troops as it relates to IEDs—improvised explosive devices. It has been central to the work many of us have done, certainly my work as a member of the Foreign Relations Committee, and, of course, Chairman LEVIN and so many others working on this bill for a long time.

It does have a daily impact, obviously, on our troops and on their families. Often the best words about our soldiers and the war itself come from Lincoln when he talked about those who lose their life in battle, those who gave, as he said, ''the last full measure of devotion to their country.'' But he also talked about those who served and are wounded and who come back. His words to describe those soldiers, when he spoke of them, was ''him who has borne the battle.''

I think about those words when I consider those who have borne the battle and come back with not just injuries but with grievous injuries—sometimes almost irreparable harm done to them because of the explosion they lived through from an IED.

I was in Bethesda Naval Hospital a couple weeks ago. It is one of the real privileges of serving in the Senate that we are given the opportunity to meet so many brave young men and women who serve—those who serve and are never hurt, those who serve and are wounded, and, of course, unfortunately, we meet the families of those who lose their life in battle. But as I said, a couple weeks ago, at Bethesda Naval Hospital, I walked into the room of a soldier who had been injured and was recovering. His parents and his brother were in the room with him. One is always worried about staying too long because you feel like you are almost intruding. But for some reason, that night, I didn't feel I was intruding because this wounded soldier wanted to talk. He wanted to talk about his service, he wanted to talk about his love for his country, how he was injured, and he also talked about the future—what he wanted to do when he left that hospital bed.

It was a stunning moment for me to hear—from a soldier who is looking up from his hospital bed—of the optimism he displayed about his future. The calm with which he could speak about his service was, to me, stunning. He talked as if he were just recovering from a minor injury. Halfway through my visit, I almost had to remind myself of the injuries he was suffering from. He had both legs blown off below the knee from an IED blast. But despite that, despite the horror of it, despite the damage done to his body—a 20-year-old soldier—he was talking about the future, what he was going to do when he left that hospital, and he was talking about his service.

So when we see soldiers such as him, I think it inspires us all the more and compels us to do more when it comes to protecting our troops against the scourge of IEDs. We know, and so many people here know, that they are the top killer of our troops in Afghanistan. The primary ingredient in IEDs found in Regional Command South, in Afghanistan—where the Presiding Officer and I were in August—is a fertilizer called calcium ammonium nitrate, known by the acronym CAN. It is banned in Afghanistan but unfortunately is produced in a few factories in Pakistan. Just a small percentage of what is produced in Pakistan finds its way into Afghanistan and becomes the main ingredient in the IEDs. Most of the calcium ammonium nitrate used in IEDs, unfortunately, comes from Pakistan.

Over the past 2 years, I have led an effort to urge Pakistan to do more to address this threat. I have sent letters, we passed a resolution in the Senate, and I traveled to Afghanistan and Pakistan last August to make the case directly to the leaders in Islamabad, the capital of Pakistan. As I mentioned, the Presiding Officer, Senator BENNET, along with Senators BLUMENTHAL of Connecticut and WHITEHOUSE of Rhode Island traveled with me. We spent a good deal of time in Pakistan—3 days. I think we were pretty consistent in the delivery of that message; that we were not only providing a sense of urgency but almost a directive, as best we could, urging and pushing their government as hard as we could to help us and to help themselves, by the way, because a lot of Pakistanis lose their lives this way as well.

So during these meetings, Senators BENNET, BLUMENTHAL, WHITEHOUSE, and I heard good things; that the Pakistani Government had developed a plan, a strategy to deal with this—a plan to tighten their borders, a plan to regulate the sale of calcium ammonium nitrate and other IED precursor materials, and a plan which included

conducting a public relations campaign to sensitize the Pakistani people to the dangers posed by these materials. This political commitment was encouraging, but given the ongoing and increasing threat to our troops, we need to maintain a sense of urgency about it. I think we owe our troops nothing less than that sense of urgency.

During our meetings in Islamabad, we also discussed the serious threat IEDs pose to the Pakistani people, as I mentioned a moment ago. More than 500 Pakistanis have been killed by IEDs since the beginning of this calendar year. This is a common threat that requires a common solution. This is something we can and should work on together.

It is no secret the relationship between the United States and Pakistan is not a good relationship right now. It is a vast understatement to say it has soured dramatically. There is an awful lot of tension and mistrust and a real breakdown in this relationship. One of the ways—not the only way but one of the ways—we can build some confidence so we can begin to work together on a common threat is for the Pakistani Government to take concerted action on the question of IEDs.

I do want to commend and thank those three Senators I mentioned who were on the trip with me—Senator BENNET of Colorado, the Presiding Officer, who was there for every meeting and worked very hard with us; Senator WHITEHOUSE as well, from Rhode Island; and Senator BLUMENTHAL was also with us, who spoke today about this today. I didn't hear him give his remarks on the floor, but my staff told me about them, and I thank him for those words and for the dedication to this issue he and Senators BENNETT and WHITEHOUSE have given during our trip in August and since that trip. I am proud to join them on this effort today and every day that we have been working on it. I also thank Senator BARRASSO from Wyoming for his leadership and willingness to work with us on this amendment.

This is a critical issue for our troops and for their families. I think it was so important that we delivered during our trip, and continue to deliver thereafter, a strong bipartisan message to the Pakistani Government and to any official in their government who has anything to do with this issue. I think we can deliver another message by way of this amendment on this bill. This amendment will hold Pakistan to its commitments—the commitments it already made to its strategic plan to counter IEDs.

As we know well, these IEDs are killing and injuring our troops at a terribly alarming rate. While we can never completely eradicate the component parts of IEDs, we can make life difficult for the bombmaker if we pass this amendment. We should recommit ourselves to this important mission and redouble our efforts to limit the availability of these component parts on the battlefield. Again, we owe nothing less than that to our troops.

Often, I have said that when we talk about the commitment and the sacrifice of our troops, we should also talk about praying for them, and we all do that. Thank goodness, the American people pray on a regular basis for our troops. But I think we should also, once in a while, pray for ourselves; that we may be worthy of the valor of our troops. There aren't a lot of ways to prove yourself worthy of the valor of our troops, but one way Members of the Senate and House can prove ourselves worthy of that valor is to pass amendments, such as this amendment, to force, as best we can, officials in Pakistan to do what is right for our troops and their families, for our country but also to do what is right for their own people—the people in Pakistan who are threatened every day by IEDs.

I will conclude by saying we have an opportunity to prove ourselves worthy of the valor of our troops, and passing this amendment is one such way to do it.

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. CASEY. 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. CASEY. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1215, 1139, AND 1140

Mr. CASEY. Mr. President, I call up three amendments.

The first amendment is amendment No. 1215, the second is amendment No. 1139, and the third is amendment No. 1140.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY] proposes amendments numbered 1215, 1139, and 1140.

The amendments are as follows:

AMENDMENT NO. 1215

(Purpose: To require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices)

At the end of subtitle B of title XII, add the following:

SEC. 1230. CERTIFICATION REQUIREMENT REGARDING EFFORTS BY GOVERNMENT OF PAKISTAN TO IMPLEMENT A STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—None of the amounts authorized to be appropriated under this Act for the Pakistan Counterinsurgency Fund may be made for the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs).

(2) SIGNIFICANT IMPLEMENTATION EFFORTS.—For purposes of this subsection, significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

AMENDMENT NO. 1139

(Purpose: To require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies)

At the end of subtitle E of title VIII, add the following:

SEC. 889. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(13) NOTIFICATION REQUIREMENT.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

''(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).''.

AMENDMENT NO. 1140

(Purpose: To require a report by the Comptroller General on Department of Defense military spouse employment programs)

At the end of subtitle H of title V, add the following:

SEC. 577. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) ELEMENTS.—The review required by subsection (a) shall, address, at a minimum, the following:

(1) The efficacy and effectiveness of Department of Defense military spouse employment programs.

(2) All current Department programs to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation

New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(6) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(7) The oversight provided by the Office of Personnel and Management regarding preferences for military spouses in Federal employment.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department of Defense military spouse employment programs.

(d) DEPARTMENT OF DEFENSE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the number (or a reasonable estimate if a precise number is not available) of military spouses who have obtained employment following participation in Department of Defense military spouse employment programs. The report shall set forth such number (or estimate) for the Department of Defense military spouse employment programs as a whole and for each such military spouse employment program.

Mr. CASEY. Mr. President, I ask unanimous consent to set those three amendments aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. I yield the floor, and I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. LEVIN. I ask unanimous consent that on Thursday, November 17, 2011, Senator BENNET be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1092

Mr. LEVIN. Mr. President, I ask for the regular order on the Levin-McCain amendment.

The PRESIDING OFFICER. The amendment is the regular order. It is now pending.

MORNING BUSINESS

Mr. LEVIN. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTENTION TO OBJECT

Mr. GRASSLEY. Mr. President, I would like to alert my colleagues that I intend to object to any unanimous consent agreement for the consideration of S. 1793 or its companion, H.R. 2076, the Investigative Assistance for Violent Crimes Act of 2011. Unless changes are made to address my concerns with the legislation, I will continue to object.

I oppose S. 1793/H.R. 2076 in its current form because it would expand the jurisdiction of the Federal Bureau of Investigation by giving it authority to conduct investigations of State crimes, and I believe that that is a bad precedent to set. The FBI should not be turned into a roving national police force.

I do believe in allowing Federal law enforcement agencies to assist State and local agencies, when requested. Agents providing assistance should be afforded civil liability protection.

Unfortunately, the bill excludes all other Federal law enforcement agencies that routinely provide law assistance to local law enforcement when requested. For example, local police believed the Secret Service possessed the expertise they needed to assist in their investigation of the Boston ''Craigslist Killer.'' As a result of this expert assistance, the killer was captured. There is no reason to limit States and localities to the assistance of the FBI alone, when other agencies may have the particular expertise that is needed.

Too many people think that only the FBI helps local law enforcement. That's simply not true. State and local officers develop positive relationships with their Federal law enforcement counterparts. When a violent crisis occurs, they often request assistance from the Federal agents they already work with.

I support the idea behind the legislation: to allow State and local agencies to request the assistance of Federal law enforcement to address serious State and local crimes. But that should apply to all agencies, and should be done without expanding the authority of any Federal law enforcement agency to conduct investigations of State and local crimes on its own, at the expense of other State, local, and Federal law enforcement agencies.

The bill as reported also contains an ill-advised requirement that the Bureau cannot provide assistance to State or local law enforcement agencies unless three persons have died. Given that the bill purports to permit assistance in the case of attempted mass murder, a requirement that three people have died before assistance can be provided, is flawed. Moreover, there have been serious crimes involving mass shootings in which, fortunately, no one has died. No assistance could be provided to investigate such crimes under the bill in its current form.

Until these concerns are addressed and further changes are included in the bill, I support holding this legislation on the Senate floor.

TRIBUTE TO DANA SINGISER

Mr. LEAHY. Mr. President, I would like to take this opportunity to honor a dear friend and native Vermonter, Dana Singiser. Dana has accepted the position of Vice President for Public Policy and Government Affairs for Planned Parenthood, and while I am sorry to see her leave President Obama's administration, I am proud to recognize Dana's hard work and wish her continued success in her career.

Dana was raised in the small rural town of Mendon, VT, where her mother—the Mendon town clerk—instilled in her the values of democracy and the importance of staying engaged in her community. Dana carried this spirit with her in her career on Capitol Hill and on several presidential campaigns. Dana came to my office as an intern in the summer of 1991 while attending Brown University. I was immediately impressed with her intelligence, work ethic, and gregarious personality. I knew she would go on to accomplish great things, and indeed she has. After graduating from Brown, she attended law school at Georgetown University and spent 7 years at a law firm before her return to public service, where she has remained.

Dana served as the Director of Women's Outreach for Hillary Clinton's presidential bid—an opportunity that allowed her to grow her career in politics. She later also quickly proved herself a valuable asset to President Obama's campaign, and following his election she was appointed Special Assistant to the President for Legislative Affairs, where she has served for the last 3 years.

While she has enjoyed her time at the White House, Dana has also gained immeasurable experience that will certainly add to her already successful career. In Dana's new role with Planned Parenthood, she can continue her long fight to protect women's rights, and I am glad to see her continue to follow her passion. Vermonters are proud to recognize Dana Singiser's hard work, and we wish her continued success in her career.

I ask unanimous consent that an article about her achievements, from The

National Journal, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OUT OF THE FRYING PAN, INTO THE FIRE

[From the National Journal, Nov. 7, 2011]

(By Naureen Khan)

Dana Singiser remembers the glamour of her first job out of college: running a tiny field office in Vermont for Bill Clinton's 1992 presidential campaign for $300 a month. Luckily, Singiser was a local and her mother was on hand to bring her laboring daughter dinner every night.

Public service was always a natural inclination for Singiser, she said. She was, after all, raised by parents who were actively involved in the small rural community of Mendon, Vt., population 1,056. Mom was the town clerk and a small-business owner while Dad kept busy with church activities.

An internship with Sen. Patrick Leahy, D–Vt., while she was still an undergraduate at Brown University gave Singiser her first taste of D.C. and there was no turning back. After working on Clinton's 1992 race, she landed a job in the White House with presidential personnel and packed her bags for Washington—''The last meritocracy,'' according to Singiser, ''where you can work hard and get recognized.''

Twenty years later, after jobs on several presidential campaigns, on Capitol Hill, and most recently with the Obama administration as special assistant to the president for legislative affairs, Singiser is headed to Planned Parenthood as vice president of public policy and government affairs.

''It's been great, and you can never leave a White House job without feeling incredibly bittersweet about it,'' Singiser said. ''I feel like a mere mortal, and I can't keep up these hours and this intensity forever.''

Not that Singiser is expecting an easy road ahead at Planned Parenthood. She becomes the organization's chief advocate and liaison to both state and national policymakers as the group continues to come under attack as one of the largest legal providers of abortion. The issue has become a lightning rod over the past several months as Republican lawmakers, GOP presidential candidates, and conservative activists have called for federal defunding of Planned Parenthood. Singiser said she hopes to help reframe the conversation in her new role.

''Those attacks are just misplaced,'' she said, pointing to the range of primary-care services that Planned Parenthood provides for men, women, and children. ''The result of those sorts of efforts would be to erode women's health.''

Singiser has been well-prepared for the role, working in both policy and politics for the past decade. After her stint with the Clinton administration, Singiser got her law degree from Georgetown University in December 1998 and practiced at the Washington firm Akin Gump Strauss Hauer & Feld for five years, doing regulatory and lobbying work.

When the political bug bit her again, she went to work on Howard Dean's short-lived presidential campaign before a Senate job vacancy caught her eye. For three years, she was staff director for the Senate Democratic Steering and Outreach Committee under then-Sen. Hillary Rodham Clinton, D–N.Y.

From there, Singiser went to work for Clinton's 2008 presidential campaign, focusing on women's outreach. When Clinton bowed out of the race and endorsed Barack Obama, her former rival, Singiser got on a plane almost immediately for Chicago to lend a hand to Obama's general-election effort.

She has been with the Obama administration since Day One, becoming an expert on everything from financial reform to health care as the president tackled an ambitious legislative agenda in his first two years in office.

''I'm really proud and honored to have served President Obama for three years, but I'm really excited to go on to this next chapter,'' she added.

FOSSIL ENERGY FUNDING

Mr. ROCKEFELLER. Mr. President, I rise today to speak about the fossil energy funding in the Energy and Water Appropriations bill.

Fossil energy is a critical resource that we should not and can not just throw away. Providing the majority of our energy, we need to use these resources in a safe and responsible way. Harnessing domestic fossil energy could create jobs, lift up struggling communities, and provide jobs for our strong and dedicated workforce.

I know there are people who remain very much opposed to funding fossil energy research who want to move away from fossil fuels as quickly as possible. But the fact of the matter is that, at this time, our Nation is not capable of quickly moving away from fossil fuels, which provides that majority of the energy we use. We need fossil energy to help us move forward, and we should not pretend otherwise.

While I believe that our country will continue using fossil fuels for many decades, it is my hope that we will also continually seek better ways for using these resources.

We need to find more efficient ways of burning coal that emit fewer pollutants and protect public health. We need to find more environmentally friendly ways to extract natural gas and oil. And we need to find ways to design and build carbon capture and sequestration facilities that will allow us to reduce the impacts of using fossil fuels on the climate.

This is the type of work that fossil energy research and development goes towards, and work that I believe we must continue to support. Without it, we are only putting our country at a disadvantage.

In Morgantown, WV, the National Energy Technology Laboratory or NETL is doing this work and pioneering fossil energy research and development activities that are lighting a pathway for a new era of energy use that is critical to West Virginia and our nation.

Unfortunately, the Energy and Water Appropriations bill slashes fossil energy funding by 25 percent in just 1 year. In Fiscal Year 2011 the overall fossil energy Budget was $586 million. The President only requested $452.9 million for Fiscal Year 2012 and this bill only contains $445.5 million.

In comparison, the overall Energy and Water bill cuts spending by less than 1 percent. The nuclear section of this bill cuts funding by 20 percent and the renewable section of this bill remains flat—not facing any cut this year.

I recognize that in this budgetary climate cuts may be inevitable to many programs. But I firmly believe that in the Department of Energy budget no one account can be asked to shoulder that burden alone. But if cuts must be made they should be done in fair and reasonable way, when compared to funding for other energy programs.

Unfortunately, the fossil energy cuts in this bill are neither fair nor reasonable. The cuts to fossil energy in this bill are disproportionate compared to funding levels for other areas of research.

To correct this situation, I have introduced an amendment that would restore $30 million to the fossil energy account, $10 million for natural gas, $10 million for unconventional fossil fuels and $10 million for advanced energy systems in coal areas.

Again, I understand the budgetary times that we are facing in Washington. I understand that cuts have to be made. But what I strongly disagree with is the idea that fossil energy must shoulder more than its fair share of cuts.

Therefore, I ask my colleagues to join with me to restore a portion of funding for the fossil energy program.

Mr. ROCKEFELLER. Mr. President, last week, the Senate Armed Services Committee held a hearing on whether to elevate the Chief of the National Guard Bureau to the Joint Chiefs of Staff. This was an important hearing for the men and women of our armed services, and I am grateful that the committee allowed me to submit a statement for the hearing record. In light of the upcoming National Defense Authorization Act, in which I expect these provisions to pass, I ask unanimous consent that my statement be printed in the RECORD before the full Senate, so that the rest of my colleagues may have a chance to read it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON ARMED SERVICES

Chairman Levin, Senator McCain, Members of the Committee—thank you for holding this hearing on whether the Chief of the National Guard Bureau should be a member of the Joint Chiefs of Staff. And thanks to all of the Chiefs of our armed forces—both active duty and reserve—for being here today. There is no question—as a matter of both principle and of national security—that the Chief of the National Guard Bureau should be elevated to the Joint Chiefs of Staff. The Guardians of Freedom Act, which passed overwhelmingly in the House of Representatives on May 25, would accomplish this goal. I hope that today's hearing will lead to swift action on this important legislation, and I look forward to the testimony of each of the witnesses.

It is important to acknowledge that the role of the National Guard has evolved over the last ten years. Since 9/11, National Guardsmen have mobilized more than 700,000 times to support overseas and domestic missions. They have played an essential role in the conflicts in both Afghanistan and Iraq

and are a critical operational reserve for our armed forces. Today's National Guard accounts for more than 460,000 service members from every state in the Union—roughly 25 percent of all of our 1.9 million-member force.

The Guard has also become an essential part of our nation's response to both man-made and natural disasters. This August, when Hurricane Irene slammed the East Coast, the National Guard responded by calling up over 11,000 soldiers and airmen from 24 states to coordinate the relief efforts. Our Guard is being trained to respond to chemical, biological, nuclear and radiological attacks. It is being trained to deal with pandemics. It is asked to be the first on the scene after major earthquakes, snowstorms, and hurricanes. These homeland defense responsibilities will continue to increase, as well.

The National Guard also brings capabilities and efficiencies to the table that we need in these tough economic times. For example, the Air National Guard provides 35 percent of the total Air Force capability for seven percent of the cost. And, the Army National Guard provides 40 percent of the Army's capability for just 11 percent of the Army budget. Together, 464,900 members of the National Guard provide a capable, operational and affordable military force—at just six percent of the Pentagon's annual budget.

The absence of the National Guard from the Joint Chiefs of Staff has very real consequences. Full membership of the National Guard in the Joint Chiefs could have better prepared the Marines' response to the 1992 riots in Los Angeles, our nation's initial response to the 9/11 attacks, or our response to Hurricane Katrina.

In October of 2005, the Government Accountability Office called into question the Army National Guard's ability to carry out its domestic mission. Then, just like now, there is no permanent system in place to replenish necessary equipment once it is removed from Guard units in individual states. And, the Pentagon has required National Guard units to leave behind critical equipment in Iraq and Afghanistan. A drastic shortfall in equipment levels has led to a drop in mission readiness. As a result, the Guard's ability to respond to domestic emergencies has been severely inhibited. I find it hard to believe this would be the case if the Guard had a seat at the Joint Chiefs of Staff.

With no seat at the table, the National Guard Chief must rely solely on active duty military leaders to make funding decisions. Under the circumstances, General McKinley can do nothing to stop the Joint Chiefs if they put recommend cutting a key program or ignore an opportunity to maintain critical operational capability.

In many ways, the Guard has earned the right to be in the room. Today, the Chief of the National Guard Bureau wears four stars. He attends regular Joint Chiefs meetings. While I understand that General McKinley enjoys a good relationship with Chairman Dempsey, personalities can't be everything. Now, it's time to give the National Guard a seat at the table. We need to make sure the National Guard has the voice it needs—not just to protect its capability, but because of its increasingly active role in overseas operations, because of its role in homeland security initiatives, and because of the cost efficiencies it can offer in these turbulent economic times.

Ultimately, I understand that change is hard. Some may argue that these changes are not necessary. Some may argue that the National Guard does not deserve a seat at the table, that the National Guard is well-represented on the Joint Chiefs of Staff, or that the National Guard has the resources it needs.

Critics may say that elevating the National Guard would provide a ''second voice'' to the Army and Air Force. That is wrong. The National Guard's participation would be no different than that of the Marine Corps, which is both part of the Navy and has its own seat on the Joint Chiefs of Staff. Today, as we all know, the Commandant is a valued member of the Joint Chiefs of Staff, and no one would argue that his advice over the last 30 years has not been valuable.

Some may counter that elevating the National Guard could muddy the Guard's dual commitments to member states and the federal government. In reality, it would not alter lines of authority, but better enable the Guard to provide unfiltered advice on its capabilities and resources. The Guard wouldn't just have its domestic responsibilities—it would have the capabilities, clout, and access to do them better.

Critics may also say that the Chief of the National Guard Bureau has no budgetary authority, but that argument is misleading. The role of the Joint Chiefs is to provide sound, useful advice to the President. In fact, the perspective of the Chief of the National Guard Bureau could save our country billions of dollars. Earlier this year, for example, the Air National Guard Bureau offered a proposal that would have saved up to $42 billion. Unfortunately, the Air Force dismissed it almost immediately—likely, I've been told, for turf reasons. That would not have happened had the Chief of the National Guard Bureau been able to make his case, offer his perspective, and share his expertise with our planners at the Pentagon. The National Guard can help the Pentagon cut costs without cutting capabilities—but only if it is an equal partner in the decision-making process.

Some may argue that a seat on the Joint Chiefs of Staff would give the National Guard too much influence at the active-duty components' expense. But we know better than that. Look at the size of the services' Congressional liaison staff, the military fellows in our offices and the attaches in the halls—or even the number of Senators, including many on this Committee, who are former active-duty service members. An enhanced role for the National Guard would not diminish the active-duty services' clout among lawmakers.

Now is the time to give the National Guard the voice it needs on the Joint Chiefs of Staff and to give the President a broader perspective of the capabilities and resources at his disposal. Now is the time to use all of the tools in our arsenal to create a more secure homeland.

Mr. Chairman, Senator McCain, Members of the Committee—thank you for holding this hearing. I look forward to swift passage of the Guardians of Freedom Act. And thank you to my good friend, Senator Leahy, for his leadership on this important issue.

We have given the National Guard the right to be in the room. Now, let's give them a seat at the table.

Thank you.

RECOGNIZING CONTRIBUTIONS OF COMMUNITY FOUNDATIONS

Mr. SCHUMER. Mr. President, I rise today in honor of National Community Foundations Week. This week, we recognize the millions of Americans who have joined together to make their communities a better place through donations of their time and resources. The generosity and willingness of individuals to work together for the common good has been a hallmark of the American character since our Nation's founding.

Every day volunteer organizations across the country make substantial contributions to our Nation's well-being in countless areas—from education and the arts to economic development and environmental protection. Many of these associations are community foundations—local charitable organizations formed to provide financial support to valuable programs across their communities. Last year alone, community foundations gave approximately $4 billion to various local nonprofit activities.

Led by private citizens, community foundations provide effective support to communities across the United States, often supplementing both public and private programs to provide their friends and neighbors with the maximum level of support necessary to build strong and vibrant communities. With 700 community foundations across the Nation, they are one of the fastest growing forms of philanthropy in the United States.

One such community foundation which exemplifies the virtues of charity and giving back is the New York Community Trust. Established in 1924, the New York Community Trust is one of the oldest and largest community foundations in the Nation—providing $141 million in grants to community organizations in 2010 alone. The trust currently invests in various programs to build a better New York, such as helping to reemploy New Yorkers through the New York Alliance for Careers in Health Care, NYACH, a project that assesses gaps in the labor market and provides workforce training to both assist individuals in getting in-demand jobs and simultaneously alleviate the skills gap in the health care industry. Through its commitment to the Juvenile Justice Advocacy and Action Project, the New York Community Trust is also dedicated to finding alternatives to prison for nonviolent, delinquent youth. The trust's grants are also cleaning up the Harlem River, removing tens of thousands of pounds of debris from Swindler Cove and transforming it into a 5-acre park with a children's garden and a boathouse.

Mr. President, I urge my colleagues to join me in recognizing this week of November 12 through November 18, 2011, as National Community Foundation Week so we may continue to honor the important work that charity and private citizens play in making our Nation a better place.

END UNNECESSARY MAILERS ACT

Mr. CASEY. Mr. President, I firmly believe that members of the public must have access to the information contained in annual consumer confidence reports, which are required by the Safe Drinking Water Act's right-to-know provisions. For the past 11 years, the Environmental Protection Agency has required community water systems

to provide customers with an annual report on the quality of their drinking. Currently, large water systems, those serving 10,000 people or more, are required to mail copies of the entire report to every customer.

Today, believing wholeheartedly that public access to consumer confidence reports is critical and must be maintained, I am cosponsoring Senator TOOMEY's bill, S. 1578. Under this bill, community water systems would be required to send reports in the mail if a violation of the maximum contaminant level occurs during the year. However, if there is no violation, water systems could post the reports online and only mail hard copies upon request. I believe that S. 1578 draws attention to an area in which our Federal policy might benefit from discussion, debate, and potential modernization. Since Internet access has increased dramatically since 1999, the option of reviewing reports online is likely far more appealing to consumers than it once was. Also, amendments to the current requirements have the potential to reduce paper waste and to reduce unnecessary administrative burden and expense by providing customers with the ability to choose whether or not to receive the report in the mail.

TRIBUTE TO THE MONTFORD POINT MARINES

Mrs. HAGAN. Mr. President, today I wish to recognize the dedication and selfless service of the Montford Point Marines. The Montford Point Marines were the first African-American men to serve in the U.S. Marine Corps after President Franklin Roosevelt issued Executive Order No. 8802 on June 25, 1941. This brave group of men were trained at Camp Montford Point, near the New River in Jacksonville, NC. In total, 19,168 African-American marines received training at Montford Point between 1942 and 1949. Many of these ''Montford Marines'' went on to serve in the Pacific Theatre Campaign of World War II—at Iwo Jima, Saipan, Okinawa—as well as in Korea and in Vietnam.

Although these men served our country with both honor and distinction, they often faced adversity and racism during their time in uniform. Despite their training, they were prohibited from serving in combat units—working instead in the service and supply units. They were not afforded opportunities other marines enjoyed, such as entering nearby Camp Lejeune, without a White counterpart to escort them. The courage and dedication with which these brave men served our country despite these challenges is nothing less than heroic.

As the first African Americans in our Marine Corps, they join the Tuskegee Airmen of the Air Force and the Buffalo Soldiers of the Army as heroes who not only forged a new path within our armed services but who brought our country closer to our ideals that ''all men are created equal.'' Many Americans credit the historic firsts—such as Howard P. Perry of Charlotte, NC—who was the first African-American marine private to set foot on Montford Point, and Frederick C. Branch, the first African-American marine second lieutenant at the Marine Base in Quantico, VA—for creating the opportunity they have to serve today.

The time has come for us to give these American heroes their long overdue recognition by awarding them the Congressional Gold Medal, the highest civilian award in the United States. I congratulate my colleagues for unanimously passing this legislation on November 9, 2011. It is my personal honor and privilege to recognize the Montford Point Marines.

REMEMBERING PAT TAKASUGI

Mr. RISCH. Mr. President, I rise to recognize a great loss suffered by the people of Idaho and the Takasugi family in particular. Last week, Idaho State Representative Pat Takasugi passed away after a 3-year battle with cancer. During that fight he was fortunate to have the loving support of his wife Suzanne, his three children, and his parents.

When I was Governor, I had the great fortune to appoint Pat to my cabinet to serve as my director of the department of agriculture. Pat was an unwearying advocate for agriculture. He understood what farmers faced, since he was one of them. He started farming in 1977 and successfully grew his business from 32 acres to a 1,500-acre operation.

Pat served as the director of the department of agriculture for 10 years, and during that time he worked tirelessly in promoting the products grown in Idaho. In 2003, before the local food movement became popular, he instituted the Idaho Preferred brand to help consumers identify locally grown products.

He had numerous accomplishments as director that moved Idaho's agricultural industry forward. He created the Idaho Food Quality Assurance Lab, established the Seed Indemnity Fund, pushed cooperative weed management, and streamlined regulations, among others.

Pat encouraged the next generation of farmers to be involved in various agricultural boards and commissions and to become leaders in their community. Pat walked his talk, as he was a member of numerous local and national organizations, including a term as president of the National Association of State Departments of Agriculture.

His service continued when he decided to step down as the agriculture director and run for the Idaho House of Representatives. He was handily elected in 2008 and again in 2010, and he was a strong advocate for lower taxes and less government regulations.

For those of us who knew Pat, it was not hard to see why he was so popular. He had an infectious sense of humor, great optimism about life, and truly cared about the well-being of others. It can be said that his smalltown roots had something to do with that.

Pat grew up in the Wilder, ID, area and attended schools there before graduating from Vallivue High School. He attended the local college, the College of Idaho in Caldwell, which is an outstanding educational institution.

He volunteered for the U.S. Army after graduating and served a total of 10 years in Active and Reserve Duty. Pat was promoted to the rank of captain and qualified for Airborne wings, the Ranger tab, and Special Forces Green Beret. Pat loved his country and was grateful for the opportunities he had to succeed through his own efforts and hard work.

Mr. President, while it is difficult to sum up all that Pat Takasugi did for agriculture in Idaho and the many lives he touched through his service, let me conclude by saying that he was a great American. Vicki and I extend our condolences on behalf of all Idahoans to Suzanne and all of the family for their loss.

REMEMBERING GILBERT CALVIN STEINDORFF, JR.

Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. Gilbert Calvin Steindorff, Jr. who passed away on Monday, November 14, 2011, at the age of 86. Calvin lived a life dedicated to service to his country, and I am glad to have known and become friends with such an inspirational individual.

Gilbert Calvin Steindorff, Jr. served in the military with the U.S. Army in World War II in European theatre of operations. Upon his return, Calvin was appointed as the tax assessor of Butler County, a role he served for 28 years. He was appointed as probate judge of Butler County in 1975 and served in that role until his retirement in 1995. Calvin had a fierce dedication to public service and was a member of many civic organizations.

A truly selfless individual, Calvin also served as secretary at The First Christian Church, where he was an elder, providing guidance for those in his church community. For his career in public service and the invaluable role that he played in the community, Calvin was named Greenville's ''Man of the Year.''

Calvin is loved and will be missed by his wife, Maxine Darby Steindorff, and his son, Gilbert C. Steindorff, III, and many more family members and friends. My thoughts and prayers are with them as they mourn the death of a wonderful husband, father and friend. Calvin was a role model to many and a compassionate community leader who was devoted to the service of Baldwin County. His presence in Alabama will be greatly missed.

NATIVE AMERICAN HERITAGE MONTH

Mr. UDALL of Colorado. Mr. President, I rise to join my fellow Coloradans, my colleagues in the United States Congress and others across the country in celebration of Native American Heritage Month.

Throughout this month we acknowledge the many accomplishments and contributions of the American Indian community in the United States. In Colorado, from the windswept plains in the east to mountains and plateaus in the west, Native American history has formed a strong part of our shared history. Today Colorado's native communities play an equally strong role in preserving our shared cultural heritage.

Just this month, as the chairman of the National Parks Subcommittee of the Energy and Natural Resources Committee, I held a hearing at Mesa Verde National Park that highlighted the importance of how this cultural landmark and others in the region can be better protected through cooperative efforts of our National Parks System and the region's tribes. Improved collaboration and consultation can be a positive step in achieving the goal of protecting these invaluable resources. Tribes have also worked independently to conserve and protect cultural resources that are important to our shared past. A strong example of these efforts has taken shape over many years in Southwestern Colorado where the Ute Mountain Ute tribe has worked to protect acres of sacred and historically important sites that are connected to the cultural resources that exist within Mesa Verde National Park.

The Ute Mountain Ute Tribal Park, situated on the Ute Mountain reservation, serves not only as a means to protect important resources, but also as a means to educate and develop an economic base for the tribe and the region as a whole. Also in Southwestern Colorado, the Southern Ute Indian Tribe has worked to protect important cultural resources. Just this year, the tribe opened a state-of-the-art cultural center that is dedicated to telling the story of the Ute people, providing another cultural draw to Southwestern Colorado.

These are examples of how shared goals of cultural preservation can work symbiotically, and I believe that through close collaboration, the federal government and tribes throughout the country can better protect cultural resources while developing other opportunities in economic development and education.

This relationship will be crucial in creating new jobs both on and off tribal lands while building opportunities for the next generation. For example, the Ute Mountain Ute and the Southern Ute are among the region's largest employers, each employing more than 1,000 workers and generating millions of dollars in economic activity that benefit the entire Southwest region of Colorado. Their success is a reminder that Indian Country is a strong economic driver that can play a critical role in our economic recovery.

Of course respect for government-to-government relations between tribes and the federal government extends to other issues. As we celebrate Native American Heritage month, we must remind ourselves of this relationship and the trust responsibility that exists between our Federal government and tribal nations. This is especially important when addressing issues that have hit the Indian country especially hard, such as unemployment, access to health care, education and housing, reliable law enforcement and access to justice. The federal government's trust responsibility is a call to work together to address these issues. Upholding this responsibility is vital to respecting tribal sovereignty and protecting tribes' ability to determine what is in the best interest of their communities. Cooperation and collaboration are paramount in maintaining a strong government-to-government relationship, and it is in our shared interest to advance the goal of empowering America's Native communities.

Mr. President, to close, I want to highlight a prominent figure in Colorado who we lost earlier this year named Ernest House, Sr. He was a stalwart defender of American Indian sovereignty and a champion of cultural preservation. Mr. House was a former Chairman of the Ute Mountain Ute Tribe and he represented the tribe before national, state-wide, and private organizations for more than 50 years. Chairman House's passing was a great loss for the Ute Mountain Ute Tribe, Indian Country and for Colorado. I would like to recognize his contributions as part of Native American Heritage Month. I have no doubt that his legacy will be a strong part of our lives in Colorado and my thoughts continue to be with his family.

I am proud to join my fellow Coloradans in celebration of Native American Heritage Month. As we celebrate the many contributions of Colorado's American Indian community, I hope that we will call to mind the long history of America's Native Americans and their continued contributions to Colorado and our Nation.

Thank you, Mr. President.

ADDITIONAL STATEMENTS

CONGRATULATING MOUNT NOTRE DAME VOLLEYBALL

• Mr. PORTMAN. Mr. President, today I wish to congratulate the Mount Notre Dame High School Volleyball team for winning their sixth Ohio Division I State volleyball title on Saturday, November 12, 2011. Mount Notre Dame is an all-girls Catholic school located in Cincinnati, OH.

The Mount Notre Dame Cougars prevailed in the championship match by winning three out of four sets against defending State champions Toledo St. Ursula. Led by coach Joe Burke, who has won four state titles with Mount Notre Dame, the team's mantra was ''believe.''

Mount Notre Dame has become one of the most successful programs in high school women's volleyball in the State of Ohio, and I congratulate the Mount Notre Dame Cougars on their hard-fought victory.•

TRIBUTE TO MAJOR GENERAL RAYMOND W. CARPENTER

• Mr. JOHNSON of South Dakota. Mr. President, I rise today to pay tribute to Major General Raymond W. Carpenter and his faithful service to our country. After 44 years of service to our Nation and the State of South Dakota, General Carpenter will soon retire from the United States Army.

Gen. Carpenter began his military service in 1967 when he enlisted in the South Dakota Army National Guard. General Carpenter later joined the United States Navy and put his photographic memory to work learning the Vietnamese language in preparation for his assignment at the Naval Support Activity in Danang, South Vietnam. Upon completion of his Naval service, he returned to the South Dakota Army National Guard where he was commissioned in 1974. He has commanded at all levels, from Lieutenant to Colonel.

General Carpenter is an engineer by formal training, tirelessly devising, planning and building. He was a founding member of the Director of the Army National Guard's Engineer Advisory Team and went on to be the chairman until May 2006. Engineering and organizational skills aside, General Carpenter is most passionate about soldiers: the Nation's sons and daughters who are in his care. I have seen this firsthand and have also witnessed his dedication to our Nation's veterans as he assisted me in awarding Korean War medals to veterans in South Dakota.

For the past 2½ years, Gen. Carpenter has ably served as the Acting Director, Army National Guard. In this capacity, he has led more than 350,000 National Guard soldiers from the 54 states, territories and the District of Columbia. As Chairman of the Military Construction and VA Appropriations Subcommittee, I have worked with Gen. Carpenter to fund important National Guard construction projects, and I was proud to have him testify before my subcommittee. He has represented our home State well and has been a tireless advocate for the members of the Army National Guard. He is truly a soldier's soldier. On occasion, when Big Army concocted some sort of short-sighted plan, there was Gen. Carpenter ''standing like a stone wall'' to look out for the interest of his soldiers and his country.

For his efforts, General Carpenter has received numerous awards and

decorations at every phase of his stellar career, including Legions of Merits, Meritorious Service Medals, the Vietnam Service Medal, Army Commendation Medals, Army Achievement Medals, Army Reserve Components Achievement Medals, and the National Defense Service Medals, among many others.

Today I join my fellow Americans and stand with proud South Dakotans in congratulating Gen. Carpenter on an impressive military career. In 2011 our Nation is most assuredly safer, stronger, and more secure because of this dedicated soldier, gifted engineer, and superb leader. I am grateful for Gen. Carpenter's service to our country, and to his wife, Mary, for her tireless support of her husband and his mission. After years of dedicated service, I wish Major General Carpenter a relaxing retirement, filled with many joyful hours on his Harley.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO EXTENDING THE PERIOD OF PRODUCTION OF THE NAVAL PETROLEUM RESERVES FOR A PERIOD OF THREE YEARS FROM APRIL 5, 2012—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 7422(c)(2) of title 10, United States Code, I am informing you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2012, the expiration date of the currently authorized period of production.

Attached is a copy of the report investigating continued production of the Reserves, consistent with section 7422(c)(2)(B) of title 10. In light of the findings contained in the report, I certify that continued production from the Naval Petroleum Reserves is in the national interest.

BARACK OBAMA.

THE WHITE HOUSE, *November 17, 2011.*

MESSAGES FROM THE HOUSE

At 10:59 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 822. An act to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

H.R. 1791. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse''.

H.R. 2415. An act 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. 2660. An act 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. 3004. An act 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''.

The message also announced that the House agrees to the amendment of the Senate to the bill (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, and for other purposes.

ENROLLED BILLS SIGNED

At 12:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1412. An act 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 enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

At 4:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on 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.

At 8:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2112. An act 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 for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. BENNET).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 822. An act to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

H.R. 1791. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2415. An act 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''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2660. An act 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''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3004. An act 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''; to the Committee on Homeland Security and Governmental Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on today, November 17, 2011, she had presented to the President of the United States the following enrolled bill:

S. 1412. An act to designate the facility of the United States Postal Service located at 462 Washington Street, Woburn, Massachusetts, as the ''Officer John Maguire Post Office''.

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–3973. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Virginia Graeme Baker Pool and Spa Safety Act; Incorporation by Reference of Successor Standard'' (16 CFR Part 1450) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3974. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety and Health Requirements Related to

Camp Cars'' (RIN2130–AC13) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3975. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Conductor Certification'' (RIN2130–AC08) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3976. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Exports and Reexports to the Principality of Liechtenstein'' (RIN0694–AF33) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3977. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Commercial Driver's License Information System State Procedures Manual, Release 5.2.0'' (RIN2126–AB33) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3978. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Western Pacific Pelagic Fisheries; American Samoa Longline Gear Modifications to Reduce Turtle Interactions'' (RIN0648–AY27) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3979. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XA790) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3980. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA791) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3981. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Western Pacific Bottomfish and Seamount Groundfish Fisheries; 2011–12 Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures'' (RIN0648–XA470) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3982. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Correction'' (RIN0648–BA01) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3983. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendments 20 and 21; Trawl Rationalization Program; Correcting Amendments'' (RIN0648–BB31) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3984. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Monkfish; Framework Adjustment 7'' (RIN0648–BA46) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3985. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA757) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3986. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 1A'' (RIN0648–XA764) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3987. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod and Octopus in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA794) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3988. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA782) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3989. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA783) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3990. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Crab Prohibited Species Catch Allowances in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA784) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3991. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Sub-Annual Catch Limit'' (RIN0648–XA767) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3992. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Gulf of Mexico Reef Fish Fishery; Closure of the 2011 Gulf of Mexico Commercial Sector for Greater Amberjack'' (RIN0648–XA766) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3993. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Snapper-Grouper Fishery of the South Atlantic; Closure of the 2011–2012 Recreational Sector for Black Sea Bass in the South Atlantic'' (RIN0648–XA686) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3994. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Cod by Vessels Harvesting Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XA759) received in the Office of the President of the Senate on November 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3995. A communication from the Deputy Assistant General Counsel for the Office of Aviation Enforcement Proceedings, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled ''Enhancing Airline Passenger Protections: Limited Delay of Effective Date for Certain Provisions'' (RIN2105–AD92) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3996. A communication from the Deputy Assistant General Counsel for the Office of Aviation Enforcement Proceedings, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled ''Enhancing Airline Passenger Protections'' (RIN2105–AD92) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3997. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Brunswick, ME'' ((RIN2120–AA66) (Docket No. FAA–2011–0116)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3998. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; El Dorado, KS'' ((RIN2120–AA66) (Docket No. FAA–2011–0213)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3999. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Mobridge, SD'' ((RIN2120–AA66) (Docket No. FAA–2011–0134)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4000. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Harrisonville, MO'' ((RIN2120–AA66) (Docket No. FAA–2011–0251)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4001. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Cleveland, MS'' ((RIN2120–AA66) (Docket No. FAA–2011–0102)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4002. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Denton, TX'' ((RIN2120–AA66)(Docket No. FAA–2010–1327)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4003. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class D and E Airspace; Willow Grove, PA'' ((RIN2120–AA66)(Docket No. FAA–2011–0355)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4004. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (87); Amdt. No. 3448'' (RIN2120–AA65) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4005. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (40); Amdt. No. 3449'' (RIN2120–AA65) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4006. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes with Supplemental Type Certificate (STC) SA03674AT'' ((RIN2120–AA64)(Docket No. FAA–2011–0687)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4007. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sicma Aero Seat Passenger Seat Assemblies Installed on Various Transport Category Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0040)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4008. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model 4101 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0306)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4009. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0312)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4010. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Diamond Aircraft Industries Powered Sailplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0811)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4011. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0264)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4012. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–1161)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4013. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–103, B4–203, and B4–2C Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0478)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4014. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0564)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

EC–4015. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dowty Propellers Type R212/4–30–4/22 and R251/4–30–4/49 Propeller Assemblies'' ((RIN2120–AA64)(Docket No. FAA–2011–0735)) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2012'' (Rept. No. 112–95).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes (Rept. No. 112–96).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 347. A bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

H.R. 2076. A bill to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 2189. A bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

S. 1793. A bill to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1794. A bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

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. HATCH (for himself and Mr. LEE):

S. 1883. A bill to provide for the sale of approximately 30 acres of Federal land in Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, to permit the establishment of a minimally invasive transportation alternative called ''SkiLink'' to connect 2 ski resorts in the Wasatch Mountains, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. KIRK):

S. 1884. A bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER:

S. 1885. A bill to provide for a temporary extension of unemployment insurance, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. BENNET, and Mr. BLUMENTHAL):

S. 1886. A bill to prevent trafficking in counterfeit drugs; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1887. A bill to protect children from abuse and neglect; to the Committee on the Judiciary.

By Mr. CASEY (for himself and Mr. HARKIN):

S. 1888. A bill to amend the Food, Conservation, and Energy Act of 2008 to establish a program to provide loans for local farms, ranches, and market gardens to improve public health and nutrition, reduce energy consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER:

S. 1889. A bill to protect children from neglect and abuse on Federal property; to the Committee on the Judiciary.

By Mr. BEGICH:

S. 1890. A bill to prevent forfeited fishing vessels from being transferred to private parties and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. LIEBERMAN, Mr. CARDIN, Mr. AKAKA, Mr. WARNER, Mr. REED, Mr. LAUTENBERG, Mr. KERRY, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. DURBIN, Mrs. BOXER, Mr. HARKIN, Mr. WEBB, Mr. MERKLEY, Mrs. HAGAN, and Mrs. GILLIBRAND):

S. 1891. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN (for himself, Ms. COLLINS, and Ms. MIKULSKI):

S. 1892. A bill to protect the housing rights of victims of domestic violence, dating violence, sexual assault, and stalking, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REED:

S. 1893. A bill to amend titles 5, 10, and 32, United States Code, to eliminate inequities in the treatment of National Guard technicians, to reduce the eligibility age for retirement for non-Regular service, and for other purposes; to the Committee on Armed Services.

By Mr. SCHUMER (for himself, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KYL, Mr. HATCH, and Mr. CORNYN):

S. 1894. A bill to deter terrorism, provide justice for victims, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 1895. A bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, to provide a tax credit for farmers' investments in value-added agriculture, and for other purposes; to the Committee on Finance.

By Ms. AYOTTE (for herself and Mr. JOHNSON of Wisconsin):

S. 1896. A bill to eliminate the automatic inflation increases for discretionary programs built into the baseline projections and require budget estimates to be compared with the prior year's level; to the Committee on the Budget.

By Mr. CASEY:

S. 1897. A bill to amend Public Law 101–377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 1898. A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; to the Committee on Indian Affairs.

By Mr. BOOZMAN (for himself and Mr. PRYOR):

S. 1899. A bill to require that members of the Armed Forces who were killed or wounded in the attack that occurred at a recruiting station in Little Rock, Arkansas, on June 1, 2009, are treated in the same manner as members who are killed or wounded in a combat zone; to the Committee on Armed Services.

By Mr. MENENDEZ (for himself, Mr. NELSON of Florida, and Mr. LAUTENBERG):

S. 1900. A bill to amend title XVIII of the Social Security Act to preserve access to urban Medicare-dependent hospitals; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself and Mr. CRAPO):

S. 1901. A bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement; to the Committee on Finance.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 1902. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND (for herself, Mr. TESTER, Ms. STABENOW, Mr. DURBIN, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. RUBIO, and Mr. BLUMENTHAL):

S. 1903. A bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEMINT (for himself, Mr. LEE, Mr. VITTER, Mr. PAUL, Mr. SESSIONS, Mr. GRAHAM, Mr. INHOFE, and Mr. COBURN):

S. 1904. A bill to provide information on total spending on means-tested welfare programs, to provide additional work requirements, and to provide an overall spending limit on means-tested welfare programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HAGAN (for herself and Mr. KIRK):

S. Res. 332. A resolution supporting the goals and ideals of American Education Week; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mr. INHOFE):

S. Res. 333. A resolution welcoming and commending the Government of Japan for extending an official apology to all United States former prisoners of war from the Pacific War and establishing in 2010 a visitation program to Japan for surviving veterans, family members, and descendants; considered and agreed to.

ADDITIONAL COSPONSORS

S. 235

At the request of Mrs. MCCASKILL, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 235, a bill to provide personal jurisdiction in causes of action against contractors of the United States performing contracts abroad with respect to members of the Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, and for other purposes.

S. 384

At the request of Mrs. HUTCHISON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 671

At the request of Mr. SESSIONS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 933

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 933, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the

national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1154

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1154, a bill to require transparency for Executive departments in meeting the Government-wide goals for contracting with small business concerns owned and controlled by service-disabled veterans, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1350

At the request of Mr. COONS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1355

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1355, a bill to regulate political robocalls.

S. 1421

At the request of Mr. PORTMAN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1534

At the request of Mr. NELSON of Florida, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1534, a bill to prevent identity theft and tax fraud.

S. 1541

At the request of Mr. BENNET, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1632

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1632, a bill to amend the Internal Revenue Code of 1986 to provide a look back rule in the case of federally declared disasters for determining earned income for purposes of the child tax credit and the earned income credit, and for other purposes.

S. 1680

At the request of Mr. CONRAD, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1776

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1776, a bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations.

S. 1792

At the request of Mr. WHITEHOUSE, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1792, a bill to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

S. 1794

At the request of Mr. BLUMENTHAL, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1794, a bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code.

S. 1798

At the request of Mr. UDALL of New Mexico, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of 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.

S. 1804

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of 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.

S. 1831

At the request of Mr. THUNE, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Nebraska (Mr. JOHANNS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Iowa (Mr. GRASSLEY), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. ROBERTS), the Senator from Indiana (Mr. COATS), the Senator from Mississippi (Mr. WICKER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Indiana (Mr. LUGAR), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. RUBIO), the Senator from North Carolina (Mr. BURR), the Senator from Missouri (Mr. BLUNT), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Nevada (Mr. HELLER), the Senator from Alabama (Mr. SESSIONS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1831, a bill to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

S. 1847

At the request of Mr. RUBIO, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1847, a bill to amend title 38, United States Code, to reinstate criminal penalties for persons charging veterans unauthorized fees, and for other purposes.

S. 1850

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor

of S. 1850, a bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes.

S. 1868

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. 1871

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1871, a bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

S. 1872

At the request of Mr. CASEY, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Missouri (Mr. BLUNT), the Senator from Massachusetts (Mr. BROWN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1876

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1876, a bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act.

At the request of Mr. BROWN of Ohio, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1876, supra.

S. 1882

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1882, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market.

S. RES. 320

At the request of Ms. SNOWE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 320, a resolution designating November 26, 2011, as ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small businesses.

S. RES. 331

At the request of Mr. KIRK, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Delaware (Mr. COONS) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Res. 331, a resolution expressing the sense of the Senate that Congress should ''Go Big'' in its attempts toward deficit reduction.

AMENDMENT NO. 976

At the request of Mr. BLUNT, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 976 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 982

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of amendment No. 982 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1010

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of amendment No. 1010 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1039

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1039 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1049

At the request of Mr. BAUCUS, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 1049 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. KIRK):

S. 1884. A bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. 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. 1884

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 ''School Access to Emergency Epinephrine Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to research funded by the Food Allergy Initiative and conducted by Northwestern University and Children's Memorial Hospital, nearly 6,000,000 children in the United States have food allergies.

(2) Anaphylaxis, or anaphylactic shock, is a systemic allergic reaction that can kill within minutes.

(3) More than 15 percent of school-aged children with food allergies have had an allergic reaction in school.

(4) Teenagers and young adults with food allergies are at the highest risk of fatal food-induced anaphylaxis.

(5) Individuals with food allergies who also have asthma may be at increased risk for severe or fatal food allergy reactions.

(6) Studies have shown that 25 percent of epinephrine administrations in schools involve individuals with a previously unknown allergy.

(7) The National Institute of Allergy and Infectious Diseases (''NIAID'') has reported that delays in the administration of epinephrine to patients in anaphylaxis can result in rapid decline and death. NIAID recommends that epinephrine be given promptly to treat anaphylaxis.

(8) Physicians can provide standing orders to furnish a school with epinephrine for injection, and several States have passed laws to authorize this practice.

(9) The American Academy of Allergy, Asthma, and Immunology recommends that epinephrine injectors should be included in all emergency medical treatment kits in schools.

(10) The American Academy of Pediatrics recommends that an anaphylaxis kit should be kept with medications in each school and made available to trained staff for administration in an emergency.

(11) According to the Food Allergy and Anaphylaxis Network, there are no contraindications to the use of epinephrine for a life-threatening reaction.

SEC. 3. PREFERENCE FOR STATES REGARDING ADMINISTRATION OF EPINEPHRINE BY SCHOOL PERSONNEL.

Section 399L of the Public Health Service Act (42 U.S.C. 280g(d)) is amended—

(1) in subsection (a), by redesignating the second paragraph (2) and paragraph (3) as paragraphs (3) and (4), respectively; and

(2) by striking subsection (d) and inserting the following:

''(d) PREFERENCE FOR STATES REGARDING MEDICATION TO TREAT ASTHMA AND ANAPHYLAXIS.—

''(1) PREFERENCE.—The Secretary, in making any grant under this section or any other grant that is asthma-related (as determined by the Secretary) to a State, shall give preference to any State that satisfies each of the following requirements:

''(A) SELF-ADMINISTRATION OF MEDICATION.—

''(i) IN GENERAL.—The State shall require that each public elementary school and secondary school in that State will grant to any student in the school an authorization for the self-administration of medication to treat that student's asthma or anaphylaxis, if—

''(I) a health care practitioner prescribed the medication for use by the student during school hours and instructed the student in the correct and responsible use of the medication;

''(II) the student has demonstrated to the health care practitioner (or such practitioner's designee) and the school nurse (if available) the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed;

''(III) the health care practitioner formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours; and

''(IV) the student's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan formulated under subclause (III) and other documents related to liability.

''(ii) SCOPE.—An authorization granted under clause (i) shall allow the student involved to possess and use the student's medication—

''(I) while in school;

''(II) while at a school-sponsored activity, such as a sporting event; and

''(III) in transit to or from school or school-sponsored activities.

''(iii) DURATION OF AUTHORIZATION.—An authorization granted under clause (i)—

''(I) shall be effective only for the same school and school year for which it is granted; and

''(II) must be renewed by the parent or guardian each subsequent school year in accordance with this subsection.

''(iv) BACKUP MEDICATION.—The State shall require that backup medication, if provided by a student's parent or guardian, be kept at a student's school in a location to which the student has prompt access in the event of an asthma or anaphylaxis emergency.

''(v) MAINTENANCE OF INFORMATION.—The State shall require that information described in clauses (i)(III) and (i)(IV) be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency.

''(vi) RULE OF CONSTRUCTION.—Nothing in this subparagraph creates a cause of action or in any other way increases or diminishes the liability of any person under any other law.

''(B) SCHOOL PERSONNEL ADMINISTRATION OF EPINEPHRINE.—

''(i) IN GENERAL.—The State shall require that each public elementary school and secondary school in the State—

''(I) permit authorized personnel to administer epinephrine to any student believed in good faith to be having an anaphylactic reaction; and

''(II) maintain in a secure and easily accessible location a supply of epinephrine that—

''(aa) are prescribed under a standing protocol from a licensed physician; and

''(bb) are accessible to authorized personnel for administration to a student having an anaphylactic reaction.

''(ii) LIABILITY AND STATE LAW.—

''(I) GOOD SAMARITAN LAW.—The State shall have a State law ensuring that elementary school and secondary school employees and agents, including a physician providing a prescription for school epinephrine, will incur no liability related to the administration of epinephrine to any student believed in good faith to be having an anaphylactic reaction, except in the case of willful or wanton conduct.

''(II) STATE LAW.—Nothing in this subparagraph shall be construed to preempt State law, including any State law regarding whether students with allergy or asthma may possess and self-administer medication.

''(2) DEFINITIONS.—For purposes of this subsection:

''(A) The terms 'elementary school' and 'secondary school' have the meaning given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965.

''(B) The term 'health care practitioner' means a person authorized under law to prescribe drugs subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act.

''(C) The term 'medication' means a drug as that term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act and includes inhaled bronchodilators and epinephrine.

''(D) The term 'self-administration' means a student's discretionary use of his or her prescribed asthma or anaphylaxis medication, pursuant to a prescription or written direction from a health care practitioner.

''(E) The term 'authorized personnel' means the school nurse or, if the school nurse is absent, an individual who has been designated by the school nurse and has received training in the administration of epinephrine.''.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. BENNET, and Mr. BLUMENTHAL):

S. 1886. A bill to prevent trafficking in counterfeit drugs; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, few things are more important to consumer well being than ensuring the safety of our pharmaceutical supply chain. Yet today, the penalties for counterfeit drug offenses are outdated and insufficient to deter this epidemic problem. As a result, counterfeit medicines reportedly lead to 100,000 deaths globally each year, with upwards of 90 percent of drug sales estimated to be counterfeit.

Similarly, few things are more important to the American economy and long-term job creation than protecting our companies' intellectual property. Yet businesses manufacturing and selling counterfeit drugs reportedly generate more than $75 billion in annual revenue. This means lost profits for American businesses and lost jobs for American workers. Such staggering numbers would be unacceptable in any economic climate, and they are devastating today.

Combating the sale of counterfeit drugs is increasingly difficult. Whether it is the prevalence of Internet pharmacies, or the new and sophisticated methods of manufacturing, packaging and distributing counterfeit drugs, the obstacles to safeguarding the pharmaceutical supply chain in today's economy are many. As a result, large counterfeit drug enterprises are being funded on the backs of consumers, both in Vermont and around the country, whose health and safety are at stake.

Under current law, it is illegal to introduce counterfeit drugs into interstate commerce, but the penalties are no different than those assessed for trafficking other counterfeit products, such as handbags or sneakers. While the manufacture and sale of any counterfeit product is a serious crime, counterfeit medication poses a grave danger to public health that warrants a harsher punishment. Legislation is needed to raise counterfeit drug penalties to a level commensurate with the severity of the offense in order to deter an epidemic problem.

Today, I am introducing the bipartisan Counterfeit Drug Penalty Enhancement Act, which will raise the maximum penalties for counterfeit drug offenses, and direct the United States Sentencing Commission to consider amending its guidelines and policy statements to reflect the serious nature of these crimes.

This legislation will protect the safety of American consumers, and the investment that American pharmaceutical companies make in developing the quality medicines that lead to reputable brands. Ensuring patient safety and combating intellectual property theft are not uniquely Democratic or Republican priorities, these are bipartisan priorities, and I hope that we can quickly take up and consider this much needed legislation.

We should not expect that enactment of this or any legislation will completely deter this serious problem. But this bill is an important step towards countering a problem that harms American consumers, American businesses, and American jobs.

I thank Senator GRASSLEY and Senator BENNET for working with me on this legislation, and I look forward to working with all Senators to pass this important, bipartisan 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. 1886

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 ''Counterfeit Drug Penalty Enhancement Act of 2011''.

SEC. 2. COUNTERFEIT DRUG PREVENTION.

Section 2320(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

''(2) COUNTERFEIT DRUGS.—

''(A) IN GENERAL.—Whoever commits an offense in violation of paragraph (1) with respect to a drug (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) shall—

''(i) if an individual, be fined not more than $4,000,000, imprisoned not more than 20 years, or both; and

''(ii) if a person other than an individual, be fined not more than $10,000,000.

''(B) MULTIPLE OFFENSES.—In the case of an offense by a person under this paragraph that occurs after that person is convicted of another offense under this paragraph, the person convicted—

''(i) if an individual, shall be fined not more than $8,000,000, imprisoned not more than 20 years, or both; and

''(ii) if other than an individual, shall be fined not more than $20,000,000.''; and

(3) in paragraph (3)(B), as redesignated, by striking ''paragraph (1)'' and inserting ''paragraph (1) or (2)''.

SEC. 3. SENTENCING COMMISSION DIRECTIVE.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense under section

2320(a)(2) of title 18, United States Code, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for the potential and actual harm to the public resulting from the offense;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

By Mr. FRANKEN (for himself, Ms. COLLINS, and Ms. MIKULSKI):

S. 1892. A bill to protect the housing rights of victims of domestic violence, dating violence, sexual assault, and stalking, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FRANKEN. Mr. President, nobody should have to choose between safety and shelter. Yet 48 percent of homeless women in Minnesota previously had stayed in abusive situations because they did not have safe housing options available to them. Twenty-nine percent of homeless adult women in my State are fleeing domestic violence, and more than half of those women are living with children. That simply is not acceptable.

This problem is not unique to Minnesota. Far from it. National studies establish an undeniable link between homelessness and domestic and sexual violence. By one account, two in five women who experience domestic violence will become homeless at some point in their lives.

Not surprisingly, once a woman becomes homeless, she becomes vulnerable to further violence and exploitation. In fact, nine in ten homeless women have experienced severe physical or sexual abuse. During a hearing last week, the Executive Director of the Minnesota Indian Women's Resource Center explained that perpetrators of sexual violence often prey on homeless women.

Of course, we all know that this problem is not about statistics. It is about the real people with real stories who are behind the numbers. It is about the woman in California who was evicted for ''causing a nuisance'' after the police responded to an incident of domestic violence in her Low Income Housing Tax Credit unit—where she was the victim.

It is about the mother of five in Florida who received a termination notice after her ex-husband broke down her door and assaulted her. It is about the 83-year-old woman in Minnesota who was threatened with eviction from her Section 202 housing unit because of disturbances caused by her abuser.

Though the link between homelessness and domestic and sexual violence is undeniable, it is not unbreakable. Advocates across the country work tirelessly to ensure that victims of domestic and sexual violence have the shelter and support they need. Local law enforcement officials and prosecutors are dedicated to ending the cycle of abuse and homelessness. Property owners, too, often work with victims, advocates, and local authorities to find solutions to the problem.

Here in Congress, we have made efforts to break the link between domestic and sexual violence and homelessness as well. The 2005 Violence Against Women Act included important protections that made it unlawful to deny someone housing assistance under certain federal prorams just because the individual is a victim of domestic violence, dating violence, or stalking. From conversations with experts in Minnesota, I know that those protections have been invaluable.

The Violence Against Women Act is now up for reauthorization. That occasion provides us an opportunity to build on the successes of the 2005 bill and to address its shortcomings. That is why today I have introduced the Housing Rights for Victims of Domestic and Sexual Violence Act. This bill is for every woman who has hesitated to call the police to enforce a protective order because she was afraid that she would be evicted if she did so. The bill rests on the simple premise that a woman should not lose her home just because she is a victim of domestic or sexual violence.

The Violence Against Women Act currently protects tenants of only two federal housing programs—those provided under Sections 6 and 8 of the U.S. Housing Act of 1937. These protections were an important first step. But we can do better. A woman's rights should not depend on the type of housing assistance she receives.

So my bill extends VAWA's housing protections to the Low Income Housing Tax Credit program, the Rural Housing Services program, the Housing Opportunities for Persons with AIDS program, the Section 811 Supportive Housing Program for persons with disabilities, and five additional Federal housing programs. The Congressional Research Service estimates that the bill will cover more than 4 million housing units that are not included in existing law.

In addition, current law fails to secure housing rights for victims of sexual assault. My bill fixes that problem. It makes it unlawful to deny a woman federally assisted housing just because she is a victim of sexual assault. As the National Alliance to End Sexual Violence explains, too many victims become homeless as a result of sexual assault, and, once homeless, they are further to sexual victimization. My bill recognizes that victims of sexual assault require safe housing just as do victims of domestic violence, dating violence, and stalking—groups that already are covered by existing law.

My bill also takes an important new step toward ensuring that victims of domestic and sexual violence do not end up on the streets. It requires managers of federally supported housing units to adopt emergency transfer policies for women who would be in imminent danger were they to stay in their current homes. Under these policies, a victim of domestic or sexual violence could move to safe, federally subsidized housing unit instead of staying in harm's way.

I am proud to introduce this legislation with Senator COLLINS and Senator MIKULSKI, both of whom are true champions of women's rights. Both are advocates for victims of domestic and sexual violence. In 2005, both cosponsored the Violenc Against Women Act reauthorization bill. They were leaders in this area then, and they have stepped forward to lead again today. I thank them for their help.

The Housing Rights for Victims of Domestic and Sexual Violence Act is preventive, proven, and precedented.

It is preventive because it will keep women and children in their homes at a time when they are vulnerable—when they need a roof over their heads the most. It is no secret that shelters and transitional housing programs are overextended. This legislation addresses a victim's housing needs before she becomes homeless and requires those services.

The protections contained in the bill are proven. Advocacy groups from Minnesota and throughout the country—the people most familiar with the problem—have weighed in on this bill. It already has been endorsed by 23 organizations, including the National Network to End Domestic Violence, the National Alliance to End Sexual Violence, the National Women's Law Center, the National Housing Law Project, and the National Low Income Housing Coalition.

The bill is unprecedented, too. We are not reinventing the wheel here. The bill builds upon housing protections that were incduded in the 2005 VAWA reauthorization bill, which passed the Senate with unanimous consent and was signed into law by President George W. Bush. Though many say the political climate here in Washington has changed for the worse in the years since then, I am hopeful that the goals underlying VAWA once again will transcend partisanship.

We have worked together to address the unique housing needs facing domestic and sexual violence victims in the past. We need to do so again today.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1892

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 ''Housing Rights for Victims of Domestic and Sexual Violence Act of 2011''.

SEC. 2. DENIAL OR TERMINATION OF ASSISTANCE AND EVICTION PROTECTIONS.

(a) AMENDMENT.—Subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.) is amended—

(1) by inserting after the subtitle heading the following:

''CHAPTER 1—GRANT PROGRAMS'';

(2) in section 41402 (42 U.S.C. 14043e–1), in the matter preceding paragraph (1), by striking ''subtitle'' and inserting ''chapter'';

(3) in section 41403 (42 U.S.C. 14043e–2), in the matter preceding paragraph (1), by striking ''subtitle'' and inserting ''chapter''; and

(4) by adding at the end the following:

''CHAPTER 2—HOUSING RIGHTS

''SEC. 41411. HOUSING RIGHTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''(a) DEFINITIONS.—In this chapter:

''(1) APPROPRIATE AGENCY.—The term 'appropriate agency' means, with respect to a covered housing program, the Executive department (as defined in section 101 of title 5, United States Code) that carries out the covered housing program.

''(2) COVERED HOUSING PROGRAM.—The term 'covered housing program' means—

''(A) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

''(B) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

''(C) the program under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

''(D) the program under subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.);

''(E) the program under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.);

''(F) the program under paragraph (3) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)) that bears interest at a rate determined under the proviso under paragraph (5) of such section 221(d);

''(G) the program under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

''(H) the programs under sections 8 and 9 of the United States Housing Act of 1937 (42 U.S.C. 1437f and 1437g);

''(I) rural housing assistance provided under sections 514, 515, 516, 533, and 538 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, and 1490p–2); and

''(J) the low income housing tax credit program under section 42 of the Internal Revenue Code of 1986.

''(3) IMMEDIATE FAMILY MEMBER.—The term 'immediate family member' means, with respect to an individual—

''(A) a spouse, parent, brother, sister, or child of that individual, or an individual to whom such individual stands in loco parentis;

''(B) any individual living in the household of such individual who is related to such individual by blood or marriage; or

''(C) any individual living in the household of such individual who is related to such individual by affinity whose close association or intimate relationship with such individual is the equivalent of a family relationship.

''(b) PROHIBITED BASIS FOR DENIAL OR TERMINATION OF ASSISTANCE OR EVICTION.—

''(1) IN GENERAL.—An applicant for or tenant of housing assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

''(2) CONSTRUCTION OF LEASE TERMS.—An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as—

''(A) a serious or repeated violation of a lease for housing assisted under a covered housing program by the victim or threatened victim of such incident; or

''(B) good cause for terminating the assistance, tenancy, or occupancy rights to housing assisted under a covered housing program of the victim or threatened victim of such incident.

''(3) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY.—

''(A) DENIAL OF ASSISTANCE, TENANCY, AND OCCUPANCY RIGHTS PROHIBITED.—No person may deny assistance, tenancy, or occupancy rights to housing assisted under a covered housing program to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or an immediate family member of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.

''(B) BIFURCATION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), an owner or manager of housing assisted under a covered housing program may bifurcate a lease for the housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an immediate family member or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing.

''(ii) EFFECT OF EVICTION ON OTHER TENANTS.—If an owner or manager of housing assisted under a covered housing program evicts, removes, or terminates assistance to an individual under clause (i), and the individual is the sole tenant eligible to receive assistance under a covered housing program, the owner or manager of housing assisted under the covered housing program shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the owner or manager of the housing shall provide the tenant a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program.

''(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed—

''(i) to limit the authority of an owner or manager of housing assisted under a covered housing program, when notified of a court order, to comply with a court order with respect to—

''(I) the rights of access to or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or

''(II) the distribution or possession of property among members of a household in a case;

''(ii) to limit any otherwise available authority of an owner or manager of housing assisted under a covered housing program to evict or terminate assistance to a tenant for any violation of a lease not premised on the act of violence in question against the tenant or an immediate family member of the tenant, if the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate;

''(iii) to limit the authority to terminate assistance to a tenant or evict a tenant from housing assisted under a covered housing program if the owner or manager of the housing can demonstrate that an actual and imminent threat to other tenants or individuals employed at or providing service to the property would be present if the assistance is not terminated or the tenant is not evicted; or

''(iv) to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

''(c) DOCUMENTATION.—

''(1) REQUEST FOR DOCUMENTATION.—If an applicant for or tenant of housing assisted under a covered housing program represents to the owner or manager of the housing that the individual is entitled to protection under subsection (b), the owner or manager may request, in writing, that the tenant submit to the owner or manager a form of documentation described in paragraph (3).

''(2) FAILURE TO PROVIDE CERTIFICATION.—If a tenant does not provide the documentation requested under paragraph (1) within 14 business days after the tenant receives a request in writing for such certification from the owner or manager of the housing, nothing in this chapter may be construed to limit the authority of the owner or manager to evict any tenant or lawful occupant that commits violations of a lease. The owner or manager of the housing may extend the 14-day deadline at its discretion.

''(3) FORM OF DOCUMENTATION.—A form of documentation described in this paragraph is—

''(A) a certification form approved by the appropriate agency that—

''(i) states that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;

''(ii) states that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b); and

''(iii) at the option of the applicant or tenant, includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking;

''(B) a document that—

''(i) is signed by—

''(I) an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom an applicant or tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse; and

''(II) the applicant or tenant; and

''(ii) states under penalty of perjury that the individual described in clause (i)(I) believes that the incident of domestic violence, dating violence, sexual assault, or stalking

that is the ground for protection under subsection (b) meets the requirements under subsection (b);

''(C) a record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency; or

''(D) at the discretion of an owner or manager of housing assisted under a covered housing program, a statement or other evidence provided by an applicant or tenant.

''(4) CONFIDENTIALITY.—Any information submitted to an owner or manager under this subsection, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking shall be maintained in confidence by the owner or manager and may not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is—

''(A) requested or consented to by the individual in writing;

''(B) required for use in an eviction proceeding under subsection (b); or

''(C) otherwise required by applicable law.

''(5) DOCUMENTATION NOT REQUIRED.—Nothing in this subsection shall be construed to require an owner or manager of housing assisted under a covered housing program to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

''(6) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with subsection (b) by an owner or manager of housing assisted under a covered housing program based on documentation received under this subsection shall not be sufficient to constitute evidence of an unreasonable act or omission by the owner or manager or an employee or agent of the owner or manager. Nothing in this paragraph shall be construed to limit the liability of an owner or manager of housing assisted under a covered housing program for failure to comply with subsection (b).

''(7) PREEMPTION.—Nothing in this subsection shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.

''(d) NOTIFICATION.—Each owner or manager of housing assisted under a covered housing program shall provide to each applicant for or tenant of such housing notice of the rights of individuals under this section, including the right to confidentiality and the limits thereof, together with the form described in subsection (c)(3)(A)—

''(1) at the time the individual applies to live in a dwelling unit assisted under the covered housing program;

''(2) at the time the individual is admitted to a dwelling unit assisted under the covered housing program;

''(3) with any notification of eviction or notification of termination of assistance;

''(4) in multiple languages, consistent with guidance issued by the Secretary of Housing and Urban Development in accordance with Executive Order 13166 (42 U.S.C. 2000d–1 note; relating to access to services for persons with limited English proficiency); and

''(5) by posting the notification in a public area of such housing.

''(e) EMERGENCY TRANSFERS.—Notwithstanding any other provision of law, each owner or manager of housing assisted under a covered program shall adopt an emergency transfer policy for tenants who are victims of domestic violence, dating violence, sexual assault, or stalking that—

''(1) allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to transfer to another available and safe dwelling unit assisted under a covered housing program if—

''(A) the tenant expressly requests the transfer; and

''(B)(i) the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the tenant remains within the same dwelling unit assisted under a covered housing program; or

''(ii) in the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90 day period preceding the request for transfer; and

''(2) incorporates reasonable confidentiality measures to ensure that the owner or manager does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

''(f) POLICIES AND PROCEDURES FOR EMERGENCY TRANSFER.—The Secretary of Housing and Urban Development shall establish policies and procedures under which a victim requesting an emergency transfer under subsection (e) may receive, subject to the availability of tenant protection vouchers, assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

''(g) IMPLEMENTATION.—The appropriate agency with respect to each covered housing program shall implement this section, as this section applies to the covered housing program.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 6.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(A) in subsection (c)—

(i) by striking paragraph (3); and

(ii) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(B) in subsection (l)—

(i) in paragraph (5), by striking '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence''; and

(ii) in paragraph (6), by striking ''; except that'' and all that follows through ''stalking.''; and

(C) by striking subsection (u).

(2) SECTION 8.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(A) in subsection (c), by striking paragraph (9);

(B) in subsection (d)(1)—

(i) in subparagraph (A), by striking ''and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission''; and

(ii) in subparagraph (B)—

(I) in clause (ii), by striking '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence''; and

(II) in clause (iii), by striking '', except that:'' and all that follows through ''stalking.'';

(C) in subsection (f)—

(i) in paragraph (6), by adding ''and'' at the end;

(ii) in paragraph (7), by striking the semicolon at the end and inserting a period; and

(iii) by striking paragraphs (8), (9), (10), and (11);

(D) in subsection (o)—

(i) in paragraph (6)(B), by striking the last sentence;

(ii) in paragraph (7)—

(I) in subparagraph (C), by striking ''and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence''; and

(II) in subparagraph (D), by striking ''; except that'' and all that follows through ''stalking.''; and

(iii) by striking paragraph (20);

(E) by striking subsection (ee).

(3) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, shall be construed—

(A) to limit the rights or remedies available to any person under section 6 or 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f), as in effect on the day before the date of enactment of this Act; or

(B) to limit any right, remedy, or procedure otherwise available under any provision of part 5, 91, 880, 882, 883, 884, 886, 891, 903, 960, 966, 982, or 983 of title 24, Code of Federal Regulations, that—

(i) was issued under the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960) or an amendment made by that Act; and

(ii) provides greater protection for victims of domestic violence, dating violence, sexual assault, and stalking than this Act.

By Mr. REED:

S. 1893. A bill to amend titles 5, 10, and 32, United States Code, to eliminate inequities in the treatment of National Guard technicians, to reduce the eligibility age for retirement for non-Regular service, and for other purposes; to the Committee on Armed Services.

Mr. REED. Mr. President, today I introduce the National Guard Technician Equity Act to correct inconsistencies in the dual-status technician program.

Over 48,000 National Guard dual-status technicians serve our Nation. They are a distinct group of workers, as civilians, they work for the reserve components, performing administrative duties, providing training, and maintaining and repairing equipment. However, as a condition of their civilian position, they are also required to maintain military status, attending weekend drills and annual training, deploying to Iraq and Afghanistan, and responding to domestic disasters and emergencies, thereby creating their ''dual-status.''

Because of their unique position, dual-status technicians are caught between the provisions that govern the federal civilian workforce and the military in numerous ways. First, under existing law, a dual-status technician who is no longer fit for military duty must be fired from their technician position, even if they are still fully capable of performing their civilian duties. This bill would give technicians the option of remaining in their civilian position if they have 20 years of service as

a dual-status technician. This way we will retain the experience and skills of these dedicated employees.

Second, dual-status technicians do not have the same appeal rights as most other federal employees, including those civilians in other Department of Defense positions. Federal employees who are covered by a collective bargaining agreement have the right to file a grievance and proceed to arbitration, or file a case with the Merit Systems Protection Board, MSPB, a neutral Federal agency. Dual-status technicians may appeal to the Adjutant General in their state, but not to any neutral third party. This bill would allow them to also appeal to the MSPB for grievances unrelated to their military service.

Third, most reserve component members are able to obtain health care coverage through the TRICARE Reserve Select program. However, dual-status technicians are ineligible, despite their mandatory military status and reserve service, because they can participate in the Federal Employees Health Benefit Program, FEHBP. FEHBP plans can be more expensive than TRICARE Reserve Select, thereby adding costs and limiting health care options for these Guard technicians. My legislation simply calls for the Department of Defense to study the feasibility of converting the coverage for National Guard dual-status technicians from FEHBP to TRICARE Reserve Select.

The National Guard Technician Equity Act also corrects other inconsistencies by providing greater civilian and military retirement parity, providing eligibility to retain certain military bonuses and benefits, and increasing leave time for required military training.

I urge my colleagues to support and cosponsor the National Guard Technician Equity Act. I will also be working to include provisions of this bill in the National Defense Authorization Act, which the Senate has begun to consider, and I hope my colleagues can work together on this effort.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1893

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 ''National Guard Technician Equity Act''.

SEC. 2. TITLES 10 AND 32, UNITED STATES CODE, AMENDMENTS REGARDING NATIONAL GUARD TECHNICIANS AND RELATED PROVISIONS.

(a) AUTHORITY TO EMPLOY TECHNICIAN AS NON-DUAL STATUS TECHNICIAN AFTER 20 YEARS OF CREDITABLE SERVICE.—Subsection (c) of section 709 of title 32, United States Code, is amended to read as follows:

''(c) A person shall have the right to be employed under subsection (a) as a non-dual status technician (as defined by section 10217 of title 10) if—

''(1) the technician position occupied by the person has been designated by the Secretary concerned to be filled only by a non-dual status technician; or

''(2) the person occupying the technician position has at least 20 years of creditable service as a military technician (dual status).''.

(b) EXCEPTION TO DUAL-STATUS EMPLOYMENT CONDITION OF MEMBERSHIP IN SELECTED RESERVE.—Section 10216 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(B), by inserting ''subject to subsection (d),'' before ''is required''; and

(2) in subsection (d)(1), by striking ''Unless specifically exempted by law'' and inserting ''Except as provided in section 709(c)(2) of title 32 or as otherwise specifically exempted by law''.

(c) CONTINUED COMPENSATION AFTER LOSS OF MEMBERSHIP IN SELECTED RESERVE.—Subsection (e) of section 10216 of title 10, United States Code, is amended to read as follows:

''(e) CONTINUED COMPENSATION AFTER LOSS OF MEMBERSHIP IN SELECTED RESERVE.—Funds appropriated for the Department of Defense may continue to be used to provide compensation to a military technician who was hired as a military technician (dual status), but who is no longer a member of the Selected Reserve.''.

(d) REPEAL OF PERMANENT LIMITATIONS ON NUMBER OF NON-DUAL STATUS TECHNICIANS.—Section 10217 of title 10, United States Code, is amended by striking subsection (c).

(e) TECHNICIAN RESTRICTED RIGHT OF APPEAL AND ADVERSE ACTIONS COVERED.—

(1) RIGHTS OF GRIEVANCE, ARBITRATION, APPEAL, AND REVIEW BEYOND AG.—Section 709 of title 32, United States Code, is amended—

(A) in subsection (f)—

(i) in the matter preceding paragraph (1), by striking ''Notwithstanding any other provision of law and under'' and inserting ''Under''; and

(ii) in paragraph (4), by striking ''a right of appeal'' and inserting ''subject to subsection (j), a right of appeal''; and

(B) by adding at the end the following new subsection:

''(j)(1) Notwithstanding subsection (f)(4) or any other provision of law, a technician and a labor organization that is the exclusive representative of a bargaining unit including the technician shall have the rights of grievance, arbitration, appeal, and review extending beyond the adjutant general of the jurisdiction concerned and to the Merit Systems Protection Board and thereafter to the United States Court of Appeals for the Federal Circuit, in the same manner as provided in sections 4303, 7121, and 7701–7703 of title 5, with respect to a performance-based or adverse action imposing removal, suspension for more than 14 days, furlough for 30 days or less, or reduction in pay or pay band (or comparable reduction).

''(2) This subsection does not apply to a technician who is serving under a temporary appointment or in a trial or probationary period.''.

(2) ADVERSE ACTIONS COVERED.—Section 709(g) of title 32, United States Code, is amended by striking ''7511, and 7512''.

(3) CONFORMING AMENDMENT.—Section 7511(b) of title 5, United States Code, is amended—

(A) by striking paragraph (5); and

(B) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

(f) TECHNICIAN SENIORITY RIGHTS DURING RIF.—Subsection (g) of section 709 of title 32, United States Code, as amended by subsection (e)(2), is amended to read as follows:

''(g) Section 2108 of title 5 does not apply to a person employed under this section.''.

(g) AVAILABILITY OF CERTAIN ENLISTMENT, REENLISTMENT, AND STUDENT LOAN BENEFITS FOR MILITARY TECHNICIANS.—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) ELIGIBILITY FOR BONUSES AND OTHER BENEFITS.—(1) If an individual becomes employed as a military technician (dual status) while the individual is already a member of a reserve component, the Secretary concerned may not require the individual to repay any enlistment, reenlistment, or affiliation bonus provided to the individual in connection with the individual's enlistment or reenlistment before such employment.

''(2) Even though an individual employed as a military technician (dual status) is required as a condition of that employment to maintain membership in the Selected Reserve, the individual shall not be precluded from receiving an enlistment, reenlistment, or affiliation bonus nor be denied the opportunity to participate in an educational loan repayment program under chapter 1609 of this title as an additional incentive for the individual to accept and maintain such membership''.

(h) REPEAL OF PROHIBITION AGAINST OVERTIME PAY FOR NATIONAL GUARD TECHNICIANS.—Section 709(h) of title 32, United States Code, is amended by striking the second sentence and inserting the following new sentence: ''The Secretary concerned shall pay a technician for irregular or overtime work at a rate equal to one and one-half times the rate of basic pay applicable to the technician, except that, at the request of the technician, the Secretary may grant the technician, instead of such pay, an amount of compensatory time off from the technician's scheduled tour of duty equal to the amount of time spent in such irregular or overtime work.''.

SEC. 3. TITLE 5, UNITED STATES CODE, AMENDMENTS REGARDING NATIONAL GUARD TECHNICIANS AND RELATED PROVISIONS.

(a) LOWERING RETIREMENT AGE.—

(1) AMENDMENT TO FERS.—Subsection (c) of section 8414 of title 5, United States Code, is amended to read as follows:

''(c)(1) Under the circumstances described in paragraph (2), an employee who is separated from service as a military technician (dual status) is entitled to an annuity if the separation is by reason of either—

''(A) separating from the Selected Reserve; or

''(B) ceasing to hold the military grade specified by the Secretary concerned for the position involved.

''(2) Except as provided in paragraph (3), paragraph (1) applies to a military technician (dual status) who is separated—

''(A) after completing 25 years of service as such a technician, or

''(B) after becoming 50 years of age and completing 20 years of service as such a technician.

''(3) Paragraph (1) does not apply if separation or removal is for cause on charges of misconduct or delinquency.''.

(2) AMENDMENT TO CSRS.—Section 8336 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(q)(1) Under the circumstances described in paragraph (2), an employee who is separated from service as a military technician (dual status) is entitled to an annuity if the separation is by reason of either—

''(A) separating from the Selected Reserve; or

''(B) ceasing to hold the military grade specified by the Secretary concerned for the position involved.

''(2) Except as provided in paragraph (3), paragraph (1) applies to a military technician (dual status) who is separated—

''(A) after completing 25 years of service as such a technician, or

''(B) after becoming 50 years of age and completing 20 years of service as such a technician.

''(3) Paragraph (1) does not apply if separation or removal is for cause on charges of misconduct or delinquency.''.

(b) ADEQUATE LEAVE TIME FOR MILITARY ACTIVATIONS.—Section 6323(a)(1) of title 5, United States Code, is amended by striking the last sentence and inserting the following new sentence: ''Leave under this subsection accrues for an employee or individual at the rate of 30 days per fiscal year and, to the extent that such leave is not used by the employee or individual during the fiscal year accrued, accumulates without limitation for use in succeeding fiscal years.''.

(c) IMPROVED HEALTH CARE BENEFITS.—

(1) FEHBP CHANGES.—Subparagraph (B) of section 8906(e)(3) of title 5, United States Code, is amended to read as follows:

''(B) An employee referred to in subparagraph (A) is an employee who—

''(i) is enrolled in a health benefits plan under this chapter;

''(ii) is a member of a reserve component of the Armed Forces;

''(iii) is placed on leave without pay or separated from service to perform the active duty or other duties described in clause (iv); and

''(iv) is called or ordered to—

''(I) active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10);

''(II) active duty for a period of more than 30 consecutive days;

''(III) active duty under section 12406 of title 10;

''(IV) perform training or other duties described under paragraph (1) or (2) of section 502(f) of title 32; or

''(V) while not in Federal service, perform duties related to an emergency declared by the chief executive of a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.''.

(2) STUDY AND REPORT.—

(A) IN GENERAL.—Within 6 months after the date of the enactment of this Act, the Secretary of Defense and the Director of the Office of Personnel Management shall jointly conduct a study and submit to Congress a report—

(i) evaluating the feasibility of converting military technicians from FEHBP coverage to coverage provided under the TRICARE or TRICARE Reserve Select program (or both); and

(ii) identifying any problems associated with the conversion of military technicians from FEHBP coverage to coverage provided under chapter 55 of title 10, United States Code, during contingency operations.

(B) DEFINITIONS.—For purposes of this subsection—

(i) the term ''FEHBP coverage'' means coverage provided under chapter 89 of title 5, United States Code; and

(ii) the term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

SEC. 4. REDUCTION IN ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.

Section 12731(f) of title 10, United States Code, is amended by striking ''60 years of age'' both places it appears and inserting ''55 years of age''.

By Mr. SCHUMER (for himself, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KYL, Mr. HATCH, and Mr. CORNYN):

S. 1894. A bill to deter terrorism, provide justice for victims, and for other purposes, to the Committee on the Judiciary.

Mr. SCHUMER. Mr. President, I rise today to introduce the Justice Against Sponsors of Terrorism Act, or JASTA. JASTA is a bipartisan effort to make modest changes to the Foreign Sovereign Immunities Act, or FSIA, and the Anti-Terrorism Act, or ATA, in order to ensure that the victims of terrorism in the United States can hold the foreign sponsors of that terrorism to account in American courts.

I am especially proud to be introducing this measure with such a bipartisan and diverse group of Judiciary Committee colleagues: Myself and Senator WHITEHOUSE on the Democratic side, and Senators GRAHAM, HATCH, KYL, and CORNYN on the Republican side.

This legislation has become necessary due to flawed court decisions that have deprived the victims of terrorism on American soil, including those injured by the terrorist attacks of September 11, 2001, of their day in court. Unfortunately, and contrary to the clear intent of Congress, some courts have concluded that Americans who were injured due to terrorist attacks in the United States have no recourse against the foreign states that sponsor those attacks. This conclusion is contrary to the plain language of the FSIA and ATA, and it is bad policy.

Let me explain the legal background. Originally passed in 1976, the FSIA abrogates the sovereign immunity of foreign countries and permits suit against them in Federal court when, among other things, a foreign country or its instrumentalities commit a tort that results in injury on our soil, this is known as the ''tort exception'' to the FSIA. In addition, the ATA authorizes suit in Federal court by any U.S. national injured ''by reason of an act of international terrorism'' and permits the recovery of damages in U.S. courts.

Thus, taken together, the FSIA and ATA were designed to enable terrorism victims to bring suit against foreign states and terror sponsors when they support terrorism against the United States. I am introducing this bill because I want the survivors of the 9/11 tragedy to have their day in court—and they were deprived of this by a court ruling that contorted the language and purpose of the FSIA and the ATA. As we all know, nearly 3,000 innocent victims died that day, and the Nation suffered $10 billion in property and other commercial damage alone—all at the hands of al-Qaeda and its funders.

In 2002, these plaintiffs sued, among other defendants, the Kingdom of Saudi Arabia, several Saudi officials, and a purported charity under the control of the Kingdom known as the Saudi High Commission for Relief of Bosnia and Herzegovina. Substantial evidence establishes that these defendants had provided funding and sponsorship to al-Qaeda without which it could not have carried out the attacks.

But the Second Circuit threw out this case, based on two flawed conclusions. First, the court ruled that the tort exception to the FSIA did not apply, and barred their case because the Saudi entities and individuals were not on the State Department's list. Second, the court ruled that there was no personal jurisdiction over the Saudis because while they certainly could ''foresee'' that their support would lead to terrorist acts, they did not ''direct'' the terrorist acts. There is another reason that I am introducing this bill. I am introducing this bill because we need to cut off the flow of money to terrorists by shutting down the reservoir—not just turning off the faucet. We need to use every tool at our disposal to hit terrorism at its very root, including the United States Federal courts.

You don't have to take my word for it. This focus on terrorist financing channels has been a major national security priority since the September 11 attacks. As the Treasury Department's former Under Secretary for Terrorism and Financial Intelligence has observed, ''the terrorist operative who is willing to strap on a suicide belt is not susceptible to deterrence, but the individual donor who wants to support violent jihad may well be,'' Testimony of Stuart Levey, Under Secretary for Terrorism and Financial Intelligence, before the Senate Committee on Finance, April 1, 2008.

It should be clear that the public interest is served when American citizens have the right to seek compensation for their injuries and that this right serves a dual purpose of deterring bad conduct. Yet we are here today introducing this bill, JASTA, because the courts have misconstrued our statutes.

Before closing, let me address one concern I have heard that deserves a response. There are those who worry that restoring Americans' right to bring these suits will interfere with our foreign affairs. I simply do not think that is the case. First of all, if Americans have been injured in the United States by foreign terrorism, they have the right to seek redress. But it is also important to remember that this law does not prevent the Executive Branch from espousing claims brought by Americans against foreign states and settling them through an executive agreement. This is an executive authority that has been recognized and utilized going back to the administration of George Washington, and nothing in JASTA interferes with it. Nothing in this act would interfere with the execution of our foreign policy.

To conclude, JASTA will restore the rights of the victims of terrorism and deter international terrorist financing, and it will have the related benefit of enabling the victims of the September 11 Attacks to proceed with their case, as Congress had intended. It does so without in any way threatening sensitive National security or diplomatic priorities of the nation. In fact, it makes the Nation stronger.

I urge my colleagues to support these modest, but critical, amendments.

By Mr. CASEY:

S. 1897. A bill to amend Public Law 101–377 to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes, to the Committee on Energy and Natural Resources.

Mr. CASEY. Mr. President, this Saturday, November 19, marks the 148 Anniversary of the Gettysburg Address. In this address, President Abraham Lincoln famously said, ''The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us the living rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth.''

In advance of this important historic occasion, I am introducing the Gettysburg National Military Park Expansion Act. If enacted, this legislation would expand the boundaries of Gettysburg National Military Park to include the historic Gettysburg Railroad Station and an additional 45 acres of land at the southern end of the battlefield. Through these acquisitions, the between 1.5 to 3 million people that visit Gettysburg each year will enjoy a more complete experience. Passage of this legislation is very important, especially right now as the Park prepares for the 150 Anniversary of the Battle of Gettysburg.

The Gettysburg Railroad Station, which is also known as the Lincoln Train Station, is located in downtown Gettysburg, Pennsylvania. It was built in 1858 and is listed in the National Register of Historic Places. During the Battle of Gettysburg, the building served as a train station to transport thousands of troops and also as a hospital. Perhaps more important historically, this station was the site to which President Lincoln arrived on the day before he delivered the Gettysburg Address in 1863. This station is currently operated by the National Trust for Historic Gettysburg and is open to the public year round. It also serves as the home to the Pennsylvania Abraham Lincoln Bicentennial Commission, which organized and held events in 2009 to commemorate the 200th anniversary of Lincoln's birth. The station was renovated in 2006 using state grant money to serve as an information and orientation center, but currently does not serve as such because of a lack of funds to manage its day-to-day operations. The Gettysburg Borough Council voted in 2008 to transfer the station to the National Park Service so that it could be used as a visitor center for tourists coming to the Gettysburg area.

The Gettysburg National Military Park Expansion Act would also expand the boundary of the Gettysburg National Military Park to include 45 acres of land at the southern end of the battlefield. This area is both historically and environmentally significant. It was where cavalry skirmishes during the Battle for Gettysburg occurred and is also home to wetlands and wildlife habitat related to the Plum Run stream that runs through the National Park. The forty five acres were donated in April of 2009 and as a result no federal funding or land acquisition would be required to obtain the property and incorporate it into the National Park.

The Gettysburg National Military Park Expansion Act would help preserve different sites that are historically significant while protecting the environment. The Civil War was a monumental moment in our Nation's history and because of this we must take steps to preserve the area's historical sites.

By Mr. KIRK (for himself and Mr. DURBIN):

S. 1902. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KIRK. Mr. President, today I am pleased to join with Senator DURBIN to introduce a bill in support of New Philadelphia, the first town founded by a freed African-American. This bipartisan legislation would initiate a feasibility study in order to determine whether or not this area should be designated as a unit of the National Park System.

The town of New Philadelphia, Illinois, established in 1836, became the first known town platted and officially registered by an African-American prior to the Civil War. New Philadelphia became a place where European Americans, free-born African-Americans, and formerly enslaved individuals could live together in community during a time of intense racial strife that transpired before, during, and after the Civil War.

Frank McWorter, the founder of New Philadelphia and a former slave himself, saved money from neighboring labor jobs to purchase his own freedom and the freedom of fifteen other family members. Subsequently, Mr. McWorter purchased a sparse plot of land between the Illinois and Mississippi Rivers in Pike County, Illinois to establish the town of New Philadelphia, which also became a station along the Underground Railroad.

In 2005, the town of New Philadelphia is designated a National Historic Place and more recently, it was designated a National Historic Landmark in 2009. Being designated a unit of the National Park System will preserve the historical significance of New Philadelphia and allow its legacy to continue to inspire current and future generations to understand the struggle for freedom and opportunity.

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. 1902

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 ''New Philadelphia, Illinois, Study Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Frank McWorter, an enslaved man, bought his freedom and the freedom of 15 family members by mining for crude niter in Kentucky caves and processing the mined material into saltpeter;

(2) New Philadelphia, founded in 1836 by Frank McWorter, was the first town planned and legally registered by a free African-American before the Civil War;

(3) the first railroad constructed in the area of New Philadelphia bypassed New Philadelphia, which led to the decline of New Philadelphia; and

(4) the New Philadelphia site—

(A) is a registered National Historic Landmark;

(B) is covered by farmland; and

(C) does not contain any original buildings of the town or the McWorter farm and home that are visible above ground.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''Study Area'' means the New Philadelphia archeological site and the surrounding land in the State of Illinois.

SEC. 4. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the Study Area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Study Area;

(2) determine the suitability and feasibility of designating the Study Area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the Study Area by—

(A) Federal, State, or local governmental entities; or

(B) private and nonprofit organizations;

(4) consult with—

(A) interested Federal, State, or local governmental entities;

(B) private and nonprofit organizations; or

(C) any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under paragraph (3).

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the

Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

(e) FUNDING.—The study authorized under this section shall be carried out using existing funds of the National Park Service.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 332—SUPPORTING THE GOALS AND IDEALS OF AMERICAN EDUCATION WEEK

Mrs. HAGAN (for herself and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

S. RES. 332

Whereas the National Education Association has designated November 13 through November 19, 2011, as the 90th annual observance of American Education Week;

Whereas public schools are the backbone of the Nation's democracy, providing young people with the tools they need to maintain the Nation's precious values of freedom, civility, and equality;

Whereas by equipping young people in the United States with both practical skills and broader intellectual abilities, public schools give them hope for, and access to, a productive future;

Whereas people working in the field of public education, be they teachers, principals, higher education faculty and staff, custodians, substitute educators, bus drivers, clerical workers, food service professionals, workers in skilled trades, health and student service workers, security guards, technical employees, or librarians, work tirelessly to serve children and communities throughout the Nation with care and professionalism; and

Whereas public schools are community linchpins, bringing together adults, children, educators, volunteers, business leaders, and elected officials in a common enterprise: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Education Week; and

(2) encourages the people of the United States to observe National Education Week by reflecting on the positive impact of all those who work together to educate children.

SENATE RESOLUTION 333—WELCOMING AND COMMENDING THE GOVERNMENT OF JAPAN FOR EXTENDING AN OFFICIAL APOLOGY TO ALL UNITED STATES FORMER PRISONERS OF WAR FROM THE PACIFIC WAR AND ESTABLISHING IN 2010 A VISITATION PROGRAM TO JAPAN FOR SURVIVING VETERANS, FAMILY MEMBERS, AND DESCENDANTS

Mrs. FEINSTEIN (for herself and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 333

Whereas the United States and Japan have enjoyed a productive and successful peace for over six decades, which has nurtured a strong and critical alliance and deep economic ties that are vitally important to both countries, the Asia-Pacific region, and the world;

Whereas the United States-Japan alliance is based on shared interests, responsibilities, and values and the common support for political and economic freedoms, human rights, and international law;

Whereas the United States-Japan alliance has been maintained by the contributions and sacrifices of members of the United States Armed Forces dedicated to Japan's defense and democracy;

Whereas, from December 7, 1941, to August 15, 1945, the Pacific War caused profound damage and suffering to combatants and noncombatants alike;

Whereas, among those who suffered and sacrificed greatly were the men and women of the United States Armed Forces who were captured by Imperial Japanese forces during the Pacific War;

Whereas many United States prisoners of war were subject to brutal and inhumane conditions and forced labor;

Whereas, according to the Congressional Research Service, an estimated 27,000 United States prisoners of war were held by Imperial Japanese forces and nearly 40 percent perished;

Whereas the American Defenders of Bataan and Corregidor and its subsequent Descendants Group have worked tirelessly to represent the thousands of United States veterans who were held by Imperial Japanese forces as prisoners of war during the Pacific War;

Whereas, on May 30, 2009, an official apology from the Government of Japan was delivered by Japan's Ambassador to the United States Ichiro Fujisaki to the last convention of the American Defenders of Bataan and Corregidor stating, ''Today, I would like to convey to you the position of the government of Japan on this issue. As former Prime Ministers of Japan have repeatedly stated, the Japanese people should bear in mind that we must look into the past and to learn from the lessons of history. We extend a heartfelt apology for our country having caused tremendous damage and suffering to many people, including prisoners of wars, those who have undergone tragic experiences in the Bataan Peninsula, Corregidor Island, in the Philippines, and other places.'';

Whereas, in 2010, the Government of Japan through its Ministry of Foreign Affairs has established a new program of remembrance and understanding that, for the first time, includes United States former prisoners of war and their family members or other caregivers by inviting them to Japan for exchange and friendship;

Whereas six United States former prisoners of war, each of whom was accompanied by a family member, and two descendants of prisoners of war participated in Japan's first Japanese/American POW Friendship Program from September 12, 2010, to September 19, 2010;

Whereas Japan's Foreign Minister Katsuya Okada on September 13, 2010, apologized to all United States former prisoners of war on behalf of the Government of Japan stating, ''You have all been through hardships during World War II, being taken prisoner by the Japanese military, and suffered extremely inhumane treatment. On behalf of the Japanese government and as the foreign minister, I would like to offer you my heartfelt apology.'';

Whereas Foreign Minister Okada stated that he expects the former prisoners of war exchanges with the people of Japan will ''become a turning point in burying their bitter feelings about the past and establishing a better relationship between Japan and the United States'';

Whereas Japan's Deputy Chief Cabinet Secretary Tetsuro Fukuyama on September 13, 2010, apologized to United States former prisoners of war for the ''immeasurable damage and suffering'' they experienced;

Whereas the participants of the first Japanese/American POW Friendship Program appreciated the generosity and hospitality they received from the Government and people of Japan during the Program and welcomed the apology offered by Foreign Minister Okada and Deputy Chief Cabinet Secretary Fukuyama;

Whereas the participants encourage the Government of Japan to continue this program of visitation and friendship and expand it to support projects for remembrance, documentation, and education; and

Whereas the United States former prisoners of war of Japan still await apologies and remembrance from the successor firms of those private entities in Japan that, in violation of the Third Geneva Convention and in unmerciful conditions, used their labor for economic gain to sustain war production: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes and commends the Government of Japan for extending an official apology to all United States former prisoners of war from the Pacific War and establishing in 2010 a visitation program to Japan for surviving veterans, their families, and descendants;

(2) appreciates the recent efforts by the Government of Japan toward historic apologies for the maltreatment of United States former prisoners of war;

(3) requests that the Government of Japan continue its new Japanese/American POW Friendship Program of reconciliation and remembrance and expand it to educate the public and its school children about the history of prisoners of war in Imperial Japan;

(4) requests that the Government of Japan respect the wishes and sensibilities of the United States former prisoners of war by supporting and encouraging programs for lasting remembrance and reconciliation that recognize their sacrifices, history, and forced labor;

(5) acknowledges the work of the Department of State in advocating for the United States prisoners of war from the Pacific War; and

(6) applauds the persistence, dedication, and patriotism of the members and descendants of the American Defenders of Bataan and Corregidor for their pursuit of justice and lasting peace.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1062. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1063. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1064. Mr. PAUL (for himself, Mrs. GILLIBRAND, Mr. WYDEN, Mr. LEAHY, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1065. Ms. AYOTTE (for herself, Mr. McCAIN, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1066. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1067. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1068. Ms. AYOTTE (for herself, Mr. CHAMBLISS, and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1069. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID 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 1070. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1071. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1072. Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUYE, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1073. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1074. Mr. ROCKEFELLER 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 1075. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1076. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1077. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1078. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1079. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1080. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1081. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1082. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1083. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1084. Mr. McCONNELL (for Mr. KIRK (for himself, Mr. JOHANNS, Mr. MANCHIN, Mr. HELLER, Mr. BLUNT, Mr. ROBERTS, Mr. RUBIO, Mr. BROWN of Massachusetts, Mr. COATS, and Mr. TESTER)) proposed an amendment to the bill S. 1867, supra.

SA 1085. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1086. Mr. ROBERTS (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1087. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1088. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1089. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1090. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1091. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID 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 1092. Mr. LEVIN (for himself, Mr. McCAIN, Mr. AKAKA, Mr. CHAMBLISS, Mr. BLUMENTHAL, Mr. INHOFE, Mrs. GILLIBRAND, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. UDALL of Colorado, Mr. WEBB, Mr. MANCHIN, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 1093. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1094. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1095. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1096. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1097. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1098. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1099. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1100. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1101. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1102. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1103. Mr. CARDIN (for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1104. Mr. SANDERS 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 1105. Ms. COLLINS (for herself, Mr. BEGICH, and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 1106. Mr. McCAIN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1107. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1108. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1109. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1110. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1111. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1112. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1113. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1114. Mr. BEGICH (for himself, Ms. SNOWE, Mr. CASEY, Mr. GRASSLEY, Mr. LEAHY, Mr. GRAHAM, Ms. MURKOWSKI, Mr. AKAKA, Mr. PRYOR, Mr. BROWN of Massachusetts, Mr. MANCHIN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1115. Ms. LANDRIEU (for herself, Ms. SNOWE, Mrs. SHAHEEN, Mr. BROWN of Massachusetts, and Mr. KERRY) submitted an

amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1116. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1117. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1118. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1119. Mr. BROWN, of Massachusetts (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1120. Mrs. SHAHEEN (for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BLUMENTHAL, Ms. STABENOW, Mr. DURBIN, Mr. TESTER, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1121. Mrs. SHAHEEN (for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BLUMENTHAL, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1122. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1123. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1124. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1125. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. DURBIN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1126. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. DURBIN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1127. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 1128. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1129. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1130. Mr. REID (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1131. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1132. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1133. Mr. BLUNT (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1134. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1135. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1136. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1137. Mr. HELLER (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1138. Mr. HELLER (for himself, Mr. BROWN of Massachusetts, Mr. BOOZMAN, Mr. BLUMENTHAL, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1139. Mr. CASEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1140. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1141. Mrs. BOXER (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1142. Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1143. Mrs. HAGAN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1144. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1145. Mr. TESTER (for himself, Mrs. HUTCHISON, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1146. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1147. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1148. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1149. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1150. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1151. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1152. Mr. PRYOR (for himself, Mr. BOOZMAN, Mr. CRAPO, Mr. GRASSLEY, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. LEAHY, Mr. SESSIONS, Mrs. SHAHEEN, Ms. SNOWE, Mr. TESTER, Mr. THUNE, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1153. Mr. UDALL, of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, Mrs. GILLIBRAND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1154. Mr. UDALL, of New Mexico (for himself, Mr. CORKER, Mrs. MCCASKILL, Mr. BINGAMAN, Mr. ALEXANDER, Mr. NELSON of Florida, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1155. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1156. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1157. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1158. Ms. COLLINS (for herself, Mr. BEGICH, and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1159. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1160. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1161. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1162. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1163. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1164. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1165. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1166. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1167. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1168. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1169. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1170. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1171. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1172. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1173. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1174. Mr. MERKLEY (for himself, Mr. LEE, Mr. UDALL of New Mexico, Mr. PAUL, and Mr. BROWN of Ohio) proposed an amendment to the bill S. 1867, supra.

SA 1175. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1176. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1177. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1178. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1179. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1180. Ms. COLLINS (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra.

SA 1181. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1182. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1183. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1184. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1185. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1186. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1187. Mrs. GILLIBRAND (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1188. Mr. CARDIN (for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. CASEY, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1189. Mrs. MURRAY (for herself, Mrs. GILLIBRAND, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1190. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1191. Mr. RUBIO 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 1192. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1193. Mr. DURBIN (for himself, Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1194. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1195. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1196. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1197. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, supra.

SA 1198. Mrs. HUTCHISON (for herself, Mr. JOHNSON of South Dakota, Mr. THUNE, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1199. Mrs. HUTCHISON (for herself, Mr. BLUNT, Mr. MANCHIN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1200. Mr. CORNYN (for himself, Mr. MENENDEZ, Mr. INHOFE, Mr. LIEBERMAN, Mr. WYDEN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1201. Mr. WEBB submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUYE, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1202. Mr. UDALL of New Mexico (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1203. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1204. Mr. REED (for himself, Ms. AYOTTE, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. LEAHY, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1205. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1206. Mrs. BOXER (for herself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mrs. MCCASKILL, Mr. AKAKA, Mr. FRANKEN, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1207. Mr. COBURN (for himself, Mr. LEVIN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1208. Mr. HARKIN 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 1209. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1210. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1211. Mrs. GILLIBRAND (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1212. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1213. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1214. Ms. SNOWE (for herself, Ms. COLLINS, Mrs. MURRAY, Ms. MIKULSKI, and Mr. CARDIN) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1215. Mr. CASEY (for himself, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. BENNET, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 1867, supra.

SA 1216. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1217. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1218. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1219. Mr. LEVIN (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1220. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1221. Mr. LEVIN proposed an amendment to the bill H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

SA 1222. Mr. LEVIN (for Mrs. FEINSTEIN (for herself and Ms. CANTWELL)) proposed an amendment to the bill H.R. 3321, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

SA 1223. Mr. LEVIN (for Mr. BINGAMAN (for himself and Ms. MURKOWSKI)) proposed an

amendment to the bill S. 99, to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes.

SA 1224. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1225. Ms. KLOBUCHAR (for herself, Mrs. FEINSTEIN, Mr. JOHNSON of South Dakota, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 1867, supra; which was ordered to lie on the table.

SA 1226. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her 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.

TEXT OF AMENDMENTS

SA 1062. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1031.

SA 1063. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. AUDIT READINESS OF FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE.

Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) is amended by striking ''September 30, 2017'' and inserting ''September 30, 2014''.

SA 1064. Mr. PAUL (for himself, Mrs. GILLIBRAND, Mr. WYDEN, Mr. LEAHY, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note) is repealed effective on the date of the enactment of this Act or January 1, 2012, whichever occurs later.

SA 1065. Ms. AYOTTE (for herself, Mr. MCCAIN, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title I, add the following:

SEC. 136. STRATEGIC AIRLIFT AIRCRAFT FORCE STRUCTURE.

Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking ''October 1, 2009'' and inserting ''October 1, 2011''; and

(2) by striking ''316 aircraft'' and inserting ''301 aircraft''.

SA 1066. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1005. AUDIT READINESS OF FINANCIAL STATEMENTS OF DEPARTMENT OF DEFENSE.

Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) is amended by inserting '', and that a complete and validated full statement of budget resources is ready by not later than September 30, 2014'' after ''validated as ready for audit by not later than September 30, 2017''.

SA 1067. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1038. REQUIRED NOTIFICATION OF CONGRESS WITH RESPECT TO THE INITIAL CUSTODY AND FURTHER DISPOSITION OF MEMBERS AL-QAEDA AND AFFILIATED ENTITIES.

(a) REQUIRED NOTIFICATION WITH RESPECT TO INITIAL CUSTODY.—

(1) IN GENERAL.—When a covered person, as defined in subsection (c), is taken into the custody of the United States Government, the Secretary of Defense and the Director of National Intelligence shall notify the specified congressional committees, as defined in subsection (d), within 10 days.

(2) REPORTING REQUIREMENT.—The notification submitted pursuant to paragraph (1) shall be in classified form and shall include, at a minimum, the suspect's name, nationality, date of capture or transfer to the United States, location of capture, places of custody since capture or transfer, suspected terrorist affiliation and activities, and agency responsible for interrogation.

(b) REQUIRED NOTIFICATION WITH RESPECT TO FURTHER DISPOSITION.—

(1) IN GENERAL.—Not later than 60 days after the United States Government takes custody of a covered person, the Secretary of Defense and the Director of National Intelligence shall notify and inform the specified congressional committees of the intended disposition of the covered person under section 1031(c).

(2) REPORTING REQUIREMENT.—The notification required under paragraph (1) shall be in classified form and shall include the relevant facts, justification, and rationale that serves as the basis for the disposition option chosen.

(c) COVERED PERSONS.—For the purposes of this section, a covered person is an individual suspected of being—

(1) a member of, or part of, al-Qaeda or an affiliated entity; and

(2) a participant in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—In this section, the term ''specified congressional committees'' means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Armed Services of the House of Representatives;

(3) the Select Committee on Intelligence of the Senate; and

(4) the Permanent Select Committee on Intelligence of the House of Representatives.

(e) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act, and shall apply with respect to persons described in subsection (c) who are taken into the custody or brought under the control of the United States on or after that date.

SA 1068. Ms. AYOTTE (for herself, Mr. CHAMBLISS, and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1038. AUTHORITY FOR LAWFUL INTERROGATION METHODS IN ADDITION TO THE INTERROGATION METHODS AUTHORIZED BY THE ARMY FIELD MANUAL.

(a) AUTHORITY.—Notwithstanding section 1402 of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note), the personnel of the United States Government specified in subsection (c) are hereby authorized to engage in interrogation for the purpose of collecting foreign intelligence information using methods set forth in the classified annex required by subsection (b) provided that such interrogation methods comply with all applicable laws, including the laws specified in subsection (d).

(b) CLASSIFIED ANNEX.—Not later than 90 days after the date of the enactment of this Act, and on such basis thereafter as may be necessary for the effective collection of foreign intelligence information, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Attorney General, ensure the adoption of a classified annex to Army Field Manual 2-22.3 that sets forth interrogation techniques and approaches, in addition to those specified in Army Field Manual 2-22.3, that may be used for the effective collection of foreign intelligence information.

(c) COVERED PERSONNEL.—The personnel of the United States Government specified in this subsection are the officers and employees of the elements of the intelligence community that are assigned to or support the entity responsible for the interrogation of high value detainees (currently known as the ''High Value Detainee Interrogation Group''), or a successor entity.

(d) SPECIFIED LAWS.—The law specified in this subsection is as follows:

(1) The United Nations Convention Against Torture, signed at New York, February 4, 1985.

(2) Chapter 47A of title 10, United States Code, relating to military commissions (as amended by the Military Commissions Act of 2009 (title XVIII of Public Law 111–84)).

(3) The Detainee Treatment Act of 2005 (title XIV of Public Law 109–163).

(4) Section 2441 of title 18, United States Code.

(e) SUPERSEDURE OF EXECUTIVE ORDER.—The provisions of Executive Order No. 13491, dated January 22, 2009, shall have no further force or effect, to the extent such provisions are inconsistent with the provisions of this section.

(f) DEFINITIONS.—In this section:

(1) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means an element of the intelligence community listed or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) FOREIGN INTELLIGENCE INFORMATION.—The term ''foreign intelligence information'' has the meaning given that term in section 101(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)).

SA 1069. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID 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 37, between lines 15 and 16, insert the following:

SEC. 2____. None of the funds appropriated or otherwise made available by this Act for ongoing construction work on rural water regional programs of the Bureau of Reclamation that is in addition to the amount requested in the annual budget submission of the President (including funds for related settlements) shall be used by the Secretary of the Interior to carry out any rural water supply project (as defined in section 102 of the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401)) that is authorized after the date of enactment of this Act unless the Secretary of the Interior, not later than 60 days after the date of enactment of this Act, issues a work plan prioritizing funding of rural water supply projects carried out by the Bureau of Reclamation based on the following criteria to better utilize taxpayer dollars:

(1) The percentage of the rural water supply project to be carried out that is complete (as of the date of enactment of this Act) or will be completed by September 30, 2012.

(2) The number of people served or expected to be served by the rural water supply project.

(3) The amount of non-Federal funds previously provided or certified as available for the cost of the rural water supply project.

(4) The extent to which the rural water supply project benefits tribal components.

(5) The extent to which there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs of the population served by the rural water supply project.

SA 1070. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON MANPADS IN LIBYA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter for three years, the Secretary of State, in consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to Congress a report in classified and unclassified form on the disposition of and accounting for the Man Portable Air Defense Systems (MANPADS) that were under the control of the Government of Libya during the regime of Colonel Muammar Gaddafi.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) Intelligence estimates as to the number of MANPADS under the control of the Government of Libya prior to February 16, 2011.

(2) A summary of United States and NATO efforts to account for all of the MANPADS, and ancillary equipment necessary to operate the MANPADS, following the beginning of NATO's intervention in Libya.

(3) The comprehensive strategy to prevent terrorist organizations from gaining control of the MANPADS.

(4) An assessment of the probability of and threat posed by an air defense weapons system like MANPADS being obtained and used by a terrorist organization.

SA 1071. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle E of title VIII, add the following:

SEC. 889. OVERSIGHT OF AND REPORTING REQUIREMENTS WITH RESPECT TO EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

The Secretary of Defense shall—

(1) redesignate the Evolved Expendable Launch Vehicle program as a major defense acquisition program not in the sustainment phase under section 2430 of title 10, United States Code; or

(2) require the Evolved Expendable Launch Vehicle program—

(A) to provide to the congressional defense committees all information with respect to the cost, schedule, and performance of the program that would be required to be provided under sections 2431 (relating to weapons development and procurement schedules), 2432 (relating to Select Acquisition Reports, including updated program life-cycle cost estimates), and 2433 (relating to unit cost reports) of title 10, United States Code, with respect to the program if the program were designated as a major defense acquisition program not in the sustainment phase; and

(B) to provide to the Under Secretary of Defense for Acquisition, Technology, and Logistics—

(i) a quarterly cost and status report, commonly known as a Defense Acquisition Executive Summary, which serves as an early-warning of actual and potential problems with a program and provides for possible mitigation plans; and

(ii) earned value management data that contains measurements of contractor technical, schedule, and cost performance.

SA 1072. Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, of Massachusetts, Mr. BROWN, of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUYE, Mr. JOHANNS, Mr. JOHNSON, of Wisconsin, Mr. JOHNSON, of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON, of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follow:

At the end of division A, add the following:

TITLE XVI—NATIONAL GUARD EMPOWERMENT

SEC. 1601. SHORT TITLE.

This title may be cited as the ''National Guard Empowerment and State-National Defense Integration Act of 2011''.

SEC. 1602. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU AND TERMINATION OF POSITION OF DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.

(a) REESTABLISHMENT AND TERMINATION OF POSITIONS.—Section 10505 of title 10, United States Code, is amended to read as follows:

"§ 10505. Vice Chief of the National Guard Bureau

''(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

''(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

''(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

''(C) are in a grade above the grade of brigadier general.

''(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

''(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

''(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

''(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

''(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

''(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 10502 of such title is amended by striking subsection (e).

(2) Section 10506(a)(1) of such title is amended by striking ''and the Director of the Joint Staff of the National Guard Bureau'' and inserting ''and the Vice Chief of the National Guard Bureau''.

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 10502 of such title is amended to read as follows:

"§ 10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1011 of such title is amended—

(A) by striking the item relating to section 10502 and inserting the following new item:

''10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade.'';

and

(B) by striking the item relating to section 10505 and inserting the following new item:

''10505. Vice Chief of the National Guard Bureau.''.

SEC. 1603. MEMBERSHIP OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) The Chief of the National Guard Bureau.''.

(b) CONFORMING AMENDMENTS.—Section 10502 of such title, as amended by section 2(b)(1) of this Act, is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.''.

SEC. 1604. CONTINUATION AS A PERMANENT PROGRAM AND ENHANCEMENT OF ACTIVITIES OF TASK FORCE FOR EMERGENCY READINESS PILOT PROGRAM OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) CONTINUATION.—

(1) CONTINUATION AS PERMANENT PROGRAM.—The Administrator of the Federal Emergency Management Agency shall continue the Task Force for Emergency Readiness (TFER) pilot program of the Federal Emergency Management Agency as a permanent program of the Agency.

(2) LIMITATION ON TERMINATION.—The Administrator may not terminate the Task Force for Emergency Readiness program, as so continued, until authorized or required to terminate the program by law.

(b) EXPANSION OF PROGRAM SCOPE.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Administrator shall carry out the program in at least five States in addition to the five States in which the program is carried out as of the date of the enactment of this Act.

(c) ADDITIONAL FEMA ACTIVITIES.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Administrator shall—

(1) establish guidelines and standards to be used by the States in strengthening the planning and planning capacities of the States with respect to responses to catastrophic disaster emergencies; and

(2) develop a methodology for implementing the Task Force for Emergency Readiness that includes goals and standards for assessing the performance of the Task Force.

(d) NATIONAL GUARD BUREAU ACTIVITIES.—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Chief of the National Guard Bureau shall—

(1) assist the Administrator in the establishment of the guidelines and standards, implementation methodology, and performance goals and standards required by subsection (c);

(2) in coordination with the Administrator—

(A) identify, using catastrophic disaster response plans for each State developed under the program, any gaps in State civilian and military response capabilities that Federal military capabilities are unprepared to fill; and

(B) notify the Secretary of Defense, the Commander of the United States Northern Command, and the Commander of the United States Pacific Command of any gaps in capabilities identified under subparagraph (A); and

(3) acting through and in coordination with the Adjutants General of the States, assist the States in the development of State plans on responses to catastrophic disaster emergencies.

(e) ANNUAL REPORTS.—The Administrator and the Chief of the National Guard Bureau shall jointly submit to the appropriate committees of Congress each year a report on activities under the Task Force for Emergency Readiness program during the preceding year. Each report shall include a description of the activities under the program during the preceding year and a current assessment of the effectiveness of the program in meeting its purposes.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

SEC. 1605. REPORT ON COMPARATIVE ANALYSIS OF COSTS OF COMPARABLE UNITS OF THE RESERVE COMPONENTS AND THE REGULAR COMPONENTS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a comparative analysis of the costs of units of the regular components of the Armed Forces with the costs of similar units of the reserve components of the Armed Forces. The analysis shall include a separate comparison of the costs of units in the aggregate and of the costs of units solely when on active duty.

(2) SIMILAR UNITS.—For purposes of this subsection, units of the regular components and reserve components shall be treated as similar if such units have the same general structure, personnel, or function, or are substantially composed of personnel having identical or similar military occupational specialties (MOS).

(b) ASSESSMENT OF INCREASED RESERVE COMPONENT PRESENCE IN TOTAL FORCE STRUCTURE.—The Secretary shall include in the report required by subsection (a) an assessment of the advisability of increasing the number of units and members of the reserve components of the Armed Forces within the total force structure of the Armed Forces. The assessment shall take into account the comparative analysis conducted for purposes of subsection (a) and such other matters as the Secretary considers appropriate for purposes of the assessment.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth a review of such report by the Comptroller General. The report of the Comptroller General shall include an assessment of the comparative analysis contained in the report required by subsection (a) and of the assessment of the Secretary pursuant to subsection (b).

SEC. 1606. DISPLAY OF PROCUREMENT OF EQUIPMENT FOR THE RESERVE COMPONENTS OF THE ARMED FORCES UNDER ESTIMATED EXPENDITURES FOR PROCUREMENT IN FUTURE-YEARS DEFENSE PROGRAMS.

Each future-years defense program submitted to Congress under section 221 of title 10, United States Code, shall, in setting forth estimated expenditures and item quantities for procurement for the Armed Forces for the fiscal years covered by such program, display separately under such estimated expenditures and item quantities the estimated

expenditures for each such fiscal year for equipment for each reserve component of the Armed Forces that will receive items in any fiscal year covered by such program.

SEC. 1607. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 1608. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

SEC. 1609. AVAILABILITY OF FUNDS UNDER STATE PARTNERSHIP PROGRAM FOR ADDITIONAL NATIONAL GUARD CONTACTS ON MATTERS WITHIN THE CORE COMPETENCIES OF THE NATIONAL GUARD.

The Secretary of Defense shall, in consultation with the Secretary of State, modify the regulations prescribed pursuant to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) to provide for the use of funds available pursuant to such regulations for contacts between members of the National Guard and civilian personnel of foreign governments outside the ministry of defense on matters within the core competencies of the National Guard such as the following:

(1) Disaster response and mitigation.

(2) Defense support to civilian authorities.

(3) Consequence management and installation protection.

(4) Chemical, biological, radiological, or nuclear event (CBRNE) response.

(5) Border and port security and cooperation with civilian law enforcement.

(6) Search and rescue.

(7) Medical matters.

(8) Counterdrug and counternarcotics activities.

(9) Public affairs.

(10) Employer and family support of reserve forces.

(11) Such other matters within the core competencies of the National Guard and suitable for contacts under the State Partnership Program as the Secretary of Defense shall specify.

SA 1073. Mr. CARDIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. PROHIBITION ON EXPANSION OR OPERATION OF DISTRICT OF COLUMBIA NATIONAL GUARD YOUTH CHALLENGE PROGRAM IN ANNE ARUNDEL COUNTY, MARYLAND.

Notwithstanding any other provision of law, no funds may be used to expand or operate the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland.

SA 1074. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''FOSSIL ENERGY RESEARCH AND DEVELOPMENT'' of title III, before the period at the end, insert the following: '': *Provided further*, That the Secretary of Energy shall allocate an additional $30,000,000 for the fossil energy research and development program of the Department of Energy, of which $10,000,000 shall be for the unconventional fossil energy account, $10,000,000 shall be for the advanced energy systems account, and $10,000,000 shall be for the natural gas technology account, to be derived by the transfer of $30,000,000 from the amount made available under the heading 'ADVANCED RESEARCH PROJECTS AGENCY—ENERGY' ''.

SA 1075. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, line 9, insert after ''a person who is described in paragraph (2) who is captured'' the following: ''abroad''.

SA 1076. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1035.

SA 1077. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, line 13, insert after ''to detain covered persons (as defined in subsection (b))'' the following: ''who are captured in the course of hostilities''.

SA 1078. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1031.

SA 1079. Mr. LEAHY submitted an amendment intended to be proposed by

him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1032.

SA 1080. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, line 9, insert after ''a person who is described in paragraph (2) who is captured'' the following: ''abroad or on a United States military facility''.

SA 1081. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle D of title X.

SA 1082. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1033.

SA 1083. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1034.

SA 1084. Mr. MCCONNELL (for Mr. KIRK (for himself, Mr. JOHANNS, Mr. MANCHIN, Mr. HELLER, Mr. BLUNT, Mr. ROBERTS, Mr. RUBIO, Mr. BROWN of Massachusetts, Mr. COATS, and Mr. TESTER)) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. IMPOSITION OF SANCTIONS ON FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT TRANSACTIONS WITH THE CENTRAL BANK OF IRAN.

Section 104 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

''(h) IMPOSITION OF SANCTIONS ON FOREIGN FINANCIAL INSTITUTIONS THAT CONDUCT TRANSACTIONS WITH THE CENTRAL BANK OF IRAN.—

''(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, the President shall—

''(A) prohibit the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has knowingly conducted any financial transaction with the Central Bank of Iran; and

''(B) freeze and prohibit all transactions in all property and interests in property of each such foreign financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

''(2) EXCEPTION FOR SALES OF FOOD, MEDICINE, AND MEDICAL DEVICES.—The President may not impose sanctions under paragraph (1) on a foreign financial institution for engaging in a transaction with the Central Bank of Iran for the sale of food, medicine, or medical devices to Iran.

''(3) APPLICABILITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) applies with respect to financial transactions commenced on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

''(B) PETROLEUM TRANSACTIONS.—Paragraph (1) applies with respect to financial transactions for the purchase of petroleum or petroleum products through the Central Bank of Iran commenced on or after the date that is 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

''(4) WAIVER.—

''(A) IN GENERAL.—The President may waive the application of paragraph (1) with respect to a foreign financial institution for a period of not more than 60 days, and may renew that waiver for additional periods of not more than 60 days, if the President determines and reports to the appropriate congressional committees every 60 days that the waiver is necessary to the national security interest of the United States.

''(B) FORM.—A report submitted pursuant to subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

''(5) FOREIGN FINANCIAL INSTITUTION.—For purposes of this subsection, the term 'foreign financial institution' includes a financial institution owned or controlled by a foreign government.''.

SA 1085. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

DIVISION _____—IDENTITY THEFT AND DATA PRIVACY

SEC. __01. ORGANIZED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.

Section 1961(1) of title 18, United States Code, is amended by inserting ''section 1030 (relating to fraud and related activity in connection with computers) if the act is a felony,'' before ''section 1084''.

SEC. __02. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

''(c) The punishment for an offense under subsection (a) or (b) of this section is—

''(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

''(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

''(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under paragraph (a)(2) of this section, if—

''(i) the offense was committed for purposes of commercial advantage or private financial gain;

''(ii) the offense was committee in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

''(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds $5,000;

''(3) a fine under this title or imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(3) of this section;

''(4) a fine under this title or imprisonment of not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

''(5)(A) except as provided in subparagraph (D), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

''(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(iii) physical injury to any person;

''(iv) a threat to public health or safety;

''(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(vi) damage affecting 10 or more protected computers during any 1-year period;

''(B) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

''(C) if the offender attempts to cause or knowingly or recklessly causes death from

conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

''(D) a fine under this title, imprisonment for not more than 1 year, or both, for any other offense under subsection (a)(5);

''(6) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

''(7) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.''.

SEC. __03. TRAFFICKING IN PASSWORDS.

Section 1030(a) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

''(6) knowingly and with intent to defraud traffics (as defined in section 1029) in—

''(A) any password or similar information through which a protected computer as defined in subparagraphs (A) and (B) of subsection (e)(2) may be accessed without authorization; or

''(B) any means of access through which a protected computer as defined in subsection (e)(2)(A) may be accessed without authorization.''.

SEC. __04. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting ''for the completed offense'' after ''punished as provided''.

SEC. __05. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

''(i) CRIMINAL FORFEITURE.—

''(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) CIVIL FORFEITURE.—

''(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

''(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

''(2) Seizures and forfeitures under this subsection shall be governed by the provisions in chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) of title 18, United States Code, shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.''.

SEC. __06. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

''SEC. 1030A. AGGRAVATED DAMAGE TO A CRITICAL INFRASTRUCTURE COMPUTER.

''(a) DEFINITIONS.—In this section—

''(1) the terms 'computer' and 'damage' have the meanings given such terms in section 1030; and

''(2) the term 'critical infrastructure computer' means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

''(A) gas and oil production, storage, and delivery systems;

''(B) water supply systems;

''(C) telecommunication networks;

''(D) electrical power delivery systems;

''(E) finance and banking systems;

''(F) emergency services;

''(G) transportation systems and services; and

''(H) government operations that provide essential services to the public.

''(b) OFFENSE.—It shall be unlawful to, during and in relation to a felony violation of section 1030, intentionally cause or attempt to cause damage to a critical infrastructure computer, and such damage results in (or, in the case of an attempt, would, if completed have resulted in) the substantial impairment—

''(1) of the operation of the critical infrastructure computer; or

''(2) of the critical infrastructure associated with the computer.

''(c) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not less than 3 years nor more than 20 years, or both.

''(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

''(1) a court shall not place on probation any person convicted of a violation of this section;

''(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony violation section 1030;

''(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

''(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

''Sec. 1030A. Aggravated damage to a critical infrastructure computer.''.

SEC. __07. LIMITATION ON CERTAIN ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(a)(2) of title 18, United States Code, is amended by striking subsection (a)(2) and inserting the following:

''(2) intentionally accesses a computer —

''(A) without authorization, and thereby obtains—

''(i) information contained in a financial record of a financial institution, or of a card issuer as defined in section 1602(n) of title 15, or contained in a file of a consumer reporting agency on a consumer, as such terms are defined in the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

''(ii) information from any department or agency of the United States; or

''(iii) information from any protected computer; or

''(B) in excess of authorization, thereby obtains—

''(i) information defined in subparagraph (A) (i) through (iii); and

''(ii) the offense involves—

''(I) information that exceeds $5,000 in value;

''(II) sensitive or private information involving an identifiable individual or entity (including such information in the possession of a third party), including medical records, wills, diaries, private correspondence, government-issued identification numbers, unique biometric data, financial records, photographs of a sensitive or private nature, trade secrets, commercial business information, or other similar information;

''(III) information that has been properly classified by the United States Government pursuant to an Executive Order or statute, or determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national security, national defense, or foreign relations, or any restricted data, as defined in paragraph y of section 11 of the Atomic Energy Act of 1954; or

''(IV) information obtained from a computer used by, or on behalf of, a government entity.''.

SEC. __08. REPORTING OF CERTAIN CRIMINAL CASES.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

''(k) REPORTING CERTAIN CRIMINAL CASES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Attorney General shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives the number of criminal cases brought under subsection (a)(2)(B), as amended by this Act.''.

SA 1086. Mr. ROBERTS (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. _____. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO EMIL KAPAUN FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of such title to Emil Kapaun for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Captain Emil Kapaun as a member of the 8th Cavalry Regiment during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1951, during the Korean War.

SA 1087. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1044 and insert the following:

SEC. 1044. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN SENSITIVE NATIONAL SECURITY INFORMATION.

(a) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense may exempt Department of Defense critical infrastructure security information from disclosure under section 552 of title 5, United States Code, upon a written determination that—

(A) the disclosure of such information would reveal vulnerabilities in such infrastructure that, if exploited, could result in the disruption, degradation, or destruction of Department of Defense operations, property, or facilities; and

(B) the public interest in the disclosure of such information does not outweigh the Government's interest in withholding such information from the public.

(2) INFORMATION PROVIDED TO STATE OR LOCAL FIRST RESPONDERS.—Critical infrastructure security information covered by a written determination under this subsection that is provided to a State or local government to assist first responders in the event that emergency assistance should be required shall be deemed to remain under the control of the Department of Defense.

(b) MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEM.—The Secretary of Defense may exempt information contained in any data file of the Military Flight Operations Quality Assurance system of a military department from disclosure under section 552 of title 5, United States Code, upon a written determination that the disclosure of such information in the aggregate (and when combined with other information already in the public domain) would reveal sensitive information regarding the tactics, techniques, procedures, processes, or operational and maintenance capabilities of military combat aircraft, units, or aircrews. Information covered by a written determination under this subsection shall be exempt from disclosure under such section 552 even when such information is contained in a data file that is not exempt in its entirety from such disclosure.

(c) DELEGATION.—The Secretary of Defense may delegate the authority to make a determination under subsection (a) or (b) to any civilian official in the Department of Defense or a military department who is appointed by the President, by and with the advice and consent of the Senate.

(d) TRANSPARENCY.—Each determination of the Secretary, or the Secretary's designee, under subsection (a) or (b) shall be made in writing and accompanied by a statement of the basis for the determination. All such determinations and statements of basis shall be available to the public, upon request, through the office of the Assistant Secretary of Defense for Public Affairs.

(e) DEFINITIONS.—In this section:

(1) The term ''Department of Defense critical infrastructure security information'' means sensitive but unclassified information that could substantially facilitate the effectiveness of an attack designed to destroy equipment, create maximum casualties, or steal particularly sensitive military weapons including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated by or on behalf of the Department of Defense, including vulnerability assessments prepared by or on behalf of the Department, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.

(2) The term ''data file'' means a file of the Military Flight Operations Quality Assurance system that contains information acquired or generated by the Military Flight Operations Quality Assurance system, including the following:

(A) Any data base containing raw Military Flight Operations Quality Assurance data.

(B) Any analysis or report generated by the Military Flight Operations Quality Assurance system or which is derived from Military Flight Operations Quality Assurance data.

SA 1088. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 325. PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY CONTRACTORS.

Section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2253) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) IMPLEMENTATION OF POLICY ON PUBLIC-PRIVATE COMPETITIONS.—The Secretary of Defense shall prescribe regulations to ensure that the findings in the report required under subsection (b) and any conclusions or recommendations of the Comptroller General included in the report required under subsection (c) are implemented not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.''; and

(2) by striking subsection (d).

SA 1089. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 547. DISCLOSURE REQUIREMENTS FOR POST-SECONDARY INSTITUTIONS PARTICIPATING IN DEPARTMENT OF DEFENSE TUITION ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations requiring post-secondary education institutions that participate in Department of Defense tuition assistance programs, as a condition of such participation, to disclose with respect to each student receiving such tuition assistance the following information:

(1) Whether the successful completion of the advertised education or training program by a student meets prerequisites for the purpose of applying for and completing an examination or license required as a precondition for employment in the occupation for which the program is represented to prepare the student.

(2) The completion date of degree, certification, or license sought by the student participating in the tuition assistance program.

(b) APPLICABILITY.—For purposes of this section, the term ''Department of Defense tuition assistance program'' applies to financial tuition assistance provided by the Department of Defense to active duty servicemembers and eligible spouses.

SA 1090. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle D—Pay and Allowances

SEC. 641. NO REDUCTION IN BASIC ALLOWANCE FOR HOUSING FOR NATIONAL GUARD MEMBERS WHO TRANSITION BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY WITHOUT A BREAK IN ACTIVE SERVICE.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(6) The rate of basic allowance for housing to be paid a member of the Army National Guard of the United States or the Air National Guard of the United States shall not be reduced upon the transition of the member from active duty to full-time National Guard duty, or from full-time National Guard duty to active duty, when the transition occurs without a break in active service.''.

SA 1091. Mr. SANDERS submitted an amendment intended to be proposed to

amendment SA 957 proposed by Mr. REID 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 181, after line 9, insert the following:

SEC. ____. (a) The Comptroller General of the United States shall conduct a study regarding State legislative actions during the 10 years prior to the date of enactment of this Act that may affect voter registration or voting. The study shall identify, by State, what documents are required in order to obtain sufficient identification for registration or voting, the cost to the individual for those documents, and what access is available to the State agencies responsible for providing that documentation, including hours of operation and geographic distribution of the agencies. The study shall identity the States that have passed voter identification legislation, the States that are providing free identification, the number of free identifications that have been provided by each such State, and which agencies in each such State have provided those identifications. The study shall collect data on any prosecutions or convictions for voter impersonation fraud within each State during the 10 years prior to the date of enactment of this Act. The study shall also examine the extent to which each State complies with data requests from the Federal Election Commission. The Comptroller General shall collect this data to the extent available and shall identify any limitations in collecting such data. Not later than 120 days after the date of enactment of this Act, the Government Accountability Office shall provide an interim briefing to the committees of jurisdiction of the Senate and the House of Representatives on the study conducted under this subsection. Members of Congress may request clarifying information as appropriate based on the information provided in the briefing.

(b) Not later than 11 months after the date of enactment of this Act, the Comptroller General shall submit to the committees of jurisdiction of the Senate and the House of Representatives a final report containing the results of the study conducted under subsection (a).

SA 1092. Mr. LEVIN (for himself, Mr. MCCAIN, Mr. AKAKA, Mr. CHAMBLISS, Mr. BLUMENTHAL, Mr. INHOFE, Mrs. GILLIBRAND, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. UDALL of Colorado, Mr. WEBB, Mr. MANCHIN, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

(a) REVISED REGULATIONS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to address the detection and avoidance of counterfeit electronic parts.

(2) CONTRACTOR RESPONSIBILITIES.—The revised regulations issued pursuant to paragraph (1) shall provide that—

(A) contractors on Department of Defense contracts for products that include electronic parts are responsible for detecting and avoiding the use or inclusion of counterfeit electronic parts or suspect counterfeit electronic parts in such products and for any rework or corrective action that may be required to remedy the use or inclusion of such parts; and

(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under such contracts.

(3) TRUSTED SUPPLIERS.—The revised regulations issued pursuant to paragraph (1) shall—

(A) require that, whenever possible, the Department of Defense and Department of Defense contractors and subcontractors—

(i) obtain electronic parts that are in production or currently available in stock from the original manufacturers of the parts or their authorized dealers, or from trusted suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) obtain electronic parts that are not in production or currently available in stock from trusted suppliers;

(B) establish requirements for notification of the Department of Defense, inspection, test, and authentication of electronic parts that the Department of Defense or a Department of Defense contractor or subcontractor obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which the Department of Defense may identify trusted suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize Department of Defense contractors and subcontractors to identify and use additional trusted suppliers, provided that—

(i) the standards and processes for identifying such trusted suppliers complies with established industry standards;

(ii) the contractor or subcontractor assumes responsibility for the authenticity of parts provided by such supplier as provided in paragraph (2); and

(iii) the selection of such trusted suppliers is subject to review and audit by appropriate Department of Defense officials.

(4) REPORTING REQUIREMENT.—The revised regulations issued pursuant to paragraph (1) shall require that any Department of Defense contractor or subcontractor who becomes aware, or has reason to suspect, that any end item, component, part, or material contained in supplies purchased by the Department of Defense, or purchased by a contractor of subcontractor for delivery to, or on behalf of, the Department of Defense, contains counterfeit electronic parts or suspect counterfeit electronic parts, shall provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(b) INSPECTION OF IMPORTED ELECTRONIC PARTS.—

(1) INSPECTION PROGRAM.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a program of enhanced inspection by U.S. Customs and Border Patrol of electronic parts imported from any country that has been determined by the Secretary of Defense to have been a significant source of counterfeit electronic parts or suspect counterfeit electronic parts in the supply chain for products purchased by the Department of Defense over the previous five years.

(2) INFORMATION SHARING.—In carrying out the program required under paragraph (1) and in accordance with regulations issued by the Secretary of Homeland Security, the Secretary is authorized to provide the owner of a copyright or registered mark (as defined in section 1127 of title 15, United States Code) any information appearing on the imported merchandise or its retail packaging, and a sample of such merchandise and its retail packaging in their condition as presented for customs examination, as well as any packing material that bears an accused mark or work, when necessary in the view of the Secretary to assist the Secretary with determining whether the copyright has been pirated or the registered mark has been counterfeited.

(c) CONTRACTOR SYSTEMS FOR DETECTION AND AVOIDANCE OF COUNTERFEIT AND SUSPECT COUNTERFEIT ELECTRONIC PARTS.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall implement a program for the improvement of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts.

(2) ELEMENTS.—The program developed pursuant to paragraph (1) shall—

(A) require covered contractors to adopt and implement policies and procedures, consistent with applicable industry standards, for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, including policies and procedures for training personnel, designing and maintaining systems to mitigate risks associated with parts obsolescence, making sourcing decisions, prioritizing mission critical and sensitive components, ensuring traceability of parts, developing lists of trusted and untrusted suppliers, flowing down requirements to subcontractors, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action;

(B) establish processes for the review and approval or disapproval of contractor systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts, comparable to the processes established for contractor business systems under section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4311; 10 U.S.C. 2302 note); and

(C) effective beginning one year after the date of the enactment of this Act, authorize the withholding of payments as provided in subsection (c) of such section, in the event that a contractor system for detection and avoidance of counterfeit electronic parts is disapproved pursuant to subparagraph (B) and has not subsequently received approval.

(3) COVERED CONTRACTOR AND COVERED CONTRACT DEFINED.—In this subsection, the terms ''covered contractor'' and ''covered contract'' have the meanings given such terms in section 893(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4312; 10 U.S.C. 2302 note).

(d) DEPARTMENT OF DEFENSE RESPONSIBILITIES.—Not later than 270 days after the date of the enactment of this Act, the Secretary

of Defense shall take steps to address shortcomings in Department of Defense systems for the detection and avoidance of counterfeit electronic parts and suspect counterfeit electronic parts. Such steps shall include, at a minimum, the following:

(1) Policies and procedures applicable to Department of Defense components engaged in the purchase of electronic parts, including requirements for training personnel, making sourcing decisions, ensuring traceability of parts, inspecting and testing parts, reporting and quarantining suspect counterfeit electronic parts and counterfeit electronic parts, and taking corrective action. The policies and procedures developed by the Secretary under this paragraph shall prioritize mission critical and sensitive components.

(2) The establishment of a system for ensuring that government employees who become aware of, or have reason to suspect, that any end item, component, part, or material contained in supplies purchased by or for the Department of Defense contains counterfeit electronic parts or suspect counterfeit electronic parts are required to provide a written report on the matter within 30 calendar days to the Inspector General of the Department of Defense, the contracting officer for the contract pursuant to which the supplies are purchased, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(3) A process for analyzing, assessing, and acting on reports of counterfeit electronic parts and suspect counterfeit electronic parts that are submitted to the Inspector General of the Department of Defense, contracting officers, and the Government-Industry Data Exchange Program or a similar program designated by the Secretary of Defense.

(4) Guidance on appropriate remedial actions in the case of a supplier who has repeatedly failed to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts or otherwise failed to exercise due diligence in the detection and avoidance of such parts, including consideration of whether to suspend or debar a supplier until such time as the supplier has effectively addressed the issues that led to such failures.

(e) TRAFFICKING IN COUNTERFEIT MILITARY GOODS OR SERVICES.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(3) MILITARY GOODS OR SERVICES.—

''(A) IN GENERAL.—A person who commits an offense under paragraph (1) shall be punished in accordance with subparagraph (B) if—

''(i) the offense involved a good or service described in paragraph (1) that if it malfunctioned, failed, or was compromised, could reasonably be foreseen to cause—

''(I) serious bodily injury or death;

''(II) disclosure of classified information;

''(III) impairment of combat operations; or

''(IV) other significant harm to a member of the Armed Forces or to national security; and

''(ii) the person had knowledge that the good or service is falsely identified as meeting military standards or is intended for use in a military or national security application.

''(B) PENALTIES.—

''(i) INDIVIDUAL.—An individual who commits an offense described in subparagraph (A) shall be fined not more than $5,000,000, imprisoned for not more than 20 years, or both.

''(ii) PERSON OTHER THAN AN INDIVIDUAL.—A person other than an individual that commits an offense described in subparagraph (A) shall be fined not more than $15,000,000.

''(C) SUBSEQUENT OFFENSES.—

''(i) INDIVIDUAL.—An individual who commits an offense described in subparagraph (A) after the individual is convicted of an offense under subparagraph (A) shall be fined not more than $15,000,000, imprisoned not more than 30 years, or both.

''(ii) PERSON OTHER THAN AN INDIVIDUAL.—A person other than an individual that commits an offense described in subparagraph (A) after the person is convicted of an offense under subparagraph (A) shall be fined not more than $30,000,000.''; and

(2) in subsection (e)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (3), by striking ''and'' at the end;

(C) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(5) the term 'falsely identified as meeting military standards' relating to a good or service means there is a material misrepresentation that the good or service meets a standard, requirement, or specification issued by the Department of Defense, an Armed Force, or a reserve component; and

''(6) the term 'use in a military or national security application' means the use of a good or service, independently, in conjunction with, or as a component of another good or service—

''(A) during the performance of the official duties of the Armed Forces of the United States or the reserve components of the Armed Forces; or

''(B) by the United States to perform or directly support—

''(i) combat operations; or

''(ii) critical national defense or national security functions.''.

(f) SENTENCING GUIDELINES.—

(1) DEFINITION.—In this subsection, the term ''critical infrastructure'' has the meaning given that term in application note 13(A) of section 2B1.1 of the Federal Sentencing Guidelines.

(2) DIRECTIVE.—The United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of an offense under section 2320(a) of title 18, United States Code, to reflect the intent of Congress that penalties for such offenses be increased for defendants that sell infringing products to, or for the use by or for, the Armed Forces or a Federal, State, or local law enforcement agency or for use in critical infrastructure or in national security applications.

(3) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under paragraph (2), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2B5.3 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in section 2320(a) of title 18, United States Code;

(ii) the need for an effective deterrent and appropriate punishment to prevent offenses under section 2320(a) of title 18, United States Code; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider an appropriate offense level enhancement and minimum offense level for offenses that involve a product used to maintain or operate critical infrastructure, or used by or for an entity of the Federal Government or a State or local government in furtherance of the administration of justice, national defense, or national security;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to the guidelines; and

(E) ensure that the guidelines relating to offenses under section 2320(a) of title 18, United States Code, adequately meet the purposes of sentencing, as described in section 3553(a)(2) of title 18, United States Code.

(4) EMERGENCY AUTHORITY.—The United States Sentencing Commission shall—

(A) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 180 days after the date of the enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(B) pursuant to the emergency authority provided under subparagraph (A), make such conforming amendments to the Federal Sentencing Guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

(g) DEFINITIONS.—

(1) COUNTERFEIT ELECTRONIC PART.—The Secretary of Defense shall define the term ''counterfeit electronic part'' for the purposes of this section. Such definition shall include used electronic parts that are represented as new.

(2) SUSPECT COUNTERFEIT ELECTRONIC PART AND ELECTRONIC PART.—For the purposes of this section:

(A) A part is a ''suspect counterfeit electronic part'' if visual inspection, testing, or other information provide reason to believe that the part may be a counterfeit part.

(B) An ''electronic part'' means an integrated circuit, a discrete electronic component (including but not limited to a transistor, capacitor, resistor, or diode), or a circuit assembly.

SA 1093. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1038. REQUIREMENT FOR DETENTION AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, OF HIGH-VALUE DETAINEES WHO WILL BE DETAINED LONG-TERM.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is still in a global war on terror and engaged in armed conflict with terrorist organizations, and will continue to capture terrorists who will need to be detained in a secure facility.

(2) Since 2002, enemy combatants have been captured by the United States and its allies and detained in facilities at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(3) The United States has detained almost 800 al-Qaeda and Taliban combatants at the Guantanamo Bay Detention Facility.

(4) More than 600 detainees have been tried, transferred, or released from the Guantanamo Bay Detention Facility to other countries.

(5) The last enemy combatant brought to the Guantanamo Bay Detention Facility for detention was brought in June 2008.

(6) The military detention facilities at the Guantanamo Bay Detention Facility meet the highest international standards, and play a fundamental part in protecting the lives of Americans from terrorism.

(7) The Guantanamo Bay Detention Facility is a state-of-the-art facility that provides humane treatment for all detainees, is fully compliant with the Geneva Convention, and provides treatment and oversight that exceed any maximum-security prison in the world, as attested to by human rights organizations, the International Committee of the Red Cross, Attorney General Holder, and an independent commission led Admiral Walsh.

(8) The Guantanamo Bay Detention Facility is a secure location away from population centers, provides maximum security required to prevent escape, provides multiple levels of confinement opportunities based on the compliance of detainees, and provides medical care not available a majority of the population of the world.

(9) The Expeditionary Legal Complex (ELC) at the Guantanamo Bay Detention Facility is the only one of its kind in the world. It provides a secure location to secure and try detainees charged by the United States Government, full access to sensitive and classified information, full access to defense lawyers and prosecution, and full media access by the press.

(10) The Guantanamo Bay Detention Facility is the single greatest repository of human intelligence in the war on terror.

(11) The intelligence derived from the Guantanamo Bay Detention Facility has prevented terrorist attacks and saved lives in the past and continues to do so today.

(12) The intelligence obtained from questioning detainees at the Guantanamo Bay Detention Facility includes information on the following:

(A) The organizational structure of al-Qaeda, the Taliban, and other terrorist groups.

(B) The extent of the presence of terrorists in Europe, the United States, and the Middle East, and elsewhere around the globe.

(C) The pursuit of weapons of mass destruction by al-Qaeda.

(D) The methods of recruitment by al-Qaeda and the locations of its recruitment centers.

(E) The skills of terrorists, including general and specialized operative training.

(F) The means by which legitimate financial activities are used to hide terrorist operations.

(13) Key intelligence used to find Osama bin Laden was obtained at least in part through the use of enhanced interrogation of detainees at the Guantanamo Bay Detention Facility, with Leon Panetta, Director of the Central Intelligence Agency, acknowledging that ''[c]learly some of it came from detainees and the interrogation of detainees. . .'' and confirming that ''they used these enhanced interrogation techniques against some of those detainees''.

(b) REQUIREMENT.—Each high-value enemy combatant who is captured or otherwise taken into long-term custody or detention by the United States shall, while under such detention of the United States, be detained at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(c) HIGH-VALUE ENEMY COMBATANT DEFINED.—In this section, the term ''high-value enemy combatant'' means an enemy combatant who—

(1) is a senior member of al-Qaeda, the Taliban, or any associated terrorist group;

(2) has knowledge of an imminent terrorist threat against the United States or its territories, the Armed Forces of the United States, the people or organizations of the United States, or an ally of the United States;

(3) has, or has had, direct involvement in planning or preparing a terrorist action against the United States or an ally of the United States or in assisting the leadership of al-Qaeda, the Taliban, or any associated terrorist group in planning or preparing such a terrorist action; or

(4) if released from detention, would constitute a clear and continuing threat to the United States or any ally of the United States.

SA 1094. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. INCLUSION OF DEPARTMENT OF COMMERCE IN CONTRACT AUTHORITY USING COMPETITIVE PROCEDURES BUT EXCLUDING PARTICULAR SOURCES FOR ESTABLISHING CERTAIN RESEARCH AND DEVELOPMENT CAPABILITIES.

Section 2304(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The Secretary of Commerce shall be treated as the head of an agency for purposes of procurements under paragraph (1) that are covered by a determination under subparagraph (C) of that paragraph.''.

SA 1095. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. MENTAL HEALTH COUNSELING TRAINING FOR MILITARY CHAPLAINS.

(a) FINDINGS.—The Senate makes the following findings:

(1) A decade of deployments for the United States Armed Forces has led to significant increases in traumatic stress for members of the Armed Forces and their families.

(2) Increases in the severity and frequency of stress for members of the Armed Forces and their families has driven up demand for mental health counseling services by specially trained counselors and military chaplains.

(3) The emotional needs, mental strain, and interpersonal issues that arise among soldiers and their families before, during, and after deployment are highly unique. It is critical that military counselors and chaplains have a specialized understanding of the total deployment experience.

(4) The military chaplain's corps for all military services has experienced significant shortfalls in personnel. The Army and Army National Guard have been especially affected by the inability to field needed personnel.

(5) A muted ability to field qualified military health counselors and chaplains has an adverse affect on the mental and emotional health of members of the Armed Forces and their families.

(6) The United States Army Chaplain Center and School, United States Navy Chaplaincy School and Center, and other military chaplaincy schools rely on accredited universities, seminaries, and religious schools to produce qualified counselors and chaplain candidates.

(7) It is important that accredited universities, seminaries, and religious schools producing chaplain candidates or providing post-graduate education and supplemental training adequately prepare students with the training required to address the needs of members of the Armed Forces and their families.

(8) There is both opportunity and need for the Chaplain Corps of the United States Armed Forces to work with accredited universities, seminaries, and religious schools to produce qualified counselors and chaplain candidates and provide post-graduate education and supplemental training, and to do so in a way that is cost effective.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of Defense, in conjunction with the Chief of Chaplains for each military service, should produce a plan to ensure sustainable throughput of qualified chaplains in the military chaplain centers and schools; and

(2) the plan should include integration of accredited universities, seminaries, and religious schools to include programmatic augmentation when efficient and fiscally advantageous.

SA 1096. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. SENSE OF SENATE ON TREATMENT OPTIONS FOR MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST TRAUMATIC STRESS DISORDER.

(a) FINDINGS.—The Senate makes the following findings:

(1) Approximately 1,400,000 Americans experience Traumatic Brain Injury (TBI) each year, and an estimated 3,200,000 Americans are living with long-term, severe disabilities as a result of brain injury. Another approximate 360,000 men and women are estimated to have been experienced a Traumatic Brain Injury in the conflicts in Iraq and Afghanistan to date.

(2) Congressional funding for Traumatic Brain Injury activities began with Public Law 104–166 (commonly referred to as the ''Traumatic Brain Injury Act of 1996'') and has subsequently been addressed in title XIII of Public Law 106–310 (commonly referred to as the ''Traumatic Brain Injury Act Amendments of 2000''), which mandated reports and requirements for mild Traumatic Brain Injury, and in Acts authorizing and appropriating funds for the Department of Defense to date.

(3) In 1992 during the Persian Gulf War, Congress created the Defense and Veterans Head Injury Program (DVHIP) to integrate specialized Traumatic Brain Injury care, research, and education across the military and veteran medical care systems.

(4) With Congressional oversight and appropriations, the Department of Defense subsequently transitioned the Defense and Veterans Head Injury Program to the Defense and Veterans Brain Injury Center (DVBIC) in order improve the military and veterans medical communities ability to develop and provide advanced Traumatic Brain Injury-specific evaluation, treatment, and follow-up care for military personnel, their beneficiaries, and veterans with mild to severe Traumatic Brain Injury.

(5) Though Congress, the Department of Defense, and the Department of Veterans Affairs have increased the capacity to provide health services, particularly in the areas of mental health and Traumatic Brain Injury, gaps in access and quality remain, to include a selected method for diagnosing a Traumatic Brain Injury, a consistent process for treatment for a Traumatic Brain Injury, availability of providers, shortages of personnel, organizational deficiencies, cultural understanding and acceptance, and available technology in diagnosis and treatment.

(6) Gaps in quality of care and limited access to proper care remain for both members of the Armed Forces and veterans, especially veterans who are demobilized members of the National Guard and Reserve. Some estimates indicate that approximately 57 percent of those returning from Iraq and Afghanistan are not being evaluated by a physician for a brain injury.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense and Department of Veterans Affairs should be commended for increasing the treatment options for Traumatic Brain Injury that are available to veterans;

(2) the Secretary of Defense should, in consultation with the Secretary of Veterans Affairs, continue to test, prove, and make available viable treatment options for Traumatic Brain Injury, including alternative treatment methods that have been determined, through testing, to be an effective form of treatment; and

(3) the Secretary of Defense and the Secretary of Veterans Affairs should take actions to ensure that existing veteran and medical benefits cover the use of viable available treatment options for Traumatic Brain Injury, including alternative treatment methods.

SA 1097. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. PLAN FOR STREAMLINING PROGRAMS THAT ADDRESS PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY.

(a) FINDINGS.—Congress makes the following findings:

(1) There are over 200 programs within the Department of Defense that address psychological health and traumatic brain injury (TBI).

(2) The number of programs reflects the seriousness with which the Department and the United States Government and people take the treatment of the invisible wounds of the wars in Iraq and Afghanistan.

(3) Notwithstanding the proliferation of programs, there are still gaps in the treatment of our wounded warriors.

(4) Because of the proliferation of programs, redundancies and inefficiencies exist and waste resources that would otherwise be used to effectively treat members of the Armed Forces suffering from psychological health and traumatic brain injuries.

(5) Section 1618 of the Wounded Warriors Act (title XVI of Public Law 110–181; 122 Stat. 450; 10 U.S.C. 1071 note) required the Secretary of Defense to submit a comprehensive plan for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, research, and otherwise respond to traumatic brain injury, post-traumatic stress disorder, and other mental health conditions in members of the Armed Forces.

(6) The plan required in that Act was to assess the capabilities of the Department, identify capability gaps, identify resources required, and identify appropriate leadership that would coordinate the various programs.

(7) Section 1621 of the Wounded Warriors Act (title XVI of Public Law 110–181; 122 Stat. 453; 10 U.S.C. 1071 note) established the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury (DCoE) to implement the Department's comprehensive plan and strategy.

(b) STREAMLINING PLAN.—

(1) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to streamline programs currently sponsored or funded by the Department to address psychological health and traumatic brain injury.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following elements:

(A) A complete catalog of programs currently sponsored or funded by the Department to address psychological health and traumatic brain injury, including details of the intended function of each program.

(B) An analysis of gaps in the delivery of services and treatments identified by the complete catalog required under subparagraph (A).

(C) An analysis of redundancies identified in the complete catalog required under subparagraph (A).

(D) A plan for eliminating redundancies and mitigating the gaps identified in the plan.

(E) Identification of the official within the Department that will be responsible for enactment of the plan.

(F) A timeline for enactment of the plan.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on progress in implementing the plan required under subsection (b).

SA 1098. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. REPORT ON IMPACT OF FOREIGN BOYCOTTS ON THE DEFENSE INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than February 1, 2012, the Comptroller General of the United States shall submit to the appropriate congressional committees a report setting forth an assessment of the impact of foreign boycotts on the defense industrial base.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a summary of foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the date of the enactment of this Act;

(2) the apparent objection of each such boycott;

(3) an assessment of harm to the defense industrial base as a result of each such boycott;

(4) an assessment of the sufficiency of Department of Defense and Department of State efforts to mitigate the material risks of any such foreign boycott to the defense industrial base; and

(5) recommendations of the Comptroller General to reduce the material risks of foreign boycotts to the defense industrial base, including recommendations for changes to legislation, regulation, policy, or procedures.

(c) CONFIDENTIALITY.—The Comptroller General shall not publicly disclose the names of any person, organization, or entity involved in or affected by any foreign boycott identified in the report required under subsection (a) without the express written approval of the person, organization, or entity concerned.

(d) DEFINITIONS.—In this section:

(1) FOREIGN BOYCOTT.—The term ''foreign boycott'' means any policy or practice adopted by a foreign government or foreign business enterprise intended to directly penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense, or otherwise dissociate the foreign government or foreign business enterprise from such a contractor or subcontractor on account of the provision by that contractor or subcontractor of any product or service to the Department.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 1099. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. SENSE OF CONGRESS ON ADOPTION BY DEPARTMENT OF DEFENSE OF RECOMMENDATIONS BY GAO REGARDING HEARING LOSS PREVENTION.

(a) FINDINGS.—Congress makes the following findings:

(1) The advent of the jet engine and more powerful munitions has increased the instance of auditory injury to members of the Armed Forces.

(2) Since 2005, the most common service-connected disabilities for which veterans received compensation under laws administered by the Secretary of Veterans Affairs

have been auditory impairments, including hearing loss and tinnitus. The number of veterans receiving such compensation for auditory impairment has risen each year since 2005, increasing the number and cost of compensation claims paid by the Secretary and prompting a series of reports on the subject, include a January 2011 report by the Comptroller General of the United States entitled ''Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes''.

(3) Costs to the Department of Veterans Affairs relating to compensation for hearing-related disabilities are expected to double between 2009 and 2014, exceeding $2,000,000,000 by 2014.

(4) There is a growing body of peer reviewed literature indicating a direct connection between traumatic brain injury, post traumatic stress disorder, and auditory disorders.

(5) 70 percent of members of the Armed Forces who are exposed to a blast report auditory disorders within 72 hours of the exposure.

(6) Section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4506) requires the Secretary of Defense to establish a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury.

(7) There is no cure for tinnitus, which consists of an often debilitating ringing in the ear. The projected effect of tinnitus on veterans, rise in new cases of tinnitus-related service-connected disabilities among veterans, and the correlating rise in disability claims and cost to the Department of Veterans Affairs make finding effective treatment, abatement options, and a cure for tinnitus a priority.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should, in cooperation with the Secretary of Veterans Affairs and the Director of the Hearing Center of Excellence of the Department of Defense, implement the recommendations of the Comptroller General of the United States in the January 2011 report of the Comptroller General entitled ''Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes'' that address prevention, abatement, data collection, and the need for a new interagency data sharing system so that sufficient information is available to address and track hearing injuries and loss.

SA 1100. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 808. TEMPORARY AUTHORITY TO ACQUIRE CERTAIN PRODUCTS AND SERVICES PRODUCED IN LATVIA.

Section 801(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2400) is amended by striking ''or Turkmenistan'' and inserting ''Turkmenistan, or Latvia''.

SA 1101. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 156.

SA 1102. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON FEASIBILITY OF USING UNMANNED AERIAL SYSTEMS TO PERFORM AIRBORNE INSPECTION OF NAVIGATIONAL AIDS IN FOREIGN AIRSPACE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the feasibility of using unmanned aerial systems to perform airborne flight inspection of electronic signals-in-space from ground-based navigational aids that support aircraft departure, en route, and arrival flight procedures in foreign airspace in support of United States military operations.

SA 1103. Mr. CARDIN (for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. EXPANSION OF OPERATION HERO MILES.

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

''(b) TRAVEL BENEFIT DEFINED.—In this section, the term 'travel benefit' means—

''(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

''(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.''.

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking ''the air or surface carrier'' and inserting ''the business entity referred to in subsection (b)'';

(2) by striking ''the surface carrier'' and inserting ''the business entity''; and

(3) by striking ''the carrier'' and inserting ''the business entity''.

(c) USE.—Subsection (d) of such section is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) providing humanitarian support to members and eligible beneficiaries receiving care through the military health care system; and

''(4) providing support to allow participation of members and their families in Department of Defense sponsored and authorized programs.''.

(d) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking ''the air carrier or surface carrier'' and inserting ''the business entity referred to in subsection (b)''.

(e) STYLISTIC AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families, support members and other beneficiaries of the military health care system, and support participation in authorized programs''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

''2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families, support members and other beneficiaries of the military health care system, and support participation in authorized programs.''.

SA 1104. Mr. SANDERS 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 181, after line 9, insert the following:

SEC. ___. (a) The Comptroller General of the United States shall conduct a study regarding State legislative actions during the 10 years prior to the date of enactment of this Act that may affect voter registration or voting. The study shall identify, by State, what documents are required in order to obtain sufficient identification for registration or voting, the cost to the individual for those documents, and what access is available to the State agencies responsible for providing that documentation, including hours of operation and geographic distribution of the agencies. The study shall identity the States that have passed voter identification legislation, the States that are providing free identification, the number of free identifications that have been provided by each such State, and which agencies in each such State have provided those identifications. The study shall collect data on any prosecutions or convictions for voter impersonation fraud within each State during the 10 years prior to the date of enactment of this Act. The study shall also examine the extent to which each State complies with data requests from the Election Assistance Commission. The Comptroller General shall collect this data to the extent available and shall identify any

limitations in collecting such data. Not later than 120 days after the date of enactment of this Act, the Government Accountability Office shall provide an interim briefing to the committees of jurisdiction of the Senate and the House of Representatives on the study conducted under this subsection. Members of Congress may request clarifying information as appropriate based on the information provided in the briefing.

(b) Not later than 11 months after the date of enactment of this Act, the Comptroller General shall submit to the committees of jurisdiction of the Senate and the House of Representatives a final report containing the results of the study conducted under subsection (a).

SA 1105. Ms. COLLINS (for herself, Mr. BEGICH, and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for Defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 365, line 12, strike ''for fiscal year 2012''.

SA 1106. Mr. MCCAIN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON STATUS OF IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS IN THE FINAL REPORT OF THE 2010 ARMY ACQUISITION REVIEW PANEL.

Not later than 1 October 2012, the Secretary of the Army shall submit to the congressional defense committees a report describing the plan and implementation status of the recommendations contained in the Final Report of the 2010 Army Acquisition Review panel (also known as the ''Decker-Wagner Report'') that the Army agreed to implement.

SA 1107. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike subtitle D of title X and insert the following:

Subtitle D—Detainee Matters

SEC. 1031. REVIEW OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with appropriate officials in the Executive Office of the President, the Director of National Intelligence, the Secretary of State, the Secretary of Homeland Security, and the Attorney General, submit to the appropriate committees of Congress a report setting forth the following:

(1) A statement of the position of the Executive Branch on the appropriate role for the Armed Forces of the United States in the detention and prosecution of covered persons (as defined in subsection (b)).

(2) A statement and assessment of the legal authority asserted by the Executive Branch for such detention and prosecution.

(3) A statement of any existing deficiencies or anticipated deficiencies in the legal authority for such detention and prosecution.

(b) COVERED PERSONS.—A covered person under this section is any person, other than a member of the Armed Forces of the United States, whose detention or prosecution by the Armed Forces of the United States is consistent with the laws of war and based on authority provided by any of the following:

(1) The Authorization for Use of Military Force (Public Law 107–40).

(2) The Authorization for Use of Military Force Against Iraq Resolution 2002 (Public Law 107–243).

(3) Any other statutory or constitutional authority for use of military force.

(c) CONGRESSIONAL ACTION.—Each of the appropriate committees of Congress may, not later than 45 days after receipt of the report required by subsection (a), hold a hearing on the report, and shall, within 45 days of such hearings, report to Congress legislation, if such committee determines legislation is appropriate and advisable, modifying or expanding the authority of the Executive Branch to carry out detention and prosecution of covered persons.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1108. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1033 and insert the following:

SEC. 1033. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense for fiscal year 2012 to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to fulfill the security-related commitments attendant to the transfer;

(4) has taken or agreed to take actions that are likely to be effective in mitigating the risk that the individual will take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken or agreed to take such actions that will mitigate the risk that the individual to be transferred will engage or re-engage in any terrorist activity; and

(6) has agreed to share with the United States any information that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) a transfer that is in the national security interests of the United States, including any case in which either improvements in governance or the security environment of the country to which the detainee would be transferred have effectively mitigated the risk of recidivism;

(B) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary

shall notify Congress of promptly after issuance); or

(C) pre-trial agreement entered in a military commission case.

(d) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive one or more certification requirements specified in subsection (b) if the Secretary, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived; and

(B) the transfer is in the national security interests of the United States.

(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the congressional defense committees, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including an explanation why the transfer is in the national security interests of the United States.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(e) DEFINITIONS.—In this section:

(1) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(f) REPEAL OF SUPERSEDED AUTHORITY.—Section 1033 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4351) is repealed.

SA 1109. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, line 9, insert after ''a person who is described in paragraph (2) who is captured'' the following: ''abroad''.

SA 1110. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, line 13, insert after ''covered persons (as defined in subsection (b))'' the following: ''captured abroad''.

SA 1111. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1038. SUNSET.

This subtitle and the amendments made by this subtitle shall expire on September 30, 2012.

SA 1112. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1031, add the following:

(f) EXTENSION TO UNITED STATES CITIZENS AND LAWFUL RESIDENT ALIENS.—The authority of the Armed Forces of the United States to detain covered persons under this section extends to citizens of the United States and lawful resident aliens of the United States, except to the extent prohibited by the Constitution of the United States.

SA 1113. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle D of title X.

SA 1114. Mr. BEGICH (for himself, Ms. SNOWE, Mr. CASEY, Mr. GRASSLEY, Mr. LEAHY, Mr. GRAHAM, Ms. MURKOWSKI, Mr. AKAKA, Mr. PRYOR, Mr. BROWN of Massachusetts, Mr. MANCHIN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title III, add the following:

SEC. 346. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDOWERS OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:

''§ 2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents

''(a) RESERVE MEMBERS.—A member of a reserve component holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis.

''(b) RESERVE RETIREES UNDER APPLICABLE ELIGIBILITY AGE.—A member or former member of a reserve component who, but for being under the eligibility age applicable to the member under section 12731 of this title, otherwise would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis.

''(c) WIDOWS AND WIDOWERS OF RETIRED MEMBERS.—

''(1) IN GENERAL.—An unremarried widow or widower of a member of the armed forces described in paragraph (2) shall be provided transportation on Department of Defense aircraft, on a space-available basis.

''(2) MEMBERS COVERED.—A member of the armed forces referred to in paragraph (1) is a member who—

''(A) is entitled to retired pay;

''(B) is described in subsection (b);

''(C) dies in the line of duty while on active duty and is not eligible for retired pay; or

''(D) in the case of a member of a reserve component, dies as a result of a line of duty condition and is not eligible for retired pay.

''(d) DEPENDENTS.—A dependent of a member or former member described in subsection (a) or (b) or of an unremarried widow or widower described in subsection (c) holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, if the dependent is accompanying the member.

''(e) SCOPE.—Space-available travel required by this section includes travel to and from locations within and outside the continental United States.

''(f) PRIORITY.—The priority level and category for space-available travel for the eligible members described in subsection (a), (b), (c), and (d) shall be determined by the Secretary of Defense.

''(g) DEFINITION OF DEPENDENT.—In this section, the term 'dependent' has the meaning given that term in section 1072 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641b the following new item:

''2641c. Space-available travel on Department of Defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members; and dependents.''.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement section 2641c of title 10, United States Code, as added by subsection (a).

SA 1115 Ms. LANDRIEU (for herself, Ms. SNOWE, Mrs. SHAHEEN, Mr. BROWN

of Massachusetts, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other prposes; as follows:

At the end, add the following:

DIVISION E—SBIR AND STTR REAUTHORIZATION

SEC. 5001. SHORT TITLE.

This division may be cited as the ''SBIR/STTR Reauthorization Act of 2011''.

SEC. 5002. DEFINITIONS.

In this division—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 5003. REPEAL.

Subtitle E of title VIII of this Act is amended by striking section 885.

TITLE LI—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 5101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking ''TERMINATION.—'' and all that follows through ''the authorization'' and inserting ''TERMINATION.—The authorization'';

(2) by striking ''2008'' and inserting ''2019''; and

(3) by striking paragraph (2).

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking ''IN GENERAL.—'' and all that follows through ''with respect'' and inserting ''IN GENERAL.—With respect'';

(2) by striking ''2009'' and inserting ''2019''; and

(3) by striking clause (ii).

SEC. 5102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

''(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

''(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

''(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.''.

SEC. 5103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''Each'' and inserting ''Except as provided in paragraph (2)(B), each'';

(B) in subparagraph (B), by striking ''and'' at the end; and

(C) by striking subparagraph (C) and inserting the following:

''(C) not less than 2.5 percent of such budget in fiscal year 2013;

''(D) not less than 2.6 percent of such budget in fiscal year 2014;

''(E) not less than 2.7 percent of such budget in fiscal year 2015;

''(F) not less than 2.8 percent of such budget in fiscal year 2016;

''(G) not less than 2.9 percent of such budget in fiscal year 2017;

''(H) not less than 3.0 percent of such budget in fiscal year 2018;

''(I) not less than 3.1 percent of such budget in fiscal year 2019;

''(J) not less than 3.2 percent of such budget in fiscal year 2020;

''(K) not less than 3.3 percent of such budget in fiscal year 2021;

''(L) not less than 3.4 percent of such budget in fiscal year 2022; and

''(M) not less than 3.5 percent of such budget in fiscal year 2023 and each fiscal year thereafter,'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking ''A Federal agency'' and inserting the following:

''(A) IN GENERAL.—A Federal agency''; and

(C) by adding at the end the following:

''(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

''(i) may not be used for new Phase I or Phase II awards; and

''(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.''; and

(3) by adding at the end the following:

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).''.

SEC. 5104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''thereafter.'' and inserting ''through fiscal year 2012;'';

(3) by adding at the end the following:

''(iii) 0.4 percent for fiscal years 2013 and 2014;

''(iv) 0.5 percent for fiscal years 2015 and 2016; and

''(v) 0.6 percent for fiscal year 2017 and each fiscal year thereafter.''; and

(4) by adding at the end the following:

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a Federal agency from expending with small business concerns an amount of the extramural budget for research or research and development of the Federal agency that exceeds the amount required under paragraph (1).''.

SEC. 5105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking ''once every 5 years to reflect economic adjustments and programmatic considerations'' and inserting ''every year for inflation''; and

(2) in subsection (p)(2)(B)(ix), as amended by subsection (b) of this section, by inserting ''(each of which the Administrator shall adjust for inflation annually)'' after ''$1,000,000,''.

(d) LIMITATION ON SIZE OF AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(aa) LIMITATION ON SIZE OF AWARDS.—

''(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

''(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

''(A) the amount of each award;

''(B) a justification for exceeding the award amount;

''(C) the identity and location of each award recipient; and

''(D) whether an award recipient has received any venture capital investment and, if so, whether the recipient is majority-owned by multiple venture capital operating companies.

''(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.''.

SEC. 5106. AGENCY AND PROGRAM FLEXIBILITY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(bb) SUBSEQUENT PHASE II AWARDS.—

''(1) AGENCY FLEXIBILITY.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive a subsequent Phase II award from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

''(2) SBIR AND STTR PROGRAM FLEXIBILITY.—A small business concern that received an award under this section under the SBIR program or the STTR program may receive a subsequent Phase II award in either

the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).

''(3) PREVENTING DUPLICATIVE AWARDS.—Before making an award under paragraph (1) or (2), the head of a Federal agency shall verify that the project to be performed with the award has not been funded under the SBIR program or STTR program of another Federal agency.''.

SEC. 5107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking ''to further'' and inserting: ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further''; and

(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that''.

SEC. 5108. PARTICIPATION BY FIRMS WITH SUBSTANTIAL INVESTMENT FROM MULTIPLE VENTURE CAPITAL OPERATING COMPANIES IN A PORTION OF THE SBIR PROGRAM.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(cc) PARTICIPATION OF SMALL BUSINESS CONCERNS MAJORITY-OWNED BY VENTURE CAPITAL OPERATING COMPANIES IN THE SBIR PROGRAM.—

''(1) AUTHORITY.—Upon a written determination described in paragraph (2) provided to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives not later than 30 days before the date on which an award is made—

''(A) the Director of the National Institutes of Health, the Secretary of Energy, and the Director of the National Science Foundation may award not more than 25 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns; and

''(B) the head of a Federal agency other than a Federal agency described in subparagraph (A) that participates in the SBIR program may award not more than 15 percent of the funds allocated for the SBIR program of the Federal agency to small business concerns that are owned in majority part by multiple venture capital operating companies through competitive, merit-based procedures that are open to all eligible small business concerns.

''(2) DETERMINATION.—A written determination described in this paragraph is a written determination by the head of a Federal agency that explains how the use of the authority under paragraph (1) will—

''(A) induce additional venture capital funding of small business innovations;

''(B) substantially contribute to the mission of the Federal agency;

''(C) demonstrate a need for public research; and

''(D) otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

''(3) REGISTRATION.—A small business concern that is majority-owned by multiple venture capital operating companies and qualified for participation in the program authorized under paragraph (1) shall—

''(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

''(B) indicate in any SBIR proposal that the small business concern is registered under subparagraph (A) as majority-owned by multiple venture capital operating companies.

''(4) COMPLIANCE.—

''(A) IN GENERAL.—The head of a Federal agency that makes an award under this subsection during a fiscal year shall collect and submit to the Administrator data relating to the number and dollar amount of Phase I awards, Phase II awards, and any other category of awards by the Federal agency under the SBIR program during that fiscal year.

''(B) ANNUAL REPORTING.—The Administrator shall include as part of each annual report by the Administration under subsection (b)(7) any data submitted under subparagraph (A) and a discussion of the compliance of each Federal agency that makes an award under this subsection during the fiscal year with the maximum percentages under paragraph (1).

''(5) ENFORCEMENT.—If a Federal agency awards more than the percent of the funds allocated for the SBIR program of the Federal agency authorized under paragraph (1) for a purpose described in paragraph (1), the head of the Federal agency shall transfer an amount equal to the amount awarded in excess of the amount authorized under paragraph (1) to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency not later than 180 days after the date on which the Federal agency made the award that caused the total awarded under paragraph (1) to be more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).

''(6) FINAL DECISIONS ON APPLICATIONS UNDER THE SBIR PROGRAM.—

''(A) DEFINITION.—In this paragraph, the term 'covered small business concern' means a small business concern that—

''(i) was not majority-owned by multiple venture capital operating companies on the date on which the small business concern submitted an application in response to a solicitation under the SBIR programs; and

''(ii) on the date of the award under the SBIR program is majority-owned by multiple venture capital operating companies.

''(B) IN GENERAL.—If a Federal agency does not make an award under a solicitation under the SBIR program before the date that is 9 months after the date on which the period for submitting applications under the solicitation ends—

''(i) a covered small business concern is eligible to receive the award, without regard to whether the covered small business concern meets the requirements for receiving an award under the SBIR program for a small business concern that is majority-owned by multiple venture capital operating companies, if the covered small business concern meets all other requirements for such an award; and

''(ii) the head of the Federal agency shall transfer an amount equal to any amount awarded to a covered small business concern under the solicitation to the funds for general SBIR programs from the non-SBIR and non-STTR research and development funds of the Federal agency, not later than 90 days after the date on which the Federal agency makes the award.

''(7) EVALUATION CRITERIA.—A Federal agency may not use investment of venture capital as a criterion for the award of contracts under the SBIR program or STTR program.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(aa) VENTURE CAPITAL OPERATING COMPANY.—In this Act, the term 'venture capital operating company' means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).''.

(c) RULEMAKING TO ENSURE THAT FIRMS THAT ARE MAJORITY-OWNED BY MULTIPLE VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN A PORTION OF THE SBIR PROGRAM.—

(1) STATEMENT OF CONGRESSIONAL INTENT.—It is the stated intent of Congress that the Administrator should promulgate regulations to carry out the authority under section 9(cc) of the Small Business Act, as added by this section, that—

(A) permit small business concerns that are majority-owned by multiple venture capital operating companies to participate in the SBIR program in accordance with section 9(cc) of the Small Business Act;

(B) provide specific guidance for small business concerns that are majority-owned by multiple venture capital operating companies with regard to eligibility, participation, and affiliation rules; and

(C) preserve and maintain the integrity of the SBIR program as a program for small business concerns in the United States, prohibiting large businesses or large entities or foreign-owned businesses or entities from participation in the program established under section 9 of the Small Business Act.

(2) RULEMAKING REQUIRED.—

(A) PROPOSED REGULATIONS.—Not later than 4 months after the date of enactment of this Act, the Administrator shall issue proposed regulations to amend section 121.103 (relating to determinations of affiliation applicable to the SBIR program) and section 121.702 (relating to ownership and control standards and size standards applicable to the SBIR program) of title 13, Code of Federal Regulations, for firms that are majority-owned by multiple venture capital operating companies and participating in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(B) FINAL REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and after providing notice of and opportunity for comment on the proposed regulations issued under subparagraph (A), the Administrator shall issue final or interim final regulations under this subsection.

(3) CONTENTS.—

(A) IN GENERAL.—The regulations issued under this subsection shall permit the participation of applicants majority-owned by multiple venture capital operating companies in the SBIR program in accordance with section 9(cc) of the Small Business Act, as added by this section, unless the Administrator determines—

(i) in accordance with the size standards established under subparagraph (B), that the applicant is—

(I) a large business or large entity; or

(II) majority-owned or controlled by a large business or large entity; or

(ii) in accordance with the criteria established under subparagraph (C), that the applicant—

(I) is a foreign business or a foreign entity or is not a citizen of the United States or alien lawfully admitted for permanent residence; or

(II) is majority-owned or controlled by a foreign business, foreign entity, or person who is not a citizen of the United States or alien lawfully admitted for permanent residence.

(B) SIZE STANDARDS.—Under the authority to establish size standards under paragraphs (2) and (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)), the Administrator shall, in accordance with paragraph (1) of this subsection, establish size standards for applicants seeking to participate in the SBIR program solely under the authority under section 9(cc) of the Small Business Act, as added by this section.

(C) CRITERIA FOR DETERMINING FOREIGN OWNERSHIP.—The Administrator shall establish criteria for determining whether an applicant meets the requirements under subparagraph (A)(ii), and, in establishing the criteria, shall consider whether the criteria should include—

(i) whether the applicant is at least 51 percent owned or controlled by citizens of the United States or domestic venture capital operating companies;

(ii) whether the applicant is domiciled in the United States; and

(iii) whether the applicant is a direct or indirect subsidiary of a foreign-owned firm, including whether the criteria should include that an applicant is a direct or indirect subsidiary of a foreign-owned entity if—

(I) any venture capital operating company that owns more than 20 percent of the applicant is a direct or indirect subsidiary of a foreign-owned entity; or

(II) in the aggregate, entities that are direct or indirect subsidiaries of foreign-owned entities own more than 49 percent of the applicant.

(D) CRITERIA FOR DETERMINING AFFILIATION.—The Administrator shall establish criteria, in accordance with paragraph (1), for determining whether an applicant is affiliated with a venture capital operating company or any other business that the venture capital operating company has financed and, in establishing the criteria, shall specify that—

(i) if a venture capital operating company that is determined to be affiliated with an applicant is a minority investor in the applicant, the portfolio companies of the venture capital operating company shall not be determined to be affiliated with the applicant, unless—

(I) the venture capital operating company owns a majority of the portfolio company; or

(II) the venture capital operating company holds a majority of the seats on the board of directors of the portfolio company;

(ii) subject to clause (i), the Administrator retains the authority to determine whether a venture capital operating company is affiliated with an applicant, including establishing other criteria;

(iii) the Administrator may not determine that a portfolio company of a venture capital operating company is affiliated with an applicant based solely on one or more shared investors; and

(iv) subject to clauses (i), (ii), and (iii), the Administrator retains the authority to determine whether a portfolio company of a venture capital operating company is affiliated with an applicant based on factors independent of whether there is a shared investor, such as whether there are contractual obligations between the portfolio company and the applicant.

(4) ENFORCEMENT.—If the Administrator does not issue final or interim final regulations under this subsection on or before the date that is 1 year after the date of enactment of this Act, the Administrator may not carry out any activities under section 4(h) of the Small Business Act (15 U.S.C. 633(h)) (as continued in effect pursuant to the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742)) during the period beginning on the date that is 1 year and 1 day after the date of enactment of this Act, and ending on the date on which the final or interim final regulations are issued.

(5) DEFINITION.—In this subsection, the term ''venture capital operating company'' has the same meaning as in section 3(aa) of the Small Business Act, as added by this section.

(d) ASSISTANCE FOR DETERMINING AFFILIATES.—

(1) CLEAR EXPLANATION REQUIRED.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the Web site of the Administration (with a direct link displayed on the homepage of the Web site of the Administration or the SBIR and STTR Web sites of the Administration)—

(A) a clear explanation of the SBIR and STTR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(B) contact information for officers or employees of the Administration who—

(i) upon request, shall review an issue relating to the rules described in subparagraph (A); and

(ii) shall respond to a request under clause (i) not later than 20 business days after the date on which the request is received.

(2) INCLUSION OF AFFILIATION RULES FOR CERTAIN SMALL BUSINESS CONCERNS.—On and after the date on which the final regulations under subsection (c) are issued, the Administrator shall post on the Web site of the Administration information relating to the regulations, in accordance with paragraph (1).

SEC. 5109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

''(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.''.

SEC. 5110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

''(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

''(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

''(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

''(2) PROHIBITION.—No Federal agency shall—

''(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

''(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

''(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

''(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

''(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.''.

SEC. 5111. NOTICE REQUIREMENT.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(12) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program of the Federal agency; and''.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (15);

(2) in paragraph (16), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (16) as paragraph (15); and

(4) by adding at the end the following:

''(16) provide timely notice to the Administrator of any case or controversy before any Federal judicial or administrative tribunal concerning the STTR program of the Federal agency.''.

SEC. 5112. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE II AWARDS FOR SBIR OR STTR FUNDED PROJECTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ee) ADDITIONAL PHASE II SBIR AND STTR AWARDS.—A small business concern that receives a Phase II SBIR award or a Phase II STTR award for a project remains eligible to receive an additional Phase II SBIR award or Phase II STTR award for that project.''.

TITLE LII—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 5201. RURAL AND STATE OUTREACH.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

''(s) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—

''(1) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) APPLICANT.—The term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this subsection.

''(B) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under this subsection.

''(C) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this subsection.

''(D) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

''(E) DEFINITIONS RELATING TO MENTORING NETWORKS.—The terms 'business advice and counseling', 'mentor', and 'mentoring network' have the meanings given those terms in section 34(e).

''(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

''(3) GRANTS AND COOPERATIVE AGREEMENTS.—

''(A) JOINT REVIEW.—In carrying out the FAST program, the Administrator and the program managers for the SBIR program and STTR program at the National Science Foundation, the Department of Defense, and any other Federal agency determined appropriate by the Administrator shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this subsection based on the factors for consideration set forth in subparagraph (B), in order to enhance or develop in a State—

''(i) technology research and development by small business concerns;

''(ii) technology transfer from university research to technology-based small business concerns;

''(iii) technology deployment and diffusion benefitting small business concerns;

''(iv) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

''(I) State and local development agencies and entities;

''(II) representatives of technology-based small business concerns;

''(III) industries and emerging companies;

''(IV) universities; and

''(V) small business development centers; and

''(v) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program or STTR program, including initiatives—

''(I) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR or STTR proposals;

''(II) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 34;

''(III) to create or participate in a training program for individuals providing SBIR or STTR outreach and assistance at the State and local levels; and

''(IV) to encourage the commercialization of technology developed through funding under the SBIR program or the STTR program.

''(B) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this subsection, the Administrator and the program managers referred to in subparagraph (A)—

''(i) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this subsection to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program or STTR program; and

''(ii) shall consider, at a minimum—

''(I) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

''(II) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State or an area of the State, as measured by the number of Phase I and Phase II SBIR awards that have historically been received by small business concerns in the State or area of the State;

''(III) whether the projected costs of the proposed activities are reasonable;

''(IV) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State;

''(V) the manner in which the applicant will measure the results of the activities to be conducted; and

''(VI) whether the proposal addresses the needs of small business concerns—

''(aa) owned and controlled by women;

''(bb) that are socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A));

''(cc) that are HUBZone small business concerns;

''(dd) located in areas that have historically not participated in the SBIR and STTR programs;

''(ee) owned and controlled by service-disabled veterans;

''(ff) owned and controlled by Native Americans; and

''(gg) located in geographic areas with an unemployment rate that exceeds the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.

''(C) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this subsection to provide services in any one State in any 1 fiscal year.

''(D) PROCESS.—Proposals and applications for assistance under this subsection shall be in such form and subject to such procedures as the Administrator shall establish. The Administrator shall promulgate regulations establishing standards for the consideration of proposals under subparagraph (B), including standards regarding each of the considerations identified in subparagraph (B)(ii).

''(4) COOPERATION AND COORDINATION.—In carrying out the FAST program, the Administrator shall cooperate and coordinate with—

''(A) Federal agencies required by this section to have an SBIR program; and

''(B) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

''(i) State and local development agencies and entities;

''(ii) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

''(iii) State science and technology councils; and

''(iv) representatives of technology-based small business concerns.

''(5) ADMINISTRATIVE REQUIREMENTS.—

''(A) COMPETITIVE BASIS.—Awards and cooperative agreements under this subsection shall be made or entered into, as applicable, on a competitive basis.

''(B) MATCHING REQUIREMENTS.—

''(i) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this subsection shall be—

''(I) except as provided in clause (iii), 35 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 18 States receiving the fewest Phase I SBIR awards;

''(II) except as provided in clause (ii) or (iii), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in 1 of the 16 States receiving the greatest number of Phase I SBIR awards; and

''(III) except as provided in clause (ii) or (iii), 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in subclause (I) or (II) that is receiving Phase I SBIR awards.

''(ii) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(B)(ii)(I) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of clause (i).

''(iii) RURAL AREAS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in a rural area.

''(II) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in clause (i)(I), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this subsection shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in clause (i) to serve small business concerns located in the rural area.

''(III) DEFINITION OF RURAL AREA.—In this clause, the term 'rural area' has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.

''(iv) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

''(v) RANKINGS.—For the first full fiscal year after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and each fiscal year thereafter, based on the statistics for the most recent full fiscal year for which the Administrator has compiled statistics, the Administrator shall reevaluate the ranking of each State for purposes of clause (i).

''(C) DURATION.—Awards may be made or cooperative agreements entered into under this subsection for multiple years, not to exceed 5 years in total.

''(6) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

''(A) the number and amount of awards provided and cooperative agreements entered

into under the FAST program during the preceding year;

''(B) a list of recipients under this subsection, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

''(C) the Mentoring Networks and the mentoring database, as provided for under section 34, including—

''(i) the status of the inclusion of mentoring information in the database required by subsection (k); and

''(ii) the status of the implementation and description of the usage of the Mentoring Networks.

''(7) PROGRAM LEVELS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this subsection and section 34, $15,000,000 for each of fiscal years 2011 through 2016.

''(B) MENTORING DATABASE.—Of the total amount made available under subparagraph (A) for fiscal years 2011 through 2016, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 34(d).

''(8) TERMINATION.—The authority to carry out the FAST program under this subsection shall terminate on September 30, 2016.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 34 (15 U.S.C. 657d);

(2) by redesignating sections 35 through 43 as sections 34 through 42, respectively;

(3) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking ''section 35(d)'' and inserting ''section 34(d)'';

(4) in section 34 (15 U.S.C. 657e), as so redesignated—

(A) in subsection (c)(1), by striking ''section 34(c)(1)(E)(ii)'' and inserting ''section 9(s)(3)(A)(v)(II)'';

(B) by striking ''section 34'' each place it appears and inserting ''section 9(s)''; and

(C) by adding at the end the following:

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) BUSINESS ADVICE AND COUNSELING.—The term 'business advice and counseling' means providing advice and assistance on matters described in subsection (c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

''(2) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under section 9(s).

''(3) MENTOR.—The term 'mentor' means an individual described in subsection (c)(2).

''(4) MENTORING NETWORK.—The term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of subsection (c).

''(5) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

''(6) SBIR PROGRAM.—The term 'SBIR program' has the same meaning as in section 9(e)(4).

''(7) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

''(8) STTR PROGRAM.—The term 'STTR program' has the same meaning as in section 9(e)(6).'';

(5) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42'';

(6) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42''; and

(7) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking ''section 43'' and inserting ''section 42''.

SEC. 5202. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or STTR program'' after ''SBIR program''; and

(B) by striking ''SBIR projects'' and inserting ''SBIR or STTR projects'';

(2) in paragraph (2), by striking ''3 years'' and inserting ''5 years''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting ''or STTR'' after ''SBIR''; and

(ii) by striking ''$4,000'' and inserting ''$5,000'';

(B) by striking subparagraph (B) and inserting the following:

''(B) PHASE II.—A Federal agency described in paragraph (1) may—

''(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than $5,000 per year; or

''(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than $5,000 per year, which shall be in addition to the amount of the recipient's award.''; and

(C) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

SEC. 5203. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking ''PILOT'' and inserting ''READINESS'';

(2) by striking ''Pilot'' each place that term appears and inserting ''Readiness'';

(3) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(4) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(5) by striking paragraphs (5) and (6); and

(6) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Readiness Program and efforts to transition these technologies into programs of record or fielded systems.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting ''(including awards under subsection (y))'' after ''the number of awards''.

SEC. 5204. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ff) PILOT PROGRAM.—

''(1) AUTHORIZATION.—The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

''(A) for awards for technology development, testing, and evaluation of SBIR and STTR Phase II technologies; or

''(B) to support the progress of research or research and development conducted under the SBIR or STTR programs to Phase III.

''(2) APPLICATION BY FEDERAL AGENCY.—

''(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

''(ii) publish the determination in the Federal Register; and

''(iii) make a copy of the determination and any related materials available to the

Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(3) MAXIMUM AMOUNT OF AWARD.—The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

''(4) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

''(5) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

''(6) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

''(7) DEFINITIONS.—In this subsection—

''(A) the term 'covered Federal agency'—

''(i) means a Federal agency participating in the SBIR program or the STTR program; and

''(ii) does not include the Department of Defense; and

''(B) the term 'pilot program' means the program established under paragraph (1).''.

SEC. 5205. ACCELERATING CURES.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 42, as redesignated by section 5201 of this Act, the following:

''SEC. 43. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

''(a) NIH CURES PILOT.—

''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the 'advisory board') to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory board shall consist of—

''(i) the Director of the NIH;

''(ii) the Director of the SBIR program of the NIH;

''(iii) senior NIH agency managers, selected by the Director of NIH;

''(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

''(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

''(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

''(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academy of Science entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.

''(c) PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

''(e) SBIR GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall emphasize applications that identify products, processes, technologies, and services that may enhance the development of cures and therapies.

''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 90 days.

''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).''.

(b) PROSPECTIVE REPEAL.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 43, as added by subsection (a); and

(2) by redesignating sections 44 and 45 as sections 43 and 44, respectively.

SEC. 5206. FEDERAL AGENCY ENGAGEMENT WITH SBIR AND STTR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE I AWARDS BUT HAVE NOT BEEN AWARDED PHASE II AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN PHASE I SBIR AND STTR AWARDEES.—

''(1) DEFINITION.—In this subsection, the term 'covered awardee' means a small business concern that—

''(A) has received multiple Phase I awards over multiple years, as determined by the head of a Federal agency, under the SBIR program or the STTR program of the Federal agency; and

''(B) has not received a Phase II award—

''(i) under the SBIR program or STTR program, as the case may be, of the Federal agency described in subparagraph (A); or

''(ii) relating to a Phase I award described in subparagraph (A) under the SBIR program or the STTR program of another Federal agency.

''(2) PERFORMANCE MEASURES.—The head of each Federal agency that participates in the SBIR program or the STTR program shall develop performance measures for any covered awardee relating to commercializing research or research and development activities under the SBIR program or the STTR program of the Federal agency.''.

SEC. 5207. CLARIFYING THE DEFINITION OF "PHASE III".

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the SBIR program'' after ''phase'';

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program'' after ''phase'';

(3) in paragraph (8), by striking ''and'' at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(10) the term 'commercialization' means—

''(A) the process of developing products, processes, technologies, or services; and

''(B) the production and delivery of products, processes, technologies, or services for sale (whether by the originating party or by others) to or use by the Federal Government or commercial markets;''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 9 (15 U.S.C. 638)—

(A) in subsection (e)—

(i) in paragraph (4)(C)(ii), by striking ''scientific review criteria'' and inserting ''merit-based selection procedures'';

(ii) in paragraph (9), by striking ''the second or the third phase'' and inserting ''Phase II or Phase III''; and

(iii) by adding at the end the following:

''(11) the term 'Phase I' means—

''(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

''(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

''(12) the term 'Phase II' means—

''(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

''(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

''(13) the term 'Phase III' means—

''(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

''(B) with respect to the STTR program, the third phase described in paragraph (6)(C).'';

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking ''phase two'' and inserting ''Phase II'';

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking ''the third phase'' each place it appears and inserting ''Phase III''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(II) in subparagraph (D)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(III) in subparagraph (F), by striking ''the third phase'' and inserting ''Phase III'';

(IV) in subparagraph (G)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(V) in subparagraph (H)—

(aa) by striking ''the first phase'' and inserting ''Phase I'';

(bb) by striking ''second phase'' each place it appears and inserting ''Phase II''; and

(cc) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''the first phase (as described in subsection (e)(4)(A))'' and inserting ''Phase I'';

(bb) by striking ''the second phase (as described in subsection (e)(4)(B))'' and inserting ''Phase II''; and

(cc) by striking ''the third phase (as described in subsection (e)(4)(C))'' and inserting ''Phase III''; and

(II) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II'';

(C) in subsection (k)—

(i) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(ii) by striking ''second phase'' each place it appears and inserting ''Phase II'';

(D) in subsection (l)(2)—

(i) by striking ''the first phase'' and inserting ''Phase I''; and

(ii) by striking ''the second phase'' and inserting ''Phase II'';

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II''; and

(ii) in subparagraph (C), by striking ''third phase'' and inserting ''Phase III'';

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking ''the second phase'' and inserting ''Phase II''; and

(bb) by striking ''the third phase'' and inserting ''Phase III''; and

(II) in clause (ix)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(ii) in paragraph (3)—

(I) by striking ''the first phase (as described in subsection (e)(6)(A))'' and inserting ''Phase I'';

(II) by striking ''the second phase (as described in subsection (e)(6)(B))'' and inserting ''Phase II''; and

(III) by striking ''the third phase (as described in subsection (e)(6)(A))'' and inserting ''Phase III'';

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''FIRST PHASE'' and inserting ''PHASE I''; and

(II) by striking ''first phase'' and inserting ''Phase I''; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''SECOND PHASE'' and inserting ''PHASE II''; and

(II) by striking ''second phase'' and inserting ''Phase II'';

(H) in subsection (r)—

(i) in the subsection heading, by striking ''THIRD PHASE'' and inserting ''PHASE III'';

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking ''for the second phase'' and inserting ''for Phase II'';

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(cc) by striking ''second phase period'' and inserting ''Phase II period''; and

(II) in the second sentence—

(aa) by striking ''second phase'' and inserting ''Phase II''; and

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (2), by striking ''third phase'' and inserting ''Phase III''; and

(I) in subsection (u)(2)(B), by striking ''the first phase'' and inserting ''Phase I''; and

(2) in section 34(c)(2)(B)(vii) (15 U.S.C. 657e(c)(2)(B)(vii)), as redesignated by section 5201 of this Act, by striking ''third phase'' and inserting ''Phase III''.

SEC. 5208. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the SBIR program—

''(i) not later than 90 days after the date on which the solicitation closes; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;''; and

(2) in subsection (o)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the STTR program—

''(i) not later than 90 days after the date on which the solicitation closes; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;''.

(b) NIH PEER REVIEW PROCESS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(hh) NIH PEER REVIEW PROCESS.—The Director of the National Institutes of Health may make an award under the SBIR program or the STTR program of the National Institutes of Health if the application for the award has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 105 of the National Institutes of Health Reform Act of 2006 (42 U.S.C. 284n) is amended—

(A) in subsection (a)(3)—

(i) by striking ''A grant'' and inserting ''Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant''; and

(ii) by striking ''section 402(k)'' and all that follows through ''Act)'' and inserting ''section 402(l) of such Act''; and

(B) in subsection (b)(5)—

(i) by striking ''A grant'' and inserting ''Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant''; and

(ii) by striking ''section 402(k)'' and all that follows through ''Act)'' and inserting ''section 402(l) of such Act''.

TITLE LIII—OVERSIGHT AND EVALUATION

SEC. 5301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 5102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority-owned by multiple venture capital operating companies) under each of the SBIR and STTR programs;

''(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

''(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (cc) for firms owned in majority part by venture capital operating companies and participating in the SBIR program;

''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy Directive and the STTR Policy Directive filed by the Administrator with Federal agencies; and

''(F) a description''; and

(2) by inserting after paragraph (7) the following:

''(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;''.

SEC. 5302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an awardee—

''(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

''(I) the amount of venture capital that the awardee has received as of the date of the award; and

''(II) the amount of additional capital that the awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vii) is located in a State described in subsection (u)(3); and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''.

SEC. 5303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended by striking paragraph (9) and inserting the following:

''(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an applicant or awardee—

''(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

''(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;''.

SEC. 5304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority-owned by multiple venture capital operating companies as required under subsection (cc)(4);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(iv) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s); or

''(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

SEC. 5305. GOVERNMENT DATABASE.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''Not later'' and all that follows through ''Act of 2000'' and inserting ''Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011'';

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

''(A) contains, for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

''(i) the name, size, and location, and an identifying number assigned by the Administration of the small business concern;

''(ii) an abstract of the project;

''(iii) the specific aims of the project;

''(iv) the number of employees of the small business concern;

''(v) the names of key individuals that will carry out the project;

''(vi) the percentage of effort each individual described in clause (iv) will contribute to the project;

''(vii) whether the small business concern is majority-owned by multiple venture capital operating companies; and

''(viii) the Federal agency to which the application is made, and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program;'';

(E) by redesignating subparagraphs (D), and (E) as subparagraphs (E) and (F), respectively;

(F) by inserting after subparagraph (C), as so redesignated, the following:

''(D) includes, for each awardee—

''(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

''(ii) whether the awardee has venture capital, and, if so—

''(I) the amount of venture capital as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital operating company, including whether the awardee is majority-owned by multiple venture capital operating companies; and

''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names of, and the percentage of ownership of the awardee held by—

''(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) any person that is not an individual and is not organized under the laws of a State or the United States;'';

(G) in subparagraph (E), as so redesignated, by striking ''and'' at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting ''; and''; and

(I) by adding at the end the following:

''(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has committed fraud, waste, or abuse relating to the SBIR program or STTR program.''; and

(2) in paragraph (3), by adding at the end the following:

''(C) GOVERNMENT DATABASE.—Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.''.

SEC. 5306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 5307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

''(A) continue the most recent study under this section relating to—

''(i) the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1); and

''(ii) the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

''(B) make recommendations with respect to the issues described in subparagraph (A)(ii) and subparagraphs (A), (D), and (E) of subsection (a)(2); and

''(C) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency.

''(2) CONSULTATION.—An agreement under paragraph (1) shall require the National Research Council to ensure there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

''(3) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

SEC. 5308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ii) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

''(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

''(2) the name of the small business concern or individual receiving the Phase III award; and

''(3) the dollar amount of the Phase III award.''.

SEC. 5309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

SEC. 5310. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(jj) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

''(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

''(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

''(B) release the contact information of the concern to such organizations.

''(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).''.

SEC. 5311. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(kk) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

''(1) IN GENERAL.—Subject to paragraph (2), for the 3 full fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

''(A) the administration of the SBIR program or the STTR program of the Federal agency;

''(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits and personnel interviews;

''(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

''(D) carrying out the program under subsection (y);

''(E) activities relating to oversight and congressional reporting, including the waste, fraud, and abuse prevention activities described in section 313(a)(1)(B)(ii) of the SBIR/STTR Reauthorization Act of 2011;

''(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal agency determines are at high risk for fraud, waste, or abuse, to ensure compliance with requirements of the SBIR program or STTR program, respectively;

''(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

''(H) carrying out subsection (cc);

''(I) carrying out subsection (ff);

''(J) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

''(K) funding for additional personnel and assistance with application reviews.

''(2) PERFORMANCE CRITERIA.—A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

''(3) RULES.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (f)(2)(A), as so designated by section 5103(2) of this Act, by striking ''shall not'' and all that follows through ''make available for the purpose'' and inserting ''shall not make available for the purpose''; and

(B) in subsection (y), as amended by section 203—

(i) by striking paragraph (4);

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) TRANSITIONAL RULE.—Notwithstanding the amendments made by paragraph (1), subsection (f)(2)(A) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the performance criteria established by the Administrator under subsection (kk)(2) of section 9 of the Small Business Act, as added by subsection (a).

(3) PROSPECTIVE REPEAL.—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2)(A), by striking ''shall not make available for the purpose'' and inserting the following: ''shall not—

''(i) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

''(ii) make available for the purpose''; and

(B) in subsection (y)—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(ii) by inserting after paragraph (3) the following:

''(4) FUNDING.—

''(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to

the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Pilot Program under this subsection.

''(B) LIMITATIONS.—The funds described in subparagraph (A)—

''(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(ii) shall not be used to make Phase III awards.''.

SEC. 5312. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company involvement under section 9(cc) of the Small Business Act, as added by section 5108 of this Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

SEC. 5313. REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.

(a) FRAUD, WASTE, AND ABUSE PREVENTION.—

(1) GUIDELINES FOR FRAUD, WASTE, AND ABUSE PREVENTION.—

(A) AMENDMENTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(B) CONTENT OF AMENDMENTS.—The amendments required under subparagraph (A) shall include—

(i) definitions or descriptions of fraud, waste, and abuse;

(ii) a requirement that the Inspectors General of each Federal agency that participates in the SBIR program or the STTR program cooperate to—

(I) establish fraud detection indicators;

(II) review regulations and operating procedures of the Federal agencies;

(III) coordinate information sharing between the Federal agencies; and

(IV) improve the education and training of, and outreach to—

(aa) administrators of the SBIR program and the STTR program of each Federal agency;

(bb) applicants to the SBIR program or the STTR program; and

(cc) recipients of awards under the SBIR program or the STTR program;

(iii) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program; and

(iv) a requirement that each Federal agency that participates in the SBIR program or STTR program include the telephone number of the hotline established under paragraph (2)—

(I) on the Web site of the Federal agency; and

(II) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program.

(2) FRAUD, WASTE, AND ABUSE PREVENTION HOTLINE.—

(A) HOTLINE ESTABLISHED.—The Administrator shall establish a telephone hotline that allows individuals to report fraud, waste, and abuse in the SBIR program or STTR program.

(B) PUBLICATION.—The Administrator shall include the telephone number for the hotline established under subparagraph (A) on the Web site of the Administration.

(b) STUDY AND REPORT.—

(1) STUDY.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(A) conduct a study that evaluates—

(i) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(ii) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(iii) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(iv) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(v) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency; and

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR program or STTR program effectively conducts investigations of individuals alleged to have submitted false claims or violated Federal law relating to fraud, conflicts of interest, bribery, gratuity, or other misconduct; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the head of each Federal agency that participates in the SBIR program or STTR program a report on the results of the study conducted under subparagraph (A).

SEC. 5314. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy (in this section referred to as the ''Director''), in conjunction with the Administrator, shall establish an Interagency SBIR/STTR Policy Committee (in this section referred to as the ''Committee'') comprised of 1 representative from each Federal agency with an SBIR program or an STTR program and 1 representative of the Office of Management and Budget.

(b) COCHAIRPERSONS.—The Director and the Administrator shall serve as cochairpersons of the Committee.

(c) DUTIES.—The Committee shall review, and make policy recommendations on ways to improve the effectiveness and efficiency of, the SBIR program and the STTR program, including—

(1) reviewing the effectiveness of the public and government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k));

(2) identifying—

(A) best practices for commercialization assistance by Federal agencies that have significant potential to be employed by other Federal agencies; and

(B) proposals by Federal agencies for initiatives to address challenges for small business concerns in obtaining funding after a Phase II award ends and before commercialization; and

(3) developing and incorporating a standard evaluation framework to enable systematic assessment of the SBIR program and STTR program, including through improved tracking of awards and outcomes and development of performance measures for the SBIR program and STTR program of each Federal agency.

(d) REPORTS.—The Committee shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science and Technology and the Committee on Small Business of the House of Representatives—

(1) a report on the review by and recommendations of the Committee under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on the review by and recommendations of the Committee under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on the review by and recommendations of the Committee under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 5315. SIMPLIFIED PAPERWORK REQUIREMENTS.

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking ''SIMPLIFIED REPORTING REQUIREMENTS'' and inserting ''REDUCING PAPERWORK AND COMPLIANCE BURDEN'';

(2) by striking ''The Administrator'' and inserting the following:

''(1) STANDARDIZATION OF REPORTING REQUIREMENTS.—The Administrator''; and

(3) by adding at the end the following:

''(2) SIMPLIFICATION OF APPLICATION AND AWARD PROCESS.—Not later than one year after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into consideration the unique needs of each Federal agency, to ensure that each Federal agency required to carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden on small business concerns applying to and participating in the SBIR program or STTR program.''.

TITLE LIV—POLICY DIRECTIVES

SEC. 5401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

TITLE LV—OTHER PROVISIONS

SEC. 5501. RESEARCH TOPICS AND PROGRAM DIVERSIFICATION.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''broad research topics and to topics that further 1 or more critical technologies'' and inserting ''applications to the Federal agency for support of projects relating to nanotechnology, rare diseases, security, energy, transportation, or improving the security and quality of the water supply of the United States, and the efficiency of

water delivery systems and usage patterns in the United States (including the territories of the United States) through the use of technology (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'';

(B) in subparagraph (A), by striking ''or'' at the end; and

(C) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;''; and

(2) by adding after paragraph (12), as added by section 5111(a) of this Act, the following:

''(13) encourage applications under the SBIR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the SBIR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 5111(b) of this Act, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''broad research topics and to topics that further 1 or more critical technologies'' and inserting ''applications to the Federal agency for support of projects relating to nanotechnology, security, energy, rare diseases, transportation, or improving the security and quality of the water supply of the United States (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'';

(B) in subparagraph (A), by striking ''or'' at the end; and

(C) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;'';

(2) in paragraph (15), by striking ''and'' at the end;

(3) in paragraph (16), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(17) encourage applications under the STTR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the STTR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(c) RESEARCH AND DEVELOPMENT FOCUS.—Section 9(x) of the Small Business Act (15 U.S.C. 638(x)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 5502. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ll) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

''(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

''(A) are science-based and statistically driven;

''(B) reflect the mission of the Federal agency; and

''(C) include factors relating to the economic impact of the programs.

''(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

''(A) the SBIR program and the STTR program of the Federal agency; and

''(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

''(3) REPORT.—

''(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

''(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

''(C) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Small Business and Entrepreneurship of the Senate; and

''(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.''.

SEC. 5503. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(mm) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.''.

SA 1116. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. _____. IMPROVING THE TRANSITION OF MEMBERS OF THE ARMED FORCES WITH EXPERIENCE IN THE OPERATION OF CERTAIN MOTOR VEHICLES INTO CAREERS OPERATING COMMERCIAL MOTOR VEHICLES IN THE PRIVATE SECTOR.

(a) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall jointly conduct a study to identify the legislative and regulatory actions that can be taken for purposes as follows:

(A) To facilitate the obtaining of commercial driver's licenses (within the meaning of section 31302 of title 49, United States Code) by former members of the Armed Forces who operated qualifying motor vehicles as members of the Armed Forces.

(B) To improve the transition of members of the Armed Forces who operate qualifying motor vehicles as members of the Armed Forces into careers operating commercial motor vehicles (as defined in section 31301 of such title) in the private sector after separation from service in the Armed Forces.

(2) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) Identification of any training, qualifications, or experiences of members of the

Armed Forces described in paragraph (1)(B) that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code.

(B) Identification of the actions the Secretary of Defense can take to document the training, qualifications, and experiences of such members for the purposes described in paragraph (1).

(C) Identification of the actions the Secretary of Defense can take to modify the training and education programs of the Department of Defense for the purposes described in paragraph (1).

(D) An assessment of the feasibility and advisability of each of the legislative and regulatory actions identified under the study.

(E) Development of recommendations for legislative and regulatory actions to further the purposes described in paragraph (1).

(b) IMPLEMENTATION.—Upon completion of the study required by subsection (a), the Secretary of Defense and the Secretary of Transportation shall carry out the actions identified under the study which the Secretaries—

(1) can carry out without legislative action; and

(2) jointly consider both feasible and advisable.

(c) REPORT.—

(1) IN GENERAL.—Upon completion of the study required by subsection (a)(1), the Secretary of Defense and the Secretary of Transportation shall jointly submit to Congress a report on the findings of the Secretaries with respect to the study.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the legislative and regulatory actions identified under the study.

(B) A description of the actions described in subparagraph (A) that can be carried out by the Secretary of Defense and the Secretary of Transportation without any legislative action.

(C) A description of the feasibility and advisability of each of the legislative and regulatory actions identified by the study.

(D) The recommendations developed under subsection (a)(2)(E).

(d) DEFINITIONS.—In this section:

(1) MOTOR VEHICLE.—The term ''motor vehicle'' means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on land, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(2) QUALIFYING MOTOR VEHICLE.—The term ''qualifying motor vehicle'' means a motor vehicle or combination of motor vehicles used to transport passengers or property that—

(A) has a gross combination vehicle weight rating of 26,001 pounds or more, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(B) has a gross vehicle weight rating of 26,001 pounds or more;

(C) is designed to transport 16 or more passengers, including the driver; or

(D) is of any size and is used in the transportation of materials found to be hazardous under chapter 51 of title 49, United States Code, and which require the motor vehicle to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations, or any corresponding similar regulation or ruling.

SA 1117. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. ___. WHITE SANDS MISSILE RANGE AND FORT BLISS.

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as ''Withdrawal Area'' on the map entitled ''White Sands Military Reservation Withdrawal'' and dated May 3, 2011;

(B) the approximately 37,600 acres of land depicted as ''Parcel 1'', ''Parcel 2'', and ''Parcel 3'' on the map entitled ''Doña Ana County Land Transfer and Withdrawal'' and dated April 20, 2011; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as ''Parcel 3'' on the map described in paragraph (2)(B) is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as ''Parcel 1'' on the map described in subsection (a)(2)(B)—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) FORCE OF LAW.—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) REIMBURSEMENT OF COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

SA 1118. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 346. MODIFICATION OF AVAILABILITY OF SURCHARGES COLLECTED BY COMMISSARY STORES.

(a) IN GENERAL.—Paragraph (1)(A) of section 2484(h) of title 10, United States Code, is amended by striking clauses (i) and (ii) and inserting the following new clauses:

''(i) to replace, renovate, expand, improve, repair, and maintain commissary stores and central product processing facilities of the defense commissary system;

''(ii) to acquire (including acquisition by lease), convert, or construct such commissary stores and central product processing facilities as are authorized by law;

''(iii) to equip the physical infrastructure of such commissary stores and central product processing facilities; and

''(iv) to cover environmental evaluation and construction costs related to activities described in clauses (i) and (ii), including costs for surveys, administration, overhead, planning, and design.''.

(b) SOURCE AND AVAILABILITY OF CERTAIN FUNDS.—Such section is further amended by adding at the end the following new paragraph:

''(6)(A) There shall be credited to the 'Surcharge Collections, Sales of Commissary Stores, Defense Commissary' account on the books of the Treasury receipts from sources or activities identified in the following:

''(i) Paragraph (5).

''(ii) Subsections (c), (d), and (g).

''(iii) Subsections (e), (g), and (h) of section 2485 of this title.

''(B)(i) Funds may not be appropriated for the account referred to in subparagraph (A), or appropriated for transfer into the account, unless such appropriation or transfer is specifically authorized in an Act authorizing appropriations for military activities of the Department of Defense.

''(ii) Funds appropriated for or transferred into the account in accordance with clause (i) may not be merged with amounts within the account.

''(iii) Funds appropriated for or transferred into the account in accordance with clause (i) shall not be available to acquire, convert, construct, or improve a commissary store or central product processing facility of the defense commissary system unless specifically authorized in an Act authorizing military construction for the Department of Defense.''.

SA 1119. Mr. BROWN, of Massachusetts (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title V, add the following:

SEC. _____. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

''(d) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

''(e) PREEMPTION.—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard.

''(f) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary concerned may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

SA 1120. Mrs. SHAHEEN (for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BLUMENTHAL, Ms. STABENOW, Mr. DURBIN, Mr. TESTER, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: ''or in a case in which the pregnancy is the result of an act of rape or incest''.

SA 1121. Mrs. SHAHEEN (for herself, Mrs. GILLIBRAND, Mrs. BOXER, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BLUMENTHAL, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''(a) RESTRICTION ON USE OF FUNDS.—''.

SA 1122. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

SEC. 2___. LABORATORY FACILITIES, HANOVER, NEW HAMPSHIRE.

(a) ACQUISITION.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary of the Army (referred to in this section as the ''Secretary'') may acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire, described in paragraph (2) as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.

(2) DESCRIPTION OF REAL PROPERTY.—The real property described in this paragraph is the real property to be acquired under paragraph (1)—

(A) consisting of approximately 18.5 acres, identified as Tracts 101-1 and 101-2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire; and

(B) generally bounded—

(i) to the east by state route 10-Lyme Road;

(ii) to the north by the vacant property of the Trustees of Dartmouth College;

(iii) to the south by Fletcher Circle graduate student housing owned by the Trustees of Dartmouth College; and

(iv) to the west by approximately 9 acres of real property acquired in fee through condemnation in 1981 by the Secretary.

(3) AMOUNT PAID FOR PROPERTY.—The Secretary shall pay not more than fair market value for any real property and associated real property interest acquired under this subsection.

(b) REVOLVING FUND.—The Secretary—

(1) through the Plant Replacement and Improvement Program of the Secretary, may use amounts in the revolving fund established by section 101 of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576) to acquire the real property and associated real property interests described in subsection (a); and

(2) shall ensure that the revolving fund is appropriately reimbursed from the benefitting appropriations.

(c) RIGHT OF FIRST REFUSAL.—

(1) IN GENERAL.—The Secretary may provide the seller of any real property and associated property interests identified in subsection (a) a right of first refusal—

(A) a right of first refusal to acquire the property, or any portion of the property, in the event the property or portion is no longer needed by the Department of the Army; and

(B) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81-360-L, in the event the property, or any portion of the property, is no longer needed by the Department of the Army.

(2) NATURE OF RIGHT.—A right of first refusal provided to a seller under this subsection shall not inure to the benefit of any successor or assign of the seller.

(d) CONSIDERATION; FAIR MARKET VALUE.—The purchase of any property by a seller exercising a right of first refusal provided under subsection (c) shall be for—

(1) consideration acceptable to the Secretary; and

(2) not less than fair market value at the time at which the property becomes available for purchase.

(e) DISPOSAL.—The Secretary may dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal under this section.

(f) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SA 1123. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 705. SENSE OF CONGRESS ON PREMIUMS FOR HEALTH CARE FOR RETIRED CAREER MEMBERS OF THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20-year to 30-year career in protecting freedom for all Americans; and

(2) those decades of sacrifice constitute a significant pre-paid premium for health care during retirement that is over and above

what such members pay in money as a premium for such health care.

SA 1124. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 595, beginning with line 3, strike through line 22 on page 599 and insert the following:

SECTION 3301. SHORT TITLE; AMENDMENT OF TITLE 46, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the Maritime Administration Authorization Act for Fiscal Year 2012.

(b) AMENDMENT OF TITLE 46, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 46, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 3301. Short title; amendment of title 46, United States Code; table of contents.
Sec. 3302. Marine transportation system.
Sec. 3303. Short sea transportation program amendments.
Sec. 3304. Use of national defense reserve fleet and ready reserve force vessels.
Sec. 3305. Green ships program.
Sec. 3306. Waiver of navigation and vessel-inspection laws.
Sec. 3307. Ship scrapping reporting requirement.
Sec. 3308. Extension of maritime security fleet program.
Sec. 3309. Maritime workforce study.
Sec. 3310. Maritime administration vessel recycling contract award practices.
Sec. 3311. Prohibition on maritime administration receipt of polar icebreakers.
Sec. 3312. Authorization of appropriations for fiscal year 2012.

SEC. 3302. MARINE TRANSPORTATION SYSTEM.

(a) REPORT ON STATUS OF SYSTEM.—Section 50109(d) is amended to read as follows:

''(d) MARINE TRANSPORTATION SYSTEM.—

''(1) REPORT ON WATERWAYS.—Not later than October 1, 2012, the Secretary, in consultation with the Secretary of Defense and the commanding officer of the Army Corps of Engineers, and with the concurrence of the Secretary of the department in which the Coast Guard is operating, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the Nation's coastal and inland waterways that—

''(A) describes the state of the United States' marine transportation infrastructure, including intercoastal infrastructure, intracoastal infrastructure, inland waterway infrastructure, ports, and marine facilities;

''(B) provides estimates of the investment levels required—

''(i) to maintain the infrastructure; and

''(ii) to improve the infrastructure; and

''(C) describes the overall environmental management of the maritime transportation system and the integration of environmental stewardship into the overall system.

''(2) MARINE TRANSPORTATION.—The Secretary may investigate, make determinations concerning, and develop a repository of statistical information relating to marine transportation, including its relationship to transportation by land and air, to facilitate research, assessment, and maintenance of the maritime transportation system. As used in this paragraph, the term marine transportation includes intercoastal transportation, intracoastal transportation, inland waterway transportation, ports, and marine facilities.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.''.

(b) CONTAINER-ON-BARGE TRANSPORTATION.—

(1) ASSESSMENT AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Maritime Administration shall assess the potential for using container-on-barge transportation on the inland waterways system and submit a report, together with the Administration's findings, conclusions, and recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives. If the Administration determines that it would be in the public interest, the report may include recommendations for a plan to increase awareness of the potential for use of such container-on-barge transportation and recommendations for the development and implementation of such a plan.

(2) FACTORS.—In conducting the assessment, the Administration shall consider—

(A) the environmental benefits of increasing container-on-barge movements on our inland and intracoastal waterways system;

(B) regional differences in the inland waterways system;

(C) existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(D) mechanisms to ensure that implementation of the plan will not be inconsistent with antitrust laws; and

(E) potential frequency of service at inland river ports.

SEC. 3303. SHORT SEA TRANSPORTATION PROGRAM AMENDMENTS.

(a) PROGRAM PURPOSE.—Section 55601(a) is amended by inserting ''and to promote more efficient use of the navigable waters of the United States'' after ''congestion''.

(b) DESIGNATION OF ROUTES.—Section 55601(c) is amended by inserting ''and to promote more efficient use of the navigable waters of the United States'' after ''coastal corridors''.

(c) PROJECT DESIGNATION.—Section 55601(d) is amended to read as follows:

''(d) PROJECT DESIGNATION.—The Secretary may designate a project as a short sea transportation project if the Secretary determines that the project—

''(1) mitigates landside congestion; or

''(2) promotes more efficient use of the navigable waters of the United States.''.

(d) DOCUMENTATION.—Section 55605 is amended by striking ''by vessel'' and inserting ''by a documented vessel''.

SEC. 3304. USE OF NATIONAL DEFENSE RESERVE FLEET AND READY RESERVE FORCE VESSELS.

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), is amended—

(1) in subsection (b)—

(A) by striking ''or'' in paragraph (4) after the semicolon;

(B) by striking the period at the end of paragraph (5) and inserting ''; or''; and

(C) by adding at the end the following:

''(6) for civil contingency operations and Maritime Administration promotional and media events under subsection (f).''; and

(2) by adding at the end the following:

''(f) CIVIL CONTINGENCY OPERATIONS AND PROMOTIONAL AND MEDIA EVENTS.—The Secretary of Transportation may allow, with the concurrence of the Secretary of Defense, the use of a vessel in the National Defense Reserve Fleet for civil contingency operations requested by another Federal agency, and for Maritime Administration promotional and media events that are related to demonstration projects and research and development supporting the Maritime Administration's mission, if the Secretary of Transportation determines the use of the vessel is in the best interest of the United States Government after—

''(1) considering the availability of the National Defense Reserve Fleet and Ready Reserve Force resources;

''(2) considering the impact on National Defense Reserve Fleet and Ready Reserve Force mission support to the defense and homeland security requirements of the United States Government;

''(3) ensuring that the use of the vessel supports the mission of the Maritime Administration and does not significantly interfere with vessel maintenance, repair, safety, readiness, or resource availability;

''(4) ensuring that safety precautions are taken, including indemnification of liability, when applicable;

''(5) ensuring that any cost incurred by the use of the vessel is funded as a reimbursable transaction between Federal agencies, as applicable; and

''(6) considering any other factors the Secretary of Transportation determines are appropriate.''.

SEC. 3305. GREEN SHIPS PROGRAM.

(a) IN GENERAL.—Chapter 503 is amended by adding at the end the following:

''SEC. § 50307. Green ships program

''(a) IN GENERAL.—The Secretary of Transportation may establish a green ships program to engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under Untied States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

''(b) PROGRAM REQUIREMENTS.—The program shall—

''(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

''(A) reducing air emissions, water emissions, or other ship discharges;

''(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

''(C) controlling aquatic invasive species; and

''(2) be coordinated with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

''(c) PROGRAM COORDINATION.—Program coordination under subsection (b)(2) may include—

''(1) activities that are associated with the development or approval of validation and testing regimes; and

''(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

''(d) FUNDING AND FEES.—

''(1) IN GENERAL.—In carrying out the green ships program, the Secretary of Transportation may apply such funds as may be appropriated and such funds or resources as may become available by gift, cooperative agreement, or otherwise, including the collection of fees, for the purposes of the program and its administration.

''(2) ESTABLISHMENT OF FEES.—Pursuant to section 9701 of title 31, the Secretary of Transportation may promulgate regulations establishing fees to recover reasonable costs to the Secretary and to academic, public, and non-governmental entities associated with the program.

''(3) FEE DEPOSIT.—Any fees collected under this section shall be deposited in a special fund of the United States Treasury for services rendered under the program, which thereafter shall remain available until expended to carry out the Secretary of Transportation's activities for which the fees were collected.

''(e) REPORT.—The Secretary of Transportation shall report on the activities, expenditures, and results of the green ships program during the preceding fiscal year in the annual budget submission to Congress.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 503 is amended by inserting after the item relating to section 50306 the following:

''50307. Green ships program.''.

SEC. 3306. WAIVER OF NAVIGATION AND VESSEL-INSPECTION LAWS.

Section 501(b) is amended by adding ''A waiver shall be accompanied by a certification by the individual and the Administrator to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives that it is not possible to use a United States flag vessel or United States flag vessels collectively to meet the national defense requirements.'' after ''prescribes.''.

SEC. 3307. SHIP SCRAPPING REPORTING REQUIREMENT.

Section 3502 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (enacted into law by section 1 of Public Law 106–398; 16 U.S.C. 5405 note; 114 Stat. 1654A–490) is amended by amending subsection (f) to read as follows:

''(f) The Secretary of Transportation shall provide briefings, upon request, to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure, the Committee on Resources, and the Committee on Armed Services of the House of Representatives on—

''(1) the progress made to recycle vessels;

''(2) any problems encountered in recycling vessels; and

''(3) any other issues relating to vessel recycling and disposal.''.

SEC. 3308. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

(a) Section 53101 is amended—

(1) by amending paragraph (4) to read as follows:

''(4) FOREIGN COMMERCE.—The term foreign commerce means—

''(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

''(B) commerce or trade between foreign countries.'';

(2) by striking paragraph (5);

(3) by redesignating paragraphs (6) through (13) as (5) through (12), respectively; and

(4) by amending paragraph (5), as redesignated by section 3308(a)(3) of this Act, to read as follows:

''(5) PARTICIPATING FLEET VESSEL.—The term participating fleet vessel means any vessel that—

''(A) on October 1, 2015—

''(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

''(ii) is less than 20 years of age if the vessel is a tank vessel, or is less than 25 years of age for all other vessel types; and

''(B) on December 31, 2014, is covered by an operating agreement under this chapter.''.

(b) Section 53102(b) is amended to read as follows:

''(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—

''(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

''(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

''(3) the vessel is self-propelled and—

''(A) is a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet; or

''(B) is any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

''(4) the vessel—

''(A) is suitable for use by the United States for national defense or military purposes in time of war or national emergency, as determined by the Secretary of Defense; and

''(B) is commercially viable, as determined by the Secretary; and

''(5) the vessel—

''(A) is a United States-documented vessel; or

''(B) is not a United States-documented vessel, but—

''(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Fleet; and

''(ii) at the time an operating agreement for the vessel is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.''.

(c) Section 53103 is amended—

(1) by amending subsection (b) to read as follows:

''(b) EXTENSION OF EXISTING OPERATING AGREEMENTS.—

''(1) OFFER TO EXTEND.—Not later than 60 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2012, the Secretary shall offer, to an existing contractor, to extend, through September 30, 2025, an operating agreement that is in existence on the date of enactment of that Act. The terms and conditions of the extended operating agreement shall include terms and conditions authorized under this chapter, as amended from time to time.

''(2) TIME LIMIT.—An existing contractor shall have not later than 120 days after the date the Secretary offers to extend an operating agreement to agree to the extended operating agreement.

''(3) SUBSEQUENT AWARD.—The Secretary may award an operating agreement to an applicant that is eligible to enter into an operating agreement for fiscal years 2016 through 2025 if the existing contractor does not agree to the extended operating agreement under paragraph (2).''; and

(2) by amending subsection (c) to read as follows:

''(c) PROCEDURE FOR AWARDING NEW OPERATING AGREEMENTS.—The Secretary may enter into a new operating agreement with an applicant that meets the requirements of section 53102(c) (for vessels that meet the qualifications of section 53102(b)) on the basis of priority for vessel type established by military requirements of the Secretary of Defense. The Secretary shall allow an applicant at least 30 days to submit an application for a new operating agreement. After consideration of military requirements, priority shall be given to an applicant that is a U.S. citizen under section 50501 of this title. The Secretary may not approve an application without the consent of the Secretary of Defense. The Secretary shall enter into an operating agreement with the applicant or provide a written reason for denying the application.''.

(d) Section 53104 is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) in subsection (e), by striking ''an operating agreement under this chapter is terminated under subsection (c)(3), or if''.

(e) Section 53105 is amended—

(1) by amending subsection (e) to read as follows:

''(e) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the operating agreement) to any person that is eligible to enter into the operating agreement under this chapter if the Secretary and the Secretary of Defense determine that the transfer is in the best interests of the United States. A transaction shall not be considered a transfer of an operating agreement if the same legal entity with the same vessels remains the contracting party under the operating agreement.''; and

(2) by amending subsection (f) to read as follows:

''(f) REPLACEMENT VESSELS.—A contractor may replace a vessel under an operating agreement with another vessel that is eligible to be included in the Fleet under section 53102(b), if the Secretary, in conjunction with the Secretary of Defense, approves the replacement of the vessel.''.

(f) Section 53106 is amended—

(1) in subsection (a)(1), by striking ''and (C) $3,100,000 for each of fiscal years 2012 through 2025.'' and inserting the following:

''(C) $3,100,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

''(D) $3,500,000 for each of fiscal years 2019, 2020, and 2021; and

''(E) $3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.'';

(2) in subsection (c)(3)(C), by striking ''a LASH vessel.'' and inserting ''a lighter aboard ship vessel.''; and

(3) by striking subsection (f).

(g) Section 53107(b)(1) is amended to read as follows:

''(1) IN GENERAL.—An Emergency Preparedness Agreement under this section shall require that a contractor for a vessel covered by an operating agreement under this chapter shall make commercial transportation resources (including services) available, upon request by the Secretary of Defense during a time of war or national emergency, or whenever the Secretary of Defense determines that it is necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code).''.

(h) Section 53109 is repealed.

(i) Section 53111 is amended—

(1) by striking ''and'' at the end of paragraph (2); and

(2) by amending paragraph (3) to read as follows:

''(3) $186,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

''(4) $210,000,000 for each of fiscal years 2019, 2020, and 2021; and

''(5) $222,000,000 for each fiscal year thereafter through fiscal year 2025.''.

(j) Chapter 531 is amended by adding at the end the following:

''SEC. § 53112. Acquisition of fleet vessels

''(a) IN GENERAL.—Notwithstanding section 2218(f) of title 10, United States Code, upon replacement of any vessel subject to an operating agreement under this chapter, and subject to agreement by the vessel owner, the Secretary is authorized, subject to concurrence with the Secretary of Defense, to acquire the vessel being replaced for inclusion in the National Defense Reserve Fleet.

''(b) REQUIREMENTS.—In order to be eligible for acquisition by the Secretary under this section, a vessel shall—

''(1) have been included in a Maritime Security Program Operating Agreement for not less than 3 years; and

''(2) meet recapitalization requirements for the Ready Reserve Force.

''(c) FAIR MARKET VALUE.—The Maritime Administration shall establish a fair market value for the acquisition of an eligible vessel under this section.

''(d) APPROPRIATIONS.—A vessel acquisition under this section shall be subject to the availability of appropriations and the appropriations shall be part of the National Defense Reserve Fleet appropriations and separate from Maritime Security Program appropriations.''.

(k) The table of contents for chapter 531 is amended—

(1) by striking the item relating to section 53109; and

(2) by inserting at the end the following:

''53112. Acquisition of fleet vessels.''.

(l) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by—

(1) paragraphs (2), (3), and (4) of section 3308(a) of this Act take effect on December 31, 2014; and

(2) section 3308(f)(2) of this Act take effect on December 31, 2014.

SEC. 3309. MARITIME WORKFORCE STUDY.

(a) TRAINING STUDY.—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) STUDY COMPONENTS.—The study shall—

(1) analyze the impact of training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the Nation's maritime training infrastructure to meet the current needs of the maritime industry;

(3) evaluate the ability of the Nation's maritime training infrastructure to effectively meet the needs of the maritime industry in the future;

(4) identify trends in maritime training;

(5) compare the training needs of U.S. mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of U.S. mariners;

(6) include recommendations for future programs to enhance the capabilities of the Nation's maritime training infrastructure; and

(7) include recommendations for future programs to assist U.S. mariners and those entering the maritime profession achieve the required training.

(c) FINAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3310. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Inspector General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Inspector General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) ASSESSMENT.—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) CONSIDERATIONS.—In making the assessment under subsection (a), the Inspector General may consider any other aspect of the Maritime Administration's vessel recycling process that the Inspector General deems appropriate to review.

SEC. 3311. PROHIBITION ON MARITIME ADMINISTRATION RECEIPT OF POLAR ICEBREAKERS.

Until the date that is 2 years after the date on which the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives receive the polar icebreaker business case analysis under subsection 307(f) of the Coast Guard Authorization Act of 2010 (14 U.S.C. 92 note), or until the Coast Guard has replaced the Coast Guard Cutter POLAR SEA (WAGB 11) and the Coast Guard Cutter POLAR STAR (WAGB 10) with 2 in commission, active heavy polar icebreakers—

(1) the Administrator of the Maritime Administration may not receive, maintain, dismantle, or recycle either cutter; and

(2) the Commandant may not—

(A) transfer or relinquish ownership of either of the cutters;

(B) dismantle a major component of, or recycle parts from, the POLAR SEA, unless the POLAR STAR cannot be made to function properly without doing so;

(C) change the homeport of either of the cutters;

(D) expend any funds—

(i) for any expenses directly or indirectly associated with the decommissioning of either of the cutters, including expenses for dock use or other goods and services;

(ii) for any personnel expenses directly or indirectly associated with the decommissioning of either of the cutters, including expenses for a decommissioning officer; or

(iii) for any expenses associated with a decommissioning ceremony for either of the cutters;

(E) appoint a decommissioning officer to be affiliated with either of the cutters; or

(F) place either of the cutters in inactive status, including a status of—

(i) out of commission, in reserve;

(ii) out of service, in reserve; or

(iii) pending placement out of commission.

SEC. 3312. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2012.

There are authorized to be appropriated to the Secretary of Transportation for programs of the Maritime Administration the following amounts:

(1) OPERATIONS AND TRAINING.—For expenses necessary for operations and training activities, not to exceed $161,539,000 for the fiscal year ending September 30, 2012, of which—

(A) $28,885,000 is for capital improvements at the U.S. Merchant Marine Academy, to remain available until expended; and

(B) $11,100,000 is for maintenance and repair for training ships at State Maritime Schools, to remain available until expended.

(2) MARITIME GUARANTEED LOANS.—For administrative expenses related to loan guarantee commitments under chapter 537 of title 46, United States Code, not to exceed $3,750,000, which shall be paid to the appropriation for Operations and Training, Maritime Administration.

(3) SHIP DISPOSAL.—For disposal of non-retention vessels in the National Defense Reserve Fleet, $18,500,000, to remain available until expended.

SA 1125. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. DURBIN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 361, line 9, insert ''abroad'' after ''is captured''.

SA 1126. Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. DURBIN, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 360, between lines 21 and 22, insert the following:

(e) APPLICABILITY TO CITIZENS.—The authority described in this section for the Armed Forces of the United States to detain a person does not include the authority to detain a citizen of the United States without trial until the end of the hostilities.

SA 1127. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

On page 2, line 10, insert ''and'' after the semicolon.

On page 2, line 14, strike the semicolon and all that follows through line 19 and insert a period.

On page 4, strike line 14 and all that follows through page 5, line 5, and insert the following:

(2) LOSSES.—The significance of losses, including—

(A) the number of insured depository institutions that have been placed into receivership or conservatorship due to significant

losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans;

(B) the impact of significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, on the ability of insured depository institutions to raise additional capital;

(C) the effect of changes in the application of fair value accounting rules and other accounting standards, including the allowance for loan and lease loss methodology, on insured depository institutions, specifically the degree to which fair value accounting rules and other accounting standards have led to regulatory action against banks, including consent orders and closure of the institution; and

(D) whether field examiners are using appropriate appraisal procedures with respect to losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, and whether the application of appraisals leads to immediate write downs on the value of the underlying asset.

On page 9, strike lines 15 through 19, and insert the following:

SEC. 2. CONGRESSIONAL TESTIMONY.

The Inspector General of the Federal Deposit Insurance Corporation and the Comptroller General of the United States shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 150 days after the date of publication of the study required under this Act to discuss the outcomes and impact of Federal regulations on bank examinations and failures.

SA 1128. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. ____. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

''(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, $0.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 of such title is amended to read as follows:

''§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation''.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

SEC. ____. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section ____(a), is further amended—

(A) by striking ''a member or'' and all that follows through ''retiree')'' and inserting ''a qualified retiree''; and

(B) by adding at the end the following new paragraph:

''(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

''(A) is entitled to retired pay (other by reason of section 12731b of this title); and

''(B) is also entitled for that month to veterans' disability compensation.''.

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

''(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

''(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

''(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

SA 1129. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2833. REDESIGNATION OF MIKE O'CALLAGHAN FEDERAL HOSPITAL IN NEVADA AS MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.

(a) REDESIGNATION.—Section 2867 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2806), as amended by section 8135(a) of the Department of Defense Appropriations Act, 1997 (section 101(b) of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–118)), is further amended by striking ''Mike O'Callaghan Federal Hospital'' each place it appears and inserting ''Mike O'Callaghan Federal Medical Center''.

(b) CONFORMING AMENDMENT.—The heading of such section 2867 is amended to read as follows:

''SEC. 2867. MIKE O'CALLAGHAN FEDERAL MEDICAL CENTER.''.

SA 1130. Mr. REID (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle H of title X, add the following:

SEC. 1088. FIRE SUPPRESSION AGENTS.

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).''.

SA 1131. Mr. REID submitted an amendment to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the appropriate place in title VI, insert the following:

SEC. ____. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking ''shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds'' both places it appears and inserting ''may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2012, and shall apply to payments for months beginning on or after that date.

SA 1132. Mr. MCCAIN (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle A of title X, add the following:

SEC. 1005. PLAN TO ENSURE AUDIT READINESS OF STATEMENTS OF BUDGETARY RESOURCES.

(a) PLANNING REQUIREMENT.—The report to be issued pursuant to section 1003(b) of the National Defense Authorization Act for 2010 (Public Law 111–84; 123 Stat. 2440; 10 U.S.C. 2222 note) and provided by not later than May 15, 2012, shall include a plan, including interim objectives and a schedule of milestones for each military department and for the defense agencies, to ensure that the statement of budgetary resources of the Department of Defense meets the goal established by the Secretary of Defense of being validated for audit by not later than September 30, 2014. Consistent with the requirements of such section, the plan shall ensure that the actions to be taken are systemically tied to process and control improvements and business systems modernization efforts necessary for the Department to prepare timely, reliable, and complete financial management information on a repeatable basis.

(b) SEMIANNUAL UPDATES.—The reports to be issued pursuant to such section after the report described in subsection (a) shall update the plan required by such subsection and explain how the Department has progressed toward meeting the milestones established in the plan.

SA 1133. Mr. BLUNT (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle H of title X, add the following:

SEC. _____. REEMPLOYMENT RIGHTS FOLLOWING CERTAIN NATIONAL GUARD DUTY.

(a) IN GENERAL.—Section 4312(c)(4) of title 38, United States Code, is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(F) ordered to full-time National Guard duty under the provisions of section 502(f) of title 32 when the period of duty is expressly designated in writing by the Secretary of Defense as covered by this subparagraph.''.

(b) EFFECTIVE DATE.—Subparagraph (F) of such section 4312(c)(4), as added by subsection (a)(3), shall apply with respect to an individual ordered to full-time National Guard duty under section 502(f) of title 32 of such Code, on or after September 11, 2001, and shall entitle such individual to rights and benefits under chapter 43 of title 38 of such Code on or after that date.

SA 1134. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle C of title X, add the following:

SEC. 1024. REPORT ON POLICIES AND PRACTICES OF THE NAVY FOR NAMING THE VESSELS OF THE NAVY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the policies and practices of the Navy for naming vessels of the Navy.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) A description of the current policies and practices of the Navy for naming vessels of the Navy.

(2) A description of the extent to which the policies and practices described under paragraph (1) vary from historical policies and practices of the Navy for naming vessels of the Navy, and an explanation for such variances (if any).

(3) An assessment of the feasibility and advisability of establishing fixed policies for the naming of one or more classes of vessels of the Navy, and a statement of the policies recommended to apply to each class of vessels recommended to be covered by such fixed policies if the establishment of such fixed policies is considered feasible and advisable.

(4) Any other matters relating to the policies and practices of the Navy for naming vessels of the Navy that the Secretary of Defense considers appropriate.

SA 1135. Ms. SNOWE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of title XXVII, add the following:

SEC. 2705. ENHANCED COMMISSARY STORES PILOT PROGRAM.

(a) AUTHORITY TO OPERATE ENHANCED COMMISSARY STORES.—Subchapter II of chapter 147 of title 10, United States Code, is amended by inserting after section 2488 the following new section:

''§ 2488a. Enhanced commissary stores

''(a) AUTHORITY TO OPERATE.—The Defense Commissary Agency may operate an enhanced commissary store at such military installations designated for closure or adverse realignment under a base closure law as the Defense Commissary Agency considers to be appropriate.

''(b) ADDITIONAL CATEGORIES OF MERCHANDISE.—(1) In addition to selling items in the merchandise categories specified in subsection (b) of section 2484 of this title in the manner provided by such section, an enhanced commissary store also may sell items in the following categories as commissary merchandise:

''(A) Alcoholic beverages.

''(B) Tobacco products.

''(C) Items in such other merchandise categories (not covered by subsection (b) of section 2484 of this title) as the Secretary of Defense may authorize.

''(2) Subsections (c) and (g) of section 2484 of this title shall not apply with regard to the selection, or method of sale, of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) or in any other merchandise category authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store.

''(c) SALES PRICE ESTABLISHMENT AND SURCHARGE.—Subsections (d) and (e) of section 2484 of this title shall not apply to the pricing of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) of subsection (b) or in any other merchandise category authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store. Instead, the Secretary of Defense shall determine appropriate prices for such merchandise sold in, at, or by an enhanced commissary store.

''(d) RETENTION AND USE OF PORTION OF PROCEEDS.—(1) The Secretary of Defense may retain amounts equal to the difference between—

''(A) the retail price of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) of subsection (b) and in other merchandise categories authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store; and

''(B) the invoice cost of such merchandise.

''(2) The Secretary of Defense shall use amounts retained under paragraph (1) for an enhanced commissary store to help offset the operating costs of that enhanced commissary store.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2488 the following new item:

''2488a. Enhanced commissary stores.''.

SA 1136. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle H of title X, add the following:

SEC. 1088. PROHIBITION ON ESTABLISHMENT OF HEADQUARTERS OF THE UNITED STATES AFRICA COMMAND (AFRICOM) OUTSIDE THE CONTINENTAL UNITED STATES.

None of the amounts authorized to be appropriated by this Act or authorized or appropriated by any other Act may be used to establish the headquarters of the United States Africa Command (AFRICOM) outside of the continental United States.

SA 1137. Mr. HELLER (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. RECOGNITION OF JERUSALEM AS THE CAPITAL OF ISRAEL AND RELOCATION OF THE UNITED STATES EMBASSY TO JERUSALEM.

(a) STATEMENT OF POLICY.—It is the policy of the United States to recognize Jerusalem as the undivided capital of the state of Israel, both de jure and de facto.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Jerusalem must remain an undivided city in which the rights of every ethnic and

religious group are protected as they have been by Israel since 1967;

(2) every citizen of Israel should have the right to reside anywhere in the undivided city of Jerusalem;

(3) the President and the Secretary of State should publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel;

(4) the President should immediately implement the provisions of the Jerusalem Embassy Act of 1995 (Public Law 104–45) and begin the process of relocating the United States Embassy in Israel to Jerusalem; and

(5) United States officials should refrain from any actions that contradict United States law on this subject.

(c) AMENDMENT OF WAIVER AUTHORITY.—The Jerusalem Embassy Act of 1995 (Public Law 104–45) is amended—

(1) by striking section 7; and

(2) by redesignating section 8 as section 7.

(d) IDENTIFICATION OF JERUSALEM ON GOVERNMENT DOCUMENTS.—Notwithstanding any other provision of law, any official document of the United States Government which lists countries and their capital cities shall identify Jerusalem as the capital of Israel.

SA 1138. Mr. HELLER (for himself, Mr. BROWN of Massachusetts, Mr. BOOZMAN, Mr. BLUMENTHAL, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. EXHUMATION AND TRANSFER OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES BURIED IN TRIPOLI, LIBYA.

(a) IN GENERAL.—The Secretary of Defense shall take whatever actions may be necessary to—

(1) exhume the remains of any deceased members of the Armed Forces of the United States buried at a burial site described in subsection (b);

(2) transfer such remains to an appropriate forensics laboratory to be identified;

(3) in the case of any remains that are identified, transport the remains to a veterans cemetery located in proximity, as determined by the Secretary, to the closest living family member of the deceased individual or at another cemetery as determined by the Secretary;

(4) for any member of the Armed Forces whose remains are identified, provide a military funeral and burial; and

(5) in the case of any remains that cannot be identified, transport the remains to Arlington National Cemetery for interment at a an appropriate grave marker identifying the United States Navy Sailors of the USS Intrepid who gave their lives on September 4, 1804, in Tripoli, Libya.

(b) BURIAL SITES DESCRIBED.—The burial sites described in this subsection are the following:

(1) The mass burial site containing the remains of five United States sailors located in Protestant Cemetery in Tripoli, Libya.

(2) The mass burial site containing the remains of eight United States sailors located near the walls of the Tripoli Castle in Tripoli, Libya.

(c) REPORT.—Not later than 180 days after the effective date of this section, the Secretary shall submit to Congress a report describing the status of the actions under this section. The report shall include an estimate of the date of the completion of the actions undertaken, and to be undertaken, under this section.

(d) EFFECTIVE DATE.—This section takes effect on the date on which Operation Unified Protector of the North Atlantic Treaty Organization (NATO), or any successor operation, terminates.

(e) AVAILABLE FUNDS.—The Secretary shall carry out this section using amounts authorized to be appropriated for the Department of Defense by Acts enacted before the date of the enactment of this Act.

SA 1139. Mr. CASEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(13) NOTIFICATION REQUIREMENT.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

''(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).''.

SA 1140. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 577. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) IN GENERAL.—The Comptroller General of the United States shall carry out a review of all current Department of Defense military spouse employment programs.

(b) ELEMENTS.—The review required by subsection (a) shall, address, at a minimum, the following:

(1) The efficacy and effectiveness of Department of Defense military spouse employment programs.

(2) All current Department programs to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to provide employment assistance to spouses of members of the Armed Forces serving in Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn, or any other contingency operation being conducted by the Armed Forces as of the date of such review.

(6) Existing mechanisms available to military spouses to express their views on the effectiveness and future direction of Department programs and policies on employment assistance for military spouses.

(7) The oversight provided by the Office of Personnel and Management regarding preferences for military spouses in Federal employment.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall set forth the following:

(1) The results of the review concerned.

(2) Such clear and concrete metrics as the Comptroller General considers appropriate for the current and future evaluation and assessment of the efficacy and effectiveness of Department of Defense military spouse employment programs.

(3) A description of the assumptions utilized in the review, and an assessment of the validity and completeness of such assumptions.

(4) Such recommendations as the Comptroller General considers appropriate for improving Department of Defense military spouse employment programs.

(d) DEPARTMENT OF DEFENSE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the number (or a reasonable estimate if a precise number is not available) of military spouses who have obtained employment following participation in Department of Defense military spouse employment programs. The report shall set forth such number (or estimate) for the Department of Defense military spouse employment programs as a whole and for each such military spouse employment program.

SA 1141. Mrs. BOXER (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. FLEXIBLE SPENDING ARRANGEMENTS FOR HEALTH CARE AND DEPENDENT CARE FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretaries concerned should implement flexible spending arrangements for members of the uniformed services with respect to basic pay and compensation for health care and dependent care on a pre-

tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the other Secretaries concerned, submit to Congress a report setting forth a plan to implement flexible spending arrangements for members of the uniformed services as described in subsection (a). The plan shall include the following:

(1) An identification of any obstacles to the implementation of the plan, including a statement of any additional authorities required for implementation of the plan.

(2) A schedule for completion of the implementation of the plan.

(3) An estimate of the costs to be associated with the implementation of the plan.

(c) SECRETARIES CONCERNED DEFINED.—In this section, the term ''Secretaries concerned'' means the following:

(1) The Secretary of Defense, with respect to members of the Army, the Navy, the Marine Corps, and the Air Force.

(2) The Secretary of Homeland Security, with respect to members of the Coast Guard.

(3) The Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service.

(4) The Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration.

SA 1142. Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. _____. DESIGNATION OF DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL IN RIVERSIDE, CALIFORNIA.

(a) DESIGNATION.—The memorial to members of the Armed Forces who have been awarded the Distinguished Flying Cross at March Field Air Museum in Riverside, California, is designated as the ''Distinguished Flying Cross National Memorial''.

(b) EFFECT OF DESIGNATION.—The national memorial designated by this section is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial.

SA 1143. Mrs. HAGAN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL REVIEW OF MEDICAL RESEARCH AND DEVELOPMENT RELATING TO IMPROVED COMBAT CASUALTY CARE.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a review of Department of Defense programs and organizations related to, and resourcing of, medical research and development in support of improved combat casualty care designed to save lives on the battlefield.

(b) REPORT.—Not later than January 1, 2013, the Comptroller General shall submit to the congressional defense committees a report on the review conducted under subsection (a), including the following elements:

(1) A description of current medical combat casualty care research and development programs throughout the Department of Defense, including basic and applied medical research, technology development, and clinical research.

(2) An identification of organizational elements within the Department that have responsibility for planning and oversight of combat casualty care research and development.

(3) A description of the means by which the Department applies combat casualty care research findings, including development of new medical devices, to improve battlefield care.

(4) An assessment of the adequacy of the coordination by the Department of planning for combat casualty care medical research and development and whether or not the Department has a coordinated combat casualty care research and development strategy.

(5) An assessment of the adequacy of resources provided for combat casualty care research and development across the Department.

(6) An assessment of the programmatic, organizational, and resource challenges and gaps faced by the Department in optimizing investments in combat casualty care medical research and development in order to save lives on the battlefield.

(7) The extent to which the Department utilizes expertise from experts and entities outside the Department with expertise in combat casualty care medical research and development.

(8) An assessment of the challenges faced in rapidly applying research findings and technology developments to improved battlefield care.

(9) Recommendations regarding—

(A) the need for a coordinated combat casualty care medical research and development strategy;

(B) organizational obstacles or realignments to improve effectiveness of combat casualty care medical research and development; and

(C) adequacy of resource support.

SA 1144. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 4001, add the following:

(d) REDUCTION OF AUTHORIZATIONS OF APPROPRIATIONS EXCEEDING LEVEL REQUESTED IN PRESIDENT'S BUDGET AND PARTIAL RESTORATION OF OPERATION AND MAINTENANCE ACCOUNTS.—Notwithstanding the amounts specified in the funding tables in titles XLI through XLVI, the amounts specified in the funding tables for sections 4101, 4102, 4201, 4202, 4301, 4302, 4401, 4402, 4501, and 4601 for purposes of sections 101, 201, 301, 1401, 1402, 1403, 1404, 1405, 1406, 1431, 1506, 1507, 1508, 1509, 2003, 3101, 3102, and 3103, are as follows:

SA 1145. Mr. TESTER (for himself, Mrs. HUTCHISON, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the ''Commission'').

(2) COMPOSITION.—

(A) IN GENERAL.—The Commission shall be composed of eight members of whom—

(i) two shall be appointed by the Majority Leader of the Senate;

(ii) two shall be appointed by the Minority Leader of the Senate;

(iii) two shall be appointed by the Speaker of the House of Representatives; and

(iv) two shall be appointed by the Minority Leader of the House of Representatives.

(B) QUALIFICATIONS.—Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(C) DEADLINE FOR APPOINTMENT.—Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(D) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among it members.

(3) TENURE; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(B) CALLING OF THE CHAIRMAN.—The Commission shall meet at the call of the Chairman.

(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(b) DUTIES.—

(1) STUDY OF OVERSEAS MILITARY FACILITY STRUCTURE.—

(A) IN GENERAL.—The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

(B) SCOPE.—In conducting the study, the Commission shall—

(i) assess the number of forces required to be forward based outside the United States;

(ii) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at

such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(iii) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(iv) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas;

(v) consider the findings of the February 2011 Government Accountability Office report, ''Additional Cost Information and Stakeholder Input Necessary to Assess Military Posture in Europe'', GAO–11–131; and

(vi) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after holding its final public hearing, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(B) PROPOSED OVERSEAS BASING STRATEGY.—In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department, taking into account heightened fiscal constraints.

(C) FOCUS ON PARTICULAR ISSUES.—The report shall focus on current and future geopolitical posturing, operational requirements, mobility, quality of life, cost, and synchronization with the combatant commands.

(c) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION SHARING.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) ADMINISTRATIVE SUPPORT.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this section.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL.—

(A) EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this section.

(B) MILITARY AIRCRAFT.—Members and staff of the Commission may receive transportation on military aircraft to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(3) STAFFING.—

(A) EXECUTIVE DIRECTOR.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

(B) STAFF.—The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

(C) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAILS.—Any employee of the Department of Defense, the Department of State, or the Government Accountability Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) SECURITY.—

(1) SECURITY CLEARANCES.—Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

(2) INFORMATION SECURITY.—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

(f) TERMINATION.—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

SA 1146. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, strike line 2 and insert the following:

the study, and

(8) ensure the involvement and input of military technicians (dual status), including through their exclusive representatives in the case of military technicians (dual status) who are members of a collective bargaining unit.

SA 1147. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. PROHIBITION ON REPAYMENT OF ENLISTMENT OR RELATED BONUSES BY CERTAIN INDIVIDUALS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS) WHILE ALREADY A MEMBER OF A RESERVE COMPONENT.

(a) PROHIBITION.—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) PROHIBITION ON REPAYMENT OF CERTAIN ENLISTMENT AND RELATED BONUSES.—The Secretary concerned may not require an individual who becomes employed as a military technician (dual status) while the individual is already a member of a reserve component to repay an enlistment, reenlistment, or affiliation bonus provided to the individual in connection with the individual's enlistment or reenlistment before such employment if the individual becomes so employed in the same occupational specialty for which such bonus was provided.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals first becoming employed as a military technician (dual status) on or after that date.

SA 1148. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. RIGHTS OF GRIEVANCE, ARBITRATION, APPEAL, AND REVIEW BEYOND THE ADJUTANT GENERAL FOR MILITARY TECHNICIANS.

(a) RIGHTS IN ADVERSE ACTIONS NOT RELATED TO MILITARY SERVICE.—Section 709 of title 32, United States Code, is amended—

(1) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking ''Notwithstanding any other provision of law and under'' and inserting ''Under''; and

(B) in paragraph (4), by striking ''a right of appeal'' and inserting ''subject to subsection (j), a right of appeal''; and

(2) by adding at the end the following new subsection:

''(j)(1) Notwithstanding subsection (f)(4) or any other provision of law, a technician and a labor organization that is the exclusive representative of a bargaining unit including the technician shall have the rights of grievance, arbitration, appeal, and review extending beyond the adjutant general of the jurisdiction concerned and to the Merit Systems Protection Board and thereafter to the United States Court of Appeals for the Federal Circuit, in the same manner as provided in sections 4303, 7121, and 7701–7703 of title 5, with respect to a performance-based or adverse action imposing removal, suspension for more than 14 days, furlough for 30 days or less, or reduction in pay or pay band (or comparable reduction).

''(2) The rights in paragraph (1) shall not apply to actions relating to military service.

''(3) This subsection does not apply to a technician who is serving under a temporary appointment or in a trial or probationary period.''.

(b) ADVERSE ACTIONS COVERED.—Subsection (g) of such section is amended by striking '', 3502, 7511, and 7512'' and inserting ''and 3502''.

(c) CONFORMING AMENDMENT.—Section 7511(b) of title 5, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

SA 1149. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) IN GENERAL.—In an effort to reduce Federal expenses, resolve evolving land use conflicts, and maximize the beneficial use of real property resources by and between Joint Base Elmendorf Richardson (in this section referred to as the ''JBER''); the Municipality of Anchorage, an Alaska municipal corporation (in this section referred to as the ''Municipality''); and Eklutna, Inc., an Alaska Native village corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (in this section referred to as ''Eklutna''), the following conveyances are authorized:

(A) The Secretary of the Air Force may, in consultation with the Secretary of the Interior, convey to the Municipality all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 220 acres at JBER situated to the west of and adjacent to the Anchorage Regional Landfill in Anchorage, Alaska, for solid waste management purposes, including reclamation thereof, and for alternative energy production, and other related activities. This authority may not be exercised unless and until the March 15, 1982, North Anchorage Land Agreement is amended by the parties thereto to specifically permit the conveyance under this subparagraph.

(B) The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force and Eklutna, convey to Eklutna all right, title, and interest of the United States in and to all or any part of a parcel of real property, including any improvements thereon, consisting of approximately 130 acres situated on the northeast corner of the Glenn Highway and Boniface Parkway in Anchorage, Alaska, or such other property as may be identified in consultation with the Secretary of the Interior, for any use compatible with JBER's current and reasonably foreseeable mission as determined by the Secretary of the Air Force.

(2) RIGHT TO WITHHOLD TRANSFER.—The Secretary may withhold transfer of any portion of the real property described in paragraph (1) based on public interest or military mission requirements.

(b) TRANSFER OF ADMINISTRATIVE CONTROL.—

(1) REAL PROPERTY ACTIONS.—The Secretary of the Interior shall complete any real property actions necessary to allow the Secretary of the Air Force to convey property under this section.

(2) ADMINISTRATIVE JURISDICTION.—The Secretary of Interior, acting through the Bureau of Land Management, shall, upon request from the Secretary of the Air Force, transfer administrative jurisdiction over any requested parcel of property to the Secretary of the Air Force for purposes of carrying out the conveyances authorized under subsection (a).

(c) CONSIDERATION.—

(1) MUNICIPALITY PROPERTY.—As consideration for the conveyance under subsection (a)(1), the Secretary of the Air Force may receive in-kind solid waste management services at the Anchorage Regional Landfill, and such other consideration as determined satisfactory by the Secretary.

(2) EKLUTNA PROPERTY.—As consideration for the conveyance under subsection (a)(2), the Secretary of the Air Force is authorized to receive, upon terms mutually agreeable to the Secretary and Eklutna, such interests in the surface estate of real property owned by Eklutna and situated at the northeast boundary of JBER and other consideration as considered satisfactory by the Secretary.

(d) RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP.—The Secretary of the Air Force shall retain liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and any other applicable environmental statute or regulation, for any environmental hazard on the properties conveyed under subsection (a) as of the date or dates of conveyance, unless such liability is conveyed in consideration for the exchanged property.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Municipality and Eklutna to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyances under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and of the real property interests to be acquired under subsection (b) shall be determined by surveys satisfactory to the Secretary.

(h) OTHER OR ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 1150. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. IMPROVEMENTS TO STAFF CONFERENCES DIRECTED BY UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter II of chapter 72 of title 38, United States Code, is amended by inserting after section 7264 the following new section:

''§ 7264A. Staff conferences

''(a) FILING OF REPORT DESCRIBING BASIS FOR OPPOSITION BY SECRETARY TO REMAND.—If the Court of Appeals for Veterans Claims directs the representatives and self-represented parties to participate in a staff conference pursuant to rule 33 of the Rules of Practice and Procedure of the Court of Appeals for Veterans Claims, or any corresponding similar rule, and an agreement to remand the matter has not been reached before the end of such conference, the Secretary shall, not later than seven days after the end of such conference, submit to the Court and the appellant a written report describing the basis upon which the Secretary remains opposed to remand.

''(b) SUBSEQUENT DETERMINATION BY SECRETARY OF NEED FOR REMAND.—If the Secretary submits a written report as described in subsection (a) in a matter, the Secretary may not seek a remand of the matter without the agreement of the appellant.

''(c) EFFECT OF SUBSEQUENT DETERMINATION OF NEED FOR REMAND.—Any period during which the Court is considering a motion made or during which a matter is remanded in accordance with subsection (b) shall not be counted against an appellant for purposes of any time limitation under this chapter or the Rules of Practice and Procedure of the Court of Appeals for Veterans Claims.

''(d) PROHIBITION ON OBJECTION OR OPPOSITION TO SUBSEQUENT FILINGS FOR FEES AND OTHER EXPENSES.—If the Secretary seeks a remand after the end of the seven-day period described in subsection (a), the Secretary may not oppose any subsequent filing by the

appellant for fees and other expenses under section 2412 of title 28.

''(e) SANCTIONS.—If the Secretary fails to comply with this section, the Court may impose on the Secretary such sanctions, including monetary sanctions, as the Court considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 of such title is amended by inserting after the item relating to section 7264 the following new item:

''7264A. Staff conferences.''.

SA 1151. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. DEATH GRATUITY AND RELATED BENEFITS FOR RESERVES WHO DIE DURING AN AUTHORIZED STAY AT THEIR RESIDENCE DURING OR BETWEEN SUCCESSIVE DAYS OF INACTIVE DUTY TRAINING.

(a) DEATH GRATUITY.—

(1) PAYMENT AUTHORIZED.—Section 1475(a)(3) of title 10, United States Code, is amended by inserting before the semicolon the following: ''or while staying at the Reserve's residence, when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training''.

(2) TREATMENT AS DEATH DURING INACTIVE DUTY TRAINING.—Section 1478(a) of such title is amended—

(A) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) A person covered by subsection (a)(3) of section 1475 of this title who died while on authorized stay at the person's residence during a period of inactive duty training or between successive days of inactive duty training is considered to have been on inactive duty training on the date of his death.''.

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS AND RELATED BENEFITS.—Section 1481(a)(2) of such title is amended—

(1) by redesignating subparagraph (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) staying at the member's residence, when so authorized by proper authority, during a period of inactive duty training or between successive days of inactive duty training;''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, and shall apply with respect to deaths that occur on or after that date.

SA 1152. Mr. PRYOR (for himself, Mr. BOOZMAN, Mr. CRAPO, Mr. GRASSLEY, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Mr. LEAHY, Mr. SESSIONS, Mrs. SHAHEEN, Ms. SNOWE, Mr. TESTER, Mr. THUNE, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES AS VETERANS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

''§ 107A. Honoring as veterans certain persons who performed service in the reserve components

''Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

''107A. Honoring as veterans certain persons who performed service in the reserve components.''.

SA 1153. Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, Mrs. GILLIBRAND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. INCLUSION OF ULTRALIGHT VEHICLES IN DEFINITION OF AIRCRAFT FOR CERTAIN AVIATION SMUGGLING PROVISIONS.

(a) AMENDMENTS TO THE AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.—

(1) IN GENERAL.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following:

''(g) DEFINITION OF AIRCRAFT.—As used in this section, the term 'aircraft' includes an ultralight vehicle, as defined by the Administrator of the Federal Aviation Administration.''.

(2) CRIMINAL PENALTIES.—Subsection (d) of section 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is amended in the matter preceding paragraph (1) by inserting '', or attempts or conspires to commit,'' after ''commits''.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

(b) INTERAGENCY COLLABORATION.—The Assistant Secretary of Defense for Research and Engineering shall, in consultation with the Under Secretary for Science and Technology of the Department of Homeland Security, identify equipment and technology used by the Department of Defense that could also be used by U.S. Customs and Border Protection to detect and track the illicit use of ultralight aircraft near the international border between the United States and Mexico.

SA 1154. Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mrs. MCCASKILL, Mr. BINGAMAN, and Mr. ALEXANDER, Mr. NELSON of Florida, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. _____. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) establish and maintain an open burn pit registry for eligible individuals who may have been exposed to toxic chemicals and fumes caused by open burn pits;

(2) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic chemicals and fumes caused by open burn pits;

(3) develop a public information campaign to inform eligible individuals about the open burn pit registry, including how to register and the benefits of registering; and

(4) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to toxic chemicals and fumes caused by open burn pits.

(b) REPORT TO CONGRESS.—

(1) REPORT BY INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to develop a report containing the following:

(A) An assessment of the effectiveness of actions taken by the Secretary to collect and maintain information on the health effects of exposure to toxic chemicals and fumes caused by open burn pits.

(B) Recommendations to improve the collection and maintenance of such information.

(C) Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits.

(2) SUBMITTAL TO CONGRESS.—Not later than 540 days after the date on which the registry required by subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the report developed under paragraph (1).

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means any individual who, on or after September 11, 2001—

(A) was deployed in support of a contingency operation while serving in the Armed Forces; and

(B) during such deployment, was based or stationed at a location where an open burn pit was used.

(2) OPEN BURN PIT.—The term ''open burn pit'' means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

SA 1155. Ms. COLLINS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title V, add the following:

SEC. 547. EDUCATIONAL ASSISTANCE FOR ADVANCED DEGREES IN PHYSICAL THERAPY AND OCCUPATIONAL THERAPY UNDER THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—In accordance with guidance issued by the Secretary of Defense for purposes of this section, assistance under the Armed Forces Health Professions Scholarship program under subchapter I of chapter 105 of title 10, United States Code, shall be available for pursuit of a master's degree and a doctoral degree in the disciplines as follows:

(1) Physical therapy.

(2) Occupational therapy.

(b) TERMINATION.—The guidance under subsection (a) shall provide that the availability of assistance as described in that subsection for pursuit of a degree in a discipline covered by that subsection shall cease when the Secretary certifies to Congress that there no longer exists a current or projected shortfall in qualified personnel in that discipline in either of the following:

(1) The military departments.

(2) Any major military medical treatment facility specializing in the rehabilitation of wounded members of the Armed Forces.

SA 1156. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 331(a), strike paragraph (2) and insert the following:

(2) CONSULTATION.—The Secretary of the Air Force shall, in conducting the study required under paragraph (1)—

(A) consult with the Secretaries of the other military departments to determine opportunities for joint use and training of the ranges, and to assess the requirements needed to support combined arms training on the ranges;

(B) consult with the Department of the Interior, the Department of Agriculture, the Federal Aviation Administration, the Federal Energy Regulation Commission, and the Department of Energy to assess the need for transfers of administrative control of certain parcels of airspace and land to the Department of Defense to protect the missions and control of the ranges;

(C) consult with Governors, State legislators, and locally elected officials;

(D) consult with the RAND Corporation concerning the RAND Project Air Force report entitled, ''Preserving Range and Airspace Access for the Air Force Mission: Striving for a Strategic Vantage Point''; and

(E) consult with United State allies currently training at United States test and training ranges on a regular basis, at least annually, to solicit their input and assessment of their experiences at those test and training ranges.

SA 1157. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 331(b)(2), strike subparagraphs (K) and (L) and insert the following:

(K) identify parcels with no value to future military operations;

(L) propose a list of prioritized projects, easements, acquisitions, or other actions, including estimated costs required to upgrade the test and training range infrastructure, taking into consideration the criteria set forth in this paragraph; and

(M) explore opportunities to increase foreign military training with United States allies at test and training ranges in the continental United States, and articulate the prospects for realizing those opportunities.

SA 1158. Ms. COLLINS (for herself, Mr. BEGICH, and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 367, strike line 11 and all that follows though ''Guantanamo'' on line 18 and insert the following:

(c) PERMANENT PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PERMANENT PROHIBITION.—Except as provided in paragraph (2) and subject to subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense for any fiscal year to transfer an individual detained at Guantanamo

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SA 1159. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SECTION 1088. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest''; and

(B) in subsection (f), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest''; and

(2) in section 926C(c)(2), by inserting ''or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)'' after ''arrest''.

SA 1160. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. CLOSURE OF UMATILLA CHEMICAL DEPOT, OREGON.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Army shall close Umatilla Chemical Depot, Oregon, not later than one year after the completion of the chemical demilitarization mission in accordance with the Chemical Weapons Convention Treaty.

(b) BRAC PROCEDURES AND AUTHORITIES.—The closure of the Umatilla Chemical Depot, Oregon, and subsequent management and property disposal shall be carried out in accordance with procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) RETENTION OF PROPERTY AND FACILITIES.—The Secretary of the Army may retain minimum essential ranges, facilities, and training areas at Umatilla Chemical Depot totaling approximately 7,500 acres as a training enclave for the reserve components of the Armed Forces to permit the conduct of individual and annual training.

SA 1161. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. CORE CURRICULUM AND CERTIFICATION STANDARDS FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.

(a) TRAINING PROGRAM AND ISSUANCE OF GUIDANCE.—

(1) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by inserting after section 2915 the following new section:

"§ 2915a. Facilities: Department of Defense energy managers

''(a) TRAINING PROGRAM REQUIRED.—The Secretary of Defense shall establish a training program for Department of Defense energy managers designated for military installations—

''(1) to improve the knowledge, skills, and abilities of energy managers; and

''(2) to improve consistency among energy managers throughout the Department in the performance of their responsibilities.

''(b) CURRICULUM AND CERTIFICATION.—(1) The Secretary of Defense shall identify core curriculum and certification standards required for energy managers. At a minimum, the curriculum shall include the following:

''(A) Details of the energy laws that the Department of Defense is obligated to comply with and the mandates that the Department of Defense is obligated to implement.

''(B) Details of energy contracting options for third-party financing of facility energy projects.

''(C) Details of the interaction of Federal laws with State and local renewable portfolio standards.

''(D) Details of current renewable energy technology options, and lessons learned from exemplary installations.

''(E) Details of strategies to improve individual installation acceptance of its responsibility for reducing energy consumption.

''(F) Details of how to conduct an energy audit and the responsibilities for commissioning, recommissioning, and continuous commissioning of facilities.

''(2) The curriculum and certification standards shall leverage the best practices of each of the military departments.

''(3) The certification standards shall identify professional qualifications required to be designated as an energy manager.

''(c) INFORMATION SHARING.—The Secretary of Defense shall ensure that there are opportunities and forums for energy managers to exchange ideas and lessons-learned within each military department, as well as across the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2915 the following new item:

''2915a. Facilities: Department of Defense energy managers.''.

(b) ISSUANCE OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the implementation of the core curriculum and certification standards for energy managers required by section 2915a of title 10, United States Code, as added by subsection (a).

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager core curriculum and certification requirements.

SA 1162. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. CONSIDERATION OF ENERGY SECURITY AND RELIABILITY IN DEVELOPMENT AND IMPLEMENTATION OF ENERGY PERFORMANCE GOALS.

Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(12) Opportunities to enhance energy security and reliability of defense facilities and missions, including through the ability to operate for extended periods off-grid.''.

SA 1163. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. IDENTIFICATION OF ENERGY-EFFICIENT PRODUCTS FOR USE IN CONSTRUCTION, REPAIR, OR RENOVATION OF DEPARTMENT OF DEFENSE FACILITIES.

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Section 2915(e) of title 10, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph:

''(2)(A) The Secretary of Defense shall prescribe a definition of the term 'energy-efficient product' for purposes of this subsection and establish and maintain a list of products satisfying the definition. The definition and list shall be developed in consultation with the Secretary of Energy to ensure, to the maximum extent practicable, consistency with definitions of the term used by other Federal agencies.

''(B) The Secretary shall modify the definition and list of energy-efficient products as necessary to account for emerging or changing technologies.

''(C) The list of energy-efficient products shall be included as part of the energy performance master plan developed pursuant to section 2911(b)(2) of this title.''.

(b) CONFORMING AMENDMENT TO ENERGY PERFORMANCE MASTER PLAN.—Section 2911(b)(2) of such title is amended by adding at the end the following new subparagraph:

''(F) The up-to date list of energy-efficient products maintained under section 2915(e)(2) of this title.''.

SA 1164. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. ACQUISITION AND PROCUREMENT EXCHANGES BETWEEN THE UNITED STATES AND INDIA.

The Secretary of Defense should seek to establish exchanges between acquisition and procurement officials of the Department of Defense and defense officials of the Government of India to increase mutual understanding regarding best practices in defense acquisition.

SA 1165. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. SENSE OF CONGRESS ON USE OF MODELING AND SIMULATION IN DEPARTMENT OF DEFENSE ACTIVITIES.

It is the sense of Congress to encourage the Department of Defense to continue the use and enhancement of modeling and simulation (M&S) across the spectrum of defense activities, including acquisition, analysis, experimentation, intelligence, planning, medical, test and evaluation, and training.

SA 1166. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. SENSE OF CONGRESS ON TIES BETWEEN JOINT WARFIGHTING AND COALITION CENTER AND ALLIED COMMAND TRANSFORMATION OF NATO.

It is the sense of Congress that the successor organization to the United States Joint Forces Command (USJFCOM), the Joint Warfighting and Coalition Center, should establish close ties with the Allied Command Transformation (ACT) command of the North Atlantic Treaty Organization (NATO).

SA 1167. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. REPORT ON EFFECTS OF PLANNED REDUCTIONS OF PERSONNEL AT THE JOINT WARFARE ANALYSIS CENTER ON PERSONNEL SKILLS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description and assessment of the effects of planned reductions of personnel at the Joint Warfare Analysis Center (JWAC) on the personnel skills to be available at the Center after the reductions.

SA 1168. Mr. WARNER submitted an amendment intended to be proposed by

him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 574. INDEPENDENT ASSESSMENT OF OPTIONS FOR IMPROVING EDUCATION PROVIDED TO STUDENTS ATTENDING DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall award a contract, grant, or cooperative agreement to an independent entity to conduct, in consultation with the organizations specified in subsection (c), an assessment of the following options for improving the quality of education provided to students attending domestic dependent elementary and secondary schools:

(1) Improving the quality of the educational programs provided by, and remediating the condition of the facilities of, domestic dependent elementary and secondary schools.

(2) Transferring the administration of all of the domestic dependent elementary and secondary schools in some or all communities in the United States from the Department of Defense Education Activity to the local educational agencies in those communities.

(3) Closing all of the domestic dependent elementary and secondary schools in some or all communities in the United States and transferring students attending those schools to public elementary and secondary schools in those communities.

(b) ELEMENTS.—The assessment required by subsection (a) shall include an assessment of the following:

(1) The cost to the Department of Defense Education Activity, the Department of Education, States, and local educational agencies of each of the options described in subsection (a).

(2) The condition of facilities of the domestic dependent elementary and secondary schools and, if the condition of those facilities is inadequate, the cost of remediating those facilities.

(3) The capacity of local educational agencies—

(A) to administer the domestic dependent elementary and secondary schools; and

(B) to absorb into public elementary and secondary schools the number of students attending domestic dependent elementary and secondary schools.

(4) The quality of educational programs administered by local educational agencies, as measured by student achievement, graduation rates, the leadership of those agencies, the staffing of those programs, and the availability of infrastructure for the use of technology in classrooms.

(5) The availability in communities near domestic dependent elementary and secondary schools of resources to support a highly mobile population that includes members of the Armed Forces who may be deployed.

(6) The available options for, and problems relating to, transporting students who reside on military installations to public elementary and secondary schools.

(7) The impact of the drawdown of operations in Iraq and Afghanistan on the population of students to be served.

(c) ORGANIZATIONS SPECIFIED.—The organizations specified in this subsection are military family associations, teachers labor organizations, and superintendents of domestic dependent elementary and secondary schools and public elementary and secondary schools.

(d) EXCLUSION.—The assessment required by subsection (a) is not required to address—

(1) the transfer of the administration of domestic dependent elementary and secondary schools in Puerto Rico to local educational agencies; or

(2) the transfer of students attending those schools to public elementary and secondary schools in Puerto Rico.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the independent entity conducting the assessment required by subsection (a) shall submit to the Secretary of Defense and the congressional defense committees the results of the assessment.

(f) DEFINITIONS.—In this section:

(1) DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.—The term ''domestic dependent elementary and secondary schools'' means elementary and secondary schools administered pursuant to section 2164 of title 10, United States Code.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(g) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities for the Department of Defense Education Activity as specified in the funding table in section 4301, $1,000,000 shall be available to carry out this section.

SA 1169. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2705. SPECIAL CONSIDERATIONS RELATED TO TRANSPORTATION INFRASTRUCTURE IN CONSIDERATION AND SELECTION OF MILITARY INSTALLATIONS FOR CLOSURE OR REALIGNMENT.

(a) MODIFICATION OF SELECTION CRITERIA.—Subsection (b)(1) of section 2687 of title 10, United States Code, is amended—

(1) by striking ''notification an evaluation'' and inserting ''notification—

''(A) an evaluation''; and

(2) by adding at the end the following new subparagraph:

''(B) the criteria used to consider and recommend military installations for such closure or realignment, which shall include at a minimum consideration of—

''(i) the ability of the infrastructure (including transportation infrastructure) of both the existing and receiving communities to support forces, missions, and personnel as a result of such closure or realignment; and

''(ii) the costs associated with community transportation infrastructure improvements as part of the evaluation of cost savings or return on investment of such closure or realignment; and''.

(b) EFFECT OF SIGNIFICANT IMPACTS.—Such section is further amended by adding at the end the following new subsection:

''(f) If the Secretary of Defense or the Secretary of the military department concerned determines, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that a significant transportation impact will occur at a result of an action described in subsection (a), the action may not be taken unless and until the Secretary of Defense or the Secretary of the military department concerned—

''(1) analyzes the adequacy of transportation infrastructure at and in the vicinity of each military installation that would be impacted by the action;

''(2) concludes consultation with the Federal Highway Administration with regard to such impact; and

''(3) includes in the notification required by subsection (b)(1) a description of how the Secretary intends to remediate the significant transportation impact.''.

(c) TRANSPORTATION INFRASTRUCTURE DEFINED.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

''(5) The term 'transportation infrastructure' includes transit, pedestrian, and bicycle infrastructure.''.

(d) RELATION TO COMMISSION BASE CLOSURE PROCESS.—If the development of recommendations for the closure and realignment of military installations utilizes a Defense Base Closure and Realignment Commission (as was the case under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), rather than the authority of section 2687 of title 10, United States Code, the amendments made by this section shall apply to the resulting development of recommendations for the closure and realignment of military installations by the Secretary of Defense and the Commission.

SEC. 2706. DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN VICINITY OF MILITARY INSTALLATIONS.

(a) AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS FOR BRAC-RELATED TRANSPORTATION IMPROVEMENTS.—

(1) AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS.—Section 210(a)(2) of title 23, United States Code, is amended by adding at the end the following new sentence: ''The Secretary of Defense shall determine the magnitude of the required improvements without regard to the extent to which traffic generated by the reservation is greater than other traffic in the vicinity of the reservation.''.

(2) RETROACTIVE APPLICATION.—The amendment made by paragraph (1) shall apply with respect to the implementation of the recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission received by Congress on September 19, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) ECONOMIC ADJUSTMENT COMMITTEE CONSIDERATION OF ADDITIONAL DEFENSE ACCESS ROADS FUNDING SOURCES.—

(1) CONVENING OF COMMITTEE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, as the chairperson of the Economic Adjustment Committee established in Executive Order 127887 (10 U.S.C. 2391 note), shall convene the Economic Adjustment Committee to consider additional sources of funding for the defense access roads program under section 210 of title 23, United States Code.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the results of the Economic Adjustment Committee deliberations and containing an implementation plan

to expand funding sources for the mitigation of significant transportation impacts to access to military reservations pursuant to subsection (b) of section 210 of title 23, United States Code, as amended by subsection (a).

(c) SEPARATE BUDGET REQUEST FOR PROGRAM.—Amounts requested for a fiscal year for the defense access roads program under section 210 of title 23, United States Code, shall be set forth as a separate budget request in the budget transmitted by the President to Congress for that fiscal year under section 1105 of title 31, United States Code.

SA 1170. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 723. UNIFIED MEDICAL COMMAND.

(a) UNIFIED COMBATANT COMMAND.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

"§ 167b. Unified combatant command for medical operations

''(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified command for medical operations (in this section referred to as the 'unified medical command'). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

''(b) ASSIGNMENT OF FORCES.—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense.

''(e) GRADE OF COMMANDER.—The commander of the unified medical command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating the officer's permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the five-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

''(d) SUBORDINATE COMMANDS.—(1) The unified medical command shall have the following subordinate commands:

''(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a medical facility of the Department of Defense is operating in or with a medical facility of another department or agency of the United States.

''(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agent.

''(C) the Defense Health Agency established under subsection (f).

''(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating the officer's permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

''(e) AUTHORITY OF COMBATANT COMMANDER.—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

''(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

''(A) Developing programs and doctrine.

''(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

''(C) Exercising authority, direction, and control over the expenditure of funds—

''(i) for forces assigned to the unified medical command;

''(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

''(iii) for military construction funds of the Defense Health Program.

''(D) Training assigned forces.

''(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

''(F) Validating requirements.

''(G) Establishing priorities for requirements.

''(H) Ensuring the interoperability of equipment and forces.

''(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

''(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

''(f) DEFENSE HEALTH AGENCY.—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the 'Defense Health Agency'), and shall transfer to such agency the organization of the Department of Defense referred to as the TRICARE Management Activity and all functions of the TRICARE program (as defined in section 1072(7) of this title).

''(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating the officer's permanent grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

''(g) REGULATIONS.—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 167a the following new item:

''167b. Unified combatant command for medical operations.''.

(b) PLAN, NOTIFICATION, AND REPORT.—

(1) PLAN.—Not later than July 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (a), including any legislative actions the Secretary considers necessary to implement the plan.

(2) NOTIFICATION.—The Secretary shall submit to the congressional defense committees written notification of the decision of the Secretary to establish the unified medical command under such section 167b by not later than the date that is 30 days before establishing such command.

(3) REPORT.—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

SA 1171. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. PROHIBITION ON ASSISTANCE FOR PAKISTAN SECURITY FORCES WITH CONNECTIONS TO TERRORIST ORGANIZATIONS

None of the amounts authorized to be appropriated by this or any other Act may be made available to any unit of the security forces of Pakistan if the Secretary of Defense determines that the United States Government has credible evidence that the unit maintains connections with an organization known to conduct terrorist activities against the United States or United States allies.

SA 1172. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. REPORT ON ENDING COALITION SUPPORT FUND REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN FOR OPERATIONS CONDUCTED IN SUPPORT OF OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Special Representative for Afghanistan and Pakistan, shall submit a report to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report outlining a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan for operations conducted in support of Operation Enduring Freedom.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A characterization of the types of reimbursements requested by the Government of Pakistan.

(2) An assessment of the total amount reimbursed to the Government of Pakistan, by fiscal year, since the beginning of Operation Enduring Freedom.

(3) The percentage and types of reimbursement requests made by the Government of Pakistan for which the United States Government has denied payment.

(4) An assessment of whether the operations conducted by the Government of Pakistan in support of Operation Enduring Freedom and reimbursed from the Coalition Support Fund have materially impacted the ability of terrorist organizations to threaten the stability of Afghanistan and Pakistan and to impede the operations of the United States in Afghanistan.

(5) Recommendations for, and a timeline to implement, a plan to end reimbursements from the Coalition Support Fund to the Government of Pakistan.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SA 1173. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. SENSE OF SENATE ON THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) historically set a target commitment for member states to spend two percent of their gross domestic product on their defense expenditures.

(2) In 2010, the North Atlantic Treaty Organization identified only 5 member states meeting this target for defense expenditures, including the United States, Albania, France, Greece, and the United Kingdom, leaving 23 member states short of meeting the target.

(3) Secretary of Defense Robert Gates made the following statement on the North Atlantic Treaty Organization on October 14, 2010, in a conversation with reporters: ''[m]y worry is that the more our allies cut their capabilities, the more people will look to the United States to cover whatever gaps are created. . . And at a time when we're facing stringencies of our own, that's a concern for me''.

(4) Secretary of State Hillary Clinton, in an interview with the BBC on October 15, 2010, stated that ''NATO has been the most successful alliance for defensive purposes in the history of the world, I guess, but it has to be maintained. Now each country has to be able to make its appropriate contributions''.

(5) On March 30, 2011, Admiral James G. Stavridis stated in a hearing before the Committee on Armed Services of the House of Representatives that ''[w]e need to be emphatic with our European allies that they should spend at least the minimum NATO 2 percent''.

(6) In a speech delivered in Brussels on June 10, 2011, Secretary of Defense Gates further stated that ''[i]n the past, I've worried openly about NATO turning into a two-tiered alliance: Between members who specialize in 'soft' humanitarian, development, peacekeeping, and talking tasks, and those conducting the 'hard' combat missions. Between those willing and able to pay the price and bear the burdens of alliance commitments, and those who enjoy the benefits of NATO membership – be they security guarantees or headquarters billets – but don't want to share the risks and the costs. This is no longer a hypothetical worry. We are there today. And it is unacceptable''.

(7) In that same speech on June 10, 2011, Secretary of Defense Gates added that ''I am the latest in a string of U.S. defense secretaries who have urged allies privately and publicly, often with exasperation, to meet agreed-upon NATO benchmarks for defense spending. However, fiscal, political and demographic realities make this unlikely to happen anytime soon, as even military stalwarts like the U.K have been forced to ratchet back with major cuts to force structure. Today, just five of 28 allies – the U.S., U.K., France, Greece, along with Albania – exceed the agreed 2% of GDP spending on defense''.

(8) Secretary of Defense Gates also stated that ''[t]he blunt reality is that there will be dwindling appetite and patience in the U.S. Congress – and in the American body politic writ large – to expend increasingly precious funds on behalf of nations that are apparently unwilling to devote the necessary resources or make the necessary changes to be serious and capable partners in their own defense. Nations apparently willing and eager for American taxpayers to assume the growing security burden left by reductions in European defense budgets''.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to commend the North Atlantic Treaty Organization for historically providing an extension to the United States security capabilities; and

(2) to call upon the President—

(A) to engage each of the member states of the North Atlantic Treaty Organization in a dialogue about the long-term health of the North Atlantic Alliance and strongly encourage each of the member states to make a serious effort to protect defense budgets from further reductions, better allocate and coordinate the resources presently available, and recommit to spending at least two percent of gross domestic product on defense; and

(B) to examine and report to Congress on recommendations that will lead to a stronger North Atlantic Alliance in terms of military capability and readiness across the 28 member states, with particular focus on the smaller member states.

SA 1174. Mr. MERKLEY (for himself, Mr. LEE, Mr. UDALL of New Mexico, Mr. PAUL, and Mr. BROWN of Ohio) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. SENSE OF CONGRESS ON TRANSITION OF MILITARY AND SECURITY OPERATIONS IN AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) After al Qaeda attacked the United States on September 11, 2001, the United States Government rightly sought to bring to justice those who attacked us, to eliminate al Qaeda's safe havens and training camps in Afghanistan, and to remove the terrorist-allied Taliban government.

(2) Members of the Armed Forces, intelligence personnel, and diplomatic corps have skillfully achieved these objectives, culminating in the death of Osama bin Laden.

(3) Operation Enduring Freedom is now the longest military operation in United States history.

(4) United States national security experts, including Secretary of Defense Leon E. Panetta, have noted that al Qaeda's presence in Afghanistan has been greatly diminished.

(5) Over the past ten years, the mission of the United States has evolved to include a prolonged nation-building effort in Afghanistan, including the creation of a strong central government, a national police force and army, and effective civic institutions.

(6) Such nation-building efforts in Afghanistan are undermined by corruption, high illiteracy, and a historic aversion to a strong central government in that country.

(7) Members of the Armed Forces have served in Afghanistan valiantly and with honor, and many have sacrificed their lives and health in service to their country.

(8) The United States is now spending nearly $10,000,000,000 per month in Afghanistan at a time when, in the United States, there is high unemployment, a flood of foreclosures, a record deficit, and a debt that is over $15,000,000,000,000 and growing.

(9) The continued concentration of United States and NATO military forces in one region, when terrorist forces are located in many parts of the world, is not an efficient use of resources.

(10) The battle against terrorism is best served by using United States troops and resources in a counterterrorism strategy against terrorist forces wherever they may locate and train.

(11) The United States Government will continue to support the development of Afghanistan with a strong diplomatic and counterterrorism presence in the region.

(12) President Barack Obama is to be commended for announcing in July 2011 that the United States would commence the redeployment of members of the United States Armed Forces from Afghanistan in 2011 and transition security control to the Government of Afghanistan.

(13) President Obama has established a goal of removing all United States combat troops from Afghanistan by December 2014.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should expedite the transition of the responsibility for military and security operations in Afghanistan to the Government of Afghanistan;

(2) the President should devise a plan based on inputs from military commanders, the

diplomatic missions in the region, and appropriate members of the Cabinet, along with the consultation of Congress, for expediting the drawdown of United States combat troops in Afghanistan and accelerating the transfer of security authority to Afghan authorities prior to December 2014; and

(3) not later than 90 days after the date of the enactment of this Act, the President should submit to Congress a plan with a timetable and completion date for the accelerated transition of all military and security operations in Afghanistan to the Government of Afghanistan.

SA 1175. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. WARFIGHTER TRANSLATIONAL RESEARCH CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish in the Defense Health Program a Warfighter Translational Research Center (in this section referred to as the ''Center'') to support the development of diagnostics and therapeutics to address gaps in the treatment of injured members of the Armed Forces.

(b) PRIMARY FUNCTIONS.—The primary functions of the Center include the following:

(1) Developing a tool that can be used before and after a deployment to assess the mental health of a member of the Armed Forces.

(2) Using the tool developed under paragraph (1) to establish a baseline mental health assessment of each member of the Armed Forces before such member is deployed and carrying out a mental health screening of each such member after deployment—

(A) to decrease the incidence of undiagnosed post traumatic stress disorder and traumatic brain injury; and

(B) to determine whether there are certain factors that make a person more or less likely to experience post traumatic stress.

(c) PUBLIC-PRIVATE PARTNERSHIPS.—In carrying out the functions of the Center, the Center shall establish partnerships between public and private entities.

(d) COMPETITIVE CONTRACTS.—All contracts awarded by the Center shall be awarded on a competitive basis.

SA 1176. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. _____. ENHANCED PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURE UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

(a) REPEAL OF SUNSET.—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) is amended to read as follows:

''(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.''.

(b) EXPANSION OF PROTECTIONS TO INCLUDE WIDOWS AND WIDOWERS.—Section 303(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended—

(1) by inserting '', or widow or widower of a servicemember who dies during such service,'' after ''by a servicemember''; and

(2) by inserting '', widow's, or widower's'' after ''when the servicemember's''.

SA 1177. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

Subtitle D—Other Matters

SEC. 731. PROVISION OF REHABILITATIVE EQUIPMENT UNDER WOUNDED WARRIOR ACT.

Section 1631 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by adding at the end the following:

''(c) REHABILITATIVE EQUIPMENT FOR MEMBERS OF THE ARMED FORCES.—

''(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Defense may provide an active duty member of the Armed Forces with a severe injury or illness with rehabilitative equipment, including recreational sports equipment that provide an adaption or accommodation for the member, regardless of whether such equipment is intentionally designed to be adaptive equipment.

''(2) CONSULTATION.—In carrying out this subsection, the Secretary of Defense shall consult with the Secretary of Veterans Affairs regarding similar programs carried out by the Secretary of Veterans Affairs.''.

SA 1178. Mrs. MURRAY (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. MULTIYEAR CONTRACTS FOR ADVANCED BIOFUEL.

(a) CIVILIAN AGENCY CONTRACTS.—Subsection (a) of section 3903 of title 41, United States Code, is amended to read as follows:

''(a) DEFINITIONS.—For the purposes of this section:

''(1) MULTIYEAR CONTRACT.—The term 'multiyear contract'—

''(A) means a contract for the purchase of property or services for more than one, but not more than five, program years, except as provided in subparagraph (B);

''(B) in the case of a contract for the purchase of advanced biofuel, means a contract for the purchase of such fuel for a period of up to 15 program years; and

''(C) may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

''(2) ADVANCED BIOFUEL.—The term 'advanced biofuel' has the meaning given such term in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)).''.

(b) DEFENSE CONTRACTS.—Subsection (k) of section 2306b of title 10, United States Code, is amended to read as follows:

''(k) DEFINITIONS.—For the purposes of this section:

''(1)(A) Except as provided in subparagraph (B), the term 'multiyear contract' means a contract for the purchase of property or services for more than one, but not more than five, program years.

''(B) In the case of a contract for the purchase of advanced biofuel, the term 'multiyear contract' means a contract for the purchase of such fuel for a period of up to 15 program years.

''(C) Such a contract may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

''(2) The term 'advanced biofuel' has the meaning given such term in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into on or after the date occurring 180 days after the date of the enactment of this Act.

SA 1179. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

SEC. 505. NUMBER OF JUDGE ADVOCATES OF THE AIR FORCE IN THE REGULAR GRADE OF BRIGADIER GENERAL.

Section 8037 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) Four officers of the Air Force designated as judge advocates shall hold the regular grade of brigadier general.''.

SA 1180. Ms. COLLINS (for herself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1243. MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA.

(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb–6), the following is the policy of the United States:

(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft.

(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

(1) IN GENERAL.—The Director of National Intelligence shall submit to Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft, posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act.

(2) ELEMENTS.—The assessment submitted under this subsection shall include the following:

(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector.

(D) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disarmed, or otherwise rendered unusable following Operation Unified Protector.

(E) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) through (D), and the current disposition and locations of such man-portable air-defense systems.

(F) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

(G) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

(H) An assessment of the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from unsecured man-portable air-defense systems (as defined in section 11 of the Department of State Authorities Act of 2006) originating from Libya.

(I) An assessment of the effectiveness of efforts undertaken by the United States, Libya, Mauritania, Egypt, Algeria, Tunisia, Mali, Morocco, Niger, Chad, the United Nations, the North Atlantic Treaty Organization, and any other country or entity (as determined by the Director) to reduce the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(J) An assessment of the effect of the proliferation of man-portable air-defense systems that were in Libya as of March 19, 2011, on the price and availability of man-portable air-defense systems that are on the global arms market.

(3) NOTICE REGARDING DELAY IN SUBMITTAL.—If, before the end of the 45-day period specified in paragraph (1), the Director determines that the assessment required by that paragraph cannot be submitted by the end of that period as required by that paragraph, the Director shall (before the end of that period) submit to Congress a report setting forth—

(A) the reasons why the assessment cannot be submitted by the end of that period; and

(B) an estimated date for the submittal of the assessment.

(4) FORM.—The assessment under this subsection shall be submitted in unclassified form, but may include a classified annex.

(c) COMPREHENSIVE STRATEGY ON THREAT OF MANPADS ORIGINATING FROM LIBYA.—

(1) STRATEGY REQUIRED.—The President shall develop and implement, and from time to time update, a comprehensive strategy, pursuant to section 11 of the Department of State Authorities Act of 2006, to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 45 days after the assessment required by subsection (b) is submitted to Congress, the President shall submit to Congress a report setting forth the strategy required by paragraph (1).

(B) ELEMENTS.—The report required by this paragraph shall include the following:

(i) A timeline for future efforts by the United States, Libya, and neighboring countries to—

(I) secure, remove, or disable any man-portable air-defense systems that remain in Libya;

(II) counter proliferation of man-portable air-defense systems originating from Libya that are in the region; and

(III) disrupt the ability of terrorists, non-state actors, and state sponsors of terrorism to acquire such man-portable air-defense systems.

(ii) A description of any additional funding required to address the threat of man-portable air-defense systems originating from Libya.

(iii) A summary of United States Government efforts, and technologies current available, to reduce the susceptibility and vulnerability of civilian aircraft to man-portable air-defense systems, including an assessment of the feasibility of using aircraft-based anti-missile systems to protect United States passenger jets.

(iv) Recommendations for the most effective policy measures that can be taken to reduce and mitigate the threat posed to United States citizens and citizens of allies of the United States, including Israel, traveling by aircraft from man-portable air-defense systems that were in Libya as of March 19, 2011.

(v) Such recommendations for legislative or administrative action as the President considers appropriate to implement the strategy required by paragraph (1).

(C) FORM.—The report required by this paragraph shall be submitted in unclassified form, but may include a classified annex.

SA 1181. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 577. MATTERS COVERED BY PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES.

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''job placement counseling for the spouse'' and inserting ''inclusion of the spouse when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense or the Secretary of Veterans Affairs'';

(2) in paragraph (9), by inserting before the period the following: '', including information on budgeting, saving, credit, loans, and taxes'';

(3) in paragraph (10), by striking ''and employment'' and inserting '', employment, and financial'';

(4) by striking paragraph (16) and inserting the following new paragraph:

''(16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices.''; and

(5) in paragraph (17), by inserting before the period the following: '', and information regarding the means by which the member can receive additional counseling regarding the member's actual entitlement to such benefits and apply for such benefits''.

SA 1182. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. PROHIBITION ON PERMANENT STATIONING OF MORE THAN TWO ARMY BRIGADE COMBAT TEAMS WITHIN UNITED STATES EUROPEAN COMMAND.

(a) IN GENERAL.—Effective as of January 1, 2016, the number of Army Brigade Combat Teams that may be permanently stationed within the geographic boundaries of the United States European Command (EUCOM) may not exceed two brigade combat teams.

(b) MILITARY CONSTRUCTION.—No military construction project may be commenced or undertaken for or in connection with or support of the permanent stationing of more than two Army Brigade Combat Teams within the geographic boundaries of the United States European Command.

SA 1183. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. MAINTENANCE OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

The Secretary of Defense shall take appropriate actions to maintain for the United States a range of strategic nuclear delivery systems appropriate for the current and anticipated threats faced by the United States, including a triad of sea-based, land-based, and air-based strategic nuclear delivery systems.

SA 1184. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. LIMITATION ON REDUCTION IN NUMBER OF SURFACE COMBATANTS OF THE NAVY BELOW 313 VESSELS.

(a) FINDINGS.—Congress makes the following findings:

(1) The 2011 Shipbuilding Plan of the Navy contemplates a baseline of 313 surface combatants in the Navy.

(2) The national security of the United States requires that the shipbuilding activities of the Navy ensure a Navy composed of at least 313 surface combatants.

(3) It is in the national interest that the future-years defense programs of the Department of Defense provide for a Navy composed of at least 313 surface combatants.

(b) LIMITATION.—The Secretary of the Navy may not carry out any reduction in the number of surface combatants of the Navy below 313 surface combatants unless the Secretary, after consultation with the commanders of the combatant commands, certifies to Congress that the Navy will continue to possess the capacity to support the requirements of the combatant commands after such reduction.

SA 1185. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 234. REPORT ON MISSILE DEFENSE SITE ON THE EAST COAST OF THE UNITED STATES.

(a) FINDING.—Congress finds that the Obama Administration plans to limit or cancel the deployment of the European Phased Adaptive Approach (EPAA) to missile defense.

(b) REPORT.—In light of the finding in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of establishing a missile defense site on the East Coast of the United States.

SA 1186. Mr. LEAHY (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle I—Fighting Fraud to Protect Taxpayers

SEC. 1090. DEPARTMENT OF JUSTICE WORKING CAPITAL FUND REFORMS.

Section 11013(a) of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 527 note) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered amounts' means—

''(i) the unobligated balances in the debt collection management account; and

''(ii) the unobligated balances in the supplemental fraud fighting account;

''(B) the term 'debt collection management account' means the account established in the Department of Justice Working Capital Fund under paragraph (2);

''(C) the term 'fraud offense' includes—

''(i) an offense under section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) and an offense under section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2 and 78dd–3);

''(ii) a securities fraud offense, as defined in section 3301 of title 18, United States Code;

''(iii) a fraud offense relating to a financial institution or a federally related mortgage loan, as defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602), including an offense under section 152, 157, 1004, 1005, 1006, 1007, 1011, or 1014 of title 18, United States Code;

''(iv) an offense involving procurement fraud, including defective pricing, bid rigging, product substitution, misuse of classified or procurement sensitive information, grant fraud, fraud associated with labor mischarging, and fraud involving foreign military sales;

''(v) an offense under the Internal Revenue Code of 1986 involving fraud;

''(vi) an action under subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act'), and an offense under chapter 15 of title 18, United States Code;

''(vii) an offense under section 1029, 1030, or 1031 of title 18, United States Code; and

''(viii) an offense under chapter 63 of title 18, United States Code; and

''(D) the term 'supplemental fraud fighting account' means the supplemental fraud fighting account established in the Department of Justice Working Capital Fund under paragraph (3)(A).

''(2) DEBT COLLECTION MANAGEMENT ACCOUNT.—Notwithstanding'';

(2) by striking ''Such amounts'' and inserting ''Subject to paragraph (4), such amounts''; and

(3) by adding at the end the following:

''(3) SUPPLEMENTAL FRAUD FIGHTING ACCOUNT.—

''(A) ESTABLISHMENT.—There is established as a separate account in the Department of Justice Working Capital Fund established under section 527 of title 28, United States Code, a supplemental fraud fighting account.

''(B) CREDITING OF AMOUNTS.—Notwithstanding section 3302 of title 31, United States Code, or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the supplemental fraud fighting account up to 0.5 percent of all amounts collected pursuant to civil debt collection litigation activities of the Department of Justice.

''(C) USE OF FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), the Attorney General may use amounts in the supplemental fraud fighting account for the cost (including equipment, salaries and benefits, travel and training, and interagency task force operations) of the investigation of and conduct of criminal, civil, or administrative proceedings relating to fraud offenses.

''(ii) LIMITATION.—The Attorney General may not use amounts in the supplemental fraud fighting account for the cost of the investigation of or the conduct of criminal, civil, or administrative proceedings relating to—

''(I) an offense under section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1); or

''(II) an offense under section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2 and 78dd–3).

''(D) CONDITIONS.—Subject to paragraph (4), amounts in the supplemental fraud fighting account shall remain available until expended and shall be subject to the terms and conditions of the Department of Justice Working Capital Fund.

''(4) MAXIMUM AMOUNT.—

''(A) IN GENERAL.—There are rescinded all covered amounts in excess of $175,000,000 at the end of fiscal year 2012 and the end of each fiscal year thereafter.

''(B) RATIO.—For any rescission under subparagraph (A), the Secretary of the Treasury shall rescind amounts from the debt collection management account and the supplemental fraud fighting account in a ratio of 6 dollars to 1 dollar, respectively.

''(5) ANNUAL REPORT.—Not later than 6 months after the date of enactment of the National Defense Authorization Act for Fiscal Year 2012, and every year thereafter, the Attorney General shall submit to Congress a report that identifies, for the most recent fiscal year before the date of the report—

''(A) the amount credited to the debt collection management account and the amount credited to the supplemental fraud fighting account from civil debt collection litigation, which shall include, for each account—

''(i) a comprehensive description of the source of the amount credited; and

''(ii) a list the civil actions and settlements from which amounts were collected and credited to the account;

''(B) the amount expended from the debt collection management account for civil debt collection, which shall include a comprehensive description of the use of amounts in the account that identifies the amount expended for—

''(i) paying the costs of processing and tracking civil and criminal debt-collection litigation;

''(ii) financial systems;

''(iii) debt-collection-related personnel expenses;

''(iv) debt-collection-related administrative expenses; and

''(v) debt-collection-related litigation expenses;

''(C) the amounts expended from the supplemental fraud fighting account and the justification for the expenditure of such amounts; and

''(D) the unobligated balance in the debt collection management account and the unobligated balance in the supplemental fraud fighting account at the end of the fiscal year.''.

SEC. 1091. REIMBURSEMENT OF COSTS AWARDED IN FALSE CLAIMS ACT PROSECUTIONS.

Section 3729(a)(3) of title 31, United States Code, is amended by adding at the end the following: ''Any costs paid under this paragraph shall be credited to the appropriations accounts of the executive agency from which the funds used for the costs of the civil action were paid.''.

SEC. 1092. INTERLOCUTORY APPEALS OF SUPPRESSION OR EXCLUSION OF EVIDENCE.

Section 3731 of title 18, United States Code, is amended in the second undesignated paragraph by inserting ''Attorney General, the Deputy Attorney General, an Assistant Attorney General, or the'' after ''an indictment or information, if the''.

SEC. 1093. EXTENSION OF INTERNATIONAL MONEY LAUNDERING STATUTE TO TAX EVASION CRIMES.

Section 1956(a)(2)(A) of title 18, United States Code, is amended—

(1) by striking ''intent to promote'' and inserting the following: ''intent to—

''(i) promote''; and

(2) by adding at the end the following:

''(ii) engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or''.

SEC. 1094. CLARIFYING VENUE FOR FEDERAL MAIL FRAUD OFFENSES.

(a) IN GENERAL.—Section 3237(a) of title 18, United States Code, is amended in the second undesignated paragraph by adding before the period at the end the following: ''or in any district in which an act in furtherance of the offense is committed''.

(b) SECTION HEADING.—Section 3237 of title 18, United States Code, is amended in the section heading by striking ''**begun**'' and all that follows and inserting ''**taking place in more than one district**''.

(c) TABLE OF SECTIONS.—The table of sections for chapter 211 of title 18, United States Code, is amended by striking the item relating to section 3237 and inserting the following:

''3237. Offenses taking place in more than one district.''.

SEC. 1095. EXPANSION OF AUTHORITY OF SECRET SERVICE.

Section 3056 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''641, 656, 657,'' after ''510,''; and

(ii) by striking ''493, 657,'' and inserting ''493,''; and

(B) in paragraph (3), by striking ''federally insured''; and

(2) by adding at the end the following:

''(h)(1) For any undercover investigative operation of the United States Secret Service that is necessary for the detection and prosecution of a crime against the United States, the United States Secret Service may—

''(A) use amounts appropriated for the United States Secret Service, including unobligated balances available from prior fiscal years, to—

''(i) purchase property, buildings, and other facilities and lease space within the United States (including the District of Columbia and the territories and possessions of the United States), without regard to sections 1341 and 3324 of title 31, section 8141 of title 40, and sections 3901, 4501 through 4506, 6301, and 6306(a) of title 41; and

''(ii) establish, acquire, and operate on a commercial basis proprietary corporations and business entities as part of the undercover investigative operation, without regard to sections 9102 and 9103 of title 31;

''(B) deposit in banks and other financial institutions amounts appropriated for the United States Secret Service, including unobligated balances available from prior fiscal years, and the proceeds from the undercover investigative operation, without regard to section 648 of this title and section 3302 of title 31; and

''(C) use the proceeds from the undercover investigative operation to offset necessary and reasonable expenses incurred in the undercover investigative operation, without regard to section 3302 of title 31.

''(2) The authority under paragraph (1) may be exercised only upon a written determination by the Director of the United States Secret Service (in this subsection referred to as the 'Director') that the action being authorized under paragraph (1) is necessary for the conduct of an undercover investigative operation. A determination under this paragraph may continue in effect for the duration of an undercover investigative operation, without fiscal year limitation.

''(3) If the Director authorizes the proceeds from an undercover investigative operation to be used as described in subparagraph (B) or (C) of paragraph (1), as soon as practicable after the proceeds are no longer necessary for the conduct of the undercover investigative operation, the proceeds remaining shall be deposited in the general fund of the Treasury as miscellaneous receipts.

''(4) As early as the Director determines practicable before the date on which a corporation or business entity established or acquired under paragraph (1)(A)(ii) with a net value of more than $50,000 is to be liquidated, sold, or otherwise disposed of, the Director shall notify the Secretary of Homeland Security regarding the circumstances of the corporation or business entity and the liquidation, sale, or other disposition. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the general fund of the Treasury as miscellaneous receipts.

''(5)(A) The Director shall—

''(i) on a quarterly basis, conduct detailed financial audits of closed undercover investigative operations for which a written determination is made under paragraph (2); and

''(ii) submit to the Secretary of Homeland Security a written report of the results of each audit conducted under clause (i).

''(B) On the date on which the budget of the President is submitted under section 1105(a) of title 31 for each year, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report summarizing the audits conducted under subparagraph (A)(i) relating to the previous fiscal year.''.

SEC. 1096. FALSE CLAIMS SETTLEMENTS.

(a) REPORTS BY ATTORNEY GENERAL.—Not later than November 1 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a public report, except the contents required in paragraphs (2), (3), (4) and (10) of subsection (b), that describes each settlement or compromise of any claim, suit, or other action entered into with the Department of Justice that—

(1) relates to an alleged violation of section 1031 of title 18, United States Code, or section 3729 of title 31, United States Code (including all 12 settlements of alternative remedies); and

(2) results from a claim for damages of more than $100,000.

(b) CONTENTS OF REPORTS.—The description of each settlement or compromise required to be included in an annual report under subsection (a) shall include—

(1) the total amount of the settlement or compromise and the portions of the settlement attributable to violations of various statutory authorities;

(2) the amount of actual damages, or if the amount of actual damages is not available a good faith estimate of the damages, that have been sustained;

(3) the amount of the settlement that represents civil penalties;

(4) the amount of the settlement that represents criminal fines and a statement of the basis for the fines;

(5) a description of the period during which the matter to which the settlement or compromise relates was pending, including—

(A) the date on which the complaint was originally filed;

(B) a description of the period the matter remained under seal;

(C) the date on which the Department of Justice determined whether to intervene in the case; and

(D) the date on which the settlement or compromise was finalized;

(6) whether a defendant or any division, subsidiary, affiliate, or related entity of a defendant had previously entered into a settlement or compromise relating to section 1031 of title 18, United States Code, or section 3730(b) of title 31, United States Code, and, if so, the date of and amount to be paid under each such settlement or compromise;

(7) whether a defendant or any division, subsidiary, affiliate, or related entity of a defendant—

(A) entered into a corporate integrity agreement relating to the settlement or compromise;

(B) entered into a deferred prosecution agreement or nonprosecution agreement relating to the settlement or compromise; or

(C)(i) previously entered into—

(I) a corporate integrity agreement relating to a settlement or compromise relating to a different violation of section 3730(b) of title 31, United States Code; or

(II) a deferred prosecution agreement or nonprosecution agreement relating to a settlement or compromise relating to a different violation of section 1031 of title 18, United States Code; and

(ii) if the defendant had entered an agreement described in clause (i), whether the agreement applied to the conduct that is the subject of the settlement or compromise described in the report or similar conduct;

(8) for a qui tam action—

(A) the percentage of the settlement amount awarded to the relator; and

(B) whether the relator requested a fairness hearing relating to the percentage received by the relator or the total amount of the settlement;

(9) the extent to which a relator or counsel for a relators participated in the settlement negotiations; and

(10) whether a defendant raised the possibility of requiring the disclosure of classified information as a reason for the Department to settle a case in lieu of litigation.

SEC. 1097. AGGRAVATED IDENTITY THEFT AND FRAUD.

(a) IN GENERAL.—Section 1028A of title 18, United States Code, is amended in the section heading by adding ''**and fraud**'' at the end.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item relating to section 1028A and inserting the following:

''1028A. Aggravated identity theft and fraud.''.

SEC. 1098. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH IDENTIFICATION DOCUMENTS, AUTHENTICATION FEATURES, AND INFORMATION.

(a) IN GENERAL.—Section 1028(a)(7) of title 18, United States Code, is amended by inserting ''(including an organization)'' after ''person''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by striking the item relating to section 1028 and inserting the following:

''1028. Fraud and related activity in connection with identification documents, authentication features, and information.''.

SEC. 1099. ATTEMPT TO EVADE OR DEFEAT TAX.

Section 7201 of the Internal Revenue Code is amended—

(1) by striking ''$100,000'' and inserting ''$500,000''; and

(2) by striking ''$500,000'' and inserting ''$2,500,000''.

SA 1187. Mrs. GILLIBRAND (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1108. EXPEDITED HIRING AUTHORITY FOR DEFENSE INFORMATION TECHNOLOGY/CYBER WORKFORCE.

(a) EXPEDITED HIRING AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599e. Information technology/cyber workforce: expedited hiring authority

''(a) AUTHORITY.—For purposes of sections 3304, 5333, and 5753 of title 5, the Secretary of Defense—

''(1) may designate any category of Information Technology/Cyber workforce positions in the Department of Defense as positions for which there exists a shortage of candidates or for which there is a critical hiring need; and

''(2) may use the authorities provided in those sections to recruit and appoint qualified persons directly to positions so designated, and should appoint veterans to those positions to the maximum extent possible.

''(b) ANNUAL REPORT.—The Secretary of Defense shall submit an annual report to the congressional defense committees detailing the number of people hired under the authority of this section, the number of people so hired who transfer to a field outside the category of Information Technology/Cyber workforce, and the number of veterans who apply for, and are hired, for positions under this authority.

''(c) SUNSET.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2017.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1599e. Information technology/cyber workforce: expedited hiring authority.''.

SA 1188. Mr. CARDIN (for himself, Mr. WICKER, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. CASEY, and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. EXPANSION OF OPERATION HERO MILES.

(a) EXPANDED DEFINITION OF TRAVEL BENEFIT.—Subsection (b) of section 2613 of title 10, United States Code, is amended to read as follows:

''(b) TRAVEL BENEFIT DEFINED.—In this section, the term 'travel benefit' means—

''(1) frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public; and

''(2) points or awards for free or reduced-cost accommodations issued by an inn, hotel, or other commercial establishment that provides lodging to transient guests.''.

(b) CONDITION ON AUTHORITY TO ACCEPT DONATION.—Subsection (c) of such section is amended—

(1) by striking ''the air or surface carrier'' and inserting ''the business entity referred to in subsection (b)'';

(2) by striking ''the surface carrier'' and inserting ''the business entity''; and

(3) by striking ''the carrier'' and inserting ''the business entity''.

(c) ADMINISTRATION.—Subsection (e)(3) of such section is amended by striking ''the air carrier or surface carrier'' and inserting ''the business entity referred to in subsection (b)''.

(d) STYLISTIC AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2613 and inserting the following new item:

''2613. Acceptance of frequent traveler miles, credits, points, and tickets: use to facilitate rest and recuperation travel of deployed members and their families.''.

SA 1189. Mrs. MURRAY (for herself, Mrs. GILLIBRAND, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VII, add the following:

Subtitle D—Mental Health Care for Members of Reserve Components on Inactive-Duty Training

SEC. 741. BEHAVIORAL HEALTH CARE FOR MEMBERS OF THE ARMED FORCES PERFORMING INACTIVE-DUTY TRAINING AND CERTAIN OTHER MEMBERS.

(a) IN GENERAL.—Subsection (a)(1) of section 1074a of title 10, United States Code, is amended by inserting ''(including a behavioral health illness)'' after ''or disease''.

(b) SERVICES FOR READINESS OF CERTAIN OTHER MEMBERS OF READY RESERVE.—Subsection (g)(1) of such section is amended by striking ''medical and dental readiness'' and inserting ''medical, dental, and behavioral health readiness''.

SEC. 742. MENTAL HEALTH ASSESSMENTS DURING INACTIVE-DUTY TRAINING FOR MEMBERS OF THE NATIONAL GUARD IN STATES WITH HIGH NEED FOR BEHAVIORAL HEALTH SUPPORT.

(a) ACCESS TO ASSESSMENTS.—Each member of the National Guard in a unit of a State covered by subsection (b) who is performing inactive-duty training shall, while performing such training, be permitted access to a mental health assessment through a licensed mental health professional who shall be available for such assessments during duty hours of such training on the premises of the principal duty location of such member's unit. Such mental health assessment shall be provided by the State in accordance with subsection (e).

(b) COVERED STATES.—A State covered by this subsection is a State that—

(1) meets the criteria under subsection (c), as determined by the Chief of the National Guard Bureau under subsection (d); and

(2) elects to provide mental health assessments for members of the National Guard as described in subsection (a) in accordance with subsection (e).

(c) CRITERIA.—

(1) IN GENERAL.—The Chief of the National Guard Bureau shall develop criteria for determining whether or not members of the National Guard of a particular State shall be permitted access to mental health assessments under subsection (a).

(2) ELEMENTS.—The criteria developed under paragraph (1) shall take into account the following:

(A) The rate of suicide among members of the National Guard of a State.

(B) The deployment schedule of National Guard units in a State, including, in particular, the number of National Guard units in the State recently returned from deployment.

(C) The economic circumstances of a State, including the rate of unemployment in the State generally and the rate of unemployment in the State among veterans.

(D) The availability of behavioral health care providers in a State (including civilian

providers, providers at military treatment facilities, and providers of or through the Department of Veterans Affairs) for members of the National Guard, including, in particular, the availability of such providers in rural areas of the State.

(E) Such other criteria as the Chief of the National Guard Bureau considers appropriate.

(3) PERIODIC UPDATES.—The Chief of the National Guard Bureau shall update the criteria developed under paragraph (1) every two years.

(4) CONSULTATION.—The Chief of the National Guard Bureau shall carry out this subsection in consultation with the Assistant Secretary of Defense for Health Affairs, the Surgeons General of the Armed Forces, and the Adjutants General of the National Guard.

(5) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Chief of the National Guard Bureau shall submit to the congressional defense committees a report on the criteria developed under this subsection.

(d) DETERMINATIONS REGARDING STATES.—Upon developing the criteria required by subsection (b), and every two years thereafter, the Chief of the National Guard Bureau shall determine whether or not each State meets the criteria for purposes of subsection (b)(1). In making such a determination, the Chief of the National Guard Bureau shall use the version of such criteria in effect at the time of such determination, as updated under subsection (c)(3).

(e) STATE ACTIONS.—

(1) ELECTION TO PROVIDE ASSESSMENTS.—

(A) IN GENERAL.—Upon the development of the criteria required by subsection (c), and every two years thereafter, a State that meets the criteria may elect to provide mental health assessments for members of the National Guard as described in subsection (a).

(B) PERIOD OF ELECTION.—An election under subparagraph (A) shall be effective for two years, and may be renewed by a State if the Chief of the National Guard Bureau determines under subsection (d) that the State continues to meet the criteria under subsection (c) at the time of such renewal.

(C) AVAILABILITY OF OPTION TO ELECT.—The lack of an election by a State under subparagraph (A) shall not prohibit the State from making an election under that subparagraph at any subsequent two-year interval if the State meets the criteria under subsection (c) at the commencement of such subsequent two-year interval.

(2) ASSESSMENTS.—

(A) IN GENERAL.—Each State making an election under paragraph (1) shall provide mental health assessments for members of the National Guard in units of the State as described in subsection (a) during the two-year period following the election.

(B) MANNER OF PROVISION.—A State shall provide mental health assessments under this paragraph in accordance with a plan developed by the State for that purpose. The plan shall ensure the availability of behavioral health providers for that purpose during duty hours of inactive-duty training on the premises of the principal duty location of National Guard units of the State performing such training. The plan may provide for the availability of such providers for that purpose through arrangements with contractors under the TRICARE program or other appropriate contractors or through such other means as the State considers appropriate.

(f) FEDERAL FUNDING.—Amounts authorized to be appropriated for the Department of Defense for Defense Health Program may be available for payment for, or reimbursements of States for the costs of, mental health assessments of members of the National Guard under subsection (a).

(g) DEFINITIONS.—In this section:

(1) The term ''inactive-duty training'' has the meaning given that term in section 101(d)(7) of title 10, United States Code.

(2) The term ''State'' means the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(3) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 743. BEHAVIORAL HEALTH SUPPORT FOR CERTAIN MEMBERS OF THE NATIONAL GUARD IN STATES WITH HIGH NEED FOR BEHAVIORAL HEALTH SUPPORT.

(a) IN GENERAL.—Each member of the National Guard of a State meeting the criteria in section 742(c) who is participating in annual training duty or individual duty training shall, while so participating, have access to the behavioral health support programs specified in subsection (b).

(b) BEHAVIORAL HEALTH SUPPORT PROGRAMS.—The behavioral health support programs specified in this subsection are the following:

(1) Programs providing access to licensed mental health providers in armories, reserve centers, or other places for scheduled unit training assemblies.

(2) Programs providing training on suicide prevention and post-suicide response.

(3) Psychological health programs.

(4) Such other programs as the Secretary of Defense, in consultation with the Surgeon General for the National Guard of the State in which the members concerned reside, the Director of Psychological Health of the State in which the members concerned reside, the Department of Mental Health or the equivalent agency of the State in which the members concerned reside, or the Director of the Psychological Health Program of the National Guard Bureau, considers appropriate.

(c) ACCESS WITHOUT COST TO MEMBERS.—Access to behavioral health programs, and to any services under such programs, shall be provided at no cost to members.

(d) PRIVACY PROTECTION.—Any mental health services provided under this section shall be subject to and comply with all applicable privacy rules and security rules published by the Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act of 1996.

SEC. 744. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE RESERVES PERFORMING INACTIVE-DUTY TRAINING.

(a) IN GENERAL.—The Secretary of the military department concerned may provide mental health assessments for members of the Army Reserve, the Navy Reserve, the Air Force Reserve, and the Marine Corps Reserve who are performing inactive-duty training.

(b) CRITERIA.—A determination whether or not to provide mental health assessments for members of a given Reserve under subsection (a) may be made in accordance with criteria developed by the Secretary of the military department concerned, in consultation with the Assistant Secretary of Defense for Health Affairs and the Surgeon General of the Armed Force concerned.

(c) PROVISION WITHOUT COST TO MEMBERS.—Any mental health assessments provided under this section, and any services provided pursuant to such assessments, shall be provided at no cost to members.

(d) PRIVACY PROTECTION.—Any mental health services provided under this section shall be subject to and comply with all applicable privacy rules and security rules published by the Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act of 1996.

(e) INACTIVE-DUTY TRAINING DEFINED.—In this section, the term ''inactive-duty training'' has the meaning given that term in section 101(d)(7) of title 10, United States Code.

SEC. 745. REPORTS ON EFFECTIVENESS OF MENTAL HEALTH ASSESSMENTS IN MEETING NEEDS OF MEMBERS OF THE RESERVE COMPONENTS PERFORMING INACTIVE-DUTY TRAINING.

(a) BIENNIAL ASSESSMENT OF EFFECTIVENESS OF ASSESSMENTS.—Not later than two years after the date of the enactment of this Act, and every two years thereafter, the Assistant Secretary of Defense for Health Affairs shall conduct an assessment of the effectiveness of the mental health assessments provided members of the reserve components of the Armed Forces under this subtitle.

(b) ELEMENTS.—Each assessment under subsection (a) shall include an assessment of the following:

(1) The effect of the mental health assessments described in subsection (a) in assuring the behavioral health readiness of the following:

(A) The reserve components of the Armed Forces generally.

(B) The National Guard of each State in which mental health assessments were performed under section 742 during the two-year period covered by such assessment.

(C) Each of the Army Reserve, the Navy Reserve, the Air Force Reserve, and the Marine Corps Reserve.

(2) For the two-year period covered by such assessment, rates of each of the following:

(A) Contacts between members of the reserve components of the Armed Forces and a behavioral health provider initiated by the member.

(B) Contacts between members of the reserve components of the Armed Forces and a behavioral health provider initiated by a commander of the member.

(C) Contacts between members of the reserve components of the Armed Forces and a behavioral health provider initiated by a behavioral health provider.

(D) Symptoms of post-traumatic stress disorder (PTSD) in members participating in any such contacts.

(E) Substance abuse in members participating in any such contacts.

(F) Marriage or family concerns in members participating in any such contacts.

(G) Job or financial concerns in members participating in any such contacts.

(3) Such other matters as the Assistant Secretary of Defense for Health Affairs considers appropriate.

(c) REPORTS ON ASSESSMENTS.—Not later than 30 days after completing an assessment under this section, the Assistant Secretary of Defense for Health Affairs shall submit to the congressional defense committees a report setting forth the results of such assessment.

SA 1190. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle G of title X, add the following:

SEC. 1080. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.

(a) DEVELOPMENT OF INNOVATIVE ADVANCED TECHNOLOGIES.—

(1) IN GENERAL.—The Secretary of Defense shall use the laboratory network of the Department of Defense and work with the Secretary of Commerce and the Administrator of the Small Business Administration to encourage the development of innovative advanced technologies to address national security, and where appropriate, homeland security, and first responder challenges.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should make further progress in marshaling existing authorities in support of regional advanced technology clusters, while defining mechanisms to collaborate with, and leverage resources from the Department of Commerce and the Small Business Administration.

(b) DESIGNATION OF LEAD DEPARTMENT OF DEFENSE OFFICE.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Under Secretary of Defense for Policy, shall identify and report to the appropriate congressional committees what office within the Department of Defense will be responsible for enhanced use of regional advanced technology clusters.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with the Under Secretary of Defense for Policy, shall submit to the appropriate congressional committees a report describing—

(1) the participation of the Department of Defense in regional advanced technology clusters, including the number of clusters supported, technologies developed and products commercialized, small businesses trained, companies started, and research and development facilities shared;

(2) implementation by the Department of processes and mechanisms to facilitate collaboration with the clusters;

(3) agreements established with the Department of Commerce and the Small Business Administration to jointly support the continued utilization and growth of the clusters; and

(4) any additional required authorities and any impediments in supporting regional advanced technology clusters.

(d) COLLABORATION WITH OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—The designated lead from the Department of Defense office shall collaborate and share resources with other Federal agencies for purposes of assisting in the utilization and growth of regional advanced technology clusters under this section. Furthermore the Department of Defense will work with Department of Commerce and the Small Business Administration to develop methods to evaluate the effectiveness of technology cluster policies.

(2) INTERGOVERNMENTAL PERSONNEL ACT AGREEMENTS.—The Department of Defense shall utilize Intergovernmental Personnel Act agreements to provide for the temporary assignment of personnel between the Federal Government and State and local governments, colleges and universities, Indian tribal governments, federally funded research and development centers, and other eligible organizations.

(3) ACCESS TO DEPARTMENT OF DEFENSE FACILITIES.—The Secretary of Defense shall provide regional advanced technology clusters appropriate access to Department of Defense facilities.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Commerce, Science and Transportation and the Committee on Small Business and Entrepreneurship of the Senate; and

(C) the Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives.

(2) REGIONAL ADVANCED TECHNOLOGY CLUSTERS.—The term ''regional advanced technology clusters'' means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

SA 1191. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriation 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 follow:

At the end of title I of division A, add the following:

SEC. 1____. (a) The Corps of Engineers is authorized to carry out any project—

(1) for which there is a signed report of the Chief of Engineers by the end of fiscal year 2012;

(2) that will be constructed according to the specifications of the Corps of Engineers; and

(3) for which, prior to authorization, the Chief of Engineers certifies that 100 percent of the cost of carrying out the project is contributed by a non-Federal entity or a group of non-Federal entities.

(b) A non-Federal entity or group of non-Federal entities described in subsection (a)(3) shall not receive any reimbursement for the cost of a project carried out under this section from the Federal Government.

SA 1192. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle D of title V, add the following:

SEC. 547. REPORT ON COSTS TO DEPARTMENT OF DEFENSE OF CERTAIN ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AND MILITARY SPOUSES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the costs to the Department of Defense of education assistance for members of the Armed Forces and military spouses under the following programs of the Department of Defense:

(1) The Tuition Assistance (TA) program.

(2) The Military Spouse Career Advancement Account (MyCAA) program.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each institution of higher education that received funds under a program specified in subsection (a) during any of fiscal years 2009, 2010, or 2011—

(A) the name and location of such institution;

(B) whether such institution is a public, non-profit, or for-profit institution;

(C) the amount of funds received by such institution in each such fiscal year each under each program; and

(D) the number of members of the Armed Forces, and the number of military spouses, who received education at such institution during each such fiscal year for which money was received under either program.

(2) Education outcomes for participants in the programs specified in subsection (a) during fiscal years 2009 through 2011, including—

(A) credit accumulation;

(B) completion of education on time or in 150 percent of on time;

(C) loan defaults;

(D) job placement and retention, and wage progression, after completion of education.

(3) A summary of complaints regarding aggressive recruiting practices or misrepresentation of future job placement opportunities from participants in the programs specified in subsection (a) during fiscal years 2009 through 2011.

(4) Such recommendations as the Secretary considers appropriate for reducing the costs to the Department of education assistance under the programs specified in subsection (a).

SA 1193. Mr. DURBIN (for himself, Mr. KIRK, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

Strike section 341 and insert the following:

SEC. 341. PERMANENT AND EXPANDED AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENTER INTO CERTAIN COOPERATIVE ARRANGEMENTS WITH NON-ARMY ENTITIES.

Section 4544 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (k).

SA 1194. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

Strike section 1048 and insert the following:

SEC. 1048. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(a) FISCAL YEAR 2012 ADMINISTRATION.—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2012. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

(b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program

''(a) DEFINITIONS.—In this section:

''(1) CHARTER SCHOOL.—The term 'charter school' has the meaning given that term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

''(2) HIGH-NEED SCHOOL.—The term 'high-need school' means—

''(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free or reduced priced lunches under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

''(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using data comparable to the data described in subparagraph (A) from the middle or elementary schools that feed into the high school;

''(C) a school that is in a local educational agency that is eligible under section 6211(b) of the Elementary and Secondary Education Act of 1965; or

''(D) a school in which not less than 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(3) MEMBER OF THE ARMED FORCES.—The term 'member of the armed forces' includes a former member of the armed forces.

''(4) PROGRAM.—The term 'Program' means the Troops-to-Teachers Program authorized by this section.

''(5) ADDITIONAL TERMS.—The terms 'elementary school', 'highly qualified', 'local educational agency', 'secondary school', and 'State' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(b) PROGRAM AUTHORIZATION.—The Secretary of Defense (in this section referred to as the 'Secretary') may carry out a program (to be known as the 'Troops-to-Teachers Program')—

''(1) to assist eligible members of the armed forces described in subsection (d) to obtain certification or licensing as elementary school teachers, secondary school teachers, or career and technical education teachers, and to become highly qualified teachers; and

''(2) to facilitate the employment of such members—

''(A) by local educational agencies or charter schools that the Secretary of Education identifies as—

''(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et. seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

''(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of highly qualified science, mathematics, special education, foreign language, or career and technical education teachers; or

''(iii) a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); and

''(B) in elementary schools or secondary schools, or as career and technical education teachers.

''(c) COUNSELING AND REFERRAL SERVICES.—The Secretary may provide counseling and referral services to members of the armed forces who do not meet the criteria described in subsection (d), including meeting the education qualification requirements under subsection (d)(3)(B).

''(d) ELIGIBILITY AND APPLICATION PROCESS.—

''(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

''(A) Any member who—

''(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

''(ii) has an approved date of retirement that is within 1 year after the date on which the member submits an application to participate in the Program; or

''(iii) has been transferred to the Retired Reserve.

''(B) Any member who, on or after January 8, 2002—

''(i)(I) is separated or released from active duty after 4 or more years of continuous active duty immediately before the separation or release; or

''(II) has completed a total of at least 6 years of active duty service, 6 years of service computed under section 12732 of this title, or 6 years of any combination of such service; and

''(ii) executes a reserve commitment agreement for a period of not less than 3 years under paragraph (5)(B).

''(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

''(D) Any member who—

''(i) applied for the teacher placement program administered under section 1151 of title 10, United States Code, before the repeal of that section, and satisfied the eligibility criteria specified in subsection (c) of such section 1151; or

''(ii) applied for the Troops to Teachers program under chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673 et seq.) and satisfied the eligibility criteria specified in section 2303(a), before the date of enactment of this section.

''(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in subparagraph (B). An application shall be in such form and contain such information as the Secretary may require.

''(B) An application shall be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than 3 years after the date on which the member is retired, separated, or released from active duty, whichever applies to the member.

''(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

''(B)(i) If a member of the armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

''(ii) If a member of the armed forces is applying for assistance for placement as a career and technical education teacher, the Secretary shall require the member—

''(I) to have received the equivalent of 1 year of college from an accredited institution of higher education or the equivalent in military education and training as certified by the Department of Defense; or

''(II) to otherwise meet the certification or licensing requirements for a career and technical education teacher in the State in which the member seeks assistance for placement under the Program.

''(C) A member of the armed forces is eligible to participate in the Program only if the member's last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned.

''(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary—

''(A) shall give priority to members who—

''(i) have educational or military experience in science, mathematics, special education, foreign language, or career and technical education subjects; and

''(ii) agree to seek employment as science, mathematics, foreign language, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency; and

''(B) may give priority to members who agree to seek employment in a high-need school.

''(5) OTHER CONDITIONS ON SELECTION.—

''(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (e) with respect to the member.

''(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than 3 years.

''(e) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

''(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (b) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

''(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or career and technical education teacher, and to become a highly qualified teacher; and

''(ii) to accept an offer of full-time employment, to begin the school year after obtaining that certification or licensing, as an elementary school teacher, secondary school teacher, or career and technical education teacher for not less than 3 school years with—

''(I) a local educational agency receiving grant funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.);

''(II) a public charter school (as such term is defined in section 2102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6602)) residing in such a local educational agency; or

''(III) a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 11 2021)).

''(B) The Secretary may waive the 3-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the 3-year commitment.

''(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

''(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

''(B) is serving on active duty as a member of the armed forces;

''(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

''(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

''(E) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a career and technical education teacher for a single period not to exceed 27 months; or

''(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

''(3) STIPEND AND BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (C), the Secretary may pay to a participant in the Program selected under this section a stipend to cover expenses incurred by the participant to obtain the required educational level, certification or licensing. Such stipend may not exceed $5,000 and may vary by participant.

''(B) Subject to subparagraph (C), the Secretary may pay a bonus of up to $10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or career and technical education teacher for not less than 3 school years in a high-need school. Such bonus may vary by participant and may take into account the priority placements as determined by the Secretary.

''(C)(i) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

''(ii) The total number of bonuses that may be paid under subparagraph (B) in any fiscal year may not exceed 3,000.

''(iii) The combination of stipend and bonus for any one participant may not exceed $10,000.

''(4) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. seq.).

''(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

''(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under this subsection shall be required to repay the stipend or bonus under the following circumstances:

''(A) The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or career and technical education teacher as required by the participation agreement under subsection (e)(1).

''(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or career and technical education teacher during the 3 years of required service in violation of the participation agreement.

''(C) The participant executed a written agreement with the Secretary concerned under subsection (d)(5)(B) to serve as a member of a reserve component of the armed forces for a period of 3 years and fails to complete the required term of service.

''(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the 3 years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

''(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

''(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

''(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under subsection (e) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

''(h) PARTICIPATION BY STATES.—

''(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

''(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and career and technical education teachers.

''(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed $5,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program.''.

(c) CONFORMING AMENDMENT.—Section 1142(b)(4)(C) of such title is amended by striking ''under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)'' and inserting ''under sections 1152, 1153, and 1154 of this title''.

(d) TERMINATION OF ORIGINAL PROGRAM.—

(1) TERMINATION.—

(A) Chapter A of subpart 1 of Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(B) The table of contents in section 2 of Part I of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to such chapter.

(2) EXISTING AGREEMENTS.—The repeal of chapter A of subpart 1 of Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) by paragraph (1)(A) shall not affect the validity or terms of any agreement entered into before the date of the enactment of this Act under such chapter, or to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before such repeal.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date on which the Secretary of Defense provides the appropriate committees of Congress with written notice that the Secretary of Defense has elected to administer the program in accordance with subsection (a), or on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(f) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2012, the Secretary of Defense and the Secretary of Education shall jointly submit to the appropriate committees of Congress a report on the Troops-to-Teachers Program. The report shall include the following:

(A) A summary of the funding of the Troops-to-Teachers Program since its inception and projected funding of the program during the period covered by the future-years defense program submitted to Congress during 2011.

(B) The number of past participants in the Troops-to-Teachers Program by year, the number of past participants who have fulfilled, and have not fulfilled, their service obligation under the program, and the number of waivers of such obligations (and the reasons for such waivers).

(C) A discussion and assessment of the current and anticipated effects of recent economic circumstances in the United States, and cuts nationwide in State and local budgets, on the ability of participants in the Troops-to-Teachers Program to obtain teaching positions.

(D) A discussion of the youth education goals in the Troops-to-Teachers Program and the record of the program to date in producing teachers in high-need and other eligible schools.

(E) An assessment of the extent to which the Troops-to-Teachers Program achieves its purpose as a military transition assistance program and, in particular, as transition assistance program for members of the Armed Forces who are nearing retirement or who are voluntarily or involuntarily separating from military service.

(F) An assessment of the performance of the Troops-to-Teachers Program in providing qualified teachers to high-need public

schools, and reasons for expanding the program to additional school districts.

(G) A discussion and assessment of the advisability of the administration of the Troops-to-Teachers Program by the Department of Education in consultation with the Department of Defense.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(i) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(ii) the Committees on Armed Services and Education and the Workforce of the House of Representatives.

(B) TROOPS-TO-TEACHERS PROGRAM.—The term ''Troops-to-Teachers Program'' means the Troops-to-Teachers Program under section 1154 of title 10, United States Code (as amended by subsection (b)), as authorized prior to the enactment of this Act by chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

SA 1195. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. REPORT ON EXTENT OF AUTHORIZED ACCESS TO MILITARY INSTALLATION FOR UNAUTHORIZED MARKETING OF PRODUCTS AND SERVICES TO MILITARY PERSONNEL.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the extent to which persons and entities employed by institutions of higher education (for purposes of the Higher Education Act of 1965) who have otherwise authorized access to military installations are engaged in the unauthorized marketing of products and services to members of the Armed Forces through such access.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The assessment described in subsection (a).

(2) Such recommendations as the Secretary considers appropriate for mechanisms as follows:

(A) To assist members of the Armed Forces in identifying persons and entities who are engaged in the unauthorized marketing of products and services to members of the Armed Force through otherwise authorized access to military installations.

(B) To encourage members to report persons and entities who are so engaged to the proper authorities.

SA 1196. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

SEC. 262. REESTABLISHMENT OF REQUIREMENT FOR ANNUAL REPORTS ON DEPARTMENT OF DEFENSE EFFORTS AND PROGRAMS RELATING TO THE PREVENTION, MITIGATION, AND TREATMENT OF BLAST INJURIES.

Section 256(h)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3181; 10 U.S.C. 1071 note) is amended by inserting ''and not later than 270 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, and annually thereafter through 2014,'' after ''through 2008,''.

SA 1197. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 889. TIMELY PAYMENT OF SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

''(s) REGULATIONS RELATING TO TIMELY PAYMENTS.—

''(1) REGULATIONS REQUIRED.—Not later than 1 year after the date of enactment of this subsection, the Director of the Office of Management and Budget, in consultation with the Administrator, shall issue regulations that require any prime contractor awarded a contract by the Federal Government to make timely payments to subcontractors that are small business concerns.

''(2) CONSIDERATIONS.—In issuing the regulations under paragraph (1), the Director of the Office of Management and Budget, in consultation with the Administrator, shall consider—

''(A) requiring a prime contractor to pay a subcontractor that is a small business concern not later than 30 days after the date on which the prime contractor receives a payment from the Federal Government;

''(B) developing—

''(i) incentives for prime contractors that pay subcontractors in accordance with the regulations; or

''(ii) penalties for prime contractors that do not pay subcontractors in accordance with the regulations; and

''(C) requiring that any subcontracting plan under paragraph (4) or (5) of section 8(d) contain a detailed description of when and how each subcontractor will be paid.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 638(d)(6)) is amended—

(1) in subparagraph (F), by striking ''and'' at the end;

(2) in subparagraph (G)(ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(H) any information required to be included under the regulations issued under section 15(s).''.

SA 1198. Mrs. HUTCHISON (for herself, Mr. JOHNSON of South Dakota, Mr. THUNE, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, strike lines 5 through 13 and insert the following:

(a) IN GENERAL.—The Secretary of the Air Force may not retire or prepare to retire any B-1 bomber aircraft until the date that is one year after the date on which the plan described in subsection (b) is received by the congressional defense committees.

On page 29, strike lines 11 through 23.

SA 1199. Mrs. HUTCHISON (for herself, Mr. BLUNT, Mr. MANCHIN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Army Programs

SEC. 171. LIMITATION ON RETIREMENT OF C–23 AIRCRAFT.

(a) MAINTENANCE.—The Secretary of the Army shall maintain not less than 42 C–23 aircraft, of which not less than—

(1) 11 shall be available for the active component of the Army;

(2) 4 shall be available for training operations; and

(3) 22 shall be available for domestic operations in the continental United States.

(b) LIMITATION ON RETIREMENT.—The Secretary of the Army may not retire (or prepare to retire) any C–23 aircraft, or keep any such aircraft in a status considered excess to the requirements of the possessing command and awaiting disposition instructions, until the date that is one year after the date on which each report under subsections (c)(2), (d)(2), and (e)(2) has been received by the congressional defense committees.

(c) AIRLIFT STUDY AND REPORT.—

(1) STUDY.—The Director of the National Guard Bureau, in consultation with the Chief of Staff of the Army, the Chief of Staff of the Air Force, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Administrator of the Federal Emergency Management Agency, shall conduct a study to determine the number of fixed-wing and rotary-wing aircraft required to support the following missions at low, medium, moderate, high, and very-high levels of operational risk:

(A) Homeland defense.

(B) Contingency response.

(C) Natural disaster-related response.

(D) Humanitarian response.

(2) REPORT.—The Director shall submit to the congressional defense committees a report containing the study under paragraph (1).

(d) FLEET VIABILITY ASSESSMENT.—

(1) ASSESSMENT.—The Secretary of the Army, in coordination with the Director of the Fleet Viability Board of the Air Force, shall conduct a fleet viability assessment with respect to C–23 aircraft.

(2) REPORT.—The Secretary shall submit to the congressional defense committees a report containing the assessment under paragraph (1).

(e) GAO SUFFICIENCY REVIEW.—

(1) REVIEW.—The Comptroller General of the United States shall conduct a sufficiency review of the study under subsection (c)(1).

(2) REPORT.—Not later than 180 days after the date on which the Director of the National Guard Bureau submits the report under subsection (c)(2), the Comptroller General shall submit to the congressional defense committees a report containing the review under paragraph (1).

SA 1200. Mr. CORNYN (for himself, Mr. MENENDEZ, Mr. INHOFE, Mr. LIEBERMAN, Mr. WYDEN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SALE OF F–16 AIRCRAFT TO TAIWAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense, in its 2011 report to Congress on ''Military and Security Developments Involving the People's Republic of China,'' found that ''China continued modernizing its military in 2010, with a focus on Taiwan contingencies, even as cross-Strait relations improved. The PLA seeks the capability to deter Taiwan independence and influence Taiwan to settle the dispute on Beijing's terms. In pursuit of this objective, Beijing is developing capabilities intended to deter, delay, or deny possible U.S. support for the island in the event of conflict. The balance of cross-Strait military forces and capabilities continues to shift in the mainland's favor.'' In this report, the Department of Defense also concludes that, over the next decade, China's air force will remain primarily focused on ''building the capabilities required to pose a credible military threat to Taiwan and U.S. forces in East Asia, deter Taiwan independence, or influence Taiwan to settle the dispute on Beijing's terms''.

(2) The Defense Intelligence Agency (DIA) conducted a preliminary assessment of the status and capabilities of Taiwan's air force in an unclassified report, dated January 21, 2010. The DIA found that, ''[a]lthough Taiwan has nearly 400 combat aircraft in service, far fewer of these are operationally capable.'' The report concluded, ''Many of Taiwan's fighter aircraft are close to or beyond service life, and many require extensive maintenance support. The retirement of Mirage and F–5 aircraft will reduce the total size of the Taiwan Air Force.''

(3) Since 2006, authorities from Taiwan have made repeated requests to purchase 66 F–16C/D multirole fighter aircraft from the United States, in an effort to modernize the air force of Taiwan and maintain its self-defense capability.

(4) According to a report by the Perryman Group, a private economic research and analysis firm, the requested sale of F–16C/Ds to Taiwan ''would generate some $8,700,000,000 in output (gross product) and more than 87,664 person-years of employment in the US,'' including 23,407 direct jobs, while ''economic benefits would likely be realized in 44 states and the District of Columbia''.

(5) The sale of F–16C/Ds to Taiwan would both sustain existing high-skilled jobs in key United States manufacturing sectors and create new ones.

(6) On August 1, 2011, a bipartisan group of 181 members of the House of Representatives sent a letter to the President, expressing support for the sale of F–16C/Ds to Taiwan. On May 26, 2011, a bipartisan group of 45 members of the Senate sent a similar letter to the President, expressing support for the sale. Two other members of the Senate wrote separately to the President or the Secretary of State in 2011 and expressed support for this sale.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a critical element to maintaining peace and stability in Asia in the face of China's two-decade-long program of military modernization and expansion of military capabilities is ensuring a militarily strong and confident Taiwan;

(2) a Taiwan that is confident in its ability to deter Chinese aggression will increase its ability to proceed in developing peaceful relations with China in areas of mutual interest;

(3) the cross-Strait military balance between China and our longstanding strategic partner, Taiwan, has clearly shifted in China's favor;

(4) China's military expansion poses a clear and present danger to Taiwan, and this threat has very serious implications for the ability of the United States to fulfill its security obligations to allies in the region and protect our vital United States national interests in East Asia;

(5) Taiwan's air force continues to deteriorate, and it needs additional advanced multirole fighter aircraft in order to modernize its fleet and maintain a sufficient self-defense capability;

(6) the United States has a statutory obligation under the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan the defense articles necessary to enable Taiwan to maintain sufficient self-defense capabilities, in furtherance of maintaining peace and stability in the western Pacific region;

(7) in order to comply with the Taiwan Relations Act, the United States must provide Taiwan with additional advanced multirole fighter aircraft, as well as significant upgrades to Taiwan's existing fleet of multirole fighter aircraft; and

(8) the proposed sale of F–16C/D multirole fighter aircraft to Taiwan would have significant economic benefits to the United States economy.

(c) SALE OF AIRCRAFT.—The President shall carry out the sale of no fewer than 66 F–16C/D multirole fighter aircraft to Taiwan.

SA 1201 Mr. WEBB submitted an amendment intended to be proposed to amendment SA 1072 submitted by Mr. LEAHY (for himself, Mr. GRAHAM, Mr. ROCKEFELLER, Ms. AYOTTE, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COATS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CRAPO, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HELLER, Mr. HOEVEN, Mr. INHOFE, Mr. INOUYE, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEE, Mr. LUGAR, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. RISCH, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. UDALL of Colorado, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. TOOMEY, and Mr. KERRY) to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE XVI—NATIONAL GUARD MATTERS

SEC. 1601. REPORT ON NATIONAL GUARD EMPOWERMENT.

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall provide for the conduct of an independent study on the advisability of making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff.

(b) ELEMENTS.—The Secretary shall ensure that the independent study group conducting the study required by subsection (a) considers the near-term and long-range implications associated with making an advisor to the Secretary of the Air Force and the Secretary of the Army on matters relating to the reserve components of the Armed Forces a member of the Joint Chiefs of Staff. The study shall encompass, but not necessarily be limited to, the following considerations:

(1) The roles and functions of the Joint Chiefs of Staff.

(2) The roles and functions of the Army National Guard, the Air National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

(3) The roles and functions of the Chief of the National Guard Bureau.

(4) The effects on the principle of civilian control of the military and accountability in adding a member to the Joint Chiefs of Staff who is not subject to the oversight of a single appointed and confirmed Secretary of a military department.

(5) The precedent and potential long-term implications of adding a member to the Joint Chiefs of Staff who is not the chief of an Armed Force.

(6) The impact, if any, on the deliberations of the Joint Chiefs of Staff of including a member who has been recommended for appointment as the Chief of the National Guard Bureau by the governor of a State.

(7) The effects on the principles of unity of command and unity of effort for the Department of the Army and the Department of the Air Force.

(8) The potential for confusing lines of authority and representation under title 10, United States Code, already in place for the Chief of Staff of the Army and the Chief of Staff of the Air Force in meeting their responsibilities as members of the Joint Chiefs of Staff.

(9) The effects of altering the current statutory balance for representation by each branch of the Armed Forces on the Joint Chiefs of Staff by altering their statutory representation and the possible consequences for intra-service and inter-service integration, progress toward more effective

jointness, and efforts to improve interoperability.

(10) The findings and recommendations contained in the reports issued by the Commission on the National Guard and Reserves.

(11) The transition of the National Guard from a strategic reserve force to an operational reserve force for the All-Volunteer Force.

(12) Possible impacts on the other reserve components of the Armed Forces, including perceptions regarding the Chief of the National Guard Bureau having added responsibilities assigned as a member of the Joint Chiefs of Staff.

(13) The extent to which the existing statutory role of the Chief of the National Guard as advisor to the Secretary of Defense is sufficient for all matters involving nonfederalized National Guard forces.

(14) The qualifications of the Chief of the National Guard Bureau to provide requisite insight into all levels of strategic planning as a member of the Joint Chiefs of Staff, and the risk of diluting understanding in the Armed Forces of the principle of supporting and supported command relationships.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendations in light of the results of the study as the Secretary considers appropriate.

SA 1202. Mr. UDALL of New Mexico (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. APPLICABILITY OF BUY AMERICAN ACT TO PROCUREMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k) PROCUREMENT OF PHOTOVOLTAIC DEVICES.—

''(1) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract described in paragraph (2) awarded by the Department of Defense includes a provision requiring any photovoltaic devices installed pursuant to the contract, or pursuant to a subcontract under the contract, to comply with the provisions of chapter 83 of title 41 (commonly known as the 'Buy American Act'), without regard to whether the contract results in ownership of the photovoltaic devices by the Department.

''(2) CONTRACTS DESCRIBED.—The contracts described in this paragraph include energy savings performance contracts, utility service contracts, power purchase agreements, land leases, and private housing contracts pursuant to which any photovoltaic devices are installed on property or in a facility—

''(A) owned by the Department of Defense;

''(B) leased to the Department of Defense; or

''(C) with respect to which the Secretary of the military department concerned has exercised any authority provided under subchapter IV of chapter 169 of this title (relating to alternative authority for the acquisition and improvement of military housing).

''(3) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—Paragraph (1) shall be applied in a manner consistent with the obligations of the United States under international agreements.

''(4) DEFINITION OF PHOTOVOLTAIC DEVICES.—In this subsection, the term 'photovoltaic devices' means devices that convert light directly into electricity.

''(5) EFFECTIVE DATE.—This subsection applies to photovoltaic devices procured or installed on or after the date that is 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 pursuant to contracts entered into before, on, or after such date of enactment.''.

(b) CONFORMING REPEAL.—Section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note) is repealed.

SA 1203. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

On page 65, strike lines 20 through 23 and insert the following:

(b) DEFINITION OF RENEWABLE ENERGY SOURCE.—Section 2911(e)(2)(A) of title 10, United States Code, is amended by inserting '', including electricity and direct use'' before the period at the end.

SA 1204. Mr. REED (for himself, Ms. AYOTTE, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. LEAHY, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follow:

At the end of subtitle C of title VII, add the following:

SEC. 723. PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of enhancing the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury (TBI) in members of the National Guard and Reserves, their family members, and their caregivers through community partners described in subsection (c).

(2) DURATION.—The duration of the pilot program may not exceed three years.

(b) GRANTS.—In carrying out the pilot program, the Secretary may award not more than five grants to community partners described in subsection (c). Any grant so awarded shall be awarded using a competitive and merit-based award process.

(c) COMMUNITY PARTNERS.—A community partner described in this subsection is a private non-profit organization or institution (or multiple organizations and institutions) that—

(1) engages in each of the research, treatment, education, and outreach activities described in subsection (d); and

(2) meets such qualifications for treatment as a community partner as the Secretary shall establish for purposes of the pilot program.

(d) ACTIVITIES.—Amounts awarded under a grant under the pilot program shall be utilized by the community partner awarded the grant for one or more of the following:

(1) To engage in research on the causes, development, and innovative treatment of mental health and substance use disorders and Traumatic Brain Injury in members of the National Guard and Reserves, their family members, and their caregivers.

(2) To provide treatment to such members and their families for such mental health and substance use disorders and Traumatic Brain Injury.

(3) To identify and disseminate evidence-based treatments of mental health and substance use disorders and Traumatic Brain Injury described in paragraph (1).

(4) To provide outreach and education to such members, their families and caregivers, and the public about mental health and substance use disorders and Traumatic Brain Injury described in paragraph (1).

(e) REQUIREMENT FOR MATCHING FUNDS.—

(1) REQUIREMENT.—The Secretary may award a grant under this section to an organization or institution (or organizations and institutions) only if the awardee agrees to make contributions toward the costs of activities carried out with the grant, from non-Federal sources (whether public or private), an amount equal to not less than $3 for each $1 of funds provided under the grant.

(2) NATURE OF NON-FEDERAL CONTRIBUTIONS.—Contributions from non-Federal sources for purposes of paragraph (1) may be in cash or in-kind, fairly evaluated. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of contributions from non-Federal sources for such purposes.

(f) APPLICATION.—An organization or institution (or organizations and institutions) seeking a grant under this section shall submit to the Secretary an application therefore in such a form and containing such information as the Secretary considers appropriate, including the following:

(1) A description how the activities proposed to be carried out with the grant will help improve collaboration and coordination on research initiatives, treatment, and education and outreach on mental health and substance use disorders and Traumatic Brain Injury among the Armed Forces.

(2) A description of existing efforts by the applicant to put the research described in (c)(1) into practice.

(3) If the application comes from multiple organizations and institutions, how the activities proposed to be carried out with the grant would improve coordination and collaboration among such organizations and institutions.

(4) If the applicant proposes to provide services or treatment to members of the Armed Forces or family members using grant amounts, reasonable assurances that such services or treatment will be provided by a qualified provider.

(5) Plans to comply with subsection (g).

(g) EXCHANGE OF MEDICAL AND CLINICAL INFORMATION.—A community partner awarded a grant under the pilot program shall agree to any requirements for the sharing of medical or clinical information obtained pursuant to the grant that the Secretary shall establish for purposes of the pilot program. The exchange of medical or clinical information pursuant to this subsection shall comply with applicable privacy and confidentiality laws.

(h) DISSEMINATION OF INFORMATION.—The Secretary of Defense shall share with the Secretary of Veterans Affairs information on best practices in research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury identified by the Secretary of Defense as a result of the pilot program.

(i) REPORT.—Not later than 180 days before the completion of the pilot program, the Secretary of Defense shall submit to the Secretary of Veterans Affairs, and to Congress, a report on the pilot program. The report shall include the following:

(1) A description of the pilot program, including the community partners awarded grants under the pilot program, the amount of grants so awarded, and the activities carried out using such grant amounts.

(2) A description of any research efforts advanced using such grant amounts.

(3) The number of members of the National Guard and Reserves provided treatment or services by community partners using such grant amounts, and a summary of the types of treatment and services so provided.

(4) A description of the education and outreach activities undertaken using such grant amounts.

(5) A description of efforts to exchange clinical information under subsection (g).

(6) A description and assessment of the effectiveness and achievements of the pilot program with respect to research, treatment, education, and outreach on mental health and substance use disorders and Traumatic Brain Injury.

(7) Such recommendations as the Secretary of Defense considers appropriate in light of the pilot program on the utilization of organizations and institutions such as community partners under the pilot program in efforts of the Department described in subsection (a).

(8) A description of the metrics used by the Secretary in making recommendations under paragraph (7).

(j) AVAILABLE FUNDS.—Funds for the pilot program shall be derived from amounts authorized to be appropriated for the Department of Defense for Defense Health Program and otherwise available for obligation and expenditure.

(k) DEFINITIONS.—In this section, the terms ''family member'' and ''caregiver'', in the case of a member of the National Guard or Reserves, have the meaning given such terms in section 1720G(d) of title 38, United States Code, with respect to a veteran.

SA 1205. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY RETIRED MEMBERS OF THE RESERVES ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) ELIGIBILITY FOR NON-REGULAR SERVICE RETIRED PAY.—Section 12731(f)(2) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''Ready Reserve'' and inserting ''Reserves''; and

(2) in subparagraph (B)(i), by inserting ''or section 688a'' after ''section 12301(d)''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of January 28, 2008, and as if included in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) as enacted.

SA 1206. Mrs. BOXER (for herself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mrs. MCCASKILL, Mr. AKAKA, Mr. FRANKEN, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 842 of division A and insert the following:

SEC. 842. LIMITATION ON DEFENSE CONTRACTOR COMPENSATION.

Section 2324(e)(1)(P) of title 10, United States Code, is amended to read as follows:

''(P) Costs of compensation of contractor and subcontractor employees for a fiscal year, regardless of the contract funding source, to the extent that such compensation exceeds the annual amount paid to the President of the United States in accordance with section 102 of title 3.''.

SA 1207. Mr. COBURN (for himself, Mr. LEVIN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON THE MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 30 of each year from 2013 through 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth an assessment of the performance of the major automated information system programs of the Department of Defense.

(2) ELEMENTS.—Each report under subsection (a) shall include the following:

(A) An assessment by the Comptroller General of the cost, schedule, and performance of a representative variety of major automated information system programs selected by the Comptroller General for purposes of such report.

(B) An assessment by the Comptroller General of the level of risk associated with the programs selected under subparagraph (A) for purposes of such report, and a description of the actions taken by the Department to manage or reduce such risk.

(C) An assessment by the Comptroller General of the extent to which the programs selected under subparagraph (A) for purposes of such report employ best practices for the acquisition of information technology systems, as identified by the Comptroller General, the Defense Science Board, and the Department.

(b) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than September 30, 2012, the Comptroller General shall submit to the appropriate committees of Congress a report setting forth the following:

(A) The metrics to be used by the Comptroller General for the reports submitted under subsection (a).

(B) A preliminary assessment on the matters set forth under subsection (a)(2).

(2) BRIEFINGS.—In developing metrics for purposes of the report required by paragraph (1)(A), the Comptroller General shall provide the appropriate committees of Congress with periodic briefings on the development of such metrics.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term ''major automated information system program'' has the meaning given that term in section 2445a of title 10, United States Code.

SA 1208. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, in the matter under the heading ''ENERGY EFFICIENCY AND RENEWABLE ENERGY'', before the period at the end, insert ''*: Provided further*, That, within available funds under this heading, the Secretary of Energy shall use not less than $20,000,000 for the Energy Innovation Hub for Critical Materials, including research focused on rare earths, rare earth substitutes, and related materials, on refining, recycling, minimizing, and alloying rare earths and related materials, and on use of rare earths and related materials in electronics, energy, and information and related technologies and systems''.

SA 1209. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. _____. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SA 1210. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. ASSESSMENT OF STATIONING OF ADDITIONAL DDG–51 CLASS DESTROYERS AT NAVAL STATION MAYPORT, FLORIDA.

(a) NAVY ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall conduct an analysis of the costs and benefits of stationing additional DDG–51 class destroyers at Naval Station Mayport, Florida.

(2) ELEMENTS.—The analysis required by paragraph (1) shall include, at a minimum, the following:

(A) Consideration of the negative effects on the ship repair industrial base at Naval Station Mayport caused by the retirement of FFG–7 class frigates and the procurement delays of the Littoral Combat Ship, including, in particular, the increase in costs (which would be passed on to the taxpayer) of reconstituting the ship repair industrial base at Naval Station Mayport following the projected drastic decrease in workload.

(B) Updated consideration of life extensions of FFG–7 class frigates in light of continued delays in deliveries of the Littoral Combat Ship deliveries.

(C) Consideration of the possibility of bringing additional surface warships to Naval Station Mayport for maintenance with the consequence of spreading the ship repair workload appropriately amongst the various public and private shipyards and ensuring the long-term health of the shipyard in Mayport.

(b) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT.—Not later than 120 days after the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to Congress an assessment by the Comptroller General of the report, including a determination whether or not the report complies with applicable best practices.

SA 1211. Mrs. GILLIBRAND (for herself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 577. SUPPORT FOR NATIONAL GUARD COUNSELING AND REINTEGRATION SERVICES.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide assistance to a State National Guard to support programs to provide pre-deployment and post-deployment outreach, reintegration, and readjustment services to the following persons:

(1) Members of reserve components of the Armed Forces who reside in the State or are members of the State National Guard regardless of place of residence and who are ordered to active duty in support of a contingency operation.

(2) Members described in paragraph (1) upon their return from such active duty.

(3) Veterans (as defined in section 101(2) of title 38, United States Code).

(4) Dependents of persons described in paragraph (1), (2), or (3).

(b) ELEMENTS OF PROGRAMS.—Programs supported under subsection (a) shall use direct person-to-person outreach and other relevant activities to ensure that eligible persons receive all the services and support available to them during pre-deployment, deployment, and reintegration periods.

(c) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific State National Guard under subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(d) STATE DEFINED.—In this section, the term ''State'' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(e) FUNDING.—

(1) FUNDS AVAILABLE.—The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Army National Guard as specified in the funding table in section 4301 is hereby increased by $70,000,000, with the amount of the increase to be available for assistance authorized by this section.

(2) OFFSETS.—(A) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Army as specified in the funding table in section 4301 is hereby reduced by $33,400,000, with the amount of the reduction to be allocated to amounts otherwise available for the Army for recruiting and advertising.

(B) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Navy as specified in the funding table in section 4301 is hereby reduced by $16,200,000, with the amount of the reduction to be allocated to amounts otherwise available for the Navy for recruiting and advertising.

(C) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Marine Corps as specified in the funding table in section 4301 is hereby reduced by $11,700,000, with the amount of the reduction to be allocated to amounts otherwise available for the Marine Corps for recruiting and advertising.

(D) The amount authorized to be appropriated by section 301 and available for operation and maintenance for the Air Force as specified in the funding table in section 4301 is hereby reduced by $8,700,000, with the amount of the reduction to be allocated to amounts otherwise available for the Air Force for recruiting and advertising.

SA 1212. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) STATE PARTNERSHIP PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 116. State Partnership Program

''(a) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

''(A) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

''(B) To support the objectives of the United States chief of mission of the partner nation with which contacts and activities are conducted.

''(C) To build international partnerships and defense and security capacity.

''(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

''(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

''(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

''(2) Costs under paragraph (1) may include costs as follows:

''(A) Costs of pay and allowances of members of the National Guard.

''(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

''(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

''(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

''(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

''(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

''(A) contributes to responsible management of defense resources;

''(B) fosters greater respect for and understanding of the principle of civilian control of the military;

''(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

''(D) improves international partnerships and capacity on matters relating to defense and security.

''(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

''(d) DEFINITIONS.—In this section:

''(1) The term 'State Partnership Program' means a program that establishes a defense and security relationship between the National Guard of a State or territory and the military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

''(2) The term 'activities', for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

''(3) The term 'interagency activities' means the following:

''(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

''(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

''(4) The term 'matter within the core competencies of the National Guard' means matters with respect to the following:

''(A) Disaster response and mitigation.

''(B) Defense support to civil authorities.

''(C) Consequence management and installation protection.

''(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

''(E) Border and port security and cooperation with civilian law enforcement.

''(F) Search and rescue.

''(G) Medicine.

''(H) Counterdrug and counternarcotics activities.

''(I) Public affairs.

''(J) Employer support and family support for reserve forces.

''(5) The term 'United States civilian personnel' means the following:

''(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

''(B) Members and employees of the legislative branch of the United States Government.

''(C) Non-governmental individuals.

''(6) The term 'foreign civilian personnel' means the following:

''(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

''(B) Non-governmental individuals of a foreign country.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

''116. State Partnership Program.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) is repealed.

SA 1213. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. SENSE OF CONGRESS ON THE IMPORTANCE OF COMBATING CERTAIN THREATS AGAINST MILITARY UNITS AND FACILITIES IN THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Improvised Explosive Devices (IEDs) and Vehicle Born Improvised Explosive Devices (VBIEDs) are being increasingly employed by terrorists and other adversaries against our forces around the world.

(2) The IED and VBIED will continue to be a threat even after the current operations in Iraq and Afghanistan are complete.

(3) Terrorist organizations, hybrid threat organizations, and other adversaries plan to use IEDs and VBIEDs against our military units and facilities within the United States.

(4) Such a strategy would degrade our ability to project forces to respond to contingencies around the world.

(5) The Joint Improvised Explosive Defeat Organization (JIEDDO) has proven to be very effective at combating the threat to our military overseas in support of our combatant commanders.

(6) The success of JIEDDO is based on its methodology of defeat the device, attack the enemy networks, and train friendly forces; its broad authority to hasten innovations to the combat units; and its ability to fuse intelligence from across the intelligence community.

(7) JIEDDO's methodology could be leveraged by utilizing its intelligence fusion capability and its training capability against threats within the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should leverage JIEDDO's capability and authority to combat terrorist organizations targeting the Armed Forces and facilities in the United States; and

(2) the Department of Defense should look at expanding JIEDDO's mandate to allow it to cooperate with agencies responsible for the protection of the United States, including the Department of Homeland Security, U.S. Customs and Border Protection, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and Federal, State, and local law enforcement.

SA 1214. Ms. SNOWE (for herself, Ms. COLLINS, Mrs. MURRAY, Ms. MIKULSKI, and Mr. CARDIN) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 705. INTEGRATED CARE MANAGEMENT OPTIONS UNDER THE UNIFORMED SERVICES FAMILY HEALTH PLAN.

(a) REPORT ON STRATEGY FOR INTEGRATED CARE MANAGEMENT OPTIONS.—

(1) IN GENERAL.—Not later than June 1, 2012, the Secretary of Defense shall, in conjunction with the Secretary of Health and Human Services and the designated providers under the uniformed services family health plan (USFHP), submit to Congress a report setting forth a strategy for providing integrated care management options for individuals who would otherwise qualify as covered beneficiaries under section 724 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C.1073 note), without regard to the amendments made by section 703 of this Act, utilizing appropriate elements of the uniformed services family health plan, TRICARE for Life, and the Medicare program.

(2) ELEMENTS.—The strategy required by this subsection shall include the following:

(A) Mechanisms for ensuring an adequate population base to sustain the uniformed services family health plan, including the termination of restrictions on enrollment of covered beneficiaries under the age of 65 if considered feasible for that purpose.

(B) Mechanisms (including the utilization of demonstration projects currently authorized by law) to permit covered beneficiaries who are also eligible for the Medicare program to receive integrated and coordinated care through the uniformed services family health plan, including mechanisms—

(i) to secure greater continuity of care for such beneficiaries who also have access to health care benefits through TRICARE for Life;

(ii) to improve coordination and integration of health care management for such beneficiaries who also have access to health care benefits through TRICARE for Life; and

(iii) to utilize innovative care management strategies to improve quality and health outcomes, and reduce unneeded utilization of health care services on a long-term, sustainable basis.

(C) Specific actions for the Department of Defense, and other departments and agencies of the Federal Government, to carry out the strategy.

(D) Specific milestones to evaluate progress in carrying out the actions specified under subparagraph (C), and to determine accountability for meeting such milestones.

(E) An identification of current authorities to be used in carrying out the strategy, and a description of any additional authorities considered advisable to carry out the strategy.

(b) REPORT ON ACTIONS REGARDING INTEGRATED CARE MANAGEMENT OPTIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in conjunction with the Secretary of Health and Human Services, submit to the President and Congress a report that describes the activities and efforts of the Department of Defense and the Department of Health and Human Services in developing and evaluating integrated care management options for individuals who would otherwise qualify as covered beneficiaries under section 724 of the National Defense Authorization Act for Fiscal Year 1997, without regard to the amendment made by section 703 of this Act, through the uniformed services family health plan, in conjunction with TRICARE for Life and the Medicare program.

(c) MODIFICATION OF EFFECTIVE DATE OF TRANSITION ENROLLMENT LIMITATIONS.—Notwithstanding the effective date of September 30, 2011, otherwise specified in paragraph (2) of section 724(e) of the National Defense Authorization Act for Fiscal Year 1997, as added by section 703(2) of this Act, the effective date of such paragraph shall be the later of—

(1) the date of the submittal to Congress of the report required by subsection (b) of this section; or

(2) the date that is one year after the date of the enactment of this Act.

SA 1215. Mr. CASEY (for himself, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. BENNET, and Mr. WHITEHOUSE) proposed an amendment to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1230. CERTIFICATION REQUIREMENT REGARDING EFFORTS BY GOVERNMENT OF PAKISTAN TO IMPLEMENT A STRATEGY TO COUNTER IMPROVISED EXPLOSIVE DEVICES.

(a) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—None of the amounts authorized to be appropriated under this Act for the Pakistan Counterinsurgency Fund may be made for the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts towards the implementation of a strategy to counter improvised explosive devices (IEDs).

(2) SIGNIFICANT IMPLEMENTATION EFFORTS.—For purposes of this subsection, significant implementation efforts include attacking IED networks, monitoring of known precursors used in IEDs, and the development of a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

SA 1216. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1088. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking ''which sponsor individual registries of pathology at the Armed Forces Institute of Pathology'' and inserting ''that support the activities of the American Registry of Pathology''; and

(ii) by striking the second sentence; and

(B) in paragraph (3), by striking ''with the concurrence of the Director of the Armed Forces Institute of Pathology'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''enter into contracts with the Armed Forces Institute of Pathology'' and inserting ''enter into contracts with any executive agency that provides medical or pathology services to military personnel or military organizations or that conducts research, education, or consultation in the field of military medicine''; and

(B) in paragraph (4), by inserting ''and Repositories of Pathology'' after ''Registries of Pathology''; and

(3) in subsection (d), by striking ''to the Director and the Board of Governors of the Armed Forces Institute of Pathology and to the sponsors'' and inserting ''to its Board and supporting organizations''.

SA 1217. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. MODIFICATION OF PER-FISCAL YEAR CALCULATION OF DAYS OF CERTAIN ACTIVE DUTY OR ACTIVE SERVICE TO REDUCE ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.

(a) ACCUMULATION OF 90-DAY PERIODS OF SERVICE WITHIN ANY TWO CONSECUTIVE FISCAL YEARS.—Section 12731(f)(2)(A) of title 10, United States Code, is amended by striking ''in any fiscal year'' and inserting ''in any two consecutive fiscal years''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of January 28, 2008, and as if included in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) as enacted.

SA 1218. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1080. REPORT ON EXTENSION OF AUTHORITY FOR USE OF COMMISSARY AND EXCHANGE STORES TO VETERANS WITH CERTAIN SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth an assessment of the feasability and advisability of permitting each category of veterans specified in subsection (b) to use the commissary and exchange stores of the Department of Defense on the same basis as veterans with service-

connected disabilities rated as 100 percent disabling. For each category of veterans the report shall set forth the following:

(1) An estimate of the cost of permitting such category of veterans access to commissary and exchange stores.

(2) An estimate of the number of veterans in such category likely to use the commissary and exchange stores if permitted access.

(3) An assessment of the effects on the services and operations of the commissary and exchange stores of the use of such stores by such category of veterans.

(b) CATEGORIES OF VETERANS.—The categories of veterans specified in this subsection are the following:

(1) Veterans with service-connected disabilities rated as 70 percent or more disabling.

(2) Veterans with service-connected disabilities rated as 50 percent or more disabling.

(3) Veterans with service-connected disabilities rated as 30 percent or more disabling.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SA 1219. Mr. LEVIN (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 515. AUTHORITY TO ORDER ARMY RESERVE, NAVY RESERVE, MARINE CORPS RESERVE, AND AIR FORCE RESERVE TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 1209 of title 10, United States Code, as amended by section 511(a)(1), is further amended by inserting after section 12304a the following new section:

''§ 12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency

''(a) AUTHORITY.—When a Governor requests Federal assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), the Secretary of Defense may, without the consent of the member affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for a continuous period of not more than 120 days to respond to the Governor's request.

''(b) EXCLUSION FROM STRENGTH LIMITATIONS.—Members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or any other law.

''(c) TERMINATION OF DUTY.—Whenever any unit or member of the reserve components is ordered to active duty under this section, the service of all units or members so ordered to active duty may be terminated by order of the Secretary of Defense or law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 511(a)(2), is further amended by inserting after the item relating to section 12304a the following new item:

''12304b. Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.''.

(b) TREATMENT OF OPERATIONS AS CONTINGENCY OPERATIONS.—Section 101(a)(13)(B) of such title is amended by inserting ''12304b,'' after ''12304,''.

(c) USUAL AND CUSTOMARY ARRANGEMENT.—

(1) DUAL-STATUS COMMANDER.—When the Armed Forces and the National Guard are employed simultaneously in support of civil authorities in the United States, appointment of a commissioned officer as a dual-status commander serving on active duty and duty in, or with, the National Guard of a State under sections 315 or 325 of title 32, United States Code, as commander of Federal forces by Federal authorities and as commander of State National Guard forces by State authorities, should be the usual and customary command and control arrangement, including for missions involving a major disaster or emergency as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122). The chain of command for the Armed Forces shall remain in accordance with sections 162(b) and 164(c) of title 10, United States Code.

(2) STATE AUTHORITIES SUPPORTED.—When a major disaster or emergency occurs in any area subject to the laws of any State, Territory, or the District of Columbia, the Governor of the State affected normally should be the principal civil authority supported by the primary Federal agency and its supporting Federal entities, and the Adjutant General of the State or his or her subordinate designee normally should be the principal military authority supported by the dual-status commander when acting in his or her State capacity.

(3) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) or (2) shall be construed to preclude or limit, in any way, the authorities of the President, the Secretary of Defense, or the Governor of any State to direct, control, and prescribe command and control arrangements for forces under their command.

SA 1220. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 848. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON DEPARTMENT OF DEFENSE IMPLEMENTATION OF JUSTIFICATION AND APPROVAL REQUIREMENTS FOR CERTAIN SOLE-SOURCE CONTRACTS.

Not later than 90 days after March 1, 2012, and March 1, 2013, the dates on which the Department of Defense submits to Congress a report on its implementation of section 811 of the Fiscal Year 2010 National Defense Authorization Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the implementation of such section 811 by the Department ensures that sole-source contracts are awarded in applicable procurements only when those awards have been determined to be in the best interest of the Department.

SA 1221. Mr. LEVIN proposed an amendment to the bill H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes; as follows:

On page 2, line 10, insert ''and'' after the semicolon.

On page 2, line 14, strike the semicolon and all that follows through line 19 and insert a period.

On page 4, strike line 14 and all that follows through page 5, line 5, and insert the following:

(2) LOSSES.—The significance of losses, including—

(A) the number of insured depository institutions that have been placed into receivership or conservatorship due to significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans;

(B) the impact of significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, on the ability of insured depository institutions to raise additional capital;

(C) the effect of changes in the application of fair value accounting rules and other accounting standards, including the allowance for loan and lease loss methodology, on insured depository institutions, specifically the degree to which fair value accounting rules and other accounting standards have led to regulatory action against banks, including consent orders and closure of the institution; and

(D) whether field examiners are using appropriate appraisal procedures with respect to losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, and whether the application of appraisals leads to immediate write downs on the value of the underlying asset.

On page 9, strike lines 15 through 19, and insert the following:

SEC. 2. CONGRESSIONAL TESTIMONY.

The Inspector General of the Federal Deposit Insurance Corporation and the Comptroller General of the United States shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 150 days after the date of publication of the study required under this Act to discuss the outcomes and impact of Federal regulations on bank examinations and failures.

SA 1222. Mr. LEVIN (for Mrs. FEINSTEIN (for herself and Ms. CANTWELL)) proposed an amendment to the bill H.R. 3321, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''America's Cup Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) 34TH AMERICA'S CUP.—The term ''34th America's Cup''—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA'S CUP RACE MANAGEMENT.—The term ''America's Cup Race Management'' means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term ''Eligibility Certification'' means a certification issued under section 4.

(4) ELIGIBLE VESSEL.—The term ''eligible vessel'' means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term ''supporting vessel'' means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SEC. 7. WAIVERS.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).

(2) OCEAN VERITAS (IMO number 7366805).

(3) LUNA (United States official number 280133).

(b) DOCUMENTATION OF LNG TANKERS.—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) LNG GEMINI (United States official number 595752).

(B) LNG LEO (United States official number 595753).

(C) LNG VIRGO (United States official number 595755).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(3) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) OPERATION OF A DRY DOCK.—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

SA 1223. Mr. LEVIN (for Mr. BINGAMAN (for himself and Ms. MURKOWSKI)) proposed an amendment to the bill S. 99, to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes; as follows:

On page 15, line 14, strike ''establish'' and insert ''carry out''.

On page 17, strike lines 15 through 19.

On page 17, line 21, strike ''establish'' and insert ''carry out''.

On page 21, strike lines 12 through 16.

On page 29, after line 23, add the following:

SEC. 9. REPEAL.

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

On page 30, line 1, strike ''9'' and insert ''10''.

SA 1224. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 702.

SA 1225. Ms. KLOBUCHAR (for herself, Mrs. FEINSTEIN, Mr. JOHNSON of South Dakota, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 167, after line 25, add the following:

(e) RENTENTION OF DOCUMENTARY EVIDENCE.—The policy developed under subsection (a) shall provide for the retention of all documentary evidence relating to sexual assaults for the same length of time investigative records relating to sexual assaults are required to be retained.

SA 1226. Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her 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 37, between lines 15 and 16, insert the following:

SEC. 2 ____. None of the funds appropriated or otherwise made available by this Act for ongoing construction work on rural water regional programs of the Bureau of Reclamation that is in addition to the amount requested in the annual budget submission of the President (including funds for related settlements) shall be used by the Secretary of the Interior to carry out any rural water supply project authorized as of the date of enactment of this Act unless the Secretary of the Interior, not later than 30 days after the date of enactment of this Act, issues a work plan prioritizing funding of rural water supply projects carried out by the Bureau of Reclamation based on the following criteria to better utilize taxpayer dollars:

(1) The percentage of the rural water supply project to be carried out that is complete (as of the date of enactment of this Act) or will be completed by September 30, 2012.

(2) The number of people served or expected to be served by the rural water supply project.

(3) The amount of non-Federal funds previously provided or certified as available for the cost of the rural water supply project.

(4) The extent to which the rural water supply project benefits tribal components.

(5) The extent to which there is an urgent and compelling need for a rural water supply project that would—

(A) improve the health or aesthetic quality of water;

(B) result in continuous, measurable, and significant water quality benefits; or

(C) address current or future water supply needs of the population served by the rural water supply project.

NOTICES OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to H.R. 2076 and S. 1793, a bill to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes, dated November 17, 2011.

I, Senator RON WYDEN, intend to object to proceeding to S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes, dated November 17, 2011.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 17, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. 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 17, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources by authorized to meet during the session of the Senate on November 17, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND SUBCOMMITTEE ON SUPERFUND, TOXICS, AND ENVIRONMENTAL HEALTH

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works and the Subcommittee on Superfund, Toxics, and Environmental Health be authorized to meet during the session of the Senate on November 17, 2011, at 10 a.m. in Dirksen 406 to conduct a joint hearing entitled, ''Safe Chemicals Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 17, 2011, at 10 a.m., in 215 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''The Americans with Disabilities Act and Accessible Transportation Challenges and Opportunities'' on November 17, 2011, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 17, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent tha the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 17, 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. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 17, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITIVENESS, INNOVATION, AND EXPORT PROMOTION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Tourism in America: Moving our Economy Forward.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''NASA's Human Space Exploration: Direction, Strategy, and Progress.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that CPT Michael Lynch, a U.S. Army aviation officer who is currently serving as a defense fellow in Senator REID's office, be granted floor privileges for the duration of the National Defense Authorization Act for 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that my legislative fellow, Navy LCDR Joe Ruzicka, be granted floor privileges for the duration of debate on the 2012 National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that floor privileges be granted to LT Shane Knisley, a Navy fellow serving in my office, during the pendency of S. 1867, the Fiscal Year 2012 National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I ask unanimous consent that LCDR Ted Essenfeld, a very capable Navy fellow in my office, be granted floor privileges during consideration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Shannon Gorrell, a Defense fellow in my office, be granted the privileges of the floor for the duration of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that my defense fellow, MAJ Kevin Hadley, be given floor privileges during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL CONFERENCE AUTHORITY

Mr. LEVIN. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 232, H.R. 1059.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 1059) to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which

had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(Omit the part in boldface brackets and insert the part printed in italic.)

H.R. 1059

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

SECTION 1. EXTENSION OF REDACTION AUTHORITY CONCERNING SENSITIVE SECURITY INFORMATION.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

[(1) in subparagraph (A), by striking ''Marshall'' and inserting ''Marshals''; and

[(2) by striking subparagraph (E).**]**

(1) in subparagraph (A), by striking ''Marshall'' and inserting ''Marshals'';

(2) in subparagraph (C), by inserting ''and the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform'' after ''Senate''; and

(3) in subparagraph (E), by striking ''2011'' both places it appears and inserting ''2017''.

Mr. LEVIN. Mr. President, I ask unanimous consent the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

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

The bill (H.R. 1059), as amended, was read the third time and passed.

INSURED DEPOSITORY INSTITUTION FAILURES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Banking Committee be discharged and the Senate proceed to the immediate consideration of H.R. 2056.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2056) to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. I ask unanimous consent the Levin amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1221) was agreed to, as follows:

AMENDMENT NO. 1221

(Purpose: To clarify the types of losses to be studied, to require appearances before Congress, and for other purposes)

On page 2, line 10, insert ''and'' after the semicolon.

On page 2, line 14, strike the semicolon and all that follows through line 19 and insert a period.

On page 4, strike line 14 and all that follows through page 5, line 5, and insert the following:

(2) LOSSES.—The significance of losses, including—

(A) the number of insured depository institutions that have been placed into receivership or conservatorship due to significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans;

(B) the impact of significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, on the ability of insured depository institutions to raise additional capital;

(C) the effect of changes in the application of fair value accounting rules and other accounting standards, including the allowance for loan and lease loss methodology, on insured depository institutions, specifically the degree to which fair value accounting rules and other accounting standards have led to regulatory action against banks, including consent orders and closure of the institution; and

(D) whether field examiners are using appropriate appraisal procedures with respect to losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, and whether the application of appraisals leads to immediate write downs on the value of the underlying asset.

On page 9, strike lines 15 through 19, and insert the following:

SEC. 2. CONGRESSIONAL TESTIMONY.

The Inspector General of the Federal Deposit Insurance Corporation and the Comptroller General of the United States shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 150 days after the date of publication of the study required under this Act to discuss the outcomes and impact of Federal regulations on bank examinations and failures.

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

The bill (H.R. 2056), as amended, was read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2056) entitled ''An Act to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes.'', do pass with the following amendments:

(1) On page 2, line 10, insert ''and'' after the semicolon.

(2) On page 2, line 14, strike the semicolon and all that follows through line 19 and insert a period.

(3) On page 4, strike line 14 and all that follows through page 5, line 5, and insert the following:

(2) LOSSES.—The significance of losses, including—

(A) the number of insured depository institutions that have been placed into receivership or conservatorship due to significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans;

(B) the impact of significant losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, on the ability of insured depository institutions to raise additional capital;

(C) the effect of changes in the application of fair value accounting rules and other accounting standards, including the allowance for loan and lease loss methodology, on insured depository institutions, specifically the degree to which fair value accounting rules and other accounting standards have led to regulatory action against banks, including consent orders and closure of the institution; and

(D) whether field examiners are using appropriate appraisal procedures with respect to losses arising from loans for which all payments of principal, interest, and fees were current, according to the contractual terms of the loans, and whether the application of appraisals leads to immediate write downs on the value of the underlying asset.

(4) On page 9, strike lines 15 through 19, and insert the following:

SEC. 2. CONGRESSIONAL TESTIMONY.

The Inspector General of the Federal Deposit Insurance Corporation and the Comptroller General of the United States shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 150 days after the date of publication of the study required under this Act to discuss the outcomes and impact of Federal regulations on bank examinations and failures.

AMERICA'S CUP ACT OF 2011

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 221, H.R. 3321.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 3321) to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent a Feinstein substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1222), in the nature of a substitute, was agreed to, as follows:

AMENDMENT NO. 1222

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''America's Cup Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) 34TH AMERICA'S CUP.—The term ''34th America's Cup''—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by

America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA'S CUP RACE MANAGEMENT.—The term ''America's Cup Race Management'' means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term ''Eligibility Certification'' means a certification issued under section 4.

(4) ELIGIBLE VESSEL.—The term ''eligible vessel'' means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code);

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term ''supporting vessel'' means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SEC. 7. WAIVERS.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) M/V GEYSIR (United States official number 622178).

(2) OCEAN VERITAS (IMO number 7366805).

(3) LUNA (United States official number 280133).

(b) DOCUMENTATION OF LNG TANKERS.—

(1) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) LNG GEMINI (United States official number 595752).

(B) LNG LEO (United States official number 595753).

(C) LNG VIRGO (United States official number 595755).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under paragraph (1) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(3) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under paragraph (1) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

(c) OPERATION OF A DRY DOCK.—A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage.

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

The bill (H.R. 3321), as amended, was read the third time and passed.

AMERICAN MEDICAL ISOTOPES PRODUCTION ACT OF 2011

Mr. LEVIN. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 53, S. 99.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 99) to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes.

There being no objection, the Senate proceeded to consider the bill,

which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Medical Isotopes Production Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) HIGHLY ENRICHED URANIUM.—The term ''highly enriched uranium'' means uranium enriched to 20 percent or greater in the isotope U–235.

(3) LOW ENRICHED URANIUM.—The term ''low enriched uranium'' means uranium enriched to less than 20 percent in the isotope U–235.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary shall establish a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) CRITERIA.—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U–235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) PUBLIC PARTICIPATION AND REVIEW.—The Secretary shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out the program under paragraph (1) $143,000,000 for the period encompassing fiscal years 2011 through 2014.

(b) DEVELOPMENT ASSISTANCE.—The Secretary shall establish a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) URANIUM LEASE AND TAKE-BACK.—

(1) IN GENERAL.—The Secretary shall establish a program to make low-enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) TITLE.—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) DUTIES.—

(A) SECRETARY.—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium

leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

(B) PRODUCER.—The producer of the spent nuclear fuel and radioactive waste shall accurately characterize, appropriately package, and transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) DISCOUNT RATE.—The discount rate used to determine the net present value of costs described in subparagraph (A)(ii) shall be not greater than the average interest rate on marketable Treasury securities.

(5) AUTHORIZED USE OF FUNDS.—The Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain available until expended, for the purpose of carrying out the activities authorized by this Act, including activities related to the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3).

(6) EXCHANGE OF URANIUM FOR SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

(A) services related to the final disposition of the spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); or

(B) any other services associated with carrying out the uranium lease and take-back program authorized by this subsection.

(d) COORDINATION OF ENVIRONMENTAL REVIEWS.—The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) OPERATIONAL DATE.—The Secretary shall establish a program as described in subsection (c)(3) not later than 3 years after the date of enactment of this Act.

(f) RADIOACTIVE WASTE.—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material resulting from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $5,000,000 for the establishment of a program for the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under subsection (c).

SEC. 4. EXPORTS.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

''c. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2011, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

''d. The period referred to in subsection b. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2011, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

''(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

''(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

''e. To ensure public review and comment, the development of the certification described in subsection c. shall be carried out through announcement in the Federal Register.

''f. At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

''(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

''(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

''g. As used in this section—

''(1) the term 'alternative nuclear reactor fuel or target' means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U–235;

''(2) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U–235;

''(3) a fuel or target 'can be used' in a nuclear research or test reactor if—

''(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

''(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

''(4) the term 'medical isotope' includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.''.

SEC. 5. REPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

(1) their location;

(2) whether they are irradiated;

(3) whether they have been used for the purpose stated in their export license;

(4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;

(5) the year of export, and reimportation, if applicable;

(6) their current physical and chemical forms; and

(7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

SEC. 6. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) IN GENERAL.—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

''SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

''(1) the Commission determines that—

''(A) there is no alternative medical isotope production target, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor; and

''(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

''(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

''b. As used in this section—

''(1) the term 'alternative medical isotope production target' means a nuclear reactor target which is enriched to less than 20 percent of the isotope U–235;

''(2) a target 'can be used' in a nuclear research or test reactor if—

''(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

''(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

''(3) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U–235; and

''(4) the term 'medical isotope' includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.''.

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

''Sec. 112. Domestic medical isotope production.''.

SEC. 7. ANNUAL DEPARTMENT REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) CONTENTS.—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3(a)(2); and

(F) the ultimate use of any Department funds used to support projects under section 3.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under section 3(c).

SEC. 8. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

SEC. 9. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. LEVIN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered, the Bingaman amendment, which is at the desk, be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the budgetary pay-go statement at the desk be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1223) was agreed to, as follows:

On page 15, line 14, strike ''establish'' and insert ''carry out''.

On page 17, strike lines 15 through 19.

On page 17, line 21, strike ''establish'' and insert ''carry out''.

On page 21, strike lines 12 through 16.

On page 29, after line 23, add the following:

SEC. 9. REPEAL.

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

On page 30, line 1, strike ''9'' and insert ''10''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The bill clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 99 as amended.

Total Budgetary Effects of S. 99 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of S. 99 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the Record as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 99, THE AMERICAN MEDICAL ISOTOPES PROTECTION ACT OF 2011, AS REPORTED BY THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON MAY 18, 2011, AND WITH A SUBSEQUENT AMENDMENT PROVIDED TO CBO ON NOVEMBER 17, 2011

	By fiscal year, in millions of dollars—											
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2012–2016	2012–2021
Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

S. 99 would direct the Secretary of Energy to lease low-enriched uranium to producers of molybdenum–99. CBO estimates that enacting S. 99 would affect receipts generated from such resources, but that any net changes to such receipts would be negligible in any given year.

Source: Congressional Budget Office.

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill, as amended, be passed, the motions to reconsider be laid upon the table with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 99), as amended, was passed, as follows:

S. 99

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 ''American Medical Isotopes Production Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) HIGHLY ENRICHED URANIUM.—The term ''highly enriched uranium'' means uranium enriched to 20 percent or greater in the isotope U–235.

(3) LOW ENRICHED URANIUM.—The term ''low enriched uranium'' means uranium enriched to less than 20 percent in the isotope U–235.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) CRITERIA.—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U–235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) PUBLIC PARTICIPATION AND REVIEW.—The Secretary shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals.

(b) DEVELOPMENT ASSISTANCE.—The Secretary shall carry out a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) URANIUM LEASE AND TAKE-BACK.—

(1) IN GENERAL.—The Secretary shall establish a program to make low-enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) TITLE.—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) DUTIES.—

(A) SECRETARY.—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste

created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

(B) PRODUCER.—The producer of the spent nuclear fuel and radioactive waste shall accurately characterize, appropriately package, and transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) DISCOUNT RATE.—The discount rate used to determine the net present value of costs described in subparagraph (A)(ii) shall be not greater than the average interest rate on marketable Treasury securities.

(5) AUTHORIZED USE OF FUNDS.—The Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain available until expended, for the purpose of carrying out the activities authorized by this Act, including activities related to the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3).

(6) EXCHANGE OF URANIUM FOR SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

(A) services related to the final disposition of the spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); or

(B) any other services associated with carrying out the uranium lease and take-back program authorized by this subsection.

(d) COORDINATION OF ENVIRONMENTAL REVIEWS.—The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) OPERATIONAL DATE.—The Secretary shall establish a program as described in subsection (c)(3) not later than 3 years after the date of enactment of this Act.

(f) RADIOACTIVE WASTE.—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material resulting from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

SEC. 4. EXPORTS.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

''c. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2011, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

''d. The period referred to in subsection b. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2011, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

''(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

''(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

''e. To ensure public review and comment, the development of the certification described in subsection c. shall be carried out through announcement in the Federal Register.

''f. At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

''(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

''(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

''g. As used in this section—

''(1) the term 'alternative nuclear reactor fuel or target' means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U–235;

''(2) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U–235;

''(3) a fuel or target 'can be used' in a nuclear research or test reactor if—

''(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

''(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

''(4) the term 'medical isotope' includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.''.

SEC. 5. REPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

(1) their location;

(2) whether they are irradiated;

(3) whether they have been used for the purpose stated in their export license;

(4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;

(5) the year of export, and reimportation, if applicable;

(6) their current physical and chemical forms; and

(7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

SEC. 6. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) IN GENERAL.—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

''SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—

''a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

''(1) the Commission determines that—

''(A) there is no alternative medical isotope production target, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor; and

''(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

''(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

''b. As used in this section—

''(1) the term 'alternative medical isotope production target' means a nuclear reactor target which is enriched to less than 20 percent of the isotope U–235;

''(2) a target 'can be used' in a nuclear research or test reactor if—

''(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

''(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

''(3) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U–235; and

''(4) the term 'medical isotope' includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.''.

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

''Sec. 112. Domestic medical isotope production.''.

SEC. 7. ANNUAL DEPARTMENT REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) CONTENTS.—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3(a)(2); and

(F) the ultimate use of any Department funds used to support projects under section 3.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under section 3(c).

SEC. 8. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

SEC. 9. REPEAL.

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

SEC. 10. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

AMERICAN EDUCATION WEEK

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 332 which was submitted earlier today by Senator HAGAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 332) supporting the goals and ideals of American Education Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 332) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 332

Whereas the National Education Association has designated November 13 through November 19, 2011, as the 90th annual observance of American Education Week;

Whereas public schools are the backbone of the Nation's democracy, providing young people with the tools they need to maintain the Nation's precious values of freedom, civility, and equality;

Whereas by equipping young people in the United States with both practical skills and broader intellectual abilities, public schools give them hope for, and access to, a productive future;

Whereas people working in the field of public education, be they teachers, principals, higher education faculty and staff, custodians, substitute educators, bus drivers, clerical workers, food service professionals, workers in skilled trades, health and student service workers, security guards, technical employees, or librarians, work tirelessly to serve children and communities throughout the Nation with care and professionalism; and

Whereas public schools are community linchpins, bringing together adults, children, educators, volunteers, business leaders, and elected officials in a common enterprise: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Education Week; and

(2) encourages the people of the United States to observe National Education Week by reflecting on the positive impact of all those who work together to educate children.

WELCOMING AND COMMENDING THE GOVERNMENT OF JAPAN

Mr. LEVIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 333 which was submitted earlier today by Senator FEINSTEIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 333) welcoming and commending the Government of Japan for extending an official apology to all United States former prisoners of war from the Pacific War and establishing in 2010 a visitation program to Japan for surviving veterans, family members, and descendants.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. President, I rise today in support of this resolution honoring former World War II U.S. POWs from the Pacific theater and acknowledging the steps the Japanese Government has made to heal the wounds of the past.

My friend and colleague from California, Representative MIKE HONDA, introduced this resolution in the House and I am proud to follow suit here in the Senate. I applaud his leadership on this important matter.

Our resolution welcomes and commends the Government of Japan for extending an official apology to all U.S. former prisoners of war from the Pacific War and establishing in 2010 a visitation program to Japan for surviving veterans, their families, and descendants.

The resolution appreciates the recent efforts by the Government of Japan toward historic apologies for the war crimes of Imperial Japan.

The resolution requests that the Government of Japan continue its new Japanese/American POW Friendship Program of reconciliation and remembrance.

It requests that the Government of Japan respect the wishes and sensibilities of the United States former prisoners of war by supporting and encouraging programs for lasting remembrance and reconciliation that recognize their sacrifices, history, and forced labor.

It acknowledges the work of the Department of State in advocating for the United States Prisoners of War from the Pacific war, and it applauds the persistence, dedication, and patriotism of the members and descendants of the American Defenders of Bataan and Corregidor.

According to the Congressional Research Service, approximately 27,000 U.S. prisoners of war were held by Imperial Japanese forces during World War II.

They were often subject to brutal and inhumane treatment.

They were starved and denied adequate medical care and were forced to perform slave labor for private Japanese companies.

American POWs toiled in mines, factories, shipyards, and steel mills for hours every day under extremely dangerous conditions. Many suffered health problems long after their time as POWs had ended.

Some 40 percent of POWs perished and never returned home to their loved ones.

We owe these brave heroes a debt that can never be fully repaid. It is critical that we never forget their sacrifice.

A lot has changed since the end of the war.

Japan has emerged from the ashes of war to develop into one of our closest friends and allies and a responsible member of the international community.

Our relationship is sustained by shared values of democracy, human rights, and the rule of law.

The American POWs—those that survived—returned home and tried to move on with their lives.

They completed their education, got married, started families, began new

careers and participated in all aspects of civic life.

But one thing was missing: recognition from the Japanese Government about how they were treated as POWs.

In the simplest terms, they wanted an apology.

In order for Japan to fully rejoin the international community, it had to acknowledge its treatment of POWs during the ware.

And groups like the American Defenders of Bataan and Corregidor and its Descendants Group worked tirelessly for this recognition.

And I am pleased to say that Japan has taken historic actions in this area.

On May 30, 2009, Japan's Ambassador to the United States, Ichiro Fujisaki, told the last convention of the American Defenders of Bataan and Corregidor:

We extend a heartfelt apology for our country having caused tremendous damage and suffering to many people, including prisoners of wars, those who have undergone tragic experiences in the Bataan Peninsula, Corregidor Island, in the Philippines, and other places.

On September 13, 2010, in a message to all U.S. former POWs, Japan's Foreign Minister Katsuya Okada said:

You have all been through hardships during World War II, begin taken prisoner by the Japanese military, and suffered extremely inhumane treatment. On behalf of the Japanese government and as the foreign minister, I would like to offer you my heartfelt apology.

The Government of Japan has also created a new program for former U.S. POWs and their family members to come to Japan for remembrance and reconciliation.

I commend the Government of Japan for taking these actions. Our former POWs waited long enough.

There are fewer than 500 surviving POWs still alive today.

Let us take a moment today, while we still can, to honor them and pay tribute to their service to their country during difficult and trying times.

Let us also acknowledge the steps Japan has taken to come to terms with its past and strengthen the friendship between our two peoples.

I urge my colleagues to support this resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 333) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 333

Whereas the United States and Japan have enjoyed a productive and successful peace for over six decades, which has nurtured a strong and critical alliance and deep economic ties that are vitally important to both countries, the Asia-Pacific region, and the world;

Whereas the United States-Japan alliance is based on shared interests, responsibilities, and values and the common support for political and economic freedoms, human rights, and international law;

Whereas the United States-Japan alliance has been maintained by the contributions and sacrifices of members of the United States Armed Forces dedicated to Japan's defense and democracy;

Whereas, from December 7, 1941, to August 15, 1945, the Pacific War caused profound damage and suffering to combatants and noncombatants alike;

Whereas, among those who suffered and sacrificed greatly were the men and women of the United States Armed Forces who were captured by Imperial Japanese forces during the Pacific War;

Whereas many United States prisoners of war were subject to brutal and inhumane conditions and forced labor;

Whereas, according to the Congressional Research Service, an estimated 27,000 United States prisoners of war were held by Imperial Japanese forces and nearly 40 percent perished;

Whereas the American Defenders of Bataan and Corregidor and its subsequent Descendants Group have worked tirelessly to represent the thousands of United States veterans who were held by Imperial Japanese forces as prisoners of war during the Pacific War;

Whereas, on May 30, 2009, an official apology from the Government of Japan was delivered by Japan's Ambassador to the United States Ichiro Fujisaki to the last convention of the American Defenders of Bataan and Corregidor stating, ''Today, I would like to convey to you the position of the government of Japan on this issue. As former Prime Ministers of Japan have repeatedly stated, the Japanese people should bear in mind that we must look into the past and to learn from the lessons of history. We extend a heartfelt apology for our country having caused tremendous damage and suffering to many people, including prisoners of wars, those who have undergone tragic experiences in the Bataan Peninsula, Corregidor Island, in the Philippines, and other places.'';

Whereas, in 2010, the Government of Japan through its Ministry of Foreign Affairs has established a new program of remembrance and understanding that, for the first time, includes United States former prisoners of war and their family members or other caregivers by inviting them to Japan for exchange and friendship;

Whereas six United States former prisoners of war, each of whom was accompanied by a family member, and two descendants of prisoners of war participated in Japan's first Japanese/American POW Friendship Program from September 12, 2010, to September 19, 2010;

Whereas Japan's Foreign Minister Katsuya Okada on September 13, 2010, apologized to all United States former prisoners of war on behalf of the Government of Japan stating, ''You have all been through hardships during World War II, being taken prisoner by the Japanese military, and suffered extremely inhumane treatment. On behalf of the Japanese government and as the foreign minister, I would like to offer you my heartfelt apology.'';

Whereas Foreign Minister Okada stated that he expects the former prisoners of war exchanges with the people of Japan will ''become a turning point in burying their bitter feelings about the past and establishing a better relationship between Japan and the United States'';

Whereas Japan's Deputy Chief Cabinet Secretary Tetsuro Fukuyama on September 13, 2010, apologized to United States former prisoners of war for the ''immeasurable damage and suffering'' they experienced;

Whereas the participants of the first Japanese/American POW Friendship Program appreciated the generosity and hospitality they received from the Government and people of Japan during the Program and welcomed the apology offered by Foreign Minister Okada and Deputy Chief Cabinet Secretary Fukuyama;

Whereas the participants encourage the Government of Japan to continue this program of visitation and friendship and expand it to support projects for remembrance, documentation, and education; and

Whereas the United States former prisoners of war of Japan still await apologies and remembrance from the successor firms of those private entities in Japan that, in violation of the Third Geneva Convention and in unmerciful conditions, used their labor for economic gain to sustain war production: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes and commends the Government of Japan for extending an official apology to all United States former prisoners of war from the Pacific War and establishing in 2010 a visitation program to Japan for surviving veterans, their families, and descendants;

(2) appreciates the recent efforts by the Government of Japan toward historic apologies for the maltreatment of United States former prisoners of war;

(3) requests that the Government of Japan continue its new Japanese/American POW Friendship Program of reconciliation and remembrance and expand it to educate the public and its school children about the history of prisoners of war in Imperial Japan;

(4) requests that the Government of Japan respect the wishes and sensibilities of the United States former prisoners of war by supporting and encouraging programs for lasting remembrance and reconciliation that recognize their sacrifices, history, and forced labor;

(5) acknowledges the work of the Department of State in advocating for the United States prisoners of war from the Pacific War; and

(6) applauds the persistence, dedication, and patriotism of the members and descendants of the American Defenders of Bataan and Corregidor for their pursuit of justice and lasting peace.

ORDERS FOR FRIDAY, NOVEMBER 18, 2011

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. tomorrow, Friday, November 18, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 1867, the Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. We will continue to debate the Defense authorization bill tomorrow. If Senators wish to offer amendments, they should come to the floor tomorrow. There will be no votes tomorrow. The next vote will be around 5:30 p.m. on Monday, November 28.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. LEVIN. 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 8:30 p.m., adjourned until Friday, November 18, 2011, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

GERSHWIN A. DRAIN, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE BERNARD A. FRIEDMAN, RETIRED.

ROY WALLACE MCLEESE III, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE VANESSA RUIZ, RETIRED.

EXTENSIONS OF REMARKS

IN HONOR OF REVEREND H.H. LUSK, SR.

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. FARR. Mr. Speaker, I rise today to honor the pastoral accomplishments of the Reverend H.H. Lusk, Sr. A native of Memphis, Tennessee, Reverend Lusk has served as a minister and professional community organizer in the City of Seaside, California for over 50 years.

In the 1950s while living in Memphis, Reverend Lusk attended both Henderson Business College and the Right School of Religion. In 1984, he received his Bachelor of Science degree in Human Religions and Organization Behavior from the University of San Francisco. Later, he earned a Master of Science degree in Management and School Administration from Pepperdine University.

After arriving in Seaside, California, Rev. Lusk began ministry at Bethel Baptist Church. Over the course of the last fifty years, he has become an important religious and community leader. Reverend Lusk has served in many positions, including Vice Moderator of the St. John District Association, which covers California, Nevada, New Mexico and parts of Africa. In addition he has served as either a leader or member of such community organizations as the Monterey Peninsula Ministerial Alliance, the Seaside Chamber of Commerce, the Seaside Club International, the National Association for the Advancement of Colored People (NAACP), the Southern Christian Leadership Conference, the National Baptist Convention U.S.A., and the National Alliance for Black Observation Day. He has also been active in community education and economic opportunity.

In December 1992, Reverend Lusk was one of 100 ministers to be selected to be a part of the Cross Cultural Pastors Association for Peace delegation in Seoul, Korea. As a result of this trip, he received a vision for Bethel to organize "Home Cell Bible Study Groups" throughout the Monterey Peninsula and Salinas. In February 1993, Reverend Lusk accepted an invitation from President Nelson Mandela to be a part of the First African National Conference in history to be held on South African soil. Reverend Lusk was also asked to be one of the monitors for the election held in Johannesburg in 1994.

Among the many awards and honors bestowed upon him are the Outstanding Service Award of the Anti-Poverty Council, the NAACP Man of the Year Award, the Seaside Chamber of Commerce Award, the Elvita Lewis Foundation Award, the Delta Sigma Theta Sorority, Inc. Award, The California Legislative Resolution Commendation, and a Congressional recognition for Outstanding Contributions to the Community.

Reverend Lusk is married to the former Bettye L. Jones. They have three sons, Herb Lusk II, of Philadelphia, Pennsylvania, Hendrick H. Lusk and Harold H. Lusk, both of Seaside. Reverend and Sister Lusk, Sr., reside in the city of Seaside, California.

Mr. Speaker, I know I speak for the whole House in congratulating Rev. Lusk on his long service in ministry and his many accomplishments.

HONORING U.S. NAVY CAPTAIN DIANNE JOHNSON

HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. BUCSHON. Mr. Speaker, I rise today to honor U.S. Navy Captain Dianne Johnson.

For the last 36 years, Captain Johnson has loyally served our great nation.

Her dedication, on both active and reserve duty, is one that sailors and citizens should emulate. I know that her absence will be noticed by all those who served alongside her.

For myself, and all her colleagues at the Navy Operational Support Center in Indianapolis, thank you Captain Johnson; may you have a fulfilling and enjoyable retirement that is richly deserved.

ARMY SPECIALIST MATTHEW TROY MORRIS POST OFFICE BUILDING

SPEECH OF

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 14, 2011

Mr. CARTER. Mr. Speaker, I rise today in strong support of H.R. 298, a bill that would designate the United States Post Office located at 500 East Whitestone Boulevard in Cedar Park, Texas as the "Army Specialist Matthew Troy Morris Post Office Building."

Mr. Speaker, I have the high honor of representing the brave men and women at Fort Hood, Texas, the largest military installation in the world. Every day that I have the opportunity to serve in Congress, I do so knowing that my number one responsibility is to give our men and women in uniform the support and resources they need to be successful. Each time I visit Fort Hood, I see America's finest, the soldiers who put it all on the line to allow us to live in the greatest country on Earth. Only three days ago we celebrated Veterans Day, a somber reminder that freedom is not free. And today, here on the House floor, we remember those who gave the ultimate sacrifice for our country, another reminder to us all that freedom is not free.

Representing Fort Hood, Texas also comes with the sober reminder of the sacrifice that our young men and women in the military and their families make to the cause of freedom. Since September 11, 2001, 384 army soldiers have been killed in action from the 31st district of Texas, the highest number of any congressional district in the country. Central Texans and their families have sacrificed much, and know that freedom is not free.

Today we celebrate the life and remember one of those patriots who served our country and gave his all, Army Specialist Matthew Troy Morris. Matthew Morris was born on July 16, 1984, in Fairfax, Virginia. He attended Fishburne Military School in Waynesboro, Virginia, where he earned an ROTC leadership award. He later attended Cedar Park High School in Cedar Park, Texas, and went on to score in the 90th percentile on each section of the General Educational Development Test.

Specialist Morris enlisted in the U.S. Army in December 2005, and attended Basic Combat Training (BCT) at Fort Jackson, South Carolina, followed by Advanced Individual Training (AIT) at Aberdeen Proving Grounds, Maryland. He graduated from AIT in June 2006 as a Power Generation Equipment Mechanic and was assigned to Howitzer Battery, 2nd Squadron, and the 3rd Armored Cavalry Regiment at Fort Hood, Texas. Specialist Morris served with the 3rd Armored Cavalry Regiment, 1st Cavalry Division in Balad, Iraq. Despite the dangerous nature of this work, he remained devoted to his mission, and the heroism he demonstrated in Iraq earned him the Bronze Star, Purple Heart, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon and Combat Action Ribbon.

Matthew Troy Morris was killed on April 6th, 2008, when his vehicle encountered a makeshift bomb in Balad, Iraq. Matthew was only 23 years old. He is the oldest of four children, leaving behind Cory, Katie and Sam. Matthew's parents are Lisa and Glenn Morris of Cedar Park, Texas. His father Glenn served our country in the Vietnam War and we thank him for his service. Matthew was engaged to be married to Ms. Julia Richardson. He is survived by his great-grandmother Ruth Staton Jordan, his grandparents Nancy Jackson and Joane Walters, his aunt Diane Afflerbach and uncles, John and Brian Walters. The sacrifice that our military families make often goes unnoticed, and I would like the entire Morris family to know that we will never forget Matthew and the pain that you have endured. Our country, and this House, has not forgotten Matthew and we are proud to celebrate his life on this day.

Matthew Morris exemplified the highest ideals of the U.S. Armed Forces, and although his passing has left a void in the lives of those who were fortunate enough to know him, they will forever carry memories of this heroic young man close in their hearts.

Mr. Speaker, I urge immediate passage of H.R. 298, and ask my colleagues to join me in honoring an American patriot and hero, Army Specialist Matthew Troy Morris of Cedar Park, Texas.

HONORING MARINE LANCE CPL. JOSH MISIEWICZ FOR INJURIES SUSTAINED IN OPERATION ENDURING FREEDOM

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Lance Cpl. Josh Misiewicz, a Marine from the Third District of Illinois who was injured serving our country in Afghanistan. He was awarded a Purple Heart after he stepped on an improvised explosive device (IED) and lost both of his legs. While I am sad for his loss, I am proud he served our country bravely and I know he will continue to live a life of great achievement.

Lance Cpl. Misiewicz's achievements before the Marine Corps were remarkable. A well-rounded young man, he was a standout student-athlete at Lyons Township High School, was recognized by the state of Illinois for his athletic achievement, and went on to play hockey for St. Mary's University of Minnesota. He knew, however, that he wanted to serve his country and embarked upon one of the greatest challenges an American can face: joining the Marine Corps. Demonstrating bravery and leadership, Lance Cpl. Misiewicz chose to join the infantry and rose to become a squad leader.

After being deployed to Helmand Province in Afghanistan, his unit was in charge of continuing efforts to drive out Taliban insurgents and promote peace in the area. On July 20, 2011, in a patrol around that remote region, Lance Cpl. Misiewicz's life would change forever when an IED detonated near him and he lost both of his legs and much of his hearing. Four days later he was transferred to Walter Reed Military Hospital where he continues recuperating.

The difficulty of recovering from such an event for Lance Cpl. Misiewicz and his family is beyond comprehension for many Americans. The outpouring of local support from friends and neighbors, however, is a true testament to this young Marine's character. The love and care of his family and the companionship of his fellow Marines will see him through this trying stage of his life. Our men and women in uniform are some of our bravest people and Lance Cpl. Misiewicz is no exception. He makes us all proud to be Americans.

I ask you to join me in honoring Lance Cpl. Misiewicz for his bravery, commitment to his fellow man, and sacrifice. May he have a speedy recovery and rehabilitation. I know that this is not the last time we will hear from this impressive young man.

RECOGNITION OF NATIONAL ADOPTION DAY, NOVEMBER 19, 2011

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. JACKSON of Illinois. Mr. Speaker, I rise today in recognition of National Adoption Day, November 19, 2011, and in support of more than 400,000 children living in foster care.

National Adoption Day began in November of 2000 as an attempt to raise awareness for children in foster care waiting to find permanent, loving families. In particular, National Adoption Day aims to facilitate and finalize adoptions in all 50 states, celebrate and honor those families who adopt, and encourage others to consider adopting. Through the efforts of policymakers, practitioners and advocates, over 35,000 children have found homes on this day. This year alone, organizers hope to finalize adoption for 4,500 foster care children.

Mr. Speaker, it is imperative that Congress acts to support the tireless efforts of organizations and individuals helping to find loving homes for the thousands of children living in foster care across the country. In my home state of Illinois, more than 15,000 children eagerly await the day they are adopted into a permanent, stable, and caring family. Let us give hope today to those children in search of the homes they desperately need and deserve by raising awareness for this critical issue.

I urge my colleagues and fellow Americans to support efforts that will unite children living in foster homes with permanent families, and to join me in recognizing National Adoption Day on November 19.

RECOGNIZING THE WORK OF HIGHMARK CARING PLACE CENTERS AND REMEMBERING CHILDREN'S GRIEF AWARENESS DAY

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. ALTMIRE. Mr. Speaker, today I wish to recognize the good work being done in Pennsylvania to help children and teenagers cope with the loss of a loved one.

For more than a decade, Highmark Caring Place centers in Pennsylvania have worked with hundreds of schools and businesses throughout the commonwealth to promote better strategies for helping young people deal with the death of a loved one. This type of tragedy is a burden faced by too many young people. One out of every twenty children will lose a parent, and one in seven children will lose someone close to them—such as a brother, sister, or grandparent—before they reach the age of 18.

As the holiday season approaches, the pain of losing a loved one often grows as memories of past holidays are revisited. Many grieving children will feel alone and afraid, and although it is often believed that children are less affected by loss and more able to easily continue with their lives, the opposite is true. These children need the caring support of family, friends, and others to help them understand and cope with their feelings.

Since its founding in 1997, Highmark Caring Place has served over 30,000 people and in 2008 alone, provided the equivalent of $428,000 in volunteer service hours. The program brings together grieving children, their families, and trained volunteers to share meals, talk and play games, and engage in group discussions with other families coping with the same experience. These programs are free of charge to the community and open to anyone.

On November 17, Pennsylvanians will mark Children's Grief Awareness Day, a day of remembrance initiated by school students across the commonwealth to bring attention to their classmates coping with a loss. Thousands of students will wear blue to show solidarity with, and support for, their peers. Others will hold assemblies, bake sales, and presentations to raise awareness. I commend these students for their initiative and the compassion they are showing for their peers.

Through their programs and the generosity of their volunteers, Highmark Caring Place is truly making a difference in the lives of grieving children and their families. I wish to express my sincere gratitude for the work they do.

HONORING THE 100TH ANNIVERSARY OF STEAMFITTERS LOCAL 439

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the 100th anniversary of Steamfitters Local 439 of Caseyville, Illinois, affiliated with the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

The history of the pipe trades goes back before the Civil War. During the mid-nineteenth century, plumbers, steamfitters and gas fitters would have been represented by individual trade locals. In 1889, a plumber from Boston sent a letter to a plumber in Washington, DC, expressing an interest in forming a ''United Brotherhood'' and soon thereafter, the new union was formed. The union name would later be adopted as the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada and be known as UA.

On August 12, 1911, UA General President Martin P. Durkin chartered Local 439 in East St. Louis, Illinois. The local hall would remain in East St. Louis for 76 years. In 1987, the current hall was erected in Caseyville, Illinois, and named the Donald J. Bailey Building in honor of Local 439's retired business manager. In further recognition of the contributions of Donald Bailey and the Steamfitters to the community, St. Clair County named the street where the union hall is located, Donald Bailey Drive.

The current business manager is Charles ''Totsie'' Bailey, who first joined Local 439 in 1978. Throughout his tenure as Local 439 business manager, Totsie has worked tirelessly to provide his members with the best representation possible and also to improve their skills through continuing education and training. Through his leadership, additional training facilities have been opened and educational programs have been developed.

Totsie is a fierce advocate for his members but he is also known for his generosity and his commitment to his community. Totsie leads by example and has personally donated his own resources to assist members, retirees and families of his local as well as many within his community.

Local 439 has always been very involved in volunteer and fundraising efforts and the list of organizations they have helped includes; the

Multiple Sclerosis Society, the United Way, the St. Vincent De Paul Society and the Backstoppers, a local organization that provides assistance to the families of fallen police officers and firefighters. Local 439 holds an annual fundraiser to benefit the Illinois Fire Safety Alliance Burn Camp for Kids and has raised over $250,000 in eight years for this worthy cause.

Mr. Speaker, I ask my colleagues to join me in congratulating the leadership and members of Steamfitters Local 439 as they celebrate their 100th Anniversary and to wish them continued success in the future.

A TRIBUTE TO DAVID LAWSTUEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the excellence in education in Iowa, and to specifically congratulate Northeast Iowa Community College Dairy Science Professor David Lawstuen for being named the 2011 Iowa Professor of the Year by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching.

The United States Professors of the Year program seeks out the most exceptional instructors in the country who make an impactful difference in their student's lives. Winners of this award must display an effective teaching method, as well as a demonstrably positive influence on his or her students. This program is the only nationwide program that recognizes the excellence of our nation's undergraduate professors and mentors. Entries for this esteemed program are reviewed by top U.S. educators and administrators to ensure that America's best professors are bestowed the honor.

Mr. Speaker, I consider it a great honor to represent a state with such a proud academic reputation. Professor Lawstuen, his wife Debbie, fellow colleagues, students, and parents of the NIACC community should be very proud of the academic climate they have produced. Professor Lawstuen's student's futures are a little brighter with his capable instruction and I wish him and his colleagues the best as they continue to provide a positive impact on the future leaders of our state and country. Thank you.

A TRIBUTE TO JAMES ROUNDTREE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor James Roundtree for his service of faith and prayer in Brooklyn and dedication to lead others towards a righteous path.

Mr. Roundtree was born in Savannah, Georgia to Minister Levan and Rosabelle Roundtree. He is the third child of ten siblings and grew up in a very religiously Christian home. Growing up Mr. Roundtree attended Dalton Baptist Church in Sylvania, Georgia where he served on the Usher Board. He is a man that takes his spirituality very seriously and looks to spread its power with those he encounters.

Mr. Roundtree relocated to Queens, New York in 1968 where he met and wed Alma Lee. Together they have one son and twin daughters. As a man of faith Mr. Roundtree conducts himself as a devoted husband, father, and grandfather.

Mr. Roundtree is a member of Antioch Baptist Church, located in Brooklyn, New York. At this church he served on the Usher Board and as Secretary of the Deacon Ministry for several years. Currently he is the treasurer for Sunday School.

After 35 years of service Mr. Roundtree retired from Gould Paper Company in 2004. He is now an employee of the Board of Education in New York City.

Throughout his life Mr. Roundtree has made considerable achievements: In 2006 he had confirmation of his ordination as Deacon; in 2010 he attained his Associate, Bachelor's and Master's Degree's in theology at North Carolina College of Theology; and in 2010 he also had his confirmation of his ordination as Minister.

Mr. Speaker, I would like to recognize Mr. James Roundtree for his dedicated service to the church and his faith.

NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

SPEECH OF

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

Mr. CONNOLLY of Virginia. Mr. Chair, after a decade in which 10 to 12 thousand Americans were murdered with guns every single year, the House is considering legislation to protect criminals' ability to carry concealed weapons. This reckless legislation almost certainly would add to our gun homicide rate, which is already 19.5 times higher than other developed countries. This bill will likely add to the gun violence death toll, which totals over 1 million Americans since 1968.

H.R. 822, the National Right-to-Carry Reciprocity Act, could open the door for criminals or terrorists to use fraudulent concealed weapon permits from other states. As the Virginia State Police wrote in a letter that I will submit for the record, state police in one state frequently are unable to verify a concealed carry permit from another state. For those states where verification is possible, in many cases states have already established reciprocity. It would be reckless, however, to establish a uniform reciprocity standard under which our police cannot verify many concealed carry permits. Can we risk the possibility that a violent criminal or a terrorist could be pulled over yet be allowed to continue on their way because the police officer is unable to check the validity of a concealed carry permit? Regardless of our respective positions on concealed carry laws, I would hope that we can at least legislate in a manner that preserves the ability of police to protect our communities from violent criminals.

Finally, it is ironic that the self-appointed defenders of states' rights would negate public safety laws across America through Congressional fiat. This bill effectively negates any concealed carry laws in states for out of state residents in a gross abuse of Congressional power which endangers our communities and first responders.

This destructive legislation only will add to the death toll that has already caused so much grief in communities like Northern Virginia. I urge my colleagues to vote against it.

MARKING VETERANS DAY IN LEONARDTOWN, MD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. HOYER. Mr. Speaker, on Veterans Day, I had the privilege of attending the annual parade honoring our veterans in Leonardtown and remembering the fallen service members from St. Mary's County, Maryland. It was a moving and meaningful ceremony, with many who have served our nation in uniform and their families attending. The parade in Leonardtown is the largest in the state, with a long tradition of honoring the service of Maryland veterans.

The program included four students from Leonardtown Elementary School, each of whom read a brief statement written to answer the question "What does Veterans Day mean to me?" Their words were a powerful affirmation that the ideals our service members have fought to protect continue to be passed on to the next generation, and that with those ideals we teach a love of country and respect for service. I would like to share their statements with my colleagues.

Katy Kindley wrote: "Veterans Day means to honor and love the ones who fought in all wars or to honor someone who didn't fight but served to help those in damaged places. Where do they go when they leave? What places will they visit? Will they ever come back? All armed forces that serve our country take only with them—hope. The hope that they won't let those in need be [needy], the hope to succeed in their job, or the hope to just come home to their families. Navy, Army, Air Force, U.S. Marines, or any other force that serves our country take hope and the will to serve with them.

"If you are the child of a veteran, hold your hand up. How do you feel when your mom or dad leave to go on travel? Do you feel scared they will never come back? Do you wonder if they will bring something back? All of your questions remain with you. I'm glad to say that I too have a brilliant and most valiant veteran to look up to—my dad. My dad does his best to serve in the Navy. A lot of times he leaves for a very long trip. One time, he left for seven months! I was very sad. But I was overjoyed to see him come home. Let's take a day to honor, love, and cherish the ones who served in our country. To all those veterans out there, I say: you rock!"

Liam Byers read his statement: "Can you imagine what life would be like without our

brave veterans? We probably would live in a country where we were not free at all. We couldn't go to school and get a good education for our futures. We couldn't go to the church we wanted or go to church at all. We probably couldn't choose our jobs or even our marriages!

"The brave veterans who risked their lives and health to fight to keep us free are perhaps some of the bravest people in our proud American history. They keep us and our rights safe and free from oppression, such as communism and tyranny.

"We have Veterans Day to honor the brave men and women who fought to keep us and our country free. We have two minutes of silence on Veterans Day called the 'Great Silence,' where we remember everybody who fought (and died) for our freedom. My Boy Scout troop marches in a parade for Veterans Day and throws candy to the parade watchers (and sometime we pick up candy on the road for ourselves!).

"On Veterans Day I feel proud to be living in America, where our noble veterans serve in the Armed forces to keep our country free. How do you feel on Veterans Day?"

Lauren Menges shared these thoughts: "Veterans Day is a day set aside to honor America's servicemen and women for their patriotism, love of their country, and willingness to sacrifice for our freedom. A veteran is anyone who has served in the armed forces, such as: Army, Navy, Marines, Coast Guard, or Air Force.

"Veterans Day used to be called Armistice Day. It honored the signing of the Armistice that ended World War I on November 11, 1918. The end of the war took place on the eleventh hour of the eleventh day of the eleventh month of 1918 with the German signing of the Armistice. It was declared a legal holiday on May 13, 1938, and was officially declared Veterans Day on November 11. Some people celebrate with a parade. Most schools have the day off. And other countries celebrate by observing two minutes of silence at 11:00.

"I have several family members who served in the military. My great uncle, Gordon Moniz, served in the Korean War, and my uncle, Bryan Menges, served during Operation Desert Storm. My first cousin, Joshua Menges, graduated last year from West Point and is now actively serving his country. I love that my family members served in the military. I am grateful for all the veterans and for their bravery.

"I would like to quote from a poem by Linda Ellis called 'Mommy, What is a Veteran?' 'How do you describe a veteran and the sacrifices they made so that you and your children's children could live free . . .and unafraid? How do you describe a veteran for a child's sake? You say: A veteran is a person to whom we owe every breath we take.' "

Also, we heard a statement from Maddie McCauley: "To many people, Veterans Day is special. Veterans Day all started on November 11, 1919, as Armistice Day. Armistice Day was to celebrate the first anniversary of World War I. Armistice Day was to honor all the brave soldiers who fought in World War I, keeping the United States safe. Now, Veterans Day is to honor all the brave souls who fought in all wars, who gave us our freedom, which many people elsewhere do not have.

"Veterans Day is celebrated with speeches, parades, special church services or ceremonies, visiting graves, and having the Great Silence. Many people visit the Tomb of the Unknown Soldier. This tomb holds the body of a U.S. soldier who was killed in battle. Nobody knew who this fearless man was.

"Veterans Day to me is an important holiday. I do have a few veterans in my family. My Great-Grandpa Hal was a fighting ace in the Air Force for many years. My family and I hang our American flag from our house. We also wear red, white, and blue to honor America. I think of many soldiers who endured many tough days away from their family fighting. I think, 'Thank you for all you have suffered just to keep us free and safe.' "

Katy, Liam, Lauren, Maddie, and their classmates, even at their young age, understand the sacrifices made by our veterans. I was glad they were able to participate in the ceremony alongside other public officials, and the many veterans who were on hand.

Together, we all thanked the families of three St. Mary's County fallen heroes for their sons' service and sacrifice. SPC Raymond J. Faulstich Jr. and CPL Matthew Wallace gave their lives serving in Iraq, and SGT Ryan Patrick Baumann fell in combat in Afghanistan. We also applauded a recently-returned wounded warrior, Thomas Caleb Getscher, who lost both legs and part of an arm in Afghanistan. Patuxent Habitat for Humanity will soon be helping to renovate his home to make it more accessible.

In their memory, and in honor of the veterans who returned home, we continue to recommit ourselves every Veterans Day to meeting our obligations to those who served our nation and put their lives on the line for the freedoms we hold dear.

A TRIBUTE TO CHARLENE PHILLIPS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Charlene Phillips, a native New Yorker with a passion for helping others through non-profit means.

Ms. Phillips was educated in the New York City Public School system. She attended Long Island University where she received an Associate's Degree in Liberal Arts and a Bachelor of Arts Degree. She graduated with Honors, Suma Cum Laude.

Ms. Phillips is the District Manager for Community Board 3, a position she has held since January 2006. She began working for the Community Board in December of 2004. Ms. Phillips has always enjoyed assisting people and felt that she would be able to live her passion through her position of helping at the Community Board. She has managed for the past 15 years to work in the field of service provider to the community through diverse non-profit organizations.

Prior to coming to Community Board 3, she worked in the office of Attorney Kimberly L. Detherage, again providing service to those of our community. Ms. Phillips possesses a humble spirit and is rarely seen in the forefront. In the 1990s she worked for a church where she provided services to the congregants, often utilizing the services of the Community Board and its former District Manager. Later, she worked for an organization, The Faith Center for Community Development, which specialized in capacity building for organizations within the faith-based community to enhance the communities around them through areas of housing, day care, and multi-service facilities.

In addition to her work at the Community Board, Ms. Phillips is very active in her church. Her activities include singing in the choir, teaching children in Sunday School, and she also worked with the Female Rites of Passage Program for young ladies between the ages of 12–18 for twelve years. She has recently become a Deacon in Brooklyn Community Church.

Ms. Phillips believes that God places you in diverse circumstances to allow you to fully understand exactly where you should be and what you should be doing.

Ms. Phillips' motto is: "If she can help someone as she passes along this way; then her living will truly not be in vain.

Mr. Speaker, I would like to recognize Ms. Charlene Phillips for her extraordinary ability to serve her fellow constituents with unwavering dedication.

GREATER NEW BEDFORD SALUTES THE VERY REV. CONSTANTINE S. BEBIS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, on October 30th, one of the great leaders of Southeastern Massachusetts retired—not from our community, but in his official capacity as the Pastor of St. George Greek Orthodox Church. His retirement comes to some extent as a loss to our community, although after 58 years of superb service, no one can begrudge him that step. But we do not believe he will be retiring from the extraordinarily important role he has played in the life of the community at large.

Father Bebis was a man of great enthusiasm for life, deep learning and an example or religion in its very best sense. To be with him was to draw strength from him, to be inspired and cheered by him, and to feel lucky to be one of the countless people whom he treated as friends.

Mr. Speaker, in the New Bedford Standard Times, Saturday, October 29th, Linda Andrade Rodrigues wrote a very thoughtful piece that captures the spirit of Father Bebis and the love that people in our region have for him. I ask that this be printed here.

[From Southcoast Today, Oct. 29, 2011]

'HE HAS ILLUMINED OUR MINDS, DEEPENED OUR SOULS, ENLARGED OUR HEARTS': THE VERY REV. CONSTANTINE S. BEBIS RETIRES AFTER 58 YEARS AS PASTOR

(By Linda Andrade Rodrigues)

DARTMOUTH, NH.— The Very Rev. Constantine S. Bebis, the beloved pastor of St. George Greek Orthodox Church for the past 58 years, will officially retire on Oct. 30, celebrating his last Sunday service as "proistamenos".

Born on the isle of Crete, Bebis never dreamed that he would someday come to America. As a young boy, he lived in Pireaus, Greece, with his widowed mother

who struggled to raise her three young children while working as a seamstress.

The family survived the German occupation from April 1941 to October 1944.

''Italy bombed us, Germany bombed us, and then the allies bombed us,'' he said. ''Many of my neighbors got killed. How I survived was a miracle!''

Bebis said that during this difficult time, the Greeks longed for emancipation from the Americans and the British.

''I had no money, but I wanted to study English,'' he said. ''I gave an English teacher part of my bread coupons. I denied myself food so I could buy books and learn English.''

During a catechism class, the teacher asked if any of the students had considered the priesthood.

''I was the only one who raised a hand,'' he said. ''I wanted to become a priest like my grandfather.''

At the end of the class, the teacher asked him, ''Do you want to go to America?''

''Of course,'' he answered.

A short time later an American bishop visited Greece, and Bebis was chosen as a seminarian. He arrived in the United States in 1947.

He received a full scholarship to study theology for the priesthood of the Greek Orthodox Church.

''This country has been wonderful to me,'' he said.

Bebis earned a master's degree in theology and was ordained on March 25, 1951.

The same year he wed Irene Vouris of Watertown.

''I married a wonderful woman,'' he said. ''Irene was a beautiful lady, the redeeming feature in my life, and she gave me four marvelous, successful children: Stephen, George, Paul and Constance.

''I am also grateful for my 11 grandchildren and four great-children''

Bebis became the pastor of St. George Greek Orthodox Church in New Bedford on Oct. 1, 1953.

''When I came to New Bedford, some prominent people told me that this was a difficult parish in a difficult town, and they gave me six months,'' he said laughing. ''I found the people extremely fine, and in every person I saw the image of Christ.''

Bebis has always been involved in ecumenical activities, serving as a member of the Inter-Church Council of Greater New Bedford since 1954.

''I was very happy to associate myself with both my friends from the Inter-Church Council and the many Catholic priests,'' he said.

In May 1976, the ecumenical patriarchate of Constantinople awarded him the title of protopresbyter, the highest rank of a married priest in the Greek Orthodox Church.

Bebis reached out to the community as pastor; as founder of the antipoverty agency, the Agnes Braz and Hope Bean North End Community Center; and as president of Onboard Legal Services for the Poor, among a host of other charitable work.

In May 2003, Metropolitan Methodios of Boston conferred upon Bebis the ancient office of archimandrite, the title given to priests who are eligible to become bishops.

Bebis was honored by the City of New Bedford in 2004 for his more than 50 years of service to the community. His portrait by artist Deborah Macy is on display at the New Bedford Free Public Library.

A bench in front of the Math and Science building at Bristol Community College also pays tribute to the Greek immigrant who became the beloved father to his congregation, as well as friend and benefactor to the community at large.

Marking his amazing journey are these words carved in stone: ''He has illumined our minds, clarified our vision, deepened our souls, enlarged our hearts, broadened our compassion, enriched our spirit, and our humanity.''

Bebis said that his mission was crowned when the congregation moved into their new church building on Cross Road in Dartmouth two years ago.

''It was an emotional thing for some of the parishioners to leave the old church,'' he said. ''But the church is flourishing in our new facilities. I am amazed at the attendance.''

A resident of New Bedford, Bebis said that he will remain a faithful and supportive member of the parish.

''I decided to retire, but a priest never retires,'' he said. ''I will still be here as a member of the parish. As long as I live, I will serve the church.''

CELEBRATING THE 125TH ANNIVERSARY OF THE YMCA OF DANE COUNTY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. BALDWIN. Mr. Speaker, I rise today in celebration of the 125th anniversary of the YMCA of Dane County and to honor all those who make this institution such an influential part of our community.

As a component of the greater YMCA system, the Dane County Y exemplifies the values of the national organization. The YMCA of Dane County is committed to youth development, healthy living, and social responsibility. These three areas of focus fuel the numerous programs and services the Y delivers to our community. In 2010, the YMCA of Dane County graciously spent more than $572,000 in programs that benefit the public.

The YMCA is a place where more than 19,800 youth members cultivate skills and gain the self-confidence necessary to become successful and positive members of society. Programs like Fill the Gap help youth grow by targeting at-risk teens and engaging them in challenging and fun activities in safe environments. Furthermore, thirty licensed before and after school sites throughout the county care for 1,200 children each day. These sites provide the necessary environment to keep children learning, engaged, and safe.

Additionally, the Y's Healthy Living initiative is fighting the country's obesity epidemic by encouraging a more active lifestyle. Each year, the YMCA reaches over 60,000 people through their wellness programs and provides a safe and clean environment for exercise. Furthermore, various exercise classes and access to pools and gymnasiums help encourage our community to stay fit and healthy.

The YMCA of Dane County also works towards producing hard-working members of society with its social responsibility programs. The YMCA's mission strives to ensure that every person has the opportunity to learn, grow, and thrive, regardless of socio-economic status. One of the many ways the Dane County Y fulfills this mission is by providing support, educational, and training services to unemployed citizens, which are desperately needed in the tough economic times we face today. This clear and determined dedication to improving the lives of community members not only physically, but also emotionally, highlights the importance of the YMCA of Dane County.

The Lussier Family East, Northeast, and Lussier Family West branches of the YMCA of Dane County work in conjunction to better our community and provide valuable resources and support. Along with the three branches, the four youth centers and numerous child care locations create a strong network dedicated to improving the lives of the members of our community.

I admire the mission and efforts of the YMCA of Dane County and look forward to many more years of service to our community. I proudly join those across Dane County, the entire state of Wisconsin, and our great nation in celebrating the 125th anniversary of the YMCA of Dane County and in thanking the members, employees, volunteers, and donors for their exemplary service to our community.

A TRIBUTE TO IZORA NEAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Detective First Grade Izora Neal for her dedication to restoring law and order in my district, as well as for bridging the gap between the community and the police.

Detective First Grade Neal is currently assigned as the Community Affairs Officer of Police Service Area #2. She entered the New York City Police Department Academy in 1994. Upon her graduation, she was assigned to the PSA #2. Detective Neal excelled—engaging in numerous arrests while gaining experience on the force. Detective Neal was assigned to the Community Affairs position in October 1997. She entered the position with confidence and a genuine desire to have a positive impact for all New York City Housing Authority residents.

Detective Neal was ambitious about the prospects of becoming detective and made great strides towards accomplishing her goal. In July 1999, her perseverance was recognized as she was promoted to the rank of Detective Special Assignment. As a newly promoted Detective she continued in her present assignment and utilized her leadership and strong interpersonal skills, gaining the trust of all residents. In her continued pursuit for success, Detective Neal was promoted to the rank of Detective Second Grade in February 2003. Although pleased with her present rank and assignment, Detective Neal's desire for excellence compelled her to continue working hard. Her devotion for a better quality of life for all NYCHA residents proved to be very successful. In August 2006 she was promoted to the rank of Detective First Grade.

Currently, Detective Neal continues to make strides while assigned to Police Service Area #2, giving her the opportunity to display her leadership skills, and her dedication towards the community. As the Community Affairs Officer one must ensure a bond of trust and reliance between the police and community; one must be open-minded, unbiased and sensitive to the concerns and problems within the community, display empathy and compassion with sincerity, but not in a rehearsed manner. These ideas are a part of the partnership that allows Detective Neal to define herself as the Community Affairs Officer of Police Service Area #2.

Detective Neal is happily married to Anthony Neal (whom she met on 09/11/2001), and has a 5 year old son Jaylen. Mr. Speaker, I would like to recognize Detective Izora Neal for her pursuit of excellence in the field of law enforcement.

PERSONAL EXPLANATION

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. WALZ of Minnesota. Mr. Speaker, on rollcall No. 842 I voted "no" but intended to vote "yes".

RECOGNIZING THE FIRST ANNUAL NATIONAL RURAL HEALTH DAY

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mrs. MILLER of Michigan. Mr. Speaker, today, I am proud to offer my support of the first ever National Rural Health Day.

My district is home to five rural hospitals, Deckerville Community Hospital, Harbor Beach Community Hospital, Marlette Community Hospital, Scheurer Hospital and McKenzie Memorial Hospital.

Thanks to these hospitals, my constituents, as well as 62 million Americans living in small towns and rural communities across the United States, have greater access to medical services and comprehensive care near the communities where they live.

During my time in Congress, I have been proud to support rural hospitals in my district. I took a leading role in helping to complete the Thumb Rural Health Network's wireless communications system. This infrastructure links all eight of the rural hospitals serving Huron, Sanilac, and Tuscola Counties, in order to create greater communication about patient care between this region's hospitals and allow for more medical consultation from specialists from other Michigan facilities via remote technology.

I believe that it is critically important for all Michigan residents to have access to quality health care services, and I know that each rural hospital is continually looking for innovative and resourceful ways to reach this goal despite geographical obstacles.

In my district, rural hospitals account for nearly 1,000 jobs. In a time of economic uncertainty and rising unemployment that has hurt Michigan businesses and families, I am encouraged by the many benefits rural hospitals bring to the communities they serve.

I would like to praise rural hospitals on National Rural Health Day and extend my thanks for the work they do for our communities in my district, as well as across the Nation.

IN TRIBUTE TO JOHN P. AMERSPEK

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. FRELINGHUYSEN. Mr. Speaker, last week, our Nation paused to mark Veterans Day. America's soldiers, sailors, Marines and Airmen and Airwomen have always responded to the call of duty in defense of our great nation. These dedicated members of our community deserve our endless thanks, not only on Veterans Day, but at every single opportunity that we can show them our gratitude.

Therefore, my colleagues, it is quite fitting that I call to your attention the dedicated service of one member of the "Greatest Generation." John P. Amerspek of Succasunna, New Jersey, will be celebrating the 90th anniversary of his birth this week and I invite you to join his family and friends in thanking this great American for his many contributions.

Like so many of his generation, John Amerspek knew the necessity of accepting one's responsibilities and was willing to make sacrifices for his country. As troops of the World War II era were known to say: "if the country is good enough to live in, it's good enough to fight for."

Thus, John found himself in the United States Army's 3rd Division, far from home, fighting one of the most controversial, yet least publicized, major engagements of World War II—the Anzio Beachhead in western Italy.

It was a brutal campaign, but essential to eventual Allied victory in Europe. The two German corps engaged on the Anzio front were originally destined for Normandy. The success of the Allied landings on the beaches in France in June 1944 were due largely to the tenacity of the Allied forces at Anzio.

But the price of this crucial victory was high. Allied forces suffered nearly 87,000 casualties. In one measure of the courage and sacrifice of those who fought there, 22 Americans were awarded the Congressional Medal of Honor, the most of any single battle of World War II.

John was there from the beginning. He was wounded twice and discharged himself from a field hospital so he could return to the fight with the mates in his own unit. As John says matter-of-factly, "I was one of the very fortunate ones that not only survived Anzio, but the many campaigns to follow. I would never regret the experience, but would never like to experience it again."

John's units were the first to liberate Rome. And then it was off to the Island of Corsica, Southern France, the Alsace Lorraine, the Vosge Mountains, crossing the Rhine into Germany and finally into Salzburg, Austria.

In the course of this extended personal campaign, John Amerspek was among the liberators at the infamous Dauchau concentration camp. In late April 1945, American troops found approximately 32,000 prisoners, crammed 1,600 to each of 20 barracks, which had been designed to house 250 people each. Nearly 32,000 people were exterminated at this camp, which John appropriately called the "Dauchau Horror Camp."

After the war, John returned home to New Jersey, took advantage of the GI bill and eventually began 60 years of official and unofficial professional support of the Army's Picatinny Arsenal—an invaluable national military resource and the home of American firepower.

An expert in all phases of military program management including the development of new concepts through research and development, cost control, field service, production and budgeting, he rose to senior leadership positions at Picatinny. His goal was always to provide our warfighters with superior firepower from a wide range of weapons for infantry, artillery, mortars, rockets, missiles and aircraft-launched munitions. There is no doubt that his material and management contributions strengthened the Army, Navy, Marines and Air Force.

John ended his formal government career in 1981 after 40 years of uniformed and civilian service. He went on to continue his contributions to our great military in various senior roles with the National Defense Industrial Association, the Army ARDEC Advisory Board, among other organizations. His awards are too numerous to list.

It should suffice to say that in 2004, Picatinny's Armament Research Development Engineering Center, ARDEC, named its headquarters' executive conference room after John Amerspek.

Today as senior military and civilian leaders enter the conference room, they pass a simple bronze plaque, bearing his likeness and the phrase "Soldier, Leader, Patriot, 1942–1981,"

Anyone who has had the privilege of knowing John Amerspek, understands that he fits those descriptions precisely.

Having just marked Veterans Day and as we prepare for the Thanksgiving season, it is fitting that all Americans give thanks for the service of John Amerspek and all of his fellow soldiers, leaders and patriots—past, present and future.

A TRIBUTE TO MAJOR MORRISON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Mr. Major Morrison for his dedicated public service to his country, community, and family.

Reverend Major Morrison, III is son of Marian and Major Morrison, Jr. Reverend Morrison grew up in New York City where he attended Medgar Evers College with a concentration in Liberal Arts. He then transferred to New York City Community College and studied Mechanical Engineering.

In 1979, Reverend Morrison joined the United States Merchant Marines and served until 1998. He was elevated to the post of Watch Engineer. Reverend Morrison served one tour duty in Operation Desert Storm and Desert Shield in 1991. After serving his country he started working at the Veterans Medical Center in New York City where he is presently a Systems Boiler Plant Operating Engineer.

Reverend Morrison was called into the ministry at an early age. He was baptized in the Methodist tradition and faith. Reverend Morrison was a choir member; Boy Scout; and served as an usher. Reverend Morrison has preached the Gospel of Jesus Christ in various denominational settings: Baptist; Methodist; and Presbyterian.

Reverend Morrison felt compelled to continue his education and enrolled in Somerset Christian College pursuing a Bachelor of Arts Degree. Upon completing his degree at Somerset Christian College, Reverend Morrison will enhance his ministerial capabilities as a biblical interpreter at The New York Theological Seminary in the Master of Divinity Program.

Reverend Morrison has been engaged in many civic associations: he is a former member of Community Board 4; sat on the Public Safety and Human Services Committee; was a chaplain for the New Jersey Eastern Star Home; and serviced the veterans at St. Albans Community Living Center—Unit A5.

Mr. Speaker, I would like to recognize Mr. Reverend Major Morrison for his excellence in working with Veterans and his service within the church.

NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

SPEECH OF

HON. ROBERT HURT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

Mr. HURT. Mr. Speaker, today, I rise in support of H.R. 822, the National Right-to-Carry Reciprocity Act offered by my colleagues, Representatives STEARNS and SHULER. I want to thank them for their leadership on this legislation, which protects the basic second amendment freedoms that are so important to central and southside Virginians.

This bipartisan bill would allow valid state-issued concealed firearm carry permits to be honored by any state or U.S. territory that allows concealed carry, requiring that each state recognize another's carry permits, just as they recognize each other's drivers' licenses.

Currently, 49 of 50 states, including the Commonwealth of Virginia, have laws permitting concealed carry in some fashion. Additionally, over half of those states—25 of those 49—already honor the Virginia concealed carry permit.

This legislation, which has overwhelming support in the House—from representatives from 48 states and both sides of the aisle—would allow central and southside Virginians to utilize their carry permits in all of the 49 states that allow concealed carry.

The constitutional right to keep and bear arms and the ability to defend one's self are fundamental liberties which were protected by our founding fathers. H.R. 822 recognizes that these basic liberties should not be constrained by borders or boundaries, and does so without hindering states' authority to set criteria for their own residents, and without affecting state laws that regulate how concealed firearms are carried.

I am proud to cosponsor this legislation as I continue to work to protect our second amendment freedoms for those in Virginia's 5th District and across the country, and I urge my colleagues to join with me in supporting passage of this bill.

RECOGNIZING FORMER PRISONERS OF WAR FROM THE COMMUNITY

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. FITZPATRICK. Mr. Speaker, I would like to recognize eight true American heroes from my community: From Bucks County, William Bond, William Clarke, Russell Hoff, John Masko and James Reily; from Montgomery County, Donald Lewis and Edgar Waite, Jr.; and from Burlington County, New Jersey, Al Romanowski. I am honored to address you and I want to take this opportunity now to personally thank each one of them for extraordinary service to our Nation.

It is because of men like these that America has the strongest, most professional military in history and the freedoms that we enjoy today. Some may say our military strength is due to our technological and weapon superiority, but, as General George S. Patton said, ''Wars may be fought with weapons, but they are won by men. It is the spirit of men who follow and of the man who leads that gains the victory.''

The men and women who make up our Nation's armed forces are the most dedicated, most patriotic, and most courageous soldiers. They are unwilling to accept anything less than mission success.

During the Second World War, our countrymen joined the fight to eradicate the insidious spread of Nazism and Fascism across Europe and Asia. Over 16 million Americans served during World War II. 416,837 made the ultimate sacrifice for their nation during this war. Your service helped shape the world we see today, a world with America's beacon of freedom still shining proudly.

Tens of thousands of others were captured and subjected to harsh conditions and rough treatment as prisoners of war. Since World War I, over 142,000 Americans have been captured and interned as prisoners of war. There are nearly 30,000 former POWs that are still living—with almost 90 percent of those having been captured during World War II. The brave service members I honor today make up just eight names of those 30,000—but they have had a significant impact within our local communities. William Clarke and James Reily had been crew members on B–17 bombers that were shot down over enemy territory. The others were with infantry units that were captured by enemy forces.

Our Nation is thankful for their service and I remain committed to providing those who have sacrificed so much with the highest quality care and all the benefits that they deserve. George Washington said, ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the Veterans of earlier wars were treated and appreciated by their nation.'' Today, a new generation of brave men and women, inspired by their legacy of service and sacrifice, has answered the call to defend America from the new global threat of terrorism.

I thank Catherine ''Cay'' Burns for her dedication and leadership as Commander, for more than 32 years, of the American Ex-Prisoners of War Liberty Bell Chapter. Cay's late husband, Leroy Burns, was a former American prisoner of war who joined the Army shortly after World War II began. He conducted his basic training at what is now Fort Dix. He served in the North Africa campaign and was captured in 1944 when his unit was overrun by German forces in Italy. Cay's tireless work has been instrumental in the creation of this memorial grove honoring the former prisoners of war from our community.

Furthermore, I thank the students of Bucks County Technical High School and their teacher Steve Whitmore. These students played a fundamental role in providing the stone plaques that now honor the service and sacrifice of the eight remaining former prisoners of war from our community. There was a shortage of funding available, but these students volunteered their time to turn the memorial grove into a reality.

Again, one final thanks to William Bond, William Clarke, Russell Hoff, John Masko and James Reily, Donald Lewis, Edgar Waite, Jr., and Al Romanowski for their service and sacrifice as former American prisoners of war. They are true protectors of liberty in this world and their dedication to a grateful Nation will never be forgotten.

145TH ANNIVERSARY OF THE FOUNDING OF THE ASPCA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to honor the 145th anniversary of the founding of the American Society for the Prevention of Cruelty to Animals (ASPCA), which has been headquartered for the last 60 years on the East Side of Manhattan in my congressional district. Founded by Henry Bergh in 1866, the ASPCA provides effective means for the prevention of cruelty to animals in New York City and throughout the United States.

The ASPCA was the first humane society in North America. Throughout its 145-year history, the ASPCA has operated under the belief that animals are entitled to be treated kindly and respectfully by humans and to be protected by the law. Last year, thousands of pets were adopted from its Onyx and Breezy Shefts Adoption Center and over 37,000 free or low-cost spay and neuter surgeries were provided to needy pet parents across the five boroughs. The ASPCA's Bergh Memorial Animal Hospital has been providing affordable, quality veterinary care in the New York metropolitan area since 1912.

Although the ASPCA was founded to help protect working horses and other animals in New York City, its services and outreach now stretch to animals and communities throughout the United States. From shelter and rescue grants, to veterinarian care and training, to cruelty response and humane law enforcement, the ASPCA is a national leader in animal cruelty prevention. In 2010, its Animal Poison Control Center handled over 167,000 cases. The ASPCA's disaster response team has cared for animals during emergencies nationwide, including after animal fighting raids, and recently in Joplin, Missouri, and in the aftermath of Hurricane Irene.

Henry Bergh stated, ''mercy to animals means mercy to mankind.'' He knew compassion for animals leads to a better human heart and society. I am proud to congratulate the ASPCA and its over one million supporters on its 145th anniversary. They continue to be the voice of those unable to speak for themselves.

A TRIBUTE TO ALICE ADELL MAYS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Alice Adell Mays for the many accomplishments she has attained in my district throughout her life.

Ms. Mays was born in Halifax County Virginia, about six and a half decades ago. Growing up on a farm as the second oldest of five children she was endowed with the responsibility of being the caregiver at an early age. This was never an issue for Ms. Mays, as she always had a loving and compassionate heart.

Ms. Mays was educated in Virginia and later migrated to New York City. Once settled in, she began working as an usherette for playwrights such as Neil Simon at the Eugene O'Neil Theatre and other local theatres. Presently, she is a Childcare Provider and package receiver for the community. She has not only raised her own children, but she has been a community mother for numerous years.

Later she met and married George (Gee) W. Mays. Together they reared six children; three have preceded them in death. She also has four grandchildren and one great grandchild. Through it all, her faith has gotten stronger in Christ, and she gives back to her community through her devout religiosity.

Ms., Mays was a faithful member of the Greater Friendship Baptist for many years where she served as President of the Deaconess Board and on the pastor's aide ministry. In 2003, after the death of her mother, she moved her membership to Union Baptist Church. There she works in the capacity as President of the Pastor's Aide and will willingly help other church ministries in their efforts.

Ms. Mays has many hobbies that include conversing with people from all walks of life; playing games of various sorts; and beautification of one's self, making sure her hair, nails, and makeup are done on a daily basis.

Mr. Speaker, I would like to recognize Ms. Alice Adell Mays for her dedication to her faith and the nurturing personality she has developed with all those she is in contact with.

PERSONAL EXPLANATION

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. PETERSON. Mr. Speaker, I should have voted yes on H. Res. 463, the rule that would provide for House floor consideration of H.R. 822, a bill that would require states that allow the concealed carry of firearms to recognize concealed-carry permits issued by other states, known as the National Right-to-Carry Reciprocity Act.

HONORING THE REVEREND DR. DAVID C. FORBES, SR.

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to bring to the attention of my colleagues the remarkable life of service of the Reverend Dr. David C. Forbes, Sr. of Raleigh, North Carolina.

Dr. Forbes is the founding Pastor of Christian Faith Baptist Church, and he is retiring from the church after 21 years of faithful ministry. His work there culminates a lifetime of service to the cause of social justice and to the betterment of the community.

Dr. Forbes came of age during the civil rights movement of the 1960s. He embraced his place in history, helping to found the Student Non-Violent Coordinating Committee, later led so ably by our colleague, Rep. JOHN LEWIS. Dr. Forbes quickly made his mark as a leader. He has spent the last fifty years answering the prophetic call to justice and leading others to join him.

After graduating from Shaw University with a degree in education, David Forbes spent his early career focused on the needs of young people. He taught middle school students in Wilson, North Carolina, and then headed north to New York, where he worked as a teacher, youth center director, and VISTA coordinator. Along the way, he earned a master's degree in social work from Adelphi University and transitioned to the world of higher education, spending more than a decade teaching at Virginia Commonwealth University.

It was during this time that Dr. Forbes found his calling as a minister, and, eventually, came home to North Carolina. He spent 6 years as senior minister of Martin Street Baptist Church in Raleigh before becoming the founding pastor at Christian Faith Baptist. Christian Faith Baptist isn't just a place of worship; it is an activist congregation dedicated to serving the least among us and to achieving what Dr. Martin Luther King, Jr. called the ''beloved community.'' Through David's leadership, the church has taken on many missions both locally and internationally, such as sponsoring free HIV/AIDS testing clinics; providing Saturday meals for the needy; funding scholarships for young men; and supporting the children of incarcerated parents.

Dr. Forbes' partner in all things was his wife of nearly 50 years, Hazel Baldwin Forbes, who passed away last year. Hazel shared David's passion for education and the church, and she and my wife Lisa found they had much to talk about as fellow social workers. She was also a gifted musician, and served as choir director and accompanist at Christian Faith.

Dr. David Forbes leaves a rich legacy at Christian Faith, one that will be both remembered and upheld. I speak for many North Carolinians in honoring him as a ''good and faithful servant'' who has helped build a better and more just world in everything he has done.

T IS FOR TENACIOUS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. POE of Texas. Mr. Speaker, T is for Tenacious.

Withelma ''T'' Ortiz-Macey who was recently awarded a Woman of the Year award by Glamour Magazine exemplifies tenacity.

T is a survivor of domestic minor sex trafficking, but she does not let her past trauma get in the way of her advocacy for other victims of this horrendous crime.

She shares her story with Members of Congress, advocates, the public, and other victims in order to put an end to this dastardly deed so that no one else ever has to go through the violence and trauma she endured.

T's life has not been easy.

She was abused as a child and when she met someone who she thought would love and care for her, she was made into a sex slave, her innocence crushed.

Domestic minor sex trafficking is a hidden crime, one that many do not realize occurs in communities all over our country.

Young girls are sold on the street and on the Internet for profit.

And to make matters worse, these girls are usually treated as criminals, when in reality they are victims.

These girls need specialized treatment, not to be thrown in a jail cell.

And T is working to change this.

T is an incredible young woman, and I commend her for her great work and congratulate her on her recent award.

And that's just the way it is.

DELAWARE COUNTY CHAMBER OF COMMERCE, 125TH ANNIVERSARY

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. MEEHAN. Mr. Speaker, I rise today to honor the 125th Anniversary of the Delaware County Chamber of Commerce.

Small businesses are the backbone of our economy. This is especially true in Delaware County. The business owners and entrepreneurs help make our region what it is today. These businesses have been relying on the support and services of the Delaware County Chamber of Commerce for 125 years. They are a true asset to our community. The Chamber provides businesses with valuable benefits, seminars and programs that give our business community the tools they need to succeed.

Particularly during this time of economic uncertainty, the Delaware County Chamber of Commerce provides an immeasurable benefit. As the bridge between business and government, the Chamber has helped create a business friendly environment. By showcasing the incredible benefits of Delaware County, the Chamber is demonstrating why they are poised to lead us into a new era of growth.

On behalf of the region's residents, I congratulate the Delaware County Chamber of Commerce on its 125th anniversary. I want to

thank the Board, staff and members for their service to southeastern Pennsylvania and for making our region a wonderful place to live, work and raise a family. I wish them all the best for continued success in the future.

NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

Ms. McCOLLUM. Mr. Chair, I rise in strong opposition to H.R. 822 because it threatens to undermine our states' ability to enforce their own gun laws and endangers the safety of our citizens, especially those that serve in law enforcement.

If this legislation passes, it would mean that the Republican-controlled Congress will automatically give anyone the right to carry a concealed, loaded weapon into Minnesota's neighborhoods. This reckless bill is opposed by mayors, governors, domestic violence prevention advocates, and major law enforcement organizations, including the Minnesota Chief of Police Association. As members of our law enforcement community will attest, the best way to prevent gun violence is to keep guns off the street and out of the hands of criminals. Gun traffickers routinely take advantage of gun show loopholes and negligent background checks to divert guns from the legal market into the criminal market. This legislation makes it even more difficult to trace illegal guns and keep them out of the hands of those that could inflict harm on our Minnesota law enforcement officers, families, and friends.

H.R. 822 takes away Minnesota's right to police its own communities and enforce its own stringent gun laws. As with every state and municipality across the country, Minnesota has developed its laws to adequately meet the needs of its residents. This legislation unfairly forces states with strict gun laws to recognize conceal-and-carry permits issued by any other state, even if those states' permit requirements are lax in comparison. This is unjust and ultimately dangerous, especially for communities faced with high crime rates.

The sobering statistics from the U.S. Census report speak volumes: of the 129,741 murders that were reported between 2000 and 2008, nearly two-thirds of the victims were killed by a firearm. Equally frightening is the deadly role firearms play in domestic violence incidents. According to the American Journal of Public Health, abused women are five times more likely to be killed by their abuser if the abuser owns a firearm. Research also shows that between 1990 and 2005, firearms were used to kill more than two-thirds of spouse and ex-spouse homicide victims. These numbers are tragic. Instead of empowering our local law enforcement officers to prevent such heinous acts, H.R. 822 ties their hands by making it harder to determine whether someone carrying a gun is doing so illegally. I oppose this legislation in order to preserve the safety of our communities and prevent the gun violence that has claimed hundreds of innocent lives.

A TRIBUTE TO CARL LUCIANO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Mr. Carl Luciano, a Brooklynite who has offered decades of service to my community through education and social welfare programs.

Mr. Luciano is a lifelong Brooklynite, educated in the New York Public school system. It was the streets of Brooklyn that gave Mr. Luciano the passion for the work that he currently does. He is presently working with Councilmember Darlene Mealy and has had the fortunes of working with many other officials in the Brooklyn community.

The Lord has allowed Mr. Luciano to work under three other elected officials. The blessing in working with all of these elected officials is that they all share the same passion as Mr. Luciano towards education and empowerment of the community of Bedford Stuyvesant. Through education, a youth can change their personal lives and the lives of others living in their community. It is Mr. Luciano's way of paying it forward—the service he offers Brooklyn constituents.

Mr. Luciano has resided in Bedford Stuyvesant for over forty years. He has witnessed the good and bad of his community. In his spare time he devotes attention to youth intervention, willing to communicate with anyone interested in learning the power of community through unity. He has planted this seed in various platforms for the past eleven years. Mr. Luciano's strength comes from his spiritual grounding and guidance through his relationship with Christ Jesus.

Mr. Speaker, I would like to recognize Carl Luciano for his accomplishments in Brooklyn.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was $4.8 trillion.

This week it hit $15 trillion. Today, it is $15,026,993,847,879.10. We've added 10 trillion dollars to our debt in 16 years. This is $10 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

PERSONAL EXPLANATION

HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. HEINRICH. Mr. Speaker, I unfortunately missed votes which included roll call votes 829, 830, 831, 832, 833, 834, 835, and 836.

If I had been present, I would have voted in opposition of rollcall vote 829, the Previous Question on the Rule providing for consideration of H.R. 2838.

If I had been present, I would have voted in opposition of rollcall vote 830, H. Res. 455—Rule providing for consideration of H.R. 2838—Coast Guard and Maritime Transportation Act of 2011.

If I had been present, I would have voted in favor of rollcall vote 831, H.R. 3321—America's Cup Act of 2011.

If I had been present I would have cast the following votes on amendments to the Coast Guard and Maritime Transportation Act of 2011: rollcall vote 832 (Cummings Amendment): "yea;" rollcall vote 833 (Thompson Amendment): "yea;" rollcall vote 834 (Napolitano Amendment): "yea;" rollcall vote 835 (Bishop Amendment): "yea;" rollcall vote 836 (Slaughter Amendment): "yea."

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. McCOLLUM. Mr. Speaker, yesterday I was meeting with the Secretary of the U.S. Department of Transportation and the Secretary of the U.S. Department of Interior. Due to time constraints, I was unable to make it to the House floor to vote for Amendment No. 2 to H.R. 822 offered by Rep. McCARTHY of New York. Had I been present, I would have voted "yea" on this amendment.

A TRIBUTE TO REVEREND KIMBERLY HEADLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Reverend Kimberly Headley for her extensive efforts to reform my Brooklyn district through public outreach services.

Reverend Headley was born and raised in East New York, Brooklyn. She started junior high school at age 12 and was promoted from the 7th to the 9th grade. After high school, Reverend Headley entered Bernard M. Baruch College at age 16 where she studied Public Administration. Upon graduation, she entered the workforce as a junior press secretary to then Comptroller Elizabeth Holtzman. She stayed in the administration until Alan G. Hevesi became Comptroller.

Reverend Headley has always demonstrated a willingness to go above and beyond what is expected of her. In her earlier years, while her father was district leader and

first vice chair of Kings County Democratic organization, she spearheaded all of his fundraisers at which hundreds of people were in attendance. The most successful fundraiser she hosted had an attendance of up to 900 people.

In 1997, Reverend Headley began teaching Sunday school, and became the Sunday School Superintendent within a year in Fellowship Missionary Baptist Church. In 2006, Reverend Headley became a licensed minister of the Gospel. Prior to that, she had been preaching in platform services and evangelizing on the subways and streets of Brooklyn. Upon the death of pastor Reverend Charles Dunston, the Lord called Reverend Headley to Berean Baptist Church. She was ordained as a Reverend by Reverend Dr. Arlee Griffin, Jr., pastor of Berean Baptist Church. Today she is an active member of the Young Adult Ministry; is a teacher with the New Members and Friends Ministry; and is an associate minister and member of Berean's newest drama ministry.

She is presently a Special Assistant to Congressman EDOLPHUS ''ED'' TOWNS in the Canarsie district office where she drafts most of the proclamations and assists with letters of commendation; condolence; and support for organizations seeking funding from Congressman TOWNS' office. She is his office liaison for the 40th Assembly District and sits on the Cypress Hills Weed & Seed Steering Committee on behalf of Congressman TOWNS.

Reverend Headley holds a Master of Science degree in Publishing. She presently is a second year student at Alliance Theological Seminary in New York City, pursuing a Master's in Divinity in Church Development. Mr. Speaker, I would like to recognize Reverend Kimberly Headley for her passion for God's word and the dedication she has for improving our community.

HONORING LANCE CORPORAL SCOTT HARPER

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. WESTMORELAND. Mr. Speaker, I have come to the floor this morning with great sadness to honor the service of one of Georgia's own, Lance Corporal Scott Harper. On October 13 in Helmand Province, Afghanistan, he gave the ultimate sacrifice in support of Operation Enduring Freedom, and he will be greatly missed.

Lance Corporal Harper was known by his close friends not as Scott, but by his nickname, ''Boots.'' While a student at Alexander High School, he once forgot his tennis shoes for gym class and kept his boots on instead. On that day, he earned a lasting nickname and showed how he was prepared to adapt to all scenarios. When a Marine recruiter showed up at his school senior year, Boots answered the call and chose a life of service in the United States Marine Corps with a courage and motivation that most young men his age have not yet found.

After graduating, Boots served one tour in Afghanistan before returning home. He left on July 13 to begin his second tour of duty with the First Battalion, Sixth Marine Regiment, Second Marine Division. On October 13, his division was struck by small arms fire while conducting combat operations. A fellow Marine was shot first, and Boots ran into opposing gunfire to save his friend. Though Boots lost his life, he saved the life of his wounded friend in the process. Boots was as loyal a friend as there is, and there is no more honor than that.

Boots was devoted to his family and his community. Even when he only had a few days off, he would make the most of his time to come home and visit. Though communication was difficult, Boots wrote his family several times and called home as much as possible. The Saturday before he was killed, Boots called his father to say that he had decided to enroll at the University of Georgia when he returned home.

From Charlie Brown Airfield, crowds lined the streets to escort Boots home one last time, as a testament to the community's support of him and his family. Boots was accompanied by a Marine Corps Honor Guard, the Patriot Guard, the Douglasville Police Department, and the Douglas County Sheriff's Department, among others. Norfolk-Southern even stopped its railroad cars in honor of the procession. As they passed, everyone stood at salute to honor the fallen Marine.

Boots embodied the ideals that the Marines strive to achieve. I am both honored and proud that this soldier from the Third District fought so hard for our country and our freedom. Boots was a model citizen, soldier, and son. He was an extraordinary young man with incredible potential before him, and he will be forever missed. I am proud to stand here and thank him for sacrificing his life for strangers like me and my family.

Joan and I extend our sympathy to the family and friends of Scott ''Boots'' Harper, and we will never forget the service and sacrifice that he made for our great country.

HONORING SEAN RAY FERGUSON

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. NUNES. Mr. Speaker, I take this opportunity to pay tribute to Sean Ray Ferguson, who at the age of 29 passed away on November 12, 2011, in Baghdad, Iraq.

Sean was born on July 7, 1982, in San Diego, California to Darryl and Raelynn Ferguson. He was a 2001 graduate of Mt. Whitney High School in Visalia. During Sean's time at Mt. Whitney High, he was a standout player on the football team. He was playing wide receiver his senior year when Mt. Whitney High won the ''Cowhide'' game against Redwood High for the first time in 10 years.

Two months after graduating high school, Sean enlisted in the United States Army, honorably serving our country for eight years, and retiring at the rank of Staff Sergeant due to combat wounds. In addition to two Purple Hearts, one of which was presented to Sean directly by former Secretary of Defense Donald Rumsfeld, he also received many awards and commendations for his service in Iraq with unit ''Deuce Four.''

After retirement, Sean began working for Triple Canopy, a private contracting company, working as a personal security agent for members of the U.S. State Department. His job required him to return to Iraq, where he was working at the time of his death.

Sean's family recalls his great love for America and freedom. He was fully engaged in our mission of bringing freedom and democracy to the Iraqi people. Sean was proud to be in Mosul, Iraq, when the first elections were held after the fall of Saddam Hussein. His favorite quote was ''Freedom isn't free,'' and he had a deep understanding of the hard and difficult work it takes to be free.

Sean is survived by his parents; his sister, Aimee Sorensen; and his brother, Matthew Ferguson. He is also survived by seven nephews, one niece, his grandparents, aunts, uncles, and cousins. He was a member of the Church of Jesus Christ of Latter-day Saints.

At this time of great sorrow, I hope that Sean's family can take comfort in knowing that we will forever be indebted to his service to our country.

CHANGES TO THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY BOARD

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. WOLF. Mr. Speaker, the Fiscal Year 2012 Consolidated and Continuing Appropriations Act contains important changes to the Metropolitan Washington Airports Authority, MWAA, board.

I have been concerned with the actions of the board and have proposed several changes to the structure and function to increase transparency and accountability. Under the new law, members of the MWAA board will no longer be able to serve past the end of their term and all could be replaced for ''cause.'' The changes also increases the size of the board from 13 to 17, with Virginia getting two new appointments and Maryland and the District of Columbia each getting one additional board member.

The changes are fair, providing the governors of Virginia and Maryland and the mayor of the District of Columbia the same authority the president already has under existing law to replace members of the board.

The changes will improve accountability. Until now, board members served until their replacement takes office. There was an incident earlier this year where a board member whose term expired in January 2009 and had not been replaced was voting by proxy from Africa. He was finally replaced in April 2011, more than two years after his term expired. A replacement has yet to be named for a board member whose term expired in May 2010. A third board member's term ends at the end of November and it is unclear if the replacement process has begun.

Board members need to be replaced when their terms end. It's not their fault that they aren't being replaced but if the officials making the appointments know that the seat is going to be vacant, this reform will provide more of an incentive to make appointments in a more timely fashion.

These airports are the economic engine for the region. With MWAA responsible for the Dulles rail project, ensuring that Virginia has

more say and that board members are more accountable is more important than ever. Everything possible must be done to keep the rail project on budget to keep the tolls as low as possible.

Virginia Governor Robert McDonnell wrote Representative TOM LATHAM and Representative JOHN MICA in strong support of these changes. I submit Governor McDonnell's letter for the RECORD as well.

Some interested parties have stated that the original 1986 law that established MWAA is a compact between Virginia, Maryland, and the District of Columbia and that any changes to the structure of the board must be approved by all three localities. I want to state clearly that this is not true.

The independent and well-respected Congressional Research Service has told my office that the MWAA statute has been amended twice in 1991 and in 1996, specifically in response to court decisions involving the Board of Review. It is my understanding that neither change required the consent of MD or DC.

The Practitioner's Guide to The Evolving Use and the Changing Role of Interstate Compacts provides everything else necessary regarding the authority of Congress to enact subsequent legislation that has an effect on approved interstate compacts. Sections of this publication support the claim that Congress remains free to change federal laws, even if those laws have adverse effects on compacts that Congress has specifically consented to.

The relevant sections of the Practitioner's Guide to The Evolving Use and the Changing Role of Interstate Compacts are too long to include here today, but can be found on pages 43–47.

These changes to the MWAA board will improve its function, governance, accountability and transparency and provide greater input for those with a large stake in the successful completion of the Dulles Rail project. Washington Dulles International Airport and Ronald Reagan Washington National Airport drive economic growth in northern Virginia and the entire Capital region. The MWAA board must operate successfully to ensure the success of both Dulles International and Reagan National Airports and the Dulles Rail, ensuring tolls on local drivers are kept to a minimum.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, August 8, 2011.

Hon. TOM LATHAM,
House of Representatives, Rayburn Building, Washington, DC.

Hon. JOHN MICA,
House of Representatives, Rayburn Building, Washington, DC.

DEAR CHAIRMEN LATHAM AND MICA: I write you today to respectfully ask for your endorsement and support for changes to the Washington Metropolitan Airports Authority Board of Directors being proposed by Congressman Frank Wolf. As you are aware, MWAA, which was created through an interstate compact between Virginia and D.C., as authorized by Congress, maintains and operates Reagan National Airport and Dulles International Airport pursuant to a lease agreement with the federal government. MWAA is also responsible for maintaining and operating the Dulles Toll Road and the Dulles Greenway and construction of the Dulles Corridor Metrorail Extension Project.

These facilities are all located within the Commonwealth of Virginia and have a tremendous impact on our economy and transportation network. All funding for the airports, and the current metrorail to Dulles project, is provided by the Commonwealth or its subdivisions, and the federal government. Despite this fact, as chief executive I have no effective mechanism for effectuating a change or providing oversight when the MWAA Board takes action which may be adverse to the interests of the Commonwealth and its citizens. Neither do the other stakeholders in the District of Colombia, Maryland or the federal government. Each appointee to the MWAA Board serves for a period of six years and remains on the Board until a successor is chosen. Neither the federal statutes, nor the respective jurisdictional statutes enabling the interstate compact provide a mechanism for removing a Board member, since they do not currently serve at the pleasure of the Governor. This lack of oversight essentially allows members of the Board to potentially act in accordance with their own goals and directives for MWAA without consultation with or allegiance to the leaders and taxpayers in the Commonwealth and the other member jurisdictions.

Congressman Wolf is seeking changes to rectify this lack of oversight by providing the Chief Executives of each of the member jurisdictions and the President with greater authority in appointing and removing members to the Board. Specifically, members would serve at the pleasure of the appointing executive, and the appointing executive would be provided the authority to remove a board member at any time with or without cause. Furthermore, as referenced above, all of the facilities under MWAA's control are located within the Commonwealth of Virginia. Currently, however, Virginia only has five of the thirteen seats on the board. As such, the Commonwealth should be granted three additional seats on the MWAA Board, increasing the number of Board members representing Virginia and its interests from five to eight. These changes would provide me and future governors the ability to ensure that MWAA's policies and directives are in accordance with the best interests of Virginia's citizens.

I wholeheartedly support the changes proposed by Congressman Wolf, and, again, I respectfully urge you to do so as well. Should you have any questions or wish to further discuss this matter, please do not hesitate to contact either myself or Virginia Secretary of Transportation Sean T. Connaughton at your convenience.

Sincerely,

ROBERT F. MCDONNELL,
Governor.

A TRIBUTE TO REVEREND ZIDDE HAMATHEITE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Reverend M. Zidde Hamatheite for his profound dedication to his religion and for sharing his convictions with my community through prayer.

Reverend M. Zidde Hamatheite was born on January 11, 1971 to the late Archbishop M. Zidoneo and Rakal Hamatheite in Brooklyn, New York. He was taught at an early age to respect God and the people of God. It was because of his upbringing that he understood that he would pursue a career in prayer service.

Under the auspices of his Pastor, Rev. Alvin Barnett of West Baptist Church, Reverend Hamatheite learned the ways of the ministry until he turned 25. The Lord led him to accept the challenge as the Pastor of the Gethsemane Baptist Church in December 1995 as a result of his training.

After working in the Department of Education for several years and seeing the desperate need of the young people in this community, Reverend Hamatheite sought to rival against strongholds on the young people. He joined forces with the 73rd Precinct where he serves as Clergy Liaison, Police Chaplin, and Administrator for the Police Explorers Program. He and several members of the church also mentor youth for the Kings County District Attorney's Office in their Youth and Congregation in Partnership Program. Reverend Hamatheite saw the need to teach young men how to be real men so he developed a program that the Lord gave him, entitled, M.O.V.E. (Men of Valor Empowered), working with 12- to 17-year-old young men.

Reverend Hamatheite serves on several boards in my district: he is the Vice President of Bridging the Gap Ministries; first and former President of the Young Pastors, Ministers, and Evangelists Department of the Eastern Baptist Association; and the former Recording Secretary for the Moderator's Department of the Progressive National Baptist Convention.

Reverend Hamatheite now serves as the Pastor of the Wayside Baptist Church, where he was installed on July 18, 2011. Since arriving at Wayside Baptist Church, Reverend Hamatheite has implemented a new Visionary Theme, "Moving from Conformity to Transformation." During his first year as Pastor he established leadership classes for all leaders, reorganized the Youth and Young Adult Ministry, and under his pastorate many have come to give their lives to Christ.

Mr. Speaker, I would like to recognize Reverend Hamatheite for his passion for God's word and the diverse initiatives he has employed as Pastor of Wayside Baptist Church.

RECOGNIZING ROBERT BRUCE CHRISTMAS UPON RECEIVING THE 2011 WASHINGTON COUNTY EXTENSION SERVICE DISTINGUISHED SERVICE TO AGRICULTURE AWARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor Mr. Robert Bruce Christmas for receiving the 2011 Washington County Extension Service Distinguished Service to Agriculture Award. Bruce and his family have dedicated their lives to the field of agriculture, and I am proud to recognize their achievements before the United States Congress.

Bruce was born to a farm family in 1933, becoming the fifth generation of Christmas farmers in the Florida Panhandle that stretches back to 1848. He graduated from Cottondale in 1951, received his associate's degree from Chipola College in 1953, and his bachelor's degree from the University of Florida in 1955. He maintained a thirst for learning by earning a Masters of Animal Nutrition in

1959 and a PhD in Poultry Nutrition and Management in 1972, both as a Florida Gator. Bruce also served his country as a member of the United States Army, both active duty and reserve, where he achieved the rank of Sergeant.

Of the 32 years of Bruce's professional service, 21 were spent conducting Research and Field Demonstration Trials. He began as the Assistant and Associate Extension Agent in Orange County, Florida and became one of the first assistants in Florida to be promoted to associate. Bruce then served as the Supervisor of the Florida Poultry Evaluation, continuing to work part-time even after his retirement.

Over the course of his career, Bruce authored roughly 150 scientific and informational publications on poultry, swine, and beef research studies. He has been a member of the Farm Bureau since 1960 and served on the Washington County Farm Bureau Board for nearly 20 years, 16 of which he served as president. Bruce has also served on the Florida Agriculture and Regional Agriculture Councils, as well as the Florida College of Agricultural and Life Sciences Alumni Board since its initiation. Bruce received the National Volunteer Service Award from the National Agriculture Alumni Association and has been inducted into the 4-H Hall of Fame.

Mr. Speaker, on behalf of the United States Congress, I am privileged to honor Bruce Christmas on his success. My wife Vicki and I are proud to congratulate Bruce, his wife of 53 years, Addie Ann; his children, Stuart, Robert, Jonathan, and Scott; and his entire extended family on this truly special occasion.

NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

Ms. RICHARDSON. Mr. Chair, I rise today in strong opposition to H.R. 822, the proposed National Right-to-Carry Reciprocity Act of 2011. I call on my colleagues to join me in rejecting this ill-considered and unwise legislation which will effectively force all states to accept the lowest-common-standard in concealed carry laws. Passage of this bill is reckless and undeniably a threat to public safety.

This law would add an unnecessary burden on police officers who risk their lives every day in traffic stops and other risky situations. It would make it nearly impossible for them to be able to determine whether the guns they encounter are legal or not.

The very likely and viable threats posed to public safety if this legislation passes are egregious. This legislation will do away with the strict gun laws each state has established according to its constituent composition and needs and empower dangerous individuals to carry concealed, loaded guns in states where they would not qualify for a local permit.

California has one of the most stringent gun laws in the Nation, and there is a reason for that. California had the highest number of gun murders in the Nation last year, 1,257, which is 69 percent of all murders that year and equivalent to 3.37 per 100,000 people in the state.

A very real example of what this legislation will do is a person convicted of domestic violence and not allowed to possess, let alone carry a concealed weapon in California, can cross state lines into a state that does not have the same restrictions, receive a permit for a gun, then cross states lines back into California and exact revenge against his victim.

Proponents against gun laws and restrictions constantly chime, ''Guns don't kill people. People kill people.'' That may be the case, but a person with a gun can kill another much more easily than a person without one. FBI crime statistics based on reports to FBI bureau and local law enforcement show that in 2010, the latest year for which detailed statistics are available, there were 12,996 murders in the U.S.; of those, 8,775 were caused by firearms.

This dangerous bill will allow a resident of a state with strict concealed weapon permitting standards to simply go to and obtain a permit in a state with minimal standards, then head back home and carry a concealed weapon in a state that would have never allowed him to do so in the first place.

If ever you needed a concrete example of why this is such an ill-conceived and dangerous piece of legislation for both the public and law enforcement, consider the recent testimony of Philadelphia Police Commissioner Charles Ramsey before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security. The Police Commissioner testified that in 2005, a man named Marqus Hill had his concealed carry permit revoked by Philadelphia Police after he had been charged with attempted murder. Mr. Hill later traveled to Florida, got a new permit despite his record, used his Florida permit to carry a loaded gun into Philadelphia, and later shot a teenager thirteen times in the chest, killing him in the street.

Mr. Chair, the ramifications of such legislation do not stop there. It would also make it easier for gun traffickers to move loaded guns through urban city streets where police officers are already having a difficult time combating crime and violence. It will be nearly impossible for police to verify the validity of 49 different carry permits.

Policing our streets and confronting the risks inherent in even routine traffic stops is already perilous enough. Ambiguity as to the legality of firearm possession could lead to confusion among police officers that could result in catastrophic incidents. Congress should be working to make the job of law enforcement officers more, not less, safe.

Today, states establish standards for carrying concealed, loaded handguns in public places that include criteria beyond an applicant's ability to pass a federal background check. For example, at least 38 states prevent people convicted of certain violent crimes from obtaining carry permits, 14 states require applicants to demonstrate good character to obtain a carry permit, and about half of states grant law enforcement discretion to deny a permit. The National Right-to-Carry Reciprocity Act would gut these standards and empower dangerous individuals to carry concealed, loaded guns in states where they would not qualify for a local permit.

We see firsthand the tragedies that can unfold when guns end up in the hands of criminals, the seriously mentally ill, domestic violence offenders and other dangerous people. Let us not forget the tragedy earlier this year in Tucson, Arizona. Statistics show that every year, more than 12,000 gun murders are committed in big cities and small towns throughout the United States.

States and localities should have the right to determine who is eligible to carry firearms in their communities. It is essential that state, local and tribal governments maintain the ability to legislate concealed carry laws that best fit the needs of their communities.

H.R. 822 is a dangerous piece of legislation that will create a very real threat to public safety. In opposing this reckless piece of legislation, I stand with the people of my home state of California. I stand with domestic violence prevention advocates. I stand with law enforcement across the Nation and our local police who risk their lives every day to protect the public. I will vote against H.R. 822 and I urge all members of the House to do likewise. For the foregoing reasons I urge my colleagues to reject H.R. 822 and allow states to continue to decide for themselves and set their own standards regarding who can carry hidden, loaded guns in their communities.

INTRODUCTION OF H.R. 3451

HON. DAVID B. McKINLEY

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. McKINLEY. Mr. Speaker, today I was proud to introduce H.R. 3451, a bill that would name the Federal Courthouse in Wheeling, WV after one of our country's leading and most respected jurists, Honorable Frederick P. Stamp, Jr., Federal Judge for the United States District Court for the Northern District of West Virginia.

Judge Stamp has served with distinction and honor since he was nominated by President George H.W. Bush and then confirmed by the U.S. Senate in 1990 and served as the Chief Judge of the Court from 1994 to 2001 before assuming senior status in 2006.

Born in Wheeling, WV, Judge Stamp received a B.A. from Washington and Lee University in 1956, and attended the University of Virginia School of Law before receiving an LL.B. from the University of Richmond, T.C. Williams School of Law in 1959. Upon graduation, Judge Stamp was a private in the United States Army from 1959 to 1960, and a First Lieutenant in the United States Army Reserves from 1960 to 1967. Prior to his nomination to the Federal Court, he was in private practice in Wheeling, West Virginia from 1960 to 1990.

Judge Stamp and his wife Joan are the proud parents of two children, Andy and Elizabeth.

Mr. Speaker, it is truly a privilege for me to introduce this legislation to honor my friend Judge Frederick P. Stamp, Jr., and I urge my colleagues to support this legislation.

A TRIBUTE TO THERESA GRAHAM DEVORE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Theresa Graham DeVore for her many accomplishments as a constituent in the 10th congressional district of New York.

Ms. DeVore was born on June 7, 1945. From an early age growing up in the Bedford Stuyvesant section of Brooklyn, NY, she developed a strong concern for her community. As a teenager she witnessed children, adults, and seniors who lost many opportunities for advancement because of a lack of information.

Ms. DeVore began her career as a nursing assistant in the Brooklyn Veteran's Administration Hospital, and was later promoted to clerk. It was during this work experience that she developed administrative skills. She was later reassigned and promoted to Supervisor of Medical Records in the Bronx Veteran's Medical Center. She received special recognition and monetary awards for implementing the first rotating file unit in the Bronx.

Ms. DeVore is committed to doing all that she can through mentoring, support, and sharing with children, adults, and especially seniors the importance of education, and how to fulfill their purpose. She provides them with the skills, knowledge, and direction that contribute to their growth and development. In addition to giving support, she respectfully challenges them to be accountable for choices and decisions that affect their lives. She is lovingly known in the community as ''Momma Tee.''

Ms. DeVore's professional experience includes: CEO and founder of Covenant of Faith Outreach, Inc (faith-based community initiative) which has been in operation for 10 years, issuing referrals and resources to those in need of housing, and information on health issues that affect our community. Covenant of Faith Outreach continues to award scholarships to students who are entering college for the first time and she conducts workshops on topics such as: ''The Awareness of Single, Dating, & Marriage'', ''Mastering the Mysteries of Love'', Grieving, Self-Esteem, tutoring and much more.

Ms. DeVore volunteers as a Chaplain with the United Chaplain International Worldwide Outreach, Inc. She is a member of The National Council of Negro Women; The Unity Democratic Club; The Women's Federation for World Peace; American Clergy Leadership Conference; and the Global Peace Foundation. Presently, she is completing her studies, and will graduate with a Master's of Divinity degree in 2012.

Mr. Speaker, I would like to recognize Ms. Theresa DeVore for her resounding dedication to faith-based initiatives in the 10th congressional district of New York.

HONORING CHIEF RONALD HADDAD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. DINGELL. Mr. Speaker, I rise today to congratulate Mr. Ronald Haddad, Chief of Police in Dearborn, Michigan, for being named a Public Official of the Year by Governing Magazine. As a resident of Dearborn, I can say that Chief Haddad is very deserving of this honor. His commitment to the safety of the residents of Dearborn and his emphasis on community policing is admirable and worthy of all of our praise.

Chief Haddad is the first Arab-American police chief in the State of Michigan, and he is an excellent liaison with Dearborn's large Arab-American community. The reforms he recently spearheaded have turned the Dearborn Police Department into a model law enforcement agency which other cities have sought to replicate. Specifically, the BRIDGES program, which entails regular meetings between leaders of the Arab-American community and government officials, has done much to promote trust and understanding in Dearborn, as well as Southeastern Michigan as a whole. Due to the good efforts and hard work of Chief Haddad and the entire Dearborn Police Department, Michigan's 15th Congressional District is a better place to live and work.

We all owe Chief Haddad an enormous debt of gratitude for his leadership and contributions to our society. Governing Magazine was very wise in choosing Chief Haddad as one of their honorees. I wish him all the best of luck in the future, and I am proud to represent Chief Ronald Haddad in the House of Representatives.

IN HONOR OF ARMY SPECIALIST SARINA BUTCHER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. ROSS of Arkansas. Mr. Speaker, I rise today to honor an exceptional soldier and a true American hero who died in service to this great country. On November 1, 2011, U.S. Army Specialist Sarina N. Butcher was killed at the age of 19 years old in Paktia Province, Afghanistan, in support of Operation Enduring Freedom. According to initial reports, Specialist Butcher died of injuries sustained when an improvised explosive device detonated near her military vehicle.

Specialist Butcher was born in Crossett, Arkansas, and spent many of her childhood years in southern Arkansas, where much of her family still lives today. Specialist Butcher eventually moved to Oklahoma, where she graduated high school and eventually joined the Oklahoma National Guard. At the time of her death, she was assigned to F Company, 700th Brigade Support Battalion, 45th Infantry Brigade Combat Team, Army National Guard, based in Tulsa, Okla.

We now know that Specialist Butcher was the first female and youngest Oklahoma National Guard soldier killed since the wars in Iraq & Afghanistan began, but she will be remembered for much more than that. She will be remembered as an outstanding soldier. In fact, soon after her death, Private First Class Butcher was posthumously promoted to Specialist Butcher. She also earned a National Defense Service Medal, Army Service Ribbon, Oklahoma Good Conduct Medal, Bronze Star and Purple Heart all at the age of 19.

Specialist Butcher will also be remembered as a loving daughter, a loving mother to her beautiful 2-year-old daughter, Zoey, and a good friend to all who knew her. She leaves behind an incredible void that will be impossible to fill. My thoughts and prayers are with her daughter; her mother, Dana; her father, James; and, with all of her friends and family during this very difficult time.

Last Sunday would have been Specialist Butcher's 20th birthday. It's hard when we lose any soldier in war, but it's especially hard when we lose such a young soldier. However, Specialist Butcher's too short of a life leaves behind a legacy longer than she could have ever lived. Her legacy of valor, distinction, patriotism and bravery will be remembered for years to come and will be told to her daughter as she grows up.

Specialist Butcher was honored and laid to rest on Veterans Day and I had the privilege to speak at her funeral service. Her story and her sacrifice are startling reminders of what our men and women in uniform risk when they serve this country.

Today, I ask all Members of Congress to join me as we honor the life and legacy of Army Specialist Sarina Butcher, as well as each man and woman in our Armed Forces, and all of those in harm's way supporting their efforts, who give the ultimate sacrifice in service to this great country. We owe them our eternal gratitude.

A TRIBUTE TO BERNICE BROWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Bernice A. Brown, a native New Yorker with a passion for helping others through community building.

Ms. Brown was born on October 22, 1921 in Brooklyn, NY to Alice and George Wyche, and was the second to eleven other siblings. She was a 1940 graduate of Girls High School and soon went on to marry her husband of 49 years Charles Brown.

For 20 years Ms. Brown served as an accountant in payroll and retired in 1984. Her true passion and efforts were geared towards the community and her church, joining many organizations and church affiliated clubs. Ms. Brown was a member of Berean Church for 30 years, serving as Treasurer of Berean Federal Union for 18 years, Trustee for 15 years, and being part of Usher Boards.

Ms. Brown's community involvement has been the focus of her career, being affiliated with the Decatur Street Block Association and the Unity Democratic Club. At the Decatur Street Block Association Ms. Brown served as the President for four years, Financial Secretary for eight years, and Treasurer for 10 years. Ms. Brown has also been a member of

the Unity Democratic Club for over 40 years, and served as the first female President of the organization during her tenure, as well as being the Financial Secretary and Treasurer.

Ms. Brown's efforts have extended well beyond what has ever been asked of her and she continues to this day to exemplify her passion for the community. In her spare time Ms. Brown is a member of Area Policy Board and has been a member of Planning Board No. 3 for 30 years. She has also taken an active role at the Key Women Brooklyn Branch where she has served as President, Vice President, Financial Secretary, and Treasurer.

Ms. Brown has been a resident in Brooklyn for over 90 years and has been a major influence in the lives of her fellow constituents. Mr. Speaker, I would like to recognize Ms. Bernice Brown for her extraordinary ability to build partnerships between the church and the community while furthering the political process in Brooklyn.

HONORING THE LIFE AND ACHIEVEMENTS OF DR. TRUMAN KAHN

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. COHEN. Mr. Speaker, I rise today to honor the life of optometrist and World War II Navy veteran, Dr. Truman Kahn. He was a longtime Memphian whose courage and compassion were felt by those who knew him. Throughout his life, he donated his time to the Sam Schloss Lodge of B'nai B'rith, Beth Sholom Congregation, the Memphis Jewish Federation, and the Democratic Party, as well as being a Hadassah Associate.

Dr. Truman Kahn attended Emory University where he was a member of the Alpha Epsilon Pi Fraternity. After leaving Emory University, Dr. Kahn came to Memphis to attend the Southern College of Optometry, where he graduated with honors. During World War II, Dr. Kahn enlisted in the U.S. Navy to serve his country in its time of need. After training at Notre Dame, he served as an officer aboard the USS *Ticonderoga* aircraft carrier. Dr. Kahn's name can be found on both the WWII Memorial in Washington, D.C. as well as at the WWII Museum in New Orleans.

When World War II ended, Dr. Kahn returned to Memphis after being honorably discharged from the Navy. He married his wife, Gloria Kahn, and opened his first optometry clinic in 1947. Like most other buildings in the southern states during this time period, medical offices were segregated based upon racial identity. Dr. Kahn chose to defy this practice, becoming the first medical professional in Memphis to have an integrated waiting room. Dr. Kahn continued to practice optometry for over 50 years.

Dr. Kahn passed away at 89 years of age. He is survived by his wife, his daughter Susan Dreyfus, his son Stanley Kahn, five grandchildren and two great grandchildren. His service to country and community will be remembered by all whose lives he touched. His was a life well lived.

IN HONOR OF THE TEXAS RANGERS FACES OF FREEDOM VETERAN HONOREES

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the Texas Rangers Faces of Freedom Veteran Honorees for their dedicated service to this great Nation.

The Texas Rangers Faces of Freedom program is an initiative sponsored by the Texas Rangers baseball club and Southwest Airlines to honor the extraordinary service of current and former members of our Nation's Armed Forces. Throughout the baseball season, family, friends and members of the military nominated individuals who have shown tremendous strength, courage, and patriotism in the line of duty.

These honorees have served in wars ranging from World War II to the present day conflicts in Iraq and Afghanistan. Many of these men and women braved horrible situations and suffered severe injuries to save their fellow soldiers. Among the group are several Bronze Star recipients, Purple Heart recipients, Commendation Medal recipients, a married couple who served significant tours in Iraq and Afghanistan, and many more extraordinary individuals who have selflessly served our Nation with distinct pride and courage.

On November 10, 2011, my office had the distinct pleasure of welcoming these brave men and women to our Nation's Capitol. Their sense of patriotism and good humor are a testament to the greatest our country has to offer.

Mr. Speaker, I ask my esteemed colleagues to join me in expressing our heartfelt gratitude and praise for the Faces of Freedom Veterans, and thank them for their extraordinary service to our Nation.

PERSONAL EXPLANATION

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. BILL POSEY. Mr. Speaker, I am a cosponsor 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. I supported passage of the bill in the House of Representatives on October 27 and again, with Senate amendments, on November 16. I was also a cosponsor of similar legislation (H.R. 275) in the 111th Congress. Although I was on the House floor and voting on November 16, my vote was not recorded for H.R. 674. I would like for the record to read that I should have been recorded as a "yes" vote.

RECOGNIZING WILLY BEARDEN FOR 33RD ANNUAL DISTINGUISHED ACHIEVEMENT AWARD IN THE CREATIVE AND PERFORMING ARTS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. COHEN. Mr. Speaker, I rise today to recognize and celebrate Mr. Willy Bearden for receiving the 33rd annual Distinguished Achievement Award in the Creative and Performing Arts from the College of Communication and Fine Arts at the University of Memphis. Mr. Bearden is a unique filmmaker, musician and storyteller, and he has used his talents to tell the distinct tales about the great city of Memphis, Tennessee.

Willy Bearden is perhaps best known for his Memphis Memoirs, a series of documentary films detailing the rich local history. The series includes Overton Park: A Century of Change, Playing for a Piece of the Door: A History of Garage Bands in Memphis and Elmwood: Reflections of Memphis. Mr. Bearden also has a feature film to his credit, One Came Home, which was inspired by his Mississippi Delta roots.

His recent Memphis Legacy Project, a collection of thousands of photographs of various neighborhoods around Memphis, will be a resource for local researchers and artists for years to come. Mr. Bearden has also generously given back to his community by lending his talents to the Blues Foundation, the Cotton Museum and the Memphis Wonders Series for corporate and educational films, commercials and award show productions.

The Distinguished Achievement Award was established in 1977 after the death of Elvis Presley when Dr. John Bakke, a communications professor at the University of Memphis, suggested that local talent should be honored while they are still alive. Willy Bearden joins Sam Phillips, founder of Sun Records, B.B. King, Al Green, Rufus Thomas and a host of other talented Memphis recipients.

I ask all of my colleagues to join me in congratulating Willy Bearden. It is important to recognize and appreciate talent while we are fortunate enough to enjoy their continued output. My hope is that Mr. Bearden continues sharing his gifts and unique perspective with us for years to come.

HONORING NEW HOPE BAPTIST MISSIONARY CHURCH ON THEIR 50TH ANNIVERSARY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mrs. CAPPS. Mr. Speaker, I rise today on behalf of the New Hope Missionary Baptist Church of Santa Maria, California, and in celebration of its 50th Anniversary. This is a momentous occasion. For the last 50 years New Hope Missionary Baptist Church has been a beacon of light, providing support for our community and empowering families on the Central Coast.

Founded in November 1961 in the home of Brother Lwellyn and Sister Setha Crow, with

the help of Brother Carter, Deacons Steve and Sally Wilson, Francis Green, Sister Bertie Mae Hamilton, Meryl Berry, Melvin Robinson, Phyllis Lovaretta, New Hope Missionary Baptist Church was first led by the inspiring Pastor Dr. P.B. Mdodona and his wife First Lady Willie Pearl Mdodona. A few years later, under the leadership of Pastor W.R. Erwin and his wife First Lady Winifred Erwin, property was purchased on West Mill Street to build a new permanent home. In 1989, Dr. Earl James became Pastor, and along with his wife First Lady Sydney James, worked hard to expand the church and its ministries by adding an additional forty-five hundred square feet to the church. In 2007 Pastor James retired and placed the church's reins in the capable hands of Pastor Henry L. Lewis, Jr. and his wife Sister Agatha Shorter-Lewis. Since then, they have centered their work on empowering the community by empowering the family.

For half a century, the ministries at New Hope Missionary Baptist Church have supported Central Coast families, neighbors, and even strangers. It has been a steady source of solace and provided selfless service to the elderly, homeless, and our youth. In fact, many of the church's congregants can be found volunteering at a homeless shelter, singing to the sick, or bringing young adults in the community together in a safe environment.

Mr. Speaker, each day New Hope Missionary Baptist Church lives up to its name, bringing hope to all it touches. With the burning of its mortgage in 2001, we all are very pleased to have the certainty this carries to the congregation and to the Central Coast.

I urge my colleagues to join me in thanking and celebrating New Hope Missionary Baptist Church for its leadership and service to our community. I am confident the church's fine work will continue to provide comfort and inspiration to all of us on the Central Coast.

IN HONOR OF THE HONORABLE JUDGE PATRICK CARROLL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Honorable Judge Patrick Carroll of the Lakewood Municipal Court, who is being recognized at Recovery Resources' Bronze Key Gala on November 17, 2011.

Judge Carroll attended Cleveland State University, and graduated in 1974 with a bachelor's of arts degree, majoring in economics. In 1977, he earned his Juris Doctor degree from CSU's Cleveland-Marshall College of Law and was admitted to the Ohio Bar Association the same year.

Following graduation, Judge Carroll served as a law clerk to the 8th District Court of Appeals from 1977 to 1979. He then worked as an assistant county prosecutor for the Cuyahoga County Prosecutor's office from 1979 to 1984, and from 1979 to 1990 worked in private practice.

Judge Carroll has been the presiding judge for the Lakewood Municipal Court since 1990, and has been serving in that position for 21 years. During his tenure, Judge Carroll has been a notable advocate of the Community Work Service Program, Alcohol Awareness Program, Expedited Civil Cases Procedure, Housing Court Task Force, nigh Court Sessions and Mediation Task Force. He also supports Recovery Recourses, a nonprofit organization that helps people with mental illness, substance abuse, and other addictions, and for which he is being recognized for his support and work at their Bronze Gala.

Mr. Speaker and colleagues, please join me in honoring the Honorable Judge Patrick Carroll of the Lakewood Municipal Court as he is recognized at the Bronze Key Gala for his support of Recovery Resources.

INTRODUCTION OF THE UNIVERSAL PREKINDERGARTEN AND EARLY CHILDHOOD EDUCATION ACT OF 2011

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. NORTON. Mr. Speaker, today, I am introducing the Universal Prekindergarten and Early Childhood Education Act of 2011, Universal Pre-K, to begin the process of providing universal public prekindergarten. The bill is meant to fill a gaping hole in the "No Child Left Behind Act" which requires elementary and secondary schools to meet more rigorous standards yet ignores the prekindergarten years, among the most critical years for children's brain development. My bill is particularly necessary today because legislation pending to reauthorize the No Child Left Behind Act solely targets K–12. My bill makes a breakthrough in elementary school education by providing the initial funding for states to encourage local school districts to add prekindergarten for children four years of age and younger, so that every child can excel. We cannot afford to continue to allow the most fertile years for childhood development to pass, only to later wonder why we cannot teach Johnny to read.

The bill responds both to the great needs, which are still growing, of parents who seek early childhood education, as well as new science, which shows that a child's brain development begins much earlier than previously believed. However, many parents are unable to afford the stimulating educational environment necessary to ensure optimal brain development. The bill would add prekindergarten for children four years of age or younger, similar to kindergarten programs for five-year-olds, that are now routinely available in public schools. The bill would eliminate some of the major shortcomings of unevenly available commercial day care and, importantly, would ensure children access to qualified teachers and the safe facilities of public schools.

This bill reflects what jurisdictions increasingly are trying to accomplish, but lack the leadership and the start-up funds to see through. The District of Columbia, for example, is attempting to achieve more extensive integration of early childhood education as part of a larger effort to improve the D.C. public schools. A recent report highlighted the economic benefits of early childhood education, emphasizing its role in expanding job opportunities and in decreasing the amount of money spent on programs to address teen pregnancy, crime, and the like.

The bill encourages school districts across the country to apply to the U.S. Department of Education for grants to establish prekindergarten. Grants under Title IV of the Elementary and Secondary Education Act would be available for educational activities for children four years of age or younger to public school systems that agree to phase in, where possible, a prekindergarten program that is taught by teachers who possess equivalent or similar guidelines to those in other grades in the school system.

The success of Head Start and other prekindergarten programs, combined with new scientific evidence concerning the importance of brain development in early childhood, virtually mandates the expansion of early childhood education to all children. Traditionally, early learning programs have been available only to the affluent, who can afford them, and to low-income families in programs such as Head Start. My bill provides a practical way to gradually move to universal public preschool education. The goal of the bill is to afford the great majority of the American working poor, lower-middle-class, and middle-class families, most of whom have been left out, with the benefits of early childhood education.

Considering the staggering cost of daycare, the inaccessibility of early childhood education, and the opportunity that early education offers to improve a child's chances in life, schooling for three- and four-year-olds is overdue. The absence of viable options for working families demands our immediate attention.

I strongly urge my colleagues to support this legislation.

IN RECOGNITION OF ST. ANGELA MERICI SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Saint Angela Merici School, a recipient of a Federal Blue Ribbon Award.

The Blue Ribbon Schools Program is a program designed to highlight schools which have proven records of academic excellence. These schools have demonstrated a dedication to their student bodies which prepare their students for higher education and life beyond the classroom. Such institutions serve as examples to be emulated in schools across the nation.

The Saint Angela Merici School is one of 305 schools in the nation to be awarded the title of a Blue Ribbon school. The school is located in Fairview Park, Ohio and enrolls 520 students from pre-Kindergarten to Eighth grade. The school was founded in 1923, and is a Roman Catholic school in the Saint Angela Merici Parish.

The Saint Angela Merici School has a strong academic focus and high standardized test scores that exceed the national average. In 2010, the entire eight grade class was in the top fifteen percentile in reading and mathematics, and a majority of the class placed in the top tenth percentile. The rest of the school scored above the eighty-sixth percentile.

The school provides a broad curriculum, with religious studies, world languages,

wellness programs and performing arts as well as mathematics, sciences, social studies, English and technology. The vast range of curriculum in the school follows from the goal of the school, to help the students achieve the highest standards of academic excellence.

Mr. Speaker and colleagues, please join me recognition of Saint Angela Merici School, a 2011 National Blue Ribbon School.

RECOGNIZING THE MORRIS FAMILY AS THE 2011 WASHINGTON COUNTY OUTSTANDING FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. MILLER of Florida. Mr. Speaker, it is a great pleasure for me to rise today to recognize the Jerry Morris family for being selected as the 2011 Washington County, Florida Outstanding Farm Family of the Year.

Jerry, son of Arvel and Ethel Morris and one of nine children, is a fourth generation farmer. He found his passion for love and farming in the middle of cotton country of Cherokee County in northeast Alabama along the Coosa River. In 1981, Jerry moved to Florida and bought a farm south of Chipley. It was here, where he found his second and most important love, Lynell Kellum, a local farm girl from Jackson County who he married in 1989.

Just north of Chipley, Lynell grew up and learned to drive a tractor pulling watermelon wagons through the field and fed the family's livestock. After working at the Bank of Jackson County for 39 years, she now enjoys farming with Jerry full time, along with cooking and canning, making jelly and sewing.

Jerry and Lynell both work hard to embrace new technologies, new varieties and better production practices. After becoming interested in no-till planting, they bought a rip-strip planter. It proved to be successful for planting corn and soybeans. This method prevented erosion and left ground cover to hold moisture. They started planting twin-row peanuts 10 years ago and made better production. They found this to be successful and implemented planting his soybeans in twin-rows.

Just this year, they planted 239 acres of peanuts, 128 acres of corn, and 234 acres of soybeans. Jerry has become known as one of the top corn producers in Washington County.

Aside from the farm and their love for the outdoors, Jerry and Lynell are members of the Washington and Florida Cattlemen's Association, Florida Peanut Producers Association, and enjoy spending time singing in the choir at Piney Grove Freewill Baptist Church and spending time with their family. Jerry and Lynell have four gown children and five grandchildren: Alan Kellum and wife Diane, who have two sons live in Nicholasville, Kentucky; Amy Hatcher, husband, Clint, and son, Logan, of Wicksburg, Alabama; Ladonna Kellum of Graceville, Florida; and Saranda Headland and husband, Austin, who have two daughters and live in Dothan, Alabama.

Mr. Speaker, our great nation was built by farmers and their families. The Washington County Outstanding Farm Family of the Year award is a reflection of the Morris family's tireless work and love of farming. On behalf of the United States Congress, I would like to offer my congratulations to the Morris family for this great accomplishment. My wife Vicki and I wish them the best for continued success.

HUIZENGA AMENDMENT TO H.R. 2838

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. MOORE. Mr. Speaker, I rise to express concerns with the Huizenga amendment to H.R. 2838 and my fear that it could result in great damage to the efforts underway here in Congress to protect the Great Lakes from the many threats it faces, including invasive species and pollution.

There is no question that addressing the invasive species in ballast water is needed to protect the Great Lakes and other water bodies from these aggressive nonnative species that can destroy the natural ecosystem. Once these species are introduced, the costs to the environment and taxpayers only grow. Just look at the costs to the Great Lake states and the federal government to fight the sea lamprey and the current battle to keep the Asian Carp out of the Great Lakes. A strong federal ballast water treatment standard protects both the environment and the taxpayer.

We know ballast water is a primary vector for the introduction of invasive species. The bill before us would set a needed national ballast water treatment standard to protect our nation's waters. However, the Huizenga amendment would create one large loophole that would allow "historic" vessels to be excluded from complying with the new standards.

No science has been put forward to this body showing that these vessels—because of their historic nature—are not an avenue of introduction for aquatic invasive species. We should be less concerned about the historic nature of the vessel and more about the potential menace caused by hitchhikers in their ballast water. I don't have a problem with recognizing history or historic vessels. I just have a problem with absolving them from making efforts to prevent a historic invasion of nonnative species.

Invasive species do not care about the character of the vessel through which they are brought into the Great Lakes and neither should any national ballast water treatment standard. I note the recent editorial by the Chicago Tribune about the failings of this amendment.

I urge my colleagues to work to make sure that this amendment is not included in a final bill as it would undermine long needed efforts to create a strong and effective national ballast water standard and ensure strong protections for our nation's bodies of water, including the Great Lakes.

[From chicagotribune.com, Nov. 15, 2011]

SINK THE BADGER (PROPOSAL)

Every day from May to October, the SS Badger, the last coal-powered steamship on the Great Lakes, ferries cars and tourists across Lake Michigan on a picturesque four-hour journey from Manitowoc, Wis. to Ludington, Mich.

Along the way, it leaves a souvenir in the lake: a total of about 509 tons of toxic coal ash, laced with arsenic, lead and mercury over a 134-day operating schedule. That's far more pollution than all the other 125 freighters plying the Great Lakes collectively leave in a full year, according to Coast Guard records.

In 2008, the U.S. EPA set a four-year deadline for the Badger's owners to sharply limit its pollution, the Tribune's Michael Hawthorne recently reported. Didn't happen. Instead, the Badger now is one step away from being protected—in all its polluting glory,—as a National Historic Landmark. Interior Secretary Ken Salazar must decide.

Hmmm. Let's see here. The Badger had four years to clean up. It failed to secure a $14 million federal grant to convert its engines to diesel. Now it argues that those engines are a ''historic propulsion system,'' so precious as artifacts that they should be protected from the EPA.

The 410-foot ferry wants to join the rarefied world of protected nautical national treasures, joining The Potomac, President Franklin D. Roosevelt's yacht, and the Nautilus, the world's first atomic-powered submarine.

We say, sure, drape the Badger in the cloak of treasured icons—provided it becomes a museum for tourists to tromp through, docked forever in a harbor.

''We cannot let Historic Landmark status be used to evade the federal regulations we rely on to protect public health and the environment,'' U.S. Sen. Dick Durbin recently wrote to Salazar. ''This Great Lake cannot take any more toxic dumping, no matter how historic or quaint the source may be.''

Exactly right.

The Badger pollutes the lake every time it makes the 60-mile crossing. A Badger spokesman tells us the ship's owners are exploring the possibility of converting its engines to run on cleaner natural gas. That would be an excellent move, but it is far from certain.

Republican U.S. Reps. Bill Huizenga and Dan Benishek, of Michigan, and Tom Petri, of Wisconsin, recently added an amendment to the Coast Guard budget that would prevent the EPA from imposing more stringent pollution limits on any ship that is ''on, or nominated for inclusion on'' the list of national landmarks. Guess how many ships fit that criteria? Just one. This is classic special-interest legislation that benefits a few at the expense of everyone else.

The answer here can't be a shrug over polluting the lake, the region's most precious natural resource. That was the way of the world in the early 1950s, when the Badger first started sailing Lake Michigan. That's not acceptable now.

The Badger, as Durbin says, was ''quaint'' back then. Today, it just fouls the water.

IN HONOR OF MRS. RUBY L. TERRY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mrs. Ruby L. Terry as she retires from the United Black Fund of Greater Cleveland, Inc. (UBF) where she served as the Executive Director for 19 years.

Established in 1981, by George W. White, the United Black Fund was the result of the merger of the Negro Community Federation and Blacks Organized for Social Services. The

UBF is a non-profit charitable organization that funds more than 80 non-profits annually that serve thousands of poor, Black and other minority children, families and seniors. In addition to funding, UBF provides free of charge of grantsmanship, workshops, and informational forums to the public. The mission statement of the UBF is to acquire, accumulate, and allocate funds to not-for-profits to alleviate suffering, poverty and illiteracy; strengthen the tradition and ethic of giving among African Americans to promote economic self-sufficiency; empower the African American Community through education to reach its highest potential; educate the African American Community to understand the value of re-directing income to build wealth within the African American Community.

Prior to becoming UBF's Executive Director in 1992, Mrs. Terry served as the UBF's Board Chair for 15 years. Under her direction, the UBF underwent several changes to become a stronger organization. She created a new board of directors, implemented the first Strategic Plan, and organized new events to increase funds. She began the UBF's annual Anniversary Gala and the UBF/Cleveland Browns Alumni Celebrity Golf Tournament. Additionally, she formed partnerships with many Cleveland organizations including the Cleveland Indians. It was also under Mrs. Terry's leadership that the UBF obtained Federation status with United Way Services of Greater Cleveland, Inc.

Mr. Speaker, join me in honoring Mrs. Ruby L. Terry and congratulate her on retiring after decades of serving the African American community of Greater Cleveland.

ON THE CONSEQUENCES OF SHARING AMERICAN TECHNOLOGY WITH CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. WOLF. Mr. Speaker, I rise today to share testimony that I gave earlier this month to the House Foreign Affairs Committee's subcommittee on Oversight and Investigations regarding the economic, security and moral consequences of sharing advanced technology with China.

HOUSE FOREIGN AFFAIRS COMMITTEE—''EFFORTS TO TRANSFER AMERICA'S LEADING EDGE SCIENCE TO CHINA''—TESTIMONY OF CONGRESSMAN FRANK R. WOLF (R–VA), WEDNESDAY, NOVEMBER 2, 2010

Thank you Chairman Rohrabacher for calling this important hearing on China's espionage and the violation of the law by the director of the Office of Science and Technology Policy (OSTP).

I have been very troubled by this administration's apparent eagerness to work with China on its space program and willingness to share other sensitive technologies. I want to be clear: the United States has no business cooperating with the Peoples Liberation Army (PLA) to help develop its space program. We should also be wary of any agreements that involve the transfer of technology or sensitive information to Chinese institutions or companies—many of which are controlled by the government and the PLA.

Space is the ultimate ''high ground'' that has provided the U.S. with countless security and economic advantages over the last 40 years. As the victor of the Cold War ''space race'' with the Soviet Union, the U.S. has held an enormous advantage in space technology, defense capabilities, and advanced sciences—generating entirely new sectors of our economy and creating thousands of private sector jobs.

China has developed its own space program at a surprising pace, having gone from launching their first manned spacecraft to launching components for an advanced space station in just ten years.

But the Chinese space program is being led by the People's Liberation Army (PLA)—and to state the obvious, the PLA is not our friend as evidenced by their recent military posture and aggressive espionage against U.S. agencies and firms.

That is why I was troubled to learn from the press last fall about NASA Administrator Charlie Bolden's imminent departure for a weeklong visit to China to discuss areas of cooperation between NASA and the PLA space program. I was equally concerned to learn that Dr. John Holdren, head of the White House Office of Science and Technology Policy (OSTP), had spent 21 days in China on 3 separate trips in one year—more than any other country. Very little information about these cooperative agreements with China were being provided to Congress and the American people.

So, I included language in section 1340 of the Fiscal Year 2011 Continuing Resolution preventing NASA and OSTP from using federal funds ''to develop, design, plan, promulgate, implement or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company.''

The provision in the omnibus appropriations bill was agreed to by Republican and Democrat conferees. It passed both houses with bipartisan support and was signed into law by President Obama in April. The provision was clear, unambiguous and non-controversial.

However, less than one month after its enactment, I learned that Dr. Holdren and OSTP had defied the provision. Even more troubling is that he withheld information about his intention to do so during his appearance before the House Commerce-Justice Science Appropriations Subcommittee when we discussed, among other things, the implementation of section 1340, and Dr. Holdren's participation in the U.S.-China Strategic and Economic Dialogue, from May 6–10.

That is why I asked the Government Accountability Office (GAO) to investigate this violation and issue an opinion. I also asked GAO to determine whether the Office of Legal Counsel opinion provided by the Justice Department to justify this violation was legitimate.

In its October 11 opinion, GAO found, ''The plain meaning of section 1340 is clear. OSTP may not use its appropriations to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned companies.''

Further, GAO found that, ''OSTP's participation in the Innovation Dialogue and S&ED contravened the appropriations restriction,'' and added that, ''OSTP does not deny that it engaged in activities prohibited by section 1340.''

The GAO finding also rebuts a September 19 memorandum prepared by the Justice Department's OLC on the constitutionality of the provision. GAO stated, ''In our view, legislation that was passed by Congress and signed by the President, thereby satisfying the Constitution's bicameralism and presentment requirements, is entitled to a heavy presumption in favor of constitutionality.'' GAO continued, ''Determining the constitutionality of legislation is a province of the courts,''—not, I would add, the White House counsel's office or the Department of Justice.

Finally, the GAO finding clearly notes, ''As a consequence of using its appropriations in violation of section 1340, OSTP violated the Antideficiency Act. . . By using its fiscal year 2011 appropriation in a manner specifically prohibited, OSTP violated the Antideficiency Act. Accordingly, OSTP should report the violation as required by the act.''

I also wrote Attorney General Eric Holder asking him to hold Dr. Holdren to full account for his violation of the Anti-Deficiency Act by ensuring that he complies with all reporting requirements and other provisions of that law.

I take the GAO findings very seriously. Following the law is not voluntary for Administration officials. That is why Dr. Holdren should commit today to full compliance with section 1340 and publicly acknowledge his error in participating in the bilateral conference with the Chinese government.

Now I'd like to take a few minutes to put the administration's posture toward China in the broader context of the Chinese government's grave human rights abuses, espionage efforts and detrimental economic policies.

In June 1989 peaceful pro-democracy demonstrators gathered in Tiananmen Square. They were met with a brutal crackdown. As events unfolded, the world was captivated with the now famous image of the ''Tank Man'' . . . a lone student protestor who stood his ground in the face of an advancing Chinese tank. To this day his fate is unknown.

During my first trip to China in 1991, with Congressman Chris Smith, we visited Beijing Prison Number One where authorities informed us that approximately 40 Tiananmen Square protestors were behind bars. We left with a pair of socks, made by the prisoners, for export to the West.

Tellingly, the image of the ''Tank Man'', while famous around the globe, is virtually unknown within China thanks to the Great Firewall which censors so-called ''offensive'' speech. It is estimated that China employs between 30,000 and 50,000 special Internet police.

Shockingly, the country has a thriving business of harvesting and selling for transplant kidneys, corneas and other human organs from executed prisoners. An August 27, 2009 Los Angeles Times article reported, ''In a rare acknowledgment of a practice that has until recently been shrouded in secrecy, the state-run newspaper said 65% of organ donors were executed prisoners . . .'' The image here, from a 1994 BBC story, is of PLA officers preparing to execute prisoners—China leads the world in executions. Later footage from the same story captures an unmarked van driving toward the prison to harvest the organs from the executed prisoners and transport them to a local hospital.

Like many repressive regimes throughout history, the Chinese government maintains a brutal system of labor camps. The State Department's annual human rights report found that, ''Forced labor remained a serious problem . . .''

Famed Chinese dissident Harry Wu spent nearly 20 years in Chinese gulags. In Congressional testimony earlier this year, Wu said, ''When I finally came to the U.S. in 1985, although I was already 48 years old, that was the first time in my life that I felt truly free.'' He concluded by urging ''President Obama and the U.S. Congress to be bold and take a firm stand against China's human rights abuses.''

But boldness is hardly the order of the day when it comes to U.S. policy. The same could be said of some U.S. companies.

In 2006, Congressman Chris Smith and the late Congressman Tom Lantos, himself a Holocaust survivor, convened a hearing in which they publicly challenged the Internet giant Yahoo! to look beyond the bottom line, and consider the moral implications of their complicity in imprisoning Chinese dissidents.

New York Times columnist Nicholas Kristof authored a piece after the hearing writing, ''Suppose that Anne Frank had maintained an e-mail account while in hiding in 1944, and that the Nazis had asked Yahoo for cooperation in tracking her down. It seems, based on Yahoo's behavior in China, that it might have complied.''

Yahoo isn't the only U.S. company to come under fire for pursuing business interests at the expense of human rights. A May 22 New York Times article, reported that Cisco, ''customized its technology to help China track members of the Falun Gong spiritual movement . . .'' There are multiple suits pending against Cisco.

These allegations reflect a worrying trend. American companies ought to represent American values. Instead, it seems that time and again major U.S. corporations are embracing Chinese government policies that are completely at odds with what America represents.

China, in turn, exports its repressive technologies to likeminded governments. An October 27, Wall Street Journal piece reported that the Chinese telecom giant Huawei ''now dominates Iran's government-controlled mobile-phone industry . . . , it plays a role in enabling Iran's state security network.''

It seems that not only is the U.S. failing to change China, but rather, China is changing us.

Is it any surprise considering what China is spending on high-powered lobbying firms in this town?

According to a January 9 Washington Post story, in recent years China has, ''tripled the amount it spends on lobbying firms . . .'' But well-heeled lobbyists can't explain away China's abysmal human rights record.

Thousands of political and religious prisoners languish in prison.

According to the Cardinal Kung Foundation, currently every one of the approximately 25 underground bishops of the Catholic Church is either in jail, under house arrest, under strict surveillance, or in hiding.

Protestant house church pastors are routinely intimidated and imprisoned. The recently released annual report of the Congressional-Executive Commission on China found the government placed 500 members of the Shouwang Church under ''soft detention'' between the fall of 2010 and the fall of 2011.

David Aikman, former Beijing bureau chief for TIME magazine, authored a piece noting: ''The crackdown on Christians is part of a rising tide of repression against dissent that's often accompanied by interrogations and torture.''

Since March, 10 Tibetan Buddhist monks and nuns have set themselves aflame in desperation at the abuses suffered by their people. One such nun is pictured here. Recently cameramen smuggled out video footage, still frame shot here, of Chinese police in full riot gear carrying automatic rifles and iron bars outside of the monastery where several of the self-immolations occurred.

Rebiya Kadeer—a fearless advocate for the Uyghur Muslims in China—spent two years in solitary confinement before being exiled to the U.S. in 2005. Following her release, two of her sons were unjustly arrested and subsequently sentenced to lengthy prison terms. Chinese authorities continue to use Rebiya's children and grandchildren as pawns in an effort to silence her.

We have seen that the Chinese government is unmoved and in fact emboldened in its ongoing repression while at the same time experiencing explosive economic growth.

We have seen our own short-sightedness in making the protection of basic liberties and the advancement of rule of law secondary to unfettered market access and normal trade relations.

These flawed policies have strengthened the oppressors and enabled China to advance economically at our expense. Every Member here represents constituents whose very livelihood has been negatively affected by China's blatant economic espionage and predatory, protectionist and illegal practices.

Meanwhile, U.S. companies are increasingly sending American jobs to China. General Electric's health-care unit recently announced it was moving the headquarters of 115-year-old X-ray business to Beijing. Ironically, the head of President Obama's Council on Jobs and Competitiveness is GE Chairman Jeffrey Immelt.

According to a March 24 New York Times article, GE paid zero taxes in the U.S. in 2010. Meanwhile, the Congressional Research Service found that the Chinese State Tax Administration and China Tax magazine jointly released a number of lists of the top taxpayers in 2007 and GE featured prominently. The Beijing subsidiary of GE was number 32 on the top 100 taxpaying firms in the commercial services sector. It is noteworthy that GE, which pays no federal taxes in its home country, is honored for being a significant source of tax revenue to China.

Our engagement with China has not only empowered the government, failed to change their political system and undermined our economic security it has fueled China's military apparatus. Again, the president's ''jobs czar,'' Jeffrey Immelt, is at the center of these concerns.

An October 28 Defense News piece reported that, ''U.S. aerospace companies may unknowingly be helping China's military, according to a rough draft of the annual report on China's military modernization by the U.S.-China Economic and Security Review Commission, to be released in November.'' Specifically the article pointed to, ''last January's announcement by General Electric and the Aviation Industry Corporation of China (AVIC) that they would launch a joint venture for integrated avionics'' and cited the Commission's soon to be released report which indicated that China, ''has a robust, largely military space program..'' with all but 13 of its roughly 70 satellites in orbit controlled by the military.

A May 17 article in Wired.com reported that Chinese troops have begun using a first-person-shooter video game, ''Glorious Mission,'' backed by the PLA, which stimulates basic training in which the enemy is apparently the U.S. military.

An April 11, Aviation Week article reported, ''The PLA has made great strides toward implementing a strategy . . . to deter or defeat U.S. forces in the Western Pacific.''

The 2010 annual Pentagon report cited earlier, found '' . . . In the case of key national security technologies, controlled equipment, and other materials not readily obtainable through commercial means or academia, the PRC resorts to more focused efforts, including the use of its intelligence services and other-than legal means, in violation of U.S. laws and export controls.''

Let's be perfectly clear about how China is advancing militarily: they are utilizing ''other than legal means.''

The report also highlighted China's cyber-espionage efforts. The U.S. intelligence community notes that China's attempts to penetrate U.S. agencies are the most aggressive of all foreign intelligence organizations. According to a 2008 FBI statement, Chinese intelligence services ''pose a significant threat both to the national security and to the compromise of U.S. critical national assets.''

Their espionage isn't limited to government agencies. In an October 4 Washington Post article, Rep. Mike Rogers, chairman of the House Intelligence Committee, remarked, ''When you talk to these companies behind closed doors . . . they describe attacks that originate in China, and have a level of sophistication and are clearly supported by a level of resources that can only be a nation-state entity.''

These breaches in our national security infrastructure are rampant and pose a very real threat. A May 14 Reuters story indicated that, ''North Korea and Iran appear to have been regularly exchanging ballistic missile technology in violation of U.N. sanctions, according to a confidential U.N. report . . . The report said the illicit technology transfers had 'trans-shipment through a neighboring third country.' That country was China, several diplomats told Reuters on condition of anonymity.''

China is also a major arms supplier and source of economic strength to the regime in Khartoum. According to Human Rights First, during the years of the worst violence in Darfur ''. . . China sold over $55 million worth of small arms to Khartoum.'' I was part of the first Congressional delegation to Darfur. I heard the stories of rape, killing and displacement. America provided humanitarian supplies to the victims, while China provided arms to the perpetrators.

Meanwhile, Beijing rolled out the red carpet this year for Sudanese President Omar al-Bashir, an internationally indicted war criminal. Bashir's crimes are not just a thing of the past. The current assault by northern Sudanese forces in Southern Kordofan and Blue Nile states has displaced thousands. There are credible news reports of targeted ethnic killings and satellite images of what appear to be mass graves.

Speaking of red carpet, President Obama, the 2009 Nobel Peace Prize winner, welcomed Chinese President Hu Jintao with a State Dinner in January at the same time that 2010 Nobel Peace Prize winner, Chinese dissident Liu Xiaobo, languished behind bars. Meanwhile, the Dalai Lama was initially denied a meeting with President Obama and then in February 2010 was made to leave the White House through the back door to avoid press.

In closing, there will come a day when the Chinese communist government will fall—repressive, totalitarian regimes always do. And when that day comes, books will be written about who helped sustain this government in their final days. Will U.S. companies feature in that narrative? Will the U.S. government?

In 2001, a book was published titled, ''IBM and the Holocaust.'' A New York Times book review describes how IBM had ''global control of a technology that was enormously helpful, indeed indispensable, to the Nazi machinery of war and annihilation.'' The Times review quotes the author of the book as saying that many companies did what IBM did. They ''refused to walk away from the extraordinary profits obtainable from trading with a pariah state . . .''

Arguably that assessment rings true today. Only the pariah state has changed.

Those in positions of leadership, be they in the private sector or in government, do our country a disservice when they gloss over or ignore the actions of the Chinese government. They put us squarely on the wrong side of history.

The Chinese government brutally represses its own people. It persecutes people of faith. It censors the Internet. It maintains labor camps.

The Chinese government actively engages in cyber-espionage. It steals state secrets. It aligns itself with countries directly at odds with U.S. interests. It supports genocidal governments and buttresses rogue regimes.

There's a legal term, ''willful blindness,'' that aptly described our dealings to date with China. Faced with these painful truths, blindness is no longer an option.

In the words of British abolitionist, William Wilberforce, ''Having heard all of this, you may choose to look the other way, but you can never again say that you did not know.''

HONORING TERESA HUGHES

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. RICHARDSON. Mr. Speaker, I rise today to honor the late Teresa Hughes, former California State Senator and Assemblywoman from the Los Angeles area, who passed away on Tuesday, November 15, 2011 at the age of 80. As the second black woman elected to the Assembly, Ms. Hughes proved to be an influential lawmaker, breaking barriers and proving to most leaders that it is necessary to have women in significant leadership roles because their constituents demand it.

A former New York social worker, teacher and school administrator, Ms. Hughes was a fervent supporter of education. Her candidacy for the 47th Assembly District in California, which included a large part of South L.A. and the cities of Bell, Cudahy, Huntington Park, Downey and Compton, came with much support because the constituents wanted to elect a professional educator committed to expanding educational opportunities for their community.

Ms. Hughes' accomplishments as a state legislator are many. During her 17 years in the California State Assembly, she authored a bill dedicating $800 million in bond money to build school classrooms as well as the creation of a state School of the Arts. In 1983, as chairwoman of the Assembly Education Committee, she co-authored an education bill setting state graduation standards, lengthening school days and the school year, raising teacher salaries and standards, and requiring prospective teachers to pass a basic skills test. Ms. Hughes also authored the bill that established the California Museum of Afro-American History and Culture within the Museum of Science and Industry in Los Angeles.

There were 15 women state lawmakers in 1985 when the Joint Rules Committee formally recognized the new bipartisan Caucus of Women Legislators. As the senior woman in the Assembly at the time, Ms. Hughes was selected to chair the caucus.

Elected to the state Senate in 1992, Hughes represented the 25th District, which stretched from Marina del Rey to Paramount.

Before she retired in 2000, she became the first woman and first African American to serve on the Senate Rules Committee.

Her State Senate achievements include establishing the Senate Select Committee on College Admission and Outreach and writing a school violence prevention bill that led to the creation of the Task Force on School Safety.

Mr. Speaker, I am proud to stand here in remembrance of Teresa Hughes, a towering figure in the history of California. I ask my colleagues to join me for a moment of silence in the memory of the great Teresa Hughes.

IN RECOGNITION OF KENSINGTON INTERMEDIATE SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Kensington Intermediate School, a recipient of a Federal Blue Ribbon Award.

The Blue Ribbon Schools Program is a program designed to highlight schools which have proven records of academic excellence. These schools have demonstrated a dedication to their student bodies which prepare their students for higher education and life beyond the classroom. Such institutions serve as examples to be emulated in schools across the nation.

Kensington Intermediate School is one of 305 schools in the nation to be awarded the title of a Blue Ribbon school. It has shown itself to be among this group of elite institutions. In 2010, Kensington was named Excellent with Distinction, which is the Ohio Department of Education's highest award. Last year, the school system ranked 5th in Cleveland Magazine's prestigious Top Ten List of Cleveland Area Schools.

Kensington has continued on its path of academic excellence by scoring 96.5% and 92.5% proficiency in the Ohio 5th grade Science and Math Achievement Assessment tests, respectively. The 3rd grade Reading Achievement Assessment score has repeatedly been the highest in the county.

Mr. Speaker and colleagues, please join me in honoring Kensington Intermediate School, a 2011 National Blue Ribbon School.

HONORING TOWN CLERK RUTH ARGO MAZZEI

HON. NAN A.S. HAYWORTH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. HAYWORTH. Mr. Speaker, I rise today to recognize Ruth Argo Mazzei of Southeast, New York for her service as Town Clerk for the past 20 years.

Mrs. Mazzei was first elected to serve the people of Southeast as Town Clerk in November of 1991. Certified as both an International Municipal Clerk and New York State Registered Municipal Clerk, Mrs. Mazzei has served the residents of Southeast with honor and integrity. She is known for her love of her community and her loyalty to friends and family. Mrs. Mazzei and her husband of 44 years, Joseph Mazzei, have four sons: T.J., Christopher, Michael, and Robert.

Mr. Speaker, it is a privilege to recognize the Honorable Ruth Argo Mazzei. As the face of Southeast Town Government and Town Hall for over two decades, the residents of Southeast and New York's Nineteenth Congressional District are fortunate to have benefited from her service.

PAYING TRIBUTE TO THE SURGEON GENERAL OF THE UNITED STATES NAVY AND CHIEF OF THE NAVY'S BUREAU OF MEDICINE AND SURGERY, VICE ADMIRAL ADAM M. ROBINSON, JR.'S 34 YEARS OF SERVICE TO OUR NATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Vice Admiral Adam M. Robinson, Jr. for his extraordinary dedication to duty and service to the United States of America as the 36th Surgeon General of the United States Navy and Chief of the Navy's Bureau of Medicine and Surgery. Vice Admiral Robinson will retire as the Senior Healthcare Officer in the United States Navy and the principle medical advisor to the Secretary of the Navy, Chief of Naval Operations and Commandant of the Marine Corps. His military service spans across more than three decades of active military duty to the United States Navy and the Nation.

A native of Louisville, Kentucky, Vice Admiral Robinson was commissioned into the Navy through the Armed Forces Health Professions Scholarship Program after graduating with a Doctor of Medicine degree from Indiana University, School of Medicine. In 1978, Vice Admiral Robinson was assigned to the National Naval Medical Center at Bethesda for the very first time of many in his superb career. While assigned there he completed his residency in the area of general surgery. After his assignment in Bethesda, Vice Admiral Robinson was forward deployed to the United States Naval Hospital in Yokosuka, Japan. He was then selected as a ship's Surgeon on the USS *Midway* during his first duty at sea. After completing various operational assignments, Vice Admiral Robinson attended the University of Illinois School of Medicine, Urbana-Champaign, for a fellowship in colon and rectal surgery at the Carle Foundation Hospital. After his fellowship he was again assigned to the National Naval Medical Center at Bethesda to head the Colon and Rectal Surgery Division. While at Bethesda, he was again deployed as a ship's surgeon for the USS *John F. Kennedy* and the USS *Coral Sea*.

He became a Medical Director for the first time in his career in 1994 at the Naval Medical Center Portsmouth after serving and earned his Master's in Business Administration from the University of South Florida. In 1999, while serving as the Fleet Hospital Jacksonville Commanding Officer, Robinson commanded a detachment of the fleet hospital as for a medical contingent to Joint Task Force Haiti (Operation New Horizon/Uphold Democracy). In August 1999, Robinson reported to the Bureau of Medicine and Surgery as the director of Readiness and was selected as the principal director, Clinical and Program Policy in the Office of the Assistant Secretary of Defense for Health Affairs. Vice Admiral Robinson was assigned as the Commanding Officer United States Naval Hospital, Yokosuka, Japan from September 2001 to January 2004. In July 2004, he returned to the National Naval Medical Center at Bethesda as the Commander. In 2007 Vice Admiral James A. Robinson was

chosen as the 36th Surgeon General of the United States Navy and 40th Chief of the Bureau of Medicine and Surgery.

An accomplished and published academic, Vice Admiral Robinson holds fellowships in the American College of Surgeons and the American Society of Colon and Rectal Surgery. He is a member of the Le Societe Internationale de Chirurgie, the Society of Black Academic Surgeons, and the National Business School Scholastic Society, Beta Gamma Sigma. He holds certification as a Certified Physician Executive (CPE) from the American College of Physician Executives.

Vice Admiral Robinson has been instrumental in preparing the United States Navy for the merger of the National Capitol Region's major health care facilities. He oversaw the planning, construction and execution of the new Joint Medical Facility and ensured that best practices of the Navy and other services were preserved throughout the transition. Vice Admiral Robinson was also never afraid to be an outspoken opponent of policies and issues from the merger that would sacrifice care for Service Members of any service. Without his foresight and wisdom throughout the process, the new National Military Medical Center at Bethesda would not be the shining medical facility model it is today for our Service Men and Women and their Families.

Throughout his career, Vice Admiral Robinson has demonstrated expertise in medicine that ranks him among the very best in the world. However, I would say his most shining achievements have been his exceptional care for our Nation's most important treasure, our wounded Soldiers, Sailors, Airmen, and Marines, throughout the wars in Iraq and Afghanistan. Bethesda's renowned reputation as the gold standard of care for wounded Service Members improved throughout his tenure and will be the lasting legacy of the 36th Surgeon General of the Navy.

The United States Navy, the Department of Defense and the Nation will dearly miss one of its most respected and valued leaders as Vice Admiral Adam M. Robinson leaves active duty. We will all miss his humility, his selflessness, his candor and his integrity. When history looks back at this leader and his legacy it will be clear that he saved countless Service Members lives with his policies and daily practices.

Mr. Speaker, it has been a pleasure to work closely with Vice Admiral Robinson over the last several years of his long and decorated career. On behalf of a grateful Nation, I join my colleagues today in recognizing and commending Vice Admiral Adam M. Robinson for a lifetime of service to his country. For all he and his family have given and continue to give to our country; we are in their debt. We wish him, his wife Yuko, all the best in his retirement.

H.R. 2838, THE ''COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2011''

HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. HOCHUL. Mr. Speaker, I rise in opposition to H.R. 2838, ''the Coast Guard and Maritime Transportation Act of 2011,'' and to salute the brave men and women of the United States Coast Guard for their service to our nation.

As a member of the Homeland Security Committee and the Armed Services Committee, I recognize the critical role the Coast Guard plays in combating piracy, interdicting illegal drugs, preventing acts of terrorism, and assisting our coastal communities when they are afflicted by natural disasters. That is why I am saddened that controversial provisions were attached to this bill.

I cannot support this legislation because it would strip New York State of its right to protect itself from invasive species introduced through ballast water, putting New Yorkers and New York State waters at risk.

My home state is blessed to sit on two Great Lakes: Lake Erie and Lake Ontario. These waters are of critical importance to the Western New York economy and support recreation jobs, fishing jobs, tourism jobs, shipping jobs—jobs at our ports, harbors and canals. The people of New York are all too aware of the havoc that invasive species like Asian Carp and Zebra Mussels can wreak on the Great Lakes and the threat they pose to our economy. That is why I oppose this legislation and urge my colleagues to preserve New York's right to protect our citizens, protect our waters and protect our jobs.

THE INTRODUCTION OF THE SMITHSONIAN AMERICAN LATINO MUSEUM ACT

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. BECERRA. Mr. Speaker, I rise today to introduce with Congresswoman ILEANA ROS-LEHTINEN (FL–18) the Smithsonian American Latino Museum Act—a companion bill that is also being introduced today in the U.S. Senate by our colleagues Senator ROBERT MENENDEZ (NJ), Senate Majority Leader HARRY REID (NV) and Senator MARCO RUBIO (FL).

The Smithsonian American Latino Museum Act we introduce today advances the work of the National Museum the American Latino Commission—a 23–member bi-partisan, congressionally authorized commission of experts that investigated the potential creation of a museum. Through an exhaustive process that involved consultations with national experts, forums in eight cities (Chicago, Albuquerque, Austin, Miami, St. Paul, Los Angeles, New York City, and San Juan, Puerto Rico), and communication via several online platforms that engaged tens of thousan supporters, the commission generated valuable input regarding the feasibility of an American Latino museum Washington, D.C.

Over the past eighteen years the call has grown stronger and stronger to establish such a museum on our National Mall that shares the rich and full story of what it means to be an American. The effort to create the American Latino Museum dates back to 1993, when a Smithsonian Task Force on Latino Issues formally called for the creation of a national museum dedicated to sharing the story of Latinos' historic, cultural and artistic contributions to the U.S. I was proud to introduce the legislation in 2003 that created the National Museum of the American Latino Commission. Five years later, in 2008, Congress passed the bill and it was signed by President George W. Bush. Once appointed by Congress and President Barack Obama, the Commission began its work in 2009 with the support of the Department of Interior and Secretary Ken Salazar. The Commission's final 2011 report and recommendations can be viewed at http://www.americanlatinomuseum.gov.

The bill we are introducing responds to the Commission's call for the creation of a national museum in Washington, D.C. that ''illuminates the American story for the benefit of all'' by preserving, presenting and interpreting American Latino history, art, cultural expressions, and experiences. Specifically, the bill:

(1) Establishes within the Smithsonian Institution a museum to be known as the ''Smithsonian American Latino Museum.''

(2) Designates the museum's site as the Arts and Industries Building on the National Mall, at 900 Jefferson Drive Southwest in Washington, D.C.

(3) Authorizes the Smithsonian Board of Regents to prepare a plan of action for the museum, as referred to in the May 2011 Report to Congress submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino, in consultation with the Secretary of Interior, the Commission of Fine Arts, the National Capital Planning Commission and federal and local agencies.

(4) Authorizes the Regents to identify and evaluate viable funding models for both the construction and operation of the museum, within 18 months after the bill is enacted.

(5) Authorizes the Regents and Secretary of the Interior to enter into an agreement that allows for the planning design and construction of an underground annex facility, in a manner harmonious with and to protect the open space and visual sightlines of the Mall.

Today marks a key moment in our effort to ensure that the contributions of Americans of Latino descent receive respect and recognition earned by a patriotic community of Americans who have served this nation since its inception and now number over 50 million. I look forward to working with my colleagues to pass this bill and to supporting the Smithsonian Institution in an important new chapter of its work to increase understanding of the American experience.

STANDING AGAINST VOTER SUPPRESSION

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Ms. DEGETTE. Mr. Speaker, voter suppression efforts are well are underway in my home state of Colorado. In September, the Colorado Secretary of State actually sued the City and County of Denver because the Clerk and Recorder's office over sending election ballots to every registered voter in Denver, including inactive registered voting men and women of the military and citizens living overseas. Our Secretary of State took exception because the law states ballots shall be mailed to all active registered electors. Last month, a Denver judge ruled that Denver County could in fact

send these ballots to all registered voters for the upcoming November election, but officers at the highest levels of our state government have indicated they will continue in their attempts to limit the participation of any legal voter in our community.

Unfortunately as it stands already, just more than half of eligible voters in the United States show up to make themselves heard during Presidential election years. That percentage dips into the thirties in so called ''off years.'' The last thing we need in America is fewer people voting. With 14 million Americans looking for work, and millions more struggling as a result of a growing wage gap, the problems facing this country are profound and complex, and addressing them will require a broad range of voices.

All of us bear the responsibility for encouraging voter turnout—especially in traditionally disenfranchised areas. Voting is the most effective way to drown out the influence of corporate campaign donations and the unaccountable and unwieldy super political action committees, which can raise unlimited sums of money to pour into our elections. Voting is the most effective way to be heard on the issues impacting our nation. For too many Americans, the right to vote did not come easy and many of us recognize the perilous consequences of not guarding this right aggressively.

In 1964, Chief Justice Earl Warren expressed one of the basic truths of American history, that ''the right of suffrage is a fundamental matter in a free and democratic society.'' Efforts to suppress the democratic right to vote in pursuit of electoral gain are both misguided and unconstitutional, and I will continue to fight at the federal level to ensure every American, regardless of race, income, or heritage will have the opportunity to participate in the ''fundamental matter in a free and democratic society.''

THE SENSIBLE ESTATE TAX OF 2011

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce the Sensible Estate Tax Act of 2011. This legislation offers a thoughtful comprehensive approach to reforming our estate tax system that is supported by voters across all income levels. As America comes out of one of the worst recessions in its history, this Congress must carefully consider all sources of revenue that are not only effective, but fair and equitable. This estate tax embodies those values.

The past decade of failed tax policies have killed jobs and resulted in significant income and wealth disparity in this country. The promise and strength of America lies in a system that benefits everyone. These tax policies have steered us away from this promise and crippled the American economy. The middle class continues to shrink as more and more wealth flows to the top—and this country's current tax system makes this unfairness worse. The current estate tax policy is the poster child for the unfairness we all see.

That is why I am introducing this legislation. This bill will bring the estate tax back to the rates and exemptions from before the Bush tax cuts—a time when this country experienced continued prosperity and budget surpluses.

Specifically, the Sensible Estate Tax Act of 2011 will return the top marginal rate to 55 percent and lower the exemption for individuals to $1 million. It will also reunify the gift and estate taxes, and provide for permanent portability of any unused exemption. Accountants and taxpayers have been asking Congress for a permanent and fair estate tax so they may properly plan their affairs. This bill does just that. Additional estate tax loopholes are also addressed, including a 10-year minimum on grantor retained annuity trusts, limitations on the generation skipping transfer trust exemption, and rules for consistent basis reporting.

Today's law allows for up to $10 million in wealth to be transferred tax-free at death. And some of my colleagues across the aisle say even that is not enough. In a country that cherished the ideal that where you are born should not determine where you end up, it is inherently unfair that the average middle class family pays income tax while the children of rich parents can inherit $10 million tax-free.

Succeeding financially in life is a wonderful American right and the families of wealthy people should benefit from that good fortune. But no one gets wealthy on their own—financial success for any American is achieved by using the roads, schools, and public services that all Americans pay for. It is only fair that they reinvest in the country that provided them with so much opportunity.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2011

Mr. GUTIERREZ. Mr. Speaker, I would like the record to show that, due to an error, I voted ''aye'' on H.R. 822, the ''National Right-to-Carry Reciprocity Act,'' (rollcall vote No. 852) when I intended to vote ''no.'' I would also like the record to show that I would have voted ''aye'' on rollcall No. 849.

Coming from Illinois, a state that does not issue permits to carry concealed weapons, I understand the importance of allowing each state and locality to determine what gun policy is most appropriate for them. From 1999–2006, 9,054 residents of Illinois were killed by gun violence. These numbers are jarring and, when faced with escalating gun violence in the city of Chicago, I simply cannot support efforts to erode and circumvent tough state gun laws.

The ''National Right-to-Carry Reciprocity Act'' would preempt state laws by forcing states to accept permits to carry concealed weapons from other states regardless of any differences in safety standards or requirements to obtain the permit. In other words, Indiana, which prohibits individuals with certain dangerous criminal misdemeanor convictions from carrying concealed weapons, would be forced to allow permit holders from states without that requirement to carry concealed weapons within the state. In addition, it would be virtually impossible for a law enforcement officer to determine if an out-of-state permit was validly issued, creating more danger and uncertainty for our officers.

I fear that, if this bill were enacted, it would put law enforcement officers and our communities at great risk while simultaneously eroding the authority of the states to dictate their own rules in the gun permitting process. I am deeply committed to ensuring that our communities are safe from the ravages of gun violence and I will ardently oppose any legislation to further erode strong state and local gun laws.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 2112, Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and Related Programs Appropriations Act and Further Continuing Appropriations.

House agreed to the conference report to accompany H.R. 2112, Department of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and Related Programs Appropriations Act and Further Continuing Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S7633–S7784

Measures Introduced: Twenty-two bills and two resolutions were introduced, as follows: S. 1883–1904, and S. Res. 332–333. **Pages S7701–02**

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2012." (S. Rept. No. 112–95)

Report to accompany S. 1301, to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons. (S. Rept. No. 112–96)

H.R. 347, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, with an amendment in the nature of a substitute.

H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, with an amendment in the nature of a substitute.

H.R. 2189, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies.

S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes.

S. 1794, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, with amendments. **Page S7701**

Measures Passed:

Protect the Safety of Judges: Senate passed H.R. 1059, to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, after agreeing to the committee amendment. **Pages S7776–77**

Federal Deposit Insurance Corporation: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 2056, to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S7777**

Levin Amendment No. 1221, to clarify the types of losses to be studied, to require appearances before Congress. **Page S7777**

America's Cup Act: Senate passed H.R. 3321, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition, after agreeing to the following amendment proposed thereto: **Pages S7777–78**

Levin (for Feinstein/Cantwell) Amendment No. 1222, in the nature of a substitute. **Pages S7777–78**

American Medical Isotopes Production Act: Senate passed S. 99, to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S7778–82**

Levin (for Bingaman/Murkowski) Amendment No. 1223, to improve the bill. **Pages S7780–82**

American Education Week: Senate agreed to S. Res. 332, supporting the goals and ideals of American Education Week. **Page S7782**

United States Former Prisoners of War: Senate agreed to S. Res. 333, welcoming and commending the Government of Japan for extending an official apology to all United States former prisoners of war from the Pacific War and establishing in 2010 a visitation program to Japan for surviving veterans, family members, and descendants. **Pages S7782–83**

Measures Considered:

Department of Defense Authorization Act—Agreement: Senate began consideration of S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, taking action on the following amendments proposed thereto: **Pages S7638–77, S7684–94**

Adopted:

Ayotte Amendment No. 1065, relating to the force structure for strategic airlift aircraft. **Pages S7651–52**

Cardin Amendment No. 1188, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced-cost accommodations. **Page S7686**

Pending:

Levin/McCain Amendment No. 1092, to bolster the detection and avoidance of counterfeit electronic parts. **Pages S7643–48, S7662**

McConnell (for Kirk) Amendment No. 1084, to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran. **Pages S7638–39, S7650–51**

Leahy Amendment No. 1072, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response. **Page S7660**

Paul/Gillibrand Amendment No. 1064, to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002. **Pages S7674, S7675**

Merkley Amendment No. 1174, to express the sense of Congress regarding the expedited transition of responsibility for military and security operations in Afghanistan to the Government of Afghanistan. **Pages S7674–75**

Feinstein Amendment No. 1125, to clarify the applicability of requirements for military custody with respect to detainees. **Page S7685**

Feinstein Amendment No. 1126, to limit the authority of Armed Forces to detain citizens of the United States under section 1031. **Page S7685**

Udall (CO) Amendment No. 1107, to revise the provisions relating to detainee matters. **Page S7685**

Landrieu/Snowe Amendment No. 1115, to reauthorize and improve the SBIR and STTR programs, and for other purposes. **Page S7685**

Franken Amendment No. 1197, to require contractors to make timely payments to subcontractors that are small business concerns. **Page S7685**

Cardin/Mikulski Amendment No. 1073, to prohibit expansion or operation of the District of Columbia National Guard Youth Challenge Program in Anne Arundel County, Maryland. **Pages S7685–86**

Begich Amendment No. 1114, to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents. **Page S7686**

Begich Amendment No. 1149, to authorize a land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska. **Pages S7686–87**

Shaheen Amendment No. 1120, to exclude cases in which pregnancy is the result of an act of rape or incest from the prohibition on funding of abortions by the Department of Defense. **Page S7687**

Collins Amendment No. 1105, to make permanent the requirement for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities. **Pages S7688–89**

Collins Amendment No. 1155, to authorize educational assistance under the Armed Forces Health Professions Scholarship program for pursuit of advanced degrees in physical therapy and occupational therapy. **Pages S7688–89**

Collins Amendment No. 1158, to clarify the permanence of the prohibition on transfers of recidivist

detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and entities. **Pages S7688–89**

Collins/Shaheen Amendment No. 1180, relating to man-portable air-defense systems originating from Libya. **Pages S7688–89**

Inhofe Amendment No. 1094, to include the Department of Commerce in contract authority using competitive procedures but excluding particular sources for establishing certain research and development capabilities. **Pages S7689–91**

Inhofe Amendment No. 1095, to express the sense of the Senate on the importance of addressing deficiencies in mental health counseling. **Pages S7689–91**

Inhofe Amendment No. 1096, to express the sense of the Senate on treatment options for members of the Armed Forces and veterans for Traumatic Brain Injury and Post Traumatic Stress Disorder. **Pages S7689–91**

Inhofe Amendment No. 1097, to eliminate gaps and redundancies between the over 200 programs within the Department of Defense that address psychological health and traumatic brain injury. **Pages S7689–91**

Inhofe Amendment No. 1098, to require a report on the impact of foreign boycotts on the defense industrial base. **Pages S7689–91**

Inhofe Amendment No. 1099, to express the sense of Congress that the Secretary of Defense should implement the recommendations of the Comptroller General of the United States regarding prevention, abatement, and data collection to address hearing injuries and hearing loss among members of the Armed Forces. **Pages S7689–91**

Inhofe Amendment No. 1100, to extend to products and services from Latvia existing temporary authority to procure certain products and services from countries along a major route of supply to Afghanistan. **Pages S7689–91**

Inhofe Amendment No. 1101, to strike section 156, relating to a transfer of Air Force C–12 aircraft to the Army. **Pages S7689–91**

Inhofe Amendment No. 1102, to require a report on the feasibility of using unmanned aerial systems to perform airborne inspection of navigational aids in foreign airspace. **Pages S7689–91**

Inhofe Amendment No. 1093, to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term. **Pages S7689–91**

Casey Amendment No. 1215, to require a certification on efforts by the Government of Pakistan to implement a strategy to counter improvised explosive devices. **Pages S7693–94**

Casey Amendment No. 1139, to require contractors to notify small business concerns that have been included in offers relating to contracts let by Federal agencies. **Pages S7693–94**

Casey Amendment No. 1140, to require a report by the Comptroller General on Department of Defense military spouse employment programs. **Pages S7693–94**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9 a.m., on Friday, November 18, 2011. **Page S7783**

Conference Reports:

Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and Related Programs Appropriations Act and Further Continuing Appropriations: By 70 yeas to 30 nays (Vote No. 208), Senate agreed to the conference report to accompany 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, pursuant to the unanimous-consent agreement, 60 Senators having voted in the affirmative. **Pages S7678–84**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that on Thursday, November 17, 2011, Senator Bennet be authorized to sign duly enrolled bills or joint resolutions. **Page S7694**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to extending the period of production of the Naval Petroleum Reserves for a period of three years from April 5, 2012; which was referred to the Committee on Armed Services. (PM–34) **Page S7699**

Nominations Received: Senate received the following nominations:

Gershwin A. Drain, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Roy Wallace McLeese III, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years. **Page S7784**

Messages from the House: **Page S7699**

Measures Referred: **Page S7699**

Enrolled Bills Presented: **Page S7699**

Executive Communications: **Pages S7699–S7701**

Additional Cosponsors: **Pages S7702–04**

Statements on Introduced Bills/Resolutions: Pages S7704–12

Additional Statements: Pages S7698–99

Amendments Submitted: Pages S7712–76

Notices of Intent: Page S7776

Authorities for Committees to Meet: Page S7776

Privileges of the Floor: Page S7776

Record Votes: One record vote was taken today. (Total—208) Page S7684

Adjournment: Senate convened at 10 a.m. and adjourned at 8:30 p.m., until 9 a.m. on Friday, November 18, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7783.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Michael A. Sheehan, of New Jersey, to be Assistant Secretary for Special Operations and Low Intensity Conflict, Mark William Lippert, of Ohio, to be Assistant Secretary for Asian and Pacific Security Affairs, who was introduced by Senator Leahy, and Brad Carson, of Oklahoma, to be General Counsel of the Department of the Army, who was introduced by Senator Inhofe, all of the Department of Defense, and Kevin A. Ohlson, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Maurice A. Jones, of Virginia, to be a Deputy Secretary, who was introduced by Senator Warner, and Carol J. Galante, of Virginia, to be an Assistant Secretary, both of the Department of Housing and Urban Development, and Thomas Hoenig, to be a Member and Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, who was introduced by Senators McCaskill and Blunt, after the nominees testified and answered questions in their own behalf.

NASA HUMAN SPACE EXPLORATION

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space concluded a hearing to examine NASA's human space exploration, focusing on direction, strategy and progress, after receiving testimony from Charles F. Bolden, Jr., Administrator, Robert D. Cabana, Director, Kennedy Space Center, Michael L. Coats, Director, Johnson Space Center, and Robert M. Lightfoot, Director, Marshall Space Flight Center, all of the National Aeronautics and Space Administration.

TOURISM IN AMERICA

Committee on Commerce, Science, and Transportation: Subcommittee on Competitiveness, Innovation, and Export Promotion concluded a hearing to examine tourism in America, focusing on moving our economy forward, after receiving testimony from Ken Hyatt, Deputy Assistant Secretary of Commerce for Services; David T. Donahue, Deputy Assistant Secretary of State for Visa Services; James P. Evans, Brand USA, Washington, D.C.; John F. Edman, Explore Minnesota Tourism, St. Paul; Jonathan Zuk, Receptive Services Association of America (RSAA), Lexington, Kentucky; and Jonathan Tisch, Lowes Hotels, New York, New York.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine 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, after receiving testimony from David J. Hayes, Deputy Secretary of the Interior; Bradley C. Lambert, Virginia Department of Mines, Minerals and Energy Deputy Director, Big Stone Gap, on behalf of the Interstate Mining Compact Commission; John Corra, Wyoming Department of Environmental Quality Director, Cheyenne; Patrick C. McGinley, West Virginia University College of Law, Morgantown; Katie Sweeney, National Mining Association, Washington, D.C.; and DarAnne Dunning, Western Organization of Resource Councils, Helena, Montana.

SAFE CHEMICALS ACT

Committee on Environment and Public Works: Committee concluded a joint hearing with the Subcommittee on Superfund, Toxics and Environmental Health to examine S. 847, to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, after receiving testimony from Ted Sturdevant, Washington State Department of Ecology Director, Lacey; and Charlotte Brody, BlueGreen Alliance, Cal Dooley, American Chemistry Council, Robert A. Matthews, McKenna, Long and Aldridge, on behalf of The Consumer Specialty Products Association (CSPA), and Richard A. Denison, Environmental Defense Fund (EDF), all of Washington, D.C.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Mary John Miller, of Maryland, to be an Under Secretary, and Alastair M. Fitzpayne, of Maryland, to be a Deputy Under Secretary, both of the Department of the Treasury, who were both introduced by Senator Cardin, Kathleen Kerrigan, of Massachusetts, to be a Judge of the United States Tax Court, who was introduced by Senator Kerry, and Henry J. Aaron, of the District of Columbia, to be a Member of the Social Security Advisory Board, after the nominees testified and answered questions in their own behalf.

AMERICANS WITH DISABILITIES ACT

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the Americans with Disabilities Act and accessible transportation, focusing on challenges and opportunities, after receiving testimony from David M. Capozzi, U.S. Access Board, and Jill Houghton, US Business Leadership Network, both of Washington, D.C.; Marca Bristo, Access Living, Chicago, Illinois; and Billy Altom, Association of Programs for Rural Independent Living, North Little Rock, Arkansas.

INTERNET GAMING

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the future of internet gaming, focusing on what's at stake for tribes, after receiving testimony from Lawrence S. Roberts, National Indian Gaming Commission, Ernest Stevens, Jr., and Mark Van Norman, both of the National Indian Gaming Association, and former Senator Alfonse D'Amato, and John Pappas, both of the Poker Players Alliance, all of Washington, D.C.; Bruce Bozsum, Mohegan Tribe, Uncasville, Connecticut; Glen Gobin, Tulalip Tribes, Tulalip, Washington; Penny Coleman, Coleman Indian Law, Arlington, Virginia; and Grant Eve, Joseph Eve, Great Falls, Montana.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes;

H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, with an amendment in the nature of a substitute;

S. 1794, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, with amendments;

H.R. 347, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, with an amendment in the nature of a substitute; and

H.R. 2189, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 22 public bills, H.R. 3451–3472; and 2 resolutions, H.J. Res. 89 and H. Res. 471, were introduced.

Pages H7828–29

Additional Cosponsors: Pages H7830–31

Report Filed: A report was filed today as follows: H. Res. 470, providing for consideration of the bill (H.R. 3094) to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act (H. Rept. 112–291). Page H7828

Speaker: Read a letter from the Speaker wherein he appointed Representative Poe to act as Speaker pro tempore for today. Page H7717

Recess: The House recessed at 11:30 a.m. and reconvened at 12 noon. Page H7729

Chaplain: The prayer was offered by the guest chaplain, Reverend Martin R. Springer, Trinity Lutheran Ministries, Edwardsville, Illinois. **Page H7729**

Providing for consideration of motions to suspend the rules: The House agreed to H. Res. 466, providing for consideration of motions to suspend the rules, by a yea-and-nay vote of 248 yeas to 169 nays, Roll No. 855, after the previous question was ordered by a yea-and-nay vote of 243 yeas to 173 nays, Roll No. 854. **Pages H7737–45**

Consolidated and Further Continuing Appropriations Act, 2012—Conference Report: The House agreed to the conference report to accompany H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, by a yea-and-nay vote of 298 yeas to 121 nays, Roll No. 857. **Pages H7746–82**

H. Res. 467, the rule providing for consideration of the conference report, was agreed to by a yea-and-nay vote of 262 yeas to 156 nays, Roll No. 856, after the previous question was ordered without objection. **Pages H7733–37, H7745–46**

Suspension—Proceedings Postponed: The House began consideration of the following resolution under suspension of the rules. Further proceedings were postponed:

Proposing a balanced budget amendment to the Constitution of the United States: H.J. Res. 2, amended, to propose a balanced budget amendment to the Constitution of the United States.

Pages H7782–H7805

Presidential Message: Read a message from the President wherein he transmitted his decision to extend production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2012—referred to the Committee on Armed Services and ordered printed (H. Doc. 112–73). **Page H7805**

Senate Message: Message received from the Senate today appears on page H7805.

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of today and appear on pages H7744, H7744–45, H7745–46, and H7781. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:44 p.m.

Committee Meetings

DEFENSE FINANCIAL MANAGEMENT AND AUDIBILITY REFORM

Committee on Armed Services: Panel on Defense Financial Management and Audibility Reform held a hearing on Industry Perspectives on Achieving Audit Readiness. Testimony was heard from public witnesses.

SOLYNDRA FAILURE

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''The Solyndra Failure: Views from DOE Secretary Chu.'' Testimony was heard from Steven Chu, Secretary, Department of Energy.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a markup of the following: H.R. 1588, the ''Consumer Rental Purchase Agreement Act''; and H.R. 1723, the ''Common Sense Economic Recovery Act of 2011.'' H.R. 1588 was forwarded, as amended. H.R. 1588 did not pass.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Full Committee held a markup of the following: H.R. 2918, the ''Taiwan Policy Act of 2011;'' and H.R. 2992, the ''Taiwan Airpower Modernization Act of 2011.'' H.R. 2918 and H.R. 2992 were ordered reported, as amended.

2011 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Committee on Foreign Affairs: Subcommittee on Africa, Global Health, and Human Rights held a hearing entitled ''The 2011 International Religious Freedom Report.'' Testimony was heard from Leonard Leo, Chairman, U.S. Commission on International Religious Freedom; and public witnesses.

NARCOTERRORISM

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing entitled ''Narcoterrorism and the Long Reach of U.S. Law Enforcement, Part II.'' Testimony was heard from Derek S. Maltz, Special Agent in Charge, Special Operations Division, Drug Enforcement Administration, Department of Justice.

S&T ON A BUDGET

Committee on Homeland Security: Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies held a hearing entitled ''S&T on a Budget: Finding Smarter Approaches to Spur Innovation, Impose Discipline, Drive Job Creation and Strengthen Homeland Security.'' Testimony was heard from Tara O'Toole, Under Secretary, Science and Technology Directorate, Department of Homeland Security; and David C. Maurer, Director, Homeland Security and Justice Issues, Government Accountability Office.

EMERGENCY COMMUNICATIONS OFFICES WITHIN THE DEPARTMENT OF HOMELAND SECURITY

Committee on Homeland Security: Subcommittee on Emergency Preparedness, Response, and Communications held a hearing entitled ''Ensuring Coordination and Cooperation: A Review of the Emergency Communications Offices Within the Department of Homeland Security.'' Testimony was heard from Chris Essid, Director, Office of Emergency Communications, Department of Homeland Security; John O'Connor, Manager, National Coordinating Center for Communications, National Protection and Programs Directorate, Department of Homeland Security; Damon Penn, Assistant Administrator, National Continuity Programs, Federal Emergency Management Agency; Eric Edwards, Director, Disaster Emergency Communications Division, Response Directorate, Federal Emergency Management Agency; and Linda K. Moore, Specialist in Telecommunications and Spectrum Policy, Congressional Research Service.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Full Committee held a markup of the following: H.R. 1996, the ''Government Litigation Savings Act''; H.R. 1864, the ''Mobile Workforce State Income Tax Simplification Act of 2011''; and H.R. 2815, to revise the Federal charter for the Blue Star Mothers of America, Inc., to reflect a change in eligibility requirements for membership. H.R. 2815 was ordered reported without amendment. The following were ordered reported, as amended: H.R. 1966; and H.R. 1864.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Full Committee held a markup of the following: H.R. 200, the ''Inland Empire Perchlorate Ground Water Plume Assessment Act of 2011''; H.R. 205, the ''HEARTH Act of 2011''; H.R. 1545, the ''Waco Mammoth National Monument Establishment Act of 2011''; H.R. 2027, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, and Hazards Beach Unit RI–07 in Rhode Island; H.R. 2070, the ''World War II Memorial Prayer Act of 2011''; H.R. 2087, to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia; H.R. 2154, to correct the boundaries of the John H. Chafee Coastal Barrier Resources System Gasparilla Island Unit FL–70P; H.R. 2236, the ''Wildlife Refuge System Conservation Semipostal Stamp Act of 2011''; H.R. 2336, the ''York River Wild and Scenic River Study Act of 2011''; H.R. 2362, the ''Indian Tribal Trade and Investment Demonstration Project Act of 2011''; H.R. 2606, the ''New York City Natural Gas Supply Enhancement Act''; H.R. 2719, the ''Rattlesnake Mountain Public Access Act of 2011''; H.R. 2834, the ''Recreational Fishing and Hunting Heritage and Opportunities Act''; H.R. 2938, the ''Gila Bend Indian Reservation Lands Replacement Clarification Act''; H.R. 3117, the ''Permanent Electronic Duck Stamp Act of 2011''; H.R. 3397, the ''Cabin Fee Act of 2011''; H.R. 3404, to establish in the Department of the Interior an Under Secretary for Energy, Lands, and Minerals and a Bureau of Ocean Energy, an Ocean Energy Safety Service, and an Office of Natural Resources Revenue, and for other purposes; and S. 535, the ''Fort Pulaski National Monument Lease Authorization Act.'' The following were ordered reported without amendment: H.R. 200; H.R. 2027; H.R. 2236; H.R. 2362; H.R. 2719; H.R. 3392; and S. 535. The following were ordered reported, as amended: H.R. 205; H.R. 1545; H.R. 2070; H.R. 2087; H.R. 2154; H.R. 2336; H.R. 2606; H.R. 2834; H.R. 2938; H.R. 3117; and H.R. 3404.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Full Committee held a markup of the following: H.R. 373, the ''Unfunded Mandates Information and Transparency Act of 2011''; H.R. 3071, the ''Presidential Records Act Amendments of 2011''; H.R. 665, the ''Excess Federal Building and Property Disposal Act of 2011''; and H.R. 3433, the ''Grant Reform and New Transparency (GRANT) Act of 2011.'' The following were ordered reported, as amended: H.R. 665; H.R. 3071; H.R. 3433; and H.R. 373.

WORKFORCE DEMOCRACY AND FAIRNESS ACT

Committee on Rules: Full Committee held a hearing on H.R. 3094, the ''Workforce Democracy and Fairness Act.'' The Committee granted, by voice vote, a structured rule providing one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as original text for the purpose of amendment and shall be considered as read. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report. Each such amendment

may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions.

Testimony was heard from Chairman Kline; Rep. George Miller of California; Rep. Andrews; and Rep. Bishop of New York.

FOSTERING QUALITY SCIENCE AT EPA

Committee on Science, Space, and Technology: Subcommittee on Energy and Environment held a hearing entitled "Fostering Quality Science at EPA: The Need for Common Sense Reform." Testimony was heard from Paul Anastas, Assistant Administrator, Office of Research and Development, Environmental Protection Agency; David Trimble, Director, Natural Resources and Environment, Government Accountability Office; and Arthur Elkins, Jr., Inspector General, Environmental Protection Agency.

REGULATIONS ON FAMILY FARMERS

Committee on Small Business: Subcommittee on Agriculture, Energy and Trade held a hearing entitled "Adrift in New Regulatory Burdens and Uncertainty: A Review of Proposed and Potential Regulations on Family Farmers." Testimony was heard from public witnesses.

INTERNATIONAL TAX REFORM

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on the international tax reform discussion draft released on October 26, 2011 by the Committee on Ways and Means. Testimony was heard from public witnesses.

ONGOING INTELLIGENCE ACTIVITIES

House Permanent Select Committee on Intelligence: Full Committee held a hearing on ongoing intelligence activities. This was a closed hearing.

Joint Meetings

TAX REFORM

Joint Economic Committee: Committee concluded a hearing to examine if tax reform can boost business investment and job creation, after receiving testimony from Stephen J. Entin, Institute for Research on the Economics of Taxation, Chad Stone, Center on Budget and Policy Priorities, and Seth Hanlon, Center for American Progress Action Fund, all of Washington, D.C.; and Dan R. Mastromarco, Argus Group, Arlington, Virginia.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1201)*

H.R. 368, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts. Signed on November 9, 2011. (Public Law 112–51)

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. Signed on November 9, 2011. (Public Law 112–52)

S. 894, to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. Signed on November 9, 2011. (Public Law 112–53)

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. Signed on November 12, 2011. (Public Law 112–54)

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 18, 2011

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, Panel on Business Challenges within the Defense Industry, hearing on Creating a 21st Century Defense Industry, 9 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, hearing entitled "Internet Gaming: Regulating in an Online World." 9 a.m., 2123 Rayburn.

Committee on Natural Resources, Full Committee, continue hearing entitled "ANWR: Jobs, Energy and Deficit Reduction." 2 p.m., 1324 Longworth.

Subcommittee on Energy and Mineral Resources, hearing on the following: the "American-Made Energy and Infrastructure Jobs Act"; the "Alaskan Energy for American Jobs Act"; "Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act;" and the "Coal Miner Employment and Domestic Energy Infrastructure Protection Act.

Next Meeting of the SENATE

9 a.m., Friday, November 18

Senate Chamber

Program for Friday: Senate will continue consideration of S. 1867, Department of Defense Authorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, November 18

House Chamber

Program for Friday: Complete consideration of H.J. Res. 2—Proposing a balanced budget amendment to the Constitution of the United States.

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