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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. WEBSTER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 14, 2011.

I hereby appoint the Honorable DANIEL WEBSTER 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.

AFGHANISTAN

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

Mr. JONES. Over this past weekend, a published article in a North Carolina paper was titled, ''U.S. Envoy: Troops could stay in Afghanistan,'' subtitled, ''The White House echoed that 2014 is not a deadline for total withdrawal.'' I would like to submit the article for the RECORD, Mr. Speaker.

I will read the last sentence of the article:

''At a conference in Bonn, Germany, last week, President Hamid Karzai and other Afghan officials called for political and military support for at least another decade.''

This is coming from a man who, according to CNN, told a group of tribal elders last month, ''America is powerful, has more money, but we are lions here. Lions have the habit of not liking strangers getting into their house.'' President Karzai continued by saying, ''We want to say that Iran is our brother. During the years of jihad, Iran has been one of the best countries for hospitality for Afghans. They are our brother.''

Mr. Speaker, it just amazes me that he keeps saying that he doesn't even like us, but when he needs us, then he likes us. Our young men and women in the military are over there, losing their legs, their arms—and dying. How in the world can we continue to spend $10 billion a month when this man says that Iran is its friend—''they are our brother''?

The American people are sick and tired, quite frankly, of being in Afghanistan. Recently, when I spoke on the floor, I received a letter shortly thereafter from Jean Bonney Smith in Idaho regarding a recent floor speech that I gave. I want to quote a couple of comments. Then I would like to submit her letter for the RECORD, Mr. Speaker.

''Everything you said made perfect sense. These are things I've been thinking for 2 or 3 years, too. Karzai's most recent remarks were just the last slap in the face of the American people. How can you convince your fellow Republicans of these truths? We can't just stay on this 'War, Inc.' course, waiting for the next election. It is criminal to our troops.''

There are so many people across this Nation who just wonder why we continue to support a corrupt leader in a country that will never, never change.

I hope, as we get into the new year, that those of us in both parties can find legislation, as I have worked with Representative MCGOVERN before, which we can submit in the House so that we can get this House behind getting our troops out, because, believe me, we'll be there for 5 to 10 more years. It's not fair and it's not right.

Beside me is a picture from the Greensboro News-Record. It was taken a few months ago, but this tells it all. The title reads, ''Get Out,'' and there are soldiers taking a flag-draped transfer case off the plane.

It is time to bring our troops home from Afghanistan. It is time to fix the problems here in America, to create jobs in America. We can certainly use that $10 billion a month that we are sending to Afghanistan and spend it right here on the American people and do what's right to get America back on its feet.

With that, Mr. Speaker, I will close as I always do:

From the bottom of my heart, God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. God, please hold in Your arms the families who have given a child, dying for freedom in Afghanistan and Iraq.

Mr. Speaker, I ask God to bless the House and Senate that we will do what's right in the eyes of God. I ask God to give strength, wisdom, and courage to President Obama.

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

[From the News & Observer, Dec. 2011]

U.S. ENVOY: TROOPS COULD STAY IN AFGHANISTAN

(By Rod Nordland)

KABUL, AFGHANISTAN.—The U.S. ambassador to Afghanistan on Saturday raised the possibility that U.S. combat troops could stay in the country beyond the 2014 deadline that the White House had set for their withdrawal.

Ambassador Ryan Crocker, speaking with a small group of journalists, said that is the Afghan government wanted U.S. troops to stay longer, the withdrawal could be slowed.

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''They would have to ask for it,'' he said. ''I could certainly see us saying, 'Yeah, makes sense.' ''

He emphasized, however, that no such decision had been made.

White House officials said that Crocker's comments were consistent with it previously stated position.

''The president never excluded the possibility that there would be some U.S. forces here, but he stressed that security would be under Afghan lead by 2014,'' said Eileen O'Connor, the embassy spokeswoman.

Crocker's comments came as the administration is engaged in discussions with the Afghan government on what arrangements should be after 2014. At a conference in Bonn, Germany, last week, President Hamid Karzai and other Afghan officials called for political and military support for at least another decade.

U.S. DEATHS

The Department of Defense recently confirmed the deaths of these American military personnel:

Sgt. 1st Class Clark A. Corley Jr., 35, of Oxnard, Calif., Spc. Ryan M. Lumley, 21, of Lakeland, Fla., and Spc. Thomas J. Mayberry, 21, of Springville, Calif., died Dec. 3, in Wardak province, Afghanistan, of wound suffered when enemy forces attacked their unit with an improvised explosive device. They were assigned to the 2nd Battalion, 5th Infantry Regiment, 3rd Brigade Combat Team, Fort Bliss, Texas.

Sgt. Ryan D. Sharp, 28, of Idaho Falls, Idaho, died Dec. 3, at Landstuhl Regional Medical Center, Landstuhl, Germany, of wounds suffered Nov. 21 at Kandahar province, when insurgents attacked his unit with an improvised explosive device. He was assigned to the 2nd Battalion, 34th Armor Regiment, 1st Brigade Combat Team, 1st Infantry Division, Fort Riley, Kan.

JEAN BONNEY SMITH,
1550 E. HOLLY STREET,
Boise, ID, October 25, 2011.

To: Rep. WALTER JONES
Re Your ''General Speech'' This morning

You were excellent on the House floor this morning, regarding ENDING THE WARS!

Everything you said made perfect sense—Things I have been thinking for 2 or 3 years, too! Karzai's most recent remarks were just the last slap in our face!

How can you convince your fellow Republicans of these truths?

We can't just stay on this ''War Inc.,'' course, *waiting for the next election*—it is criminal to our troops.

Thank you,

JEAN B. SMITH.

AMERICA'S UNSUSTAINABLE PATH

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

Mr. BLUMENAUER. One thing that most of the Occupy Wall Street protesters and the majority of the Tea Party advocates agree upon is that the United States is not on a sustainable path.

The economy is still floundering. We are in too many cases losing the competition to other countries in things like building, maintaining our infrastructure for the future and in keeping up with the advances of education. We have the world's most expensive health care system that leaves too many people without coverage and provides the Nation overall with mediocre results.

Americans get sick more often, take longer to get well, and die sooner than most of our European competitors; and half that cost is loaded on the backs of the employers and embedded in the prices of their products.

But perhaps the most glaring example of unsustainability is not our health care system or our tax system; it is the massive defense and security spending with escalating costs, which is, sadly, not strategically oriented.

We cannot continue to spend almost as much as the rest of the world, friend and foe alike, combined. Our military was stressed, and continues to be hobbled by the reckless action in Iraq and further challenged by the war in Afghanistan. Yet we have a defense reauthorization that we will be considering on the floor today that ignores the big picture, does not lay the foundation for a dramatic scaling back of open-ended spending commitments, especially in dealing with issues like a nuclear weapons system far more expensive and out of proportion to what we will ever need or use. There are patterns of deployment that cry out for reform.

There are long overdue elements to deal with cost-effectiveness and the environmental footprint. Energy costs of $400 a gallon for fuel to the front, billions of dollars just for air-conditioning are symbols of a system that is not sustainable. We need key improvements. Unfortunately, we're on a path of trying to do more than we can or that we should do.

The greatest threat to our future is losing control of our ability to sustain the military because we can't sustain the economy. Unlike the past, we feel now that we don't have enough money to train and educate our next generation. It is a problem now that American infrastructure is not keeping pace with the demands of our communities, let alone the global economy.

We should reject this blueprint. We should begin the process now of rightsizing the military, of getting rid of the burdensome nuclear overreach and patterns from the past—spending on things that would help us with the Cold War or World War II, maybe even do a slightly better job on the misguided mission in Iraq—but not the most pressing challenges for American security in this century.

We have the most powerful military in the world and will, by far, even if we invest substantially less. Our problem is that the American public is being ill-served by a government that is not investing in our future and in an economy that will not be able to sustain ever-increasing military commitments, to say nothing of the demands of investing in our communities and our people, especially the young.

□ 1010

I was, from the beginning, appalled at the burden we were asking of our young men and women to bear when we put them in the reckless Iraq adventure. People who are in the front deserve our best in terms of equipment and facilities. They and their families need to be well cared for, not just in the field but when they come home. We can do this, even in difficult times, if we get our priorities right. And we can get our priorities straight and the job done with less money.

The cuts initiated by Secretary Gates and the Obama administration, plus what would be required by sequestration, would only bring our defense establishment to the level of 2007, adjusted for inflation. There is no question that over the next 10 years, we can manage that transition and that we will have to do it. What is sad is that the bill we will be considering today doesn't make the progress we need to get us there.

A TRIBUTE TO PHYLLIS CAUSEY

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

Mr. GUTHRIE. Mr. Speaker, I rise today to pay tribute to a great friend and a remarkable Kentuckian, Mrs. Phyllis Causey. In January, after 39 years of honorable and selfless public service, she will retire.

Her Lewisburg High School yearbook in 1968 contained a prophecy for her, saying, ''Phyllis will be in President Nixon's Cabinet in 10 years.'' And although President Nixon resigned while she was at basic training for the Army Reserve in '74 and she never did make it to the White House, lucky for us, she still decided to follow her passion for politics and public service.

Phyllis graduated from Hopkinsville Community College in 1970 and received her bachelor's degree from Western Kentucky University in 1972. Upon her graduation, Phyllis worked for WKU for the following 23 years.

In 1995, she was hired as a field representative for Congressman Ron Lewis. And when I was elected to replace Congressman Lewis upon his retirement, Phyllis was kind enough to continue working for me.

While traveling as a candidate for Congress, I met so many individuals whose first question to me was, Are you going to keep Phyllis if you are elected? Their question was a testament to Phyllis' compassion, hard work, and dedication to the individuals in the counties she served. She was and still is irreplaceable.

Phyllis grew up on a farm in Logan County, where her parents taught her the value of hard work and the importance of giving and caring for others. And throughout the nearly 20 years I have known Phyllis, she has exemplified these values every day. She has been such an inspiration to me, and she has always been devoted to the causes she believes in—church, family, and friends.

Phyllis is an incredible wife, daughter, sister, and mother. I know her

family—especially her husband, Larry—will be happy to have her around more often.

And although I will miss her, I know this is in no way a goodbye. I am positive she will continue to be active and touch the lives of those of us who have had the privilege of call her a friend.

I ask my colleagues to join me in honoring Mrs. Phyllis Causey, who exemplifies what it means to be an American, a Kentuckian, a Christian, and a public servant.

THE PENTAGON MUST BE AUDITED

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

Mr. DEFAZIO. Well, we've all heard of too big to fail when the Secretary of the Treasury Hank Paulson and President Bush bailed out a bunch of miscreants on Wall Street for their gambling and mistakes and putting taxpayers at risk, some principle that does not belong in the policy of this country. But now we have another one: Too big to be counted. Too big to be counted.

This year, the Pentagon will spend $670 billion, about $2 million a day, and it doesn't know where its money is. In fact, it often doesn't even know if it has spent money. Here are a few examples:

In March 2000, the Pentagon inspector general found that of the $7.6 trillion—''t,'' trillion dollars—in accounting entries, about one-third of them—$2.3 trillion, or $8,000 for every man, woman, and child in America, was completely untraceable, completely untraceable. $2.3 trillion, don't know where it went. Don't know if they bought something, if it was delivered. Who knows.

Then, in 2003, they found—and this is something I've talked about all through my years in Congress, the so-called inventory system at the Pentagon, which is absolutely absurd. The Army lost track of 56 airplanes, 32 tanks, and 36 missile command launch units. And while military leaders back in 2003 were scrambling around trying to find chemical and biological suits for our troops because of the risks in the Middle East, in Afghanistan, the Pentagon was selling suits at surplus on the Internet for 2 cents on the dollar. No suits for the troops. They're very expensive. Over here, we're selling them for 2 cents on the dollar to the general public. What is this all about?

Another year, they spent $100 million for refundable airline tickets that they didn't use. Hey, what's $100 million at the Pentagon? Chump change. They didn't ask for the refunds. They just stuck them in a drawer. That is $100 million that didn't go to serve our national defense, supply our troops, or be saved and defray our deficit.

In fiscal year '10, half of the Pentagon's $366 billion in contract awards were not competed. Half.

Now, these are pretty shocking numbers. And actually, the gentleman from New Jersey (Mr. GARRETT) and I on the floor here last spring got a little amendment in the Department of Defense bill to require that they conform to a 1994 law. In 1994, Congress said the Pentagon should be audited by 1997. Unfortunately, every year, the appropriators have said, Oh, no, no, no. That's too much to ask of the Pentagon.

Well, we got a little amendment in the bill here. We kind of snuck it by the DOD hawks over there who are protecting the incompetence over there, and they would have been audited. The Senate did the same thing. But to the rescue, the conference committee, behind closed doors. I was one of very few on the floor here who voted against closing the doors of the conference because they don't close the doors of the conference committee over there to talk about classified things that could risk our national security. They do it to cut deals like this.

So yesterday, they decided the Pentagon will not be audited. It can't be audited. In fact, the gentleman from Texas (Mr. CONAWAY), one of our colleagues, said it would be insulting to require that we audit the Pentagon in a mandatory way by 2014. I mean, that's only 2 years from now. That's only a couple more trillion dollars from now. Boy, we wouldn't want to know where that money is going. We wouldn't want to know whether they are surplusing out stuff our troops need while they're paying for a contractor who didn't have to compete to buy the same stuff, and they say there is a shortage and we don't have enough. We wouldn't want to know these things. So we closed the conference and cut these stinking deals.

So here it is, once again, too big to be counted. This does not serve our men and women in uniform well. It does not serve the national defense needs of the United States of America, and it sure as heck doesn't serve the interests of the American taxpayers. The Pentagon must be audited like every other agency of Federal Government, and we should also throw in the Federal Reserve.

TRICIA MILLER, 2012 TEACHER OF THE YEAR

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, first today, I rise today to congratulate Tricia Miller of Centre County on receiving the 2012 Pennsylvania Teacher of the Year award. An English teacher from the Penns Valley Area School District since 1994, Tricia is the first Centre County educator to receive the award in its 54-year history. In addition to teaching English, in 2009 Trish became the Penns Valley literacy coach for grades 7 through 12, where she has introduced new instructional strategies in the classroom.

Many variables go into a great education, but it's having great teachers that matter most. Tricia Miller is the type of teacher that goes above and beyond. She is tirelessly committed to high achievement and the success of her students, which she has demonstrated year after year.

Tricia Miller is deserving of this award and recognition. We thank her for her commitment to the teaching profession and are proud that she will go to represent the State in the National Teacher of the Year competition. Congratulations, Teacher Tricia Miller.

□ 1020

HOUSE PASSES EXTENSION LEGISLATION

Mr. Speaker, I also would like to take time this morning to address and celebrate a piece of legislation that we passed out of the House of Representatives last evening, largely, almost solely with just Republican support, but a bill that deserved bipartisan support because it's great for the entire Nation.

This is a bill that addresses many of the extension bills that were lingering and will soon expire at the end of the year. In particular, there are three parts I just want to touch on briefly this morning that are incredibly important for the citizens of this Nation, and I think also parts that are transformational. And it's rare that we see a transformational piece of legislation out of this body.

First of all, the tax cuts. Tax cuts for all Americans. This is a tax cut that was actually paid for, not one that added to the national debt or certainly one that threatened in any way the integrity of the Social Security fund. I am very proud to be able to support this bill and to do it in a proper way, to pay for and allow the citizens of this country to keep money in their own pockets. Certainly they are better prepared to make decisions on how money is spent.

Secondly, the changes in the extension of the unemployment compensation. We have taken steps to move unemployment towards a workforce development program as opposed to just an entitlement program. Unemployment is important and should be used to return people to work, and the provisions of the bill that were approved yesterday do just that. It allows States to do drug screening. We've put a lot of money into retraining people for jobs when they are on unemployment or through the Workforce Investment Act only to find that there is a percentage that aren't eligible to work because they can't pass a drug test. This provision gives people a reason to clean their lives up. It takes it from 99 to 59 weeks, which is an appropriate move.

One of the last provisions, which I think is maybe one of the most important: If you are an individual and need unemployment compensation, and you don't have a high school degree or a

GED, it requires you to enroll in a qualified GED program. Education is the key to success in this country.

Finally, as a part of this bill that I was proud to support, it provides 2 years of preventing an over 27 percent cut to the Medicare part B Medicare reimbursement rates for both hospitals and physicians.

As a former health care provider, manager within rural hospitals, I know how devastating those cuts would be, and I was very proud that not only did we address that, we did it with more certainty than has ever been done in the past since 1997, when we did that for a 2-year period.

Mr. Speaker, I am very appreciative of my colleagues for supporting this bill and passing it out of the House. And I would ask, Mr. Speaker, that the Senate give it the same full due diligence in quickly moving it out of that side of Congress so that the American people can benefit from all of the provisions within that extension package.

END THE WAR IN AFGHANISTAN NOW

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

Mr. MCGOVERN. Mr. Speaker, on Saturday The New York Times reported that our Ambassador in Afghanistan, Ryan C. Crocker, told a group of journalists that U.S. troops could stay in Afghanistan long past the President's 2014 deadline if the Afghan Government asked us to stay.

The very next day, The New York Times reported Afghan President Hamid Karzai blaming foreigners, including the United States, for the corruption that is so rampant in his government. He had the audacity to say this at an event marking International Anti-Corruption Day.

Afghanistan is one of the most corrupt countries on the face of the earth. Transparency International ranks Afghanistan as the second most corrupt government, right behind Somalia and North Korea, which tied for first place.

So I ask my colleagues, why should we shed a single drop more of blood, sacrifice the lives of our service men and women, for a corrupt government that doesn't even have the decency to take responsibility for its own failures.

Enough is enough. We have spent over $440 billion on military operations alone in Afghanistan since 9/11. In 2012 we aim to spend another $113 billion. By this time next year, our total spending on the war in Afghanistan, just the military operations, will be around $557 billion. That's over half a trillion dollars.

And when I say ''spend,'' I really mean borrow, because from day one of the Afghanistan war—and the Iraq war, for that matter—we have not paid for the military operations in these wars. We have borrowed nearly every single penny of that money, put it on the national credit card, let it rack up over a quarter of our cumulative deficit, and help explode our debt year after year for a decade.

Sadly, when it comes to paying for this war, too many in Washington are silent.

Mr. Speaker, over 1,800 service men and women have died in Afghanistan, 42 of them from Massachusetts. Over 14,000 wounded. Husbands, fathers, wives, and mothers. Sons and daughters, brothers and sisters. Holes created in families and communities that can never be filled, losses that will be felt for a generation or more.

Each month the tally of dead and wounded gets higher. 2010 was the deadliest year for American troops in the history of the Afghanistan war. And 2011, a close second.

We have become numb to the numbers. We don't even hear them any more. But these losses resonate around family kitchen tables in the homes of the deployed every day and night of the year.

We all know that the human cost of the war is found not only on the battlefields of Afghanistan. It's also found in veterans hospitals and counseling clinics around the country. We continue to struggle with soaring rates of traumatic brain injuries, post-traumatic stress and suicides among our soldiers and our veterans. So many leave the service or try and carry on military careers wounded in both body and soul.

Even if we were to leave Afghanistan tomorrow—and I'm so very glad to see that our troops are coming home from Iraq—our war debt will continue for decades. And for what? For 10 years of support for a corrupt government in Afghanistan? Ten years of sacrificing our brave uniformed men and women? Ten years of borrowing money we never had? This war is no longer about going after al Qaeda—which I voted to do. Osama bin Laden is dead. Instead, we're now bogged down in a seemingly endless occupation in support of an incompetent and corrupt Karzai government. This is not what I voted for.

So yes, I'm really worried when I pick up the newspaper and read Ambassador Crocker saying we may be in Afghanistan for years beyond 2014. The American people are way ahead of the Congress and the White House on this issue. They want this war ended now. But it seems that Washington just doesn't get it. But when all is said and done, the responsibility for continuing or ending the war is right here in this Chamber. We approved this war, we must now take the responsibility to end it.

This is why, Mr. Speaker, I will vote against the conference report on the FY 2012 National Defense Authorization bill. The defense bill includes many good and important provisions, but it does nothing, absolutely nothing to wind down the war in Afghanistan.

It's way past time to bring our troops home from Afghanistan. I can't authorize any more funding that doesn't explicitly call on the President to plan and carry out the accelerated removal of our troops.

Bring them home, Mr. President. Bring them all home now.

[From the New York Times, Dec. 10, 2011]

U.S. TROOPS COULD STAY IN AFGHANISTAN PAST DEADLINE, ENVOY SAYS

(By Rod Nordland)

KABUL, AFGHANISTAN—The American ambassador to Afghanistan on Saturday raised the possibility that United States combat troops could stay in the country beyond the 2014 deadline that the White House had set for their withdrawal.

The ambassador, Ryan C. Crocker, speaking at a roundtable event with a small group of journalists, said that if the Afghan government wanted American troops to stay longer, the withdrawal could be slowed. ''They would have to ask for it,'' he said. ''I could certainly see us saying, 'Yeah, makes sense.' ''

He emphasized, however, that no such decision had been made.

White House officials said that Mr. Crocker's comments were consistent with its previously stated position.

''The president never excluded the possibility that there would be some U.S. forces here, but he stressed that security would be under Afghan lead by 2014,'' said the embassy spokeswoman, Eileen O'Connor. ''The president has always spoken of a responsible winding down of the efforts here, so talk of the possibility of some troops still being here post-2014 is not a change in policy.''

But Mr. Crocker's comments were an explicit acknowledgment that the post-2014 forces may include combat troops, not just the trainers and advisers who had been publicly mentioned before.

His comments came as the administration was engaged in discussions with the Afghan government on arrangements after 2014. At a conference in Bonn, Germany, last week, President Hamid Karzai and other Afghan officials called for political and military support for at least another decade.

Referring to the NATO summit meeting in Lisbon last year at which Western leaders agreed to transfer security responsibility to Afghan forces by 2014, Mr. Crocker said: ''There is nothing in the Lisbon declaration on 2014 that precludes an international military presence beyond 2014. That is to be determined by the parties, who could be numerous, not just us, as we get closer to that date.''

In June, President Obama announced that American troop withdrawals would begin the following month, with 10,000 of the roughly 101,000 American troops then in the country to leave by Dec. 31, and an additional 23,000 to follow by the summer of 2012. ''Our troops will continue coming home at a steady pace as Afghan security forces move into the lead,'' he said. ''Our mission will change from combat to support. By 2014, this process of transition will be complete, and the Afghan people will be responsible for their own security.'' Of the first 10,000, 4,000 have left, according to a senior NATO official. In most of those cases, personnel who had been scheduled to leave were not replaced, the official said.

''We are on a timeline, as you know,'' Mr. Crocker said. ''Ten thousand out by the end of the year, that is being met.'' With the additional 23,000 by September 2012, he added, ''that basically recovers the surge''—the reinforcements Mr. Obama ordered two years ago.

''Beyond that, there are no decisions,'' he said, adding, ''And as far as I'm aware, there are no formal recommendations yet.''

Asked if that meant that the United States would not necessarily withdraw all combat troops by 2014, Mr. Crocker said, ''I don't know what we're going to be doing in 2014.''

Caitlin Hayden, a spokeswoman for the National Security Council, said that ''the president will make decisions on the size and shape of our presence after 2014 at the appropriate time, based on our interests and in consultation with our Afghan and NATO partners.''

''We have been clear that any post-2014 presence by the U.S. would be at the invitation of the Afghan government and aimed at ensuring that we are able to target terrorists and support a sovereign Afghan government so that our enemies can't outlast us,'' she added. ''We have also been very clear that we do not seek permanent bases in Afghanistan or a long-term military presence that would be a threat to Afghanistan's neighbors.''

Military leaders have been quietly pushing to keep as many troops in the country as they can during the next two years as a safeguard while responsibility is transferred to Afghan forces.

On Wednesday, The Wall Street Journal reported that Gen. John R. Allen, the United States and NATO commander in Afghanistan, had been promoting the view that the withdrawals should stop after next year, with the remaining 68,000 soldiers to be kept in Afghanistan through 2013, before cuts resume in 2014. The article said he had not formally recommended that course of action, however.

Mr. Crocker noted that General Allen had made it clear that trainers and advisers would be likely to remain after 2014. Mr. Crocker said that in some cases ''major weapons systems will not reach Afghanistan'' until after 2014, so Afghans will need assistance learning how to operate and maintain them.

He said he did not expect America's diplomatic presence to be reduced along with the military pullback. The number of civilian American government employees in Afghanistan increased more than threefold from 2009 to 2011, to more than 1,130, from 320.

''The decisions get made in Washington, but it's my intention that we're going to stay pretty steady,'' he said. ''As the military does draw down, I think our role will even increase in importance.''

[From the New York Times, Dec. 11, 2011]

KARZAI SAYS FOREIGNERS ARE RESPONSIBLE FOR CORRUPTION

(By Alissa J. Rubin)

KABUL, AFGHANISTAN.—President Hamid Karzai of Afghanistan blamed foreigners on Sunday for the corruption of Afghan officials and demanded that the United States extradite the former chief of the Afghan Central Bank in connection with the collapse of Kabul Bank, the country's largest financial institution.

The former governor of the Central Bank, Qadir Fitrat, is living in Virginia. He fledAfghanistan, saying he feared for his life after he was involved in making public the massive fraud at Kabul Bank and removing its senior management.

Neither of the top bank officers nor any of the major shareholders, who include a brother of Mr. Karzai's and a brother of the first vice president, Marshal Fahim, have been prosecuted, although all of them are still in Afghanistan.

Referring to Mr. Fitrat, Mr. Karzai said, ''The government of the United States should cooperate and hand him over to us.''

''Bring Fitrat and hand him over to Afghanistan to make clear who is to blame,'' he said. ''But our hand can't reach to America.''

Mr. Karzai made the remarks at an event sponsored by the United Nations to mark International Anti-Corruption Day. Afghanistan is one of the world's most corrupt countries, tying for second worst in rankings by Transparency International, which tracks perceptions of global corruption.

Several Western diplomats and officials working with the Afghan government said they were disappointed by Mr. Karzai's speech, in which he appeared to again shift much of the blame for corruption to foreigners. While foreigners are unquestionably involved in some of the corruption, they shared responsibility with the Afghans and were only peripherally involved in the Kabul Bank debacle.

Mr. Karzai also asked that foreigners who give aid to the country tell Afghan officials if government officials or their relatives ask for bribes. Foreign governments have helped finance anticorruption efforts, but the Afghans have often squashed high-profile corruption prosecutions of senior officials. That has been a continuing effort by NATO to comb through military contracts with Afghan businesses to detect corruption and terminate contracts in which there has been manifest abuse. That effort has gone on largely behind the scenes, so it is difficult to tell if it has had much success.

Ryan C. Crocker, the American ambassador, said he believed that corruption was now being taken more seriously, although progress was slow and none of the main people responsible for the Kabul Bank fraud had been prosecuted. The Afghan government lost more than $850 million in the bank's collapse. While some of that money has been recovered—more than expected, according to several officials—the government will probably have to pay $450 million to $500 million to cover losses.

''I am told they have a series of indictments that have been kept in the pending file as they concentrate on asset recovery,'' Mr. Crocker told reporters on Saturday. ''Look, it's hardly a perfect world. And it isn't going to be for quite some time. What I look for is a trajectory: Is the line going up or down? Very cautiously and very incrementally, I see it going up. In other words, corruption is being taken more seriously at higher levels.''

''Does that mean we've turned the corner? We'll see,'' he added.

Mr. Karzai's focus on Mr. Fitrat and his jab at the United States are the latest in a series of similar comments he has made about the fraud at Kabul Bank. In an interview with the German magazine Der Spiegel last week, he also blamed the United States for Kabul Bank's troubles, saying, ''The Americans never told us about this.''

''We believed a certain embassy was trying to create financial trouble for us,'' he said. ''We felt the whole bank scam was created by foreign hands.'' Mr. Karzai declined to be specific, but the American Embassy is the only one that has deeply consulted with the Afghan banking system.

CONGRATULATING ROBERT GRIFFIN, III

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

Mr. FLORES. Mr. Speaker, I rise today to congratulate a constituent of Texas District 17. His name is Robert Griffin, III, of Baylor University in Waco, Texas, and he is the recipient of the 2011 Heisman Memorial Trophy.

The son of two U.S. Army sergeants, RG3, as he is more popularly known, epitomizes what it means to be a student athlete and a role model for all Americans.

During the Baylor Bears' 2011 season, Robert threw for nearly 4,000 yards and had 45 touchdowns. His 72 percent completion rate placed him among the most accurate passers in the Nation, and he was the only player in the country who had at least 3,300 passing yards and 300 rushing yards.

□ 1030

He is one of only three players in Football Bowl Subdivision history with 10,000 career passing yards and 2,000 career rushing yards. He owns or shares 30 Baylor football records.

Among his awards and accolades in 2011 were the Chic Harley Award for the National Player of the Year, the Big 12 Player of the Year, first team All-American, the Davey O'Brien Award, and, of course, the 77th annual Heisman Memorial Trophy, awarded to the most outstanding player in college football each year. He did all of this while leading the Bears to their first nine-win regular season since 1986 and a berth in the Alamo Bowl in 2011.

What makes Robert such an excellent role model is that his success at Baylor has not only been on the field. Robert graduated from Baylor in 3 years with a 3.67 GPA and a degree in political science. He is currently in graduate school pursuing a master's in communication and plans to attend law school in the future. He is a six-time member of the Big 12 Commissioner's Honor Roll and a two-time Dean's List honoree. This year, he was named second team Academic All-American.

Robert is also very active in his community, regularly volunteering for several charities in the Waco area. Robert is also a world-class hurdler, and he hopes to qualify for the 2012 Olympic Team. I am personally proud of RG III because he is a fine Christian man and publicly professes his faith in God.

I also want to congratulate Baylor University and football coach Art Briles on a great 2011 football season. As Coach Briles says, ''great things come with great effort,'' and the Baylor Nation should be justifiably proud of their football team and coaching staff for their great effort this year.

Before I close, I would like to wish all Americans a safe and fulfilling Christmas season and holiday season. I ask that all of us continue to pray for our country and our military men and women during these difficult times.

Sic 'em, Bears.

THE OBLIGATION OF EVERY CITIZEN

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

Mr. RANGEL. Mr. Speaker, as we move toward the close of this congressional session, I have been embarrassed at the number of people that have recognized me and ask, What's wrong with

the government? What's wrong with the Congress? Why can't you people get along? And it's very difficult and embarrassing to tell them that you really need all parts of the government working together, pushing the boat forward and rowing in the same direction. And when you have somebody that's already said that their primary mission as Members of the United States Congress is to get rid of the President, how that is interpreted legislatively is it means that the President cannot offer them anything that would look like he's accomplishing something positive because it would interfere with their primary goal, which is not economic growth, not jobs and not helping people out when they need a hand up, but it has to show that we want to get rid of Obama. And you can see that even the candidates that want to fill his job, they're not talking about what they're going to do, but the whole campaign is against the President.

Now, some people believe, as those on television, that for all practical purposes we should not expect that we'll be able to give assistance to our various communities throughout the country because the campaign has started, and so therefore no legislation is going to pass. That's just not so, and you don't have to wait until an election.

We haven't been sent down here just to please our voters for what happens in 2012. Each and every day, you have a right—and an obligation—to call the person that you have sent down here to Washington. And if you haven't, someone did. Everybody has a Member of this House and two Members in the other body. Why can't you pick up the phone to tell them that what they do in this year before the holidays and what they don't do is going to make a big difference in terms of how you vote when that opportunity comes? So you can put the pressure on.

And I might add this too. It is not just the voters that have this obligation to help those that are lesser among us, it's not those that are waiting for a little help, but the Republicans say that the only way you get the help is to cut back in health care, is to support the Keystone oil pipeline. All of these things, people don't go to sleep at night wondering about a pipeline. They want to know are they going to get any help from their government. And the issues really don't affect the very, very rich. They affect the very, very poor and those in the middle class that are being pushed into poverty where one out of five kids in the United States of America is born into poverty.

I am suggesting that this is not just a plea for economic justice or equity in how we tax people, but it is a moral issue that we should be hearing from our clergy. I'm not talking about Democrats and Republicans. I'm talking about Matthew, where Jesus said it's how you treat the lesser among us as to how you're going to be judged. And it's not just the Bible. It's not just the Old and New Testament. It's the Koran. It's the Torah. It's Muslims. It's Mormons. It's Christians and it's Jews. It's there. And it would seem to me if our clergy missed this wonderful opportunity before the Holy Spirit, not to tell us what to do but to tell us what they think is the right thing that we should be doing.

And so, as we move into the holidays, please don't think that we've got the other side convinced that they should give relief for unemployed people who paid into a system and who lost their jobs through no fault of their own. Please don't think that they want to protect Social Security and that they want to protect Medicaid and Medicare. No. That's our job to do it. But it's your job to remind us that we have this obligation to do it.

And so you're right if you stop us in the street and say that we've lost credibility—all of government, the President, the candidates for President, the Democrats and the Republicans. But what about you? Will you be able to say that you joined in this effort? Will you be able to say you made that telephone call or visited that office? I hope you do. And you can count on many of us that are waiting for that type of support. We need it.

Thank you. God bless America.

HOUSE HOLIDAY HUMBUGS

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

Ms. EDWARDS. Mr. Speaker, as families prepare for the holidays, many will gather to watch some of our favorite holiday movies. In my family, we always enjoyed watching ''How the Grinch Stole Christmas,'' tuning into ''A Christmas Carol,'' and one of my favorites, ''It's a Wonderful Life.''

Well, Mr. Speaker, it won't be necessary to visit the local Redbox or scour the TV Guide listings or order the movies on Netflix. Americans across this country can tune in to C–SPAN and watch our own version of the Grinch and Ebenezer Scrooge and Henry Potter, our House holiday humbugs right here on the floor of the House of Representatives.

The American people can only hope, however, that they can redeem themselves, our holiday humbugs, the way these characters did. But I fear that's not possible.

Yesterday, House Republicans brought to the floor a payroll tax credit and an unemployment insurance proposal trimmed in controversial riders and deceit. The holiday humbugs, the GOP leadership, decorated the payroll tax credit and unemployment insurance bill with a controversial Keystone pipeline rider to sweeten the deal for their caucus. But that wasn't enough. The majority gilded the proposal with cuts to essential health care reform funding, a freeze in Federal employee pay for yet another year, and a cut in the length of emergency unemployment insurance and blocking the administration from moving forward on environmental protections that will help our families breathe, drink, and live more healthfully.

Now, today, we heard from the House holiday humbugs that the big problem facing the unemployed that House Republicans tried to fix yesterday was drug testing for the unemployed.

□ 1040

Well, Mr. Speaker, the problem for the unemployed isn't drugs, it's a job. And in the absence of a job, it's an unemployment check.

So for the holidays, my Republican colleagues put on their list a proposal that would dip further into the pockets of low and middle-income families that buy health insurance in the new health exchanges. And during this holiday season, at a time in our Nation's economy when consumption has grown by only 5 percent since June 2009, our Holiday Humbug proposal by Republicans would cut holes in the pockets of millions of our Nation's consumers.

The legislation passed in the House yesterday would freeze the compensation of 2.65 million Federal employees all across this country, Federal employees who are consumers, Mr. Speaker. So while the special interests and the Wall Street fat cats and the big oil companies are enjoying their large Christmas bonuses, Federal employees who have already contributed $60 million in forgone pay for deficit reduction will be required to give up even more.

The Republican plan hits struggling families even harder. In fact, the bill passed yesterday by our holiday humbugs eliminates 40 weeks of unemployment insurance. The funding for this program not only helps families check off items on their Christmas list—things like rent, things like childcare, and things like groceries—but the funding brings money back into the American economy. In fact, the Congressional Budget Office estimates that every dollar of benefits spent on unemployment compensation generates about $2 of additional economic activity. That's money directly into our economy.

The Republican proposal passed in the House yesterday would eliminate over $22 billion in economic growth and result in the loss of 140,000 jobs in 2012. That's what happened in this House yesterday. My colleague, SANDER LEVIN from Michigan, recognized that the legislative ''holiday gift'' that the Republicans thought they were providing the American worker this Christmas is just one big lump of coal. Their proposal would leave millions of Americans out in the cold this holiday season while imposing additional barriers to receiving assistance and diminishing the protections of unemployed workers.

Throughout the day yesterday the holiday humbugs kept trying to point to places where we could compromise.

Well, the American people are asking: Why not simply compromise on a clean extension of the payroll tax credit for 160 million workers and unemployment insurance? Why not ensure that 160 million hardworking families can benefit from the average of $1,000 they will receive from the payroll tax credit—again, right into the economy.

Yesterday the Republican majority decided they would rather risk raising taxes and digging into the pockets of families all across this country. Well, Mr. Speaker, not even Scrooge could do what we saw on the floor yesterday. In the end, our holiday humbugs—the Grinch, Mr. Scrooge, and even Mr. Potter—learned that there is redemption. It's time for our House Republicans to do the same. I urge the majority to instead bring to the floor a sensible and thoughtful piece of legislation to extend unemployment compensation and the payroll tax credit.

REPUBLICAN AGENDA

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

Ms. FUDGE. Mr. Speaker, after a year of attempts to eliminate Medicare and obstruct any kind of jobs bill, the Republican agenda is clear: eliminate the deficit at any cost, including at the expense of our most vulnerable, while adversely impacting our economic recovery.

More than 1.6 million American children were homeless at some point in 2010. These are children under the age of 18 living in emergency shelters or in shared housing, and many are living on the street. Now, in 2011, the number of homeless children continues to increase. There are more homeless children today than after the natural disasters of Hurricanes Katrina and Rita. The recession's economic devastation has left 1 in 45 children homeless, millions of Americans are out of work, and we have pushed unemployment rates to levels not seen in decades.

We continue to see poverty soar. In 2010, nearly one in six Americans was living in poverty. As poverty surged to its highest level since 1993, median household incomes declined, which is why it is maddening to me that we in Congress can't agree or even come to a point where we can agree to compromise on policies that will help struggling Americans.

In the 49 weeks since the Republicans took control of this House they have failed to pass a single bill to encourage job growth. They pledged to focus on economic recovery, but they have failed to deliver. I have sponsored four jobs bills in the last 6 months, but none of them has been brought up for a vote. What the majority has done is try to advance their own political agenda. Their priority is clear: eliminate the deficit at any cost on the backs of the most vulnerable.

This year, Republicans proposed a budget that would privatize Medicare and make Medicaid a block grant, sacrificing care for our seniors, our sick, and our poor. The Republican budget slashed more than $6 trillion—with a ''t''—over the next decade from Medicaid, SNAP, Medicare, and many other programs supporting low- and middle-income Americans. The majority suggests these drastic changes while leaving in place tax cuts for the wealthiest and $40 billion in Big Oil tax loopholes.

The majority's budget would devastate poor communities and middle class Americans. It pushes seniors into the hands of private insurance companies and forces them to pay more out-of-pocket expenses. What we need is a bold approach, Mr. Speaker, to maintaining these programs rather than finding ways to defund or derail them.

Almost 6 million workers have been unemployed for a year or more in this country, so we know there is a strong need to extend unemployment insurance. What we've seen this week makes me skeptical. Here we are at the end of one of the most unproductive congressional sessions we've had in recent history. In this end of the year drama, Republicans play the role of the Grinch who stole Christmas.

Yesterday, the House passed a bill that slashes unemployment insurance by 40 weeks in the States that are hardest hit, including my own home State of Ohio. If signed into law, beneficiaries without a high school degree would be denied insurance unless they use the benefits we're giving them to pay for getting their GED. The bill also allows States to force recipients to take drug tests.

In 2010, unemployment benefits kept 3.2 million Americans—including nearly 1 million children—from falling into poverty. I don't even want to imagine the magnitude of the problem if we fail to extend unemployment insurance now.

During this holiday season more than ever, Americans feel there is no way out. Last week, a woman in Texas, who was originally from the State of Ohio, killed herself and shot her two children because they were denied SNAP benefits. One of those children has died. Mr. Speaker, this is desperation, homelessness at its worst.

THE END OF THE IRAQ WAR: WELCOMED BUT TRAGICALLY OVERDUE

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

Ms. WOOLSEY. Mr. Speaker, since the spring of 2004 I've stood here in this very spot 415 times to call for an end to foreign wars and the start of a new, smarter approach to national security. In most of those speeches my tone has been one of insistence and beseeching. Seldom have I been able to echo good news or declare a sense of accomplishment, but Mr. Speaker, today is different. As the President will reaffirm in a speech at Fort Bragg today—and it moves me almost beyond words to say this—the war in Iraq is finally over.

After 105 excruciating months, after so much heartbreak and despair, after so many shameful episodes—such as the ''Mission Accomplished'' banner, Abu Ghraib, the outing of Valerie Plame, and so much more—our troops are finally coming home from Iraq, all of them.

Much credit goes to President Obama for making good on his promise. When he was sworn into office, there were 142,000 U.S. servicemembers deployed to Iraq; by the time the calendar turns in 2012, there will be zero; zero.

□ 1050

But this day would not have come unless some very brave people had spoken up for peace at a time when the polls and the conventional wisdom said that President Bush and his Iraq policy were unassailable.

I've been proud to work in particular with my friends, Congresswoman BARBARA LEE and Congresswoman MAXINE WATERS, in establishing the Out of Iraq Caucus. Many of our colleagues on both sides of the aisle stood shoulder to shoulder with us, including our late friend, Jack Murtha, who's opposition to the war represented a major turning point in the Iraq debate.

Of course, no one displayed more courage than the heroic men and women who served in Iraq with honor and selflessness. They present the best our Nation has to offer. I only wish that their elected leaders had served them better over the last decade.

But, Mr. Speaker, we must be careful. We must be careful about turning this into an occasion of triumph or celebration. The end of the Iraq War is welcome, but tragically, overdue. Too much has been lost in precious American blood, in badly needed public treasure, and in our moral core as a Nation. The end of this war comes too late for nearly 4,500 Americans whose parents, spouses, children, and friends will miss them desperately this holiday season and every other day of the year.

Many thousands more are home from Iraq with broken minds and bodies, with scars they will carry for the rest of their days. We must keep our promise to them to provide the benefits that they so need and deserve.

I don't know how we atone for the deaths of thousands upon thousands of innocent Iraqi civilians. Our military occupation in Iraq is over, but our bilateral engagement with Iraq most certainly will go on. There is still plenty of human need in Iraq, and we must have an obligation to help alleviate that.

It is critical that the United States be a peaceful and constructive partner with Iraq, investing in development, providing the civilian support that will empower its people, and strengthening its democratic institutions. Now is the moment. Now, more than ever, we must move to a smarter security in Iraq.

Finally, it is critical to remember that the end of the Iraq War does not mean we are a Nation at peace. The war in Afghanistan lingers on, violently and senselessly, still undermining our national security and weakening our country. We must, Mr. Speaker, move more quickly than ever to end that conflict.

It is time to bring our troops home, all of our troops, safely home, now.

ADMINISTRATIVE OVER-REGULATION

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

Mr. SHIMKUS. Mr. Speaker, it's an honor to follow my friend and colleague from California who's retiring at the end of the Congress, which is another year. Even though we disagree probably too many times to count, no one questions her passion and her commitment, and her moral consciousness of doing the right thing. So give me a chance to publicly state that, and I look forward to serving with you in the final year together.

Mr. Speaker, I come to the floor to read a letter from a businessman in southwestern Illinois who is closing up the business.

But even more timely than that was a Wall Street Journal editorial today. I mean, I was bringing the letter down anyway, so then I decided, looking at the Wall Street Journal editorial. And it's titled, ''Regulation For Dummies.'' The White House says its rulemaking isn't costly or unusual. The evidence shows otherwise.

First paragraph. ''The White House is on the political offensive, and one of its chief claims is that it isn't the over-regulator of business and Republican lore. This line has been picked up by an impressionable columnist, so it's a good time to consider the evidence in some detail.'' So they go through the analysis.

It ends up by saying the evidence is so overwhelming that the Obama regulatory surge is one reason the current economic recovery has been so lackluster by historical standards. Rather than nurture an economy trying to rebuild confidence after the financial heart attack, the administration pushed through its now famous blitz of liberal policies on health care, financial services, energy, housing, education, and student loans, telecom, labor relations, transportation, and probably some other industries we've forgotten. Anyone who thinks this has only minimal impact on business has never been in business.

Now, the column was dated December 14. This letter was dated December 7.

''You are the finest customer that we have served or you are one of the finest professionals that have served these customers.

''After 61 years, of which 58 were wonderful years in the construction business and having been associated with the greatest of people, it's with much sadness and disappointment that we have to announce that we will be closing December 31, 2011.

''You all know that we served the private sector. We've enjoyed working with industry, aviation, and all private businesses and entrepreneurs. We always felt that you were the pulse of the whole USA. It's sad to say that, through no fault of yours, that this pulse has slowed to a level that can no longer sustain the quality of service we have always felt obligated and more desired to provide.

''Our government is wonderful in that it provides for our common defense, our highway infrastructures and a few other worthy endeavors. However, they are, in fact an expense, an expense that we should enjoy funding. Though when they lose sight of the true fact that we in the private enterprise pay the bills and do not support an environment in which we can flourish with the fruits of our hard work, the funding will soon cease to exist.

''Government cannot produce revenue or prosperity, but they, like us, could enjoy both if they look at themselves as any other hired service organization that has to be worth the money they are getting paid. That's the way all of us have to operate and what gives us pride in what we do.

''God bless you. Thank you. And we pray that we all find American leadership to restore the pulse and pressure of the great private sector and the American Entrepreneur again. You are the Heartbeat of America. Again, God bless you.''

And so, these two written, one column, one letter, occurring simultaneously almost, highlighting the point that it is this regulatory regime pushed on by the executive branch that is, if not outright destroying jobs, it's making it very difficult for jobs to flourish. That's why in the bill last night we moved the Keystone XL pipeline, connected with the Boiler MACT. That's why we've done some other bills to, at least legislatively, put barriers into the excesses of the regulatory regime here from the executive branch.

Mr. Speaker, I think this was timely to come down to the floor and share this letter, and I thank you for the time.

RECESS

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

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

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

PRAYER

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

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

You have blessed us with all good gifts, and with thankful hearts we express our gratitude. You have created us with opportunities to serve other people in their need, to share together in respect and affection, and to be faithful in the responsibilities we have been given.

We wish to acknowledge before You, O God, the sacrifice of so many American men and women and many allies during many years of our commitments in Iraq. We thank them, and You, for their service and ask for Your continued blessing upon them as they now live into a future more secure because of their efforts.

In this moment of prayer, please grant to the Members of this people's House the gifts of wisdom and discernment, that in their words and actions they will do justice, love with mercy, and walk humbly with You.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GRAVES of Georgia 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

> H.R. 2845. An act to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 2867. An act to reauthorize the International Religious Freedom Act of 1998, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

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

KEYSTONE WILL PRODUCE JOBS

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

Mr. WILSON of South Carolina. Mr. Speaker, yesterday the President announced he will veto the payroll tax extension bill passed by House Republicans due to the inclusion of the Keystone pipeline construction. The President campaigns for jobs, but will sadly veto a jobs bill.

This fall, I was fortunate to visit Alberta, Canada, and witnessed firsthand the environmental safeguards to develop Canadian oil sands. The construction of this environmentally advanced pipeline will create at least 120,000 new American jobs without costing taxpayers a dime and will stimulate our economy.

Walter C. Jones in The Augusta Chronicle reports that refined oil products with no pipeline will be denied to South Carolinians at a north Augusta terminal. With a record unemployment rate of over 8 percent for 34 months and over 13 million Americans looking for jobs, it is very sad the President would veto legislation creating jobs.

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

PRESERVING UASI CAPABILITY GAINS CAUCUS

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

Mr. HIGGINS. Mr. Speaker, as a member of the Committee on Homeland Security, I rise to express my concern about the direction of the Urban Area Security Initiative program.

UASI was created to develop capabilities to prevent and to respond to attacks and catastrophes in our most vulnerable cities. The program has helped develop joint initiatives among local governments in my community of Buffalo-Niagara. We have an obligation to protect this investment and the capability gains developed across the country. Yet recent drastic cuts in the UASI funding have resulted in the elimination of 32 of the 64 urban areas from the program. That puts the preparedness and security capability gains we've achieved at risk.

In order to raise awareness of this problem, this week I formed the Preserving UASI Capability Gains Caucus with Congressman STEVE STIVERS of Columbus, Ohio. I also introduced legislation to preserve the capability gains achieved by communities like Buffalo that were dropped from the UASI program.

I urge my colleagues who represent UASI communities to join our caucus so that we can protect our capability gains and ensure our communities are properly secured.

THE PEOPLE WORRY ABOUT BIG GOVERNMENT

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

Mr. POE of Texas. Mr. Speaker, some Americans worry about big labor; others worry about big business. But what really scares most Americans is the massive Federal Government snooping around, meddling and controlling every aspect of people's lives.

According to a Gallup Poll released this week, the overwhelming majority, 64 percent, of those surveyed think that Big Government will be the biggest threat to the country in the future. It's worth noting that about half of those people who participated were Democrats that agreed that Big Government is the problem. No surprise. When I meet with my neighbors in southeast Texas, their message for the Federal Government is clear: back off. Stop saddling expensive, job-killing, and unnecessary regulations on businesses.

The mere phrase, I'm from the Federal Government and I'm here to help you, brings fear and trepidation into the hearts and souls of small business owners and individuals throughout the fruited plain. After all, the Constitution says we the people are to control government, not the other way around. Government should not run roughshod over our personal liberty.

And that's just the way it is.

MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT

(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, during this season of giving, when our Nation should be reflecting on the needs of our friends and neighbors who are out of work struggling to provide for their loved ones, this Chamber yesterday voted to cut unemployment benefits for 1 million of our fellow Americans.

The House majority's bill would eliminate several tiers of benefits created under the Emergency Unemployment Compensation program, which has provided up to 99 weeks of support for those who lost their jobs through no fault of their own.

If this legislation becomes law, the maximum potential unemployment benefit will fall by 40 weeks. This legislation would also allow States, many of which are struggling to balance their budgets, to reduce the average weekly amount available to beneficiaries. With over 8 percent unemployment, I'm strongly opposed to any reduction in emergency unemployment insurance.

I am a proud supporter, though, of moving the XL pipeline project forward and supported it in separate legislation. The XL pipeline makes both energy and economic sense for our country, and I hope the administration will find a way to allow the construction to commence in some States while still revisiting the route in Nebraska.

I urge my colleagues to stand in support of the over 13 million Americans looking for work this holiday season and pass a clean extension of the unemployment insurance program.

KEYSTONE PIPELINE

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

Mr. GRAVES of Georgia. Mr. Speaker, I rise to give thanks today to my House colleagues, who yesterday, in bipartisan fashion, moved to start construction on the Keystone XL pipeline, because this is truly a shovel-ready project that will provide good jobs and secure energy for Americans.

The Keystone pipeline will create nearly 100,000 private sector jobs once completed—20,000 of those jobs generated just to construct the pipeline, with 50 companies in Georgia benefiting from this. And once it's finished, this pipeline will pump 700,000 gallons of crude oil a day from our friend and neighbor, Canada, a good, reliable, and secure supply of oil.

The environmental impact statements have been completed and the path for the pipeline has been determined. The only thing standing in the way is politics. President Obama has postponed his decision on whether the private sector can build this pipeline until after the next election. If it's good enough after the election, surely it's good enough today.

Good jobs. Secure energy. No cost to the taxpayers. It's a no-brainer.

MAJORITY RISKING TAX CUTS

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

Mr. SIRES. Mr. Speaker, yesterday the majority unwisely gambled with the economic security of the middle class. They voted on legislation that was designed to fail, fully knowing that it will be dead on arrival in the Senate and vetoed by the President.

By tieing the extension of the payroll tax to controversial and unrelated policies, the majority is playing a dangerous game that could result in tax hikes for 160 million workers. Moreover, by attaching the Medicare doc fix to the same divisive policy, they have endangered seniors' access to their doctors.

We must support a clean extension of the payroll tax holiday and the unemployment insurance that is not paid for through increased health care costs for seniors or at the expense of public health. If we fail to pass a clean extension of the payroll tax holiday or unemployment benefits, the average

American family will lose a tax break worth $1,000 and our economy will lose $30 billion as the unemployed will lose much needed assistance.

Now is not the time to play risky games with our economy. We must pass a clean extension of the payroll tax and continue assistance for the unemployed.

□ 1210

SUPPORT THE KEYSTONE XL PIPELINE PROJECT

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

Mr. GINGREY of Georgia. Mr. Speaker, as my colleague from west Georgia, Congressman GRAVES, just said, the House took action yesterday to boost our economy and create jobs. And I stand before you now to implore Senate Democrats and President Obama, follow suit and to support the Keystone pipeline project. The pipeline, which has been delayed for more than 3 years by this administration, would be a critical step towards energy independence and job creation in the United States.

This pipeline would transport 1.4 million barrels of oil per day from Canada down to the gulf coast refineries, drastically reducing our reliance on Middle East imports and create, yes, more than 100,000 jobs nationwide. This does include Georgia, where Keystone fuel would be shipped by existing pipelines to terminals in Atlanta, Rome, Augusta, Athens, as well as to other east coast customers.

The time to act is now, Mr. Speaker. I urge my colleagues in the Senate and President Obama to allow production to begin.

HONORING CAPTAIN JAMES HENRY

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

Mr. COURTNEY. Mr. Speaker, I rise today to honor an extraordinary American, fishing Captain James Henry from the town of Mystic, Connecticut. Captain Henry has just published his first book, ''In a Fisherman's Language,'' at the age of 98.

What's even more extraordinary is that Captain Henry was illiterate until the age of 91. But after learning the inspiring story of George Dawson, the grandson of a slave who taught himself to read and write, at the age of 98, Captain Henry began his journey to literacy. A retired East Lyme English teacher and literacy volunteer from eastern Connecticut, Mark Hogan tutored Captain Henry along his journey and helped him edit his book.

''In a Fisherman's Language'' artfully weaved together the life of this lobsterman, sharing his stories from his life on his grandfather's farm in Portugal, his work on the boats, a member of the Connecticut National Guard, a professional boxer, and a shipfitter at Electric Boat shipyard.

What initially started as a small project has gained international attention. Selling the original 750 copies in just 2 weeks, he's been contacted by film producers, TV stations, and audio book companies, alike, who want to share his story with the world.

It has been quite a long journey from being unable to read and write to being a source of inspiration to young writers and a beacon of hope for those struggling with their own literacy.

I urge my colleagues to read this amazing book, and I salute Captain Henry for his amazing accomplishment.

REGULATIONS

(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, throughout this year, House Republicans have been fighting for job creation, working to prevent the Federal Government from damaging our economy and job growth.

The present administration has tried to downplay the effect new regulations will have on companies struggling in the weak economy. Today's Wall Street Journal documents efforts of the White House Office on Information and Regulatory Affairs to muddy the waters about regulations.

The official Obama administration compilation of regulations ignores significant institutions such as the National Labor Relations Board and the Securities and Exchange Commission, yet the number of economically significant rules at all stages has risen to 149, a historic high.

Vast sections of industry are waiting to hear how the Federal Government will change the way they have to do business. How on earth can we expect them to hire new workers when they can't plan with this regulatory uncertainty?

The administration can try to manipulate the numbers, but there can be no doubt that the Federal regulatory juggernaut is holding back job growth.

THE PAYROLL TAX CUT

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

Mr. SCHRADER. Well, folks, your Congress is at it again. Republicans have been talking about debt and deficit for the last year, and here we're going to add nearly $200 billion in new spending to the deficit. Well, we're going to use a bunch of pay-fors that we're setting aside for the original deficit.

This is the most disingenuous group of folks that I've seen in a long time; and to be honest, a little bit on our side of the aisle. We've been railing about doing anything that would remotely affect Social Security, yet we're willing to pass another payroll tax cut that adds to the difficulty of funding our system.

Oh, no. We're going to issue some IOUs. I don't think there is a single American out there that believes that another IOU is a good thing for Social Security. We have got to stop borrowing against our Social Security.

Not only that, the payroll tax, you get only 60 cents back for every dollar you invest. I don't think that's a very good investment. President Bush tried that in 2008, and there was no change in consumption.

What we should be doing is focusing on unemployment, where you get $1.60 back in economic activity for every dollar you put in, just like the President asked for. And we should have a more robust doc fix that makes sure seniors and doctors get paid what they need to keep Medicare solvent.

THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT

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

Mr. DESJARLAIS. Last night the House passed jobs bill number 28 that is now awaiting action from President Obama and the Democratic-controlled Senate.

The Middle Class Tax Relief and Job Creation Act will protect American workers from higher taxes while ensuring that resources are not taken from the Social Security trust fund to pay for this relief. Most importantly, this legislation includes a measure that will support the creation of more than 100,000 new American jobs by expediting the creation of the Keystone XL energy pipeline.

This Christmas season, Congress and the President have the opportunity to give the American people the gift of jobs and tax relief that they need without spending more money that we do not have.

It is time for President Obama to live up to his own rhetoric of ''we can't wait'' and put partisan politics aside and get Americans back to work.

THE ANCIENT CHRISTIAN HERITAGE IN TURKEY

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

Mr. SARBANES. Mr. Speaker, I am saddened to report that the ancient Christian heritage in Turkey is being threatened with extinction.

When a government compromises the right of its citizens to peaceably assemble, the right of expression, and the right of independent thought, the people of such a country are not fully free. When a government takes the property of citizens without just compensation and due process of law, the people of that country are not free. And when a

government discriminates against citizens on account of their religion and ethnic origins, again, freedom is denied.

While Turkey has taken some positive steps in recent times, freedom is not a matter of half measures. Our NATO ally must unequivocally and zealously defend the individual liberties of all its citizens.

I support passage of House Resolution 306 to urge the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties.

IT'S TIME TO STAND WITH THE AMERICAN WORKER

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

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today to implore my colleagues in the Senate and to the President, it's time to stand with the American worker. We're talking about adding 20,000 jobs as we approved the Keystone pipeline coming from Alberta, Canada, down to the gulf shore. But Canada's already a leading source of our oil. They actually give us more oil and produce more oil than Saudi Arabia.

Michigan is actually an excellent example of what happens with that partnership. Enbridge, which is actually a competitor to TransCanada right now, is already looking at increasing its capacity and expanding its pipeline; Marathon Refineries, looking at expanding its capacity to be able to handle these Canadian crudes.

We know that this inflow of Canadian oil is a positive thing. Zero taxpayer dollars are going to be used for this, and it will be put thousands of our American workers back to work at a crucial time.

The oil will be extracted. The question is: Where is it going to go? Is it going to be shipped to the United States and create U.S. jobs, or is it going to Asia to help fund the engine to compete against us?

It's time to stand with the American worker, Mr. President.

□ 1220

END OF THE IRAQ WAR

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

Ms. PELOSI. Mr. Speaker, as we gather here, President Obama is at Fort Bragg honoring and thanking our men and women in uniform for their service in the war in Iraq and for the sacrifices they've been willing to make to keep us the home of the brave and the land of the free.

America's brave men and women in uniform have done everything that has been asked of them. They have performed with valor, with courage, with patriotism and a dedication to duty.

It is because of our troops and the leadership of President Obama that this month we will be able to say that the war in Iraq is over, our troops are coming home for the holidays with their families. As we thank our troops, we also thank the families of our men and women in uniform for the sacrifices they have been willing to make for our country.

President Obama promised to end the war in Iraq responsibly. Promise made, promise kept. When he took office, nearly 150,000 American troops were deployed in Iraq. This month our troop presence will wind down to just around a few thousand. In winding down the war, the President honored the wishes of the American people.

As we mark the end of the war, we honor the nearly 4,500 Americans who made the ultimate sacrifice in Iraq. Tens of thousands more have been wounded. We will never forget those who were lost in the war. We will forever be grateful to them and to their families.

I'm from Baltimore, Maryland. When my father was mayor, they built Baltimore stadium. What would they call it? The consensus name was Baltimore Memorial Stadium to honor those who made so much sacrifice for our country. General Pershing said, and that was engraved on Baltimore Memorial Stadium, ''Time will not dim the glory of their deeds.'' Time will not, indeed, dim the glory of those who served and sacrificed in Iraq.

I'm particularly proud to have presided over 4 years of a Congress that made more progress for our veterans and military families than has been made since the passage of the original GI Bill in 1944.

But our work is not done. On the battlefield, the military says we will leave no soldier behind. And when they come home, we promised, Democrats and Republicans working together, to leave no veteran behind.

Over a million of our men and women in uniform served in Iraq. We must honor their service with economic opportunities and the benefits they deserve. We must remember that our commitment to our veterans is not while they serve or even for life. It is a commitment forever, to them and their families.

We must build a future worthy of their sacrifice. As the war in Iraq comes to an end, we express our enormous gratitude to those who have served. Because of them, we express our great optimism for the future.

IRAN THREAT REDUCTION ACT

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

Mr. HURT. I rise today in support of the Iran Threat Reduction Act offered by Chairman ROS-LEHTINEN of the Foreign Affairs Committee, and I thank the chairman for her leadership on this issue.

Mr. Speaker, there is no doubt that Iran poses a threat to our Nation, our interests, and our allies. In the wake of the International Atomic Agency report, it is clear that the United States must take swift action to proactively enforce policies that will not only deter but completely disengage the Iranian regime from its hostile nuclear proliferation program.

This legislation will take steps to adequately address Iranian nuclear proliferation by taking aim at its primary source of funding, its energy sector, adding more rigorous financial and energy sanctions, including a provision that will allow judicial sanctions on those that conduct business in Iran's petroleum industry.

As Iranian nuclear threats continue to evolve, so should the United States' ability to address those threats. I urge my colleagues to support this important legislation.

EXTENDING UNEMPLOYMENT ASSISTANCE

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

Mr. CICILLINE. Mr. Speaker, millions of hardworking Americans have lost their jobs in this economic crisis through no fault of their own. But rather than standing up and helping struggling Americans, yesterday this Chamber advanced a bill doomed to fail because of all of the unrelated and controversial riders that were attached.

According to the Rhode Island State director of labor, for every two part- or full-time positions in Rhode Island there are seven applicants. There's an urgent need for Congress to extend Federal emergency unemployment compensation in my State with a total of 58,000 unemployed Rhode Islanders.

This social safety net provides a lifeline to struggling individuals, helping them to pay their mortgage and utilities as well as put food on the table for their families. Families like Betsy Hamel's in Jamestown, Rhode Island. Betsy supports her disabled husband and her severely disabled son but doesn't know how she'll make ends meet while continuing to look for work if unemployment assistance is not extended.

It's time to stop playing partisan games and stand up for the millions of Americans like Betsy and extend unemployment benefits now.

HONORING BORDER PATROL AGENT BRIAN TERRY

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

Mr. QUAYLE. Mr. Speaker, 1 year ago today, U.S. Border Patrol Agent Brian Terry lost his life doing what he had done his entire life: serving his country. A native of Detroit, Brian Terry served with distinction in the U.S. Marine Corps and then as a police

officer back home in Michigan. In 2007, Agent Terry was offered a job with the United States Border Patrol—a job he'd always dreamed of.

Agent Terry lost his life during a shootout with armed thugs in Rio Rico, Arizona—just north of the Mexican border. Shortly after his death, his sister, Michelle, told the Associated Press, ''His dream all his life was to be a Federal agent. It was always, 'I want to be a cop. I want to get the bad guys.' It was his life. He said it was dangerous, but he loved what he did and wanted to make a difference.''

Mr. Speaker, we will never forget Agent Terry and the sacrifice he made. We will continue to keep his family in our thoughts and prayers.

AFFORDABLE HEALTH CARE ACT

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

Mrs. DAVIS of California. Mr. Speaker, as we hear from Members of this House every day, I thought it would be refreshing to bring the people's voice directly to this floor. So I asked my constituents to send me their thoughts that I could deliver as a 1-minute speech.

The following is from Susan Sigmund of San Diego, who sent me this on the Affordable Care Act to be reviewed by the Supreme Court. She offered: ''Being given the opportunity to speak before you, I wanted to make these 60 seconds witty, timely, and relevant to all. Having failed at that, I will simply discuss my main concern right now. It's the future of the health care law. The Supreme Court could strike it down next year.

''I have a preexisting health condition and will die in about 3 years unless I am able to buy a health insurance policy. I'm sure I am one of many facing this bleak possibility.

''As I understand it, if the mandate section requiring a policy goes, so goes the provision barring preexisting condition discrimination. If the time comes, please do the honorable thing and vote to allow your constituents with preexisting conditions to buy health care insurance. Lives depend on it. Thank you.''

Mr. Speaker, I want to thank Mrs. Sigmund for bringing to the House her thoughts on health care.

REBUILD THE AMERICAN DREAM FOR THE 99% ACT

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

Mr. ELLISON. Mr. Speaker, yesterday Members of the Congressional Progressive Caucus introduced an important bill, and it's called the ''Rebuild the American Dream for the 99% Act.'' This bill, this important ''Rebuild the American Dream for the 99% Act,'' would create 5 million jobs, Mr. Speaker, over 2 years, and cut the deficit by $2 trillion over 10 years.

The ''Rebuild the American Dream for the 99% Act'' creates direct-hire programs to put Americans back to work; provides grants for on-the-job training and employment services; invests $50 billion for infrastructure projects; creates a national infrastructure bank; improves ''buy American'' provisions; ends the practice of foreign currency manipulation; protects wounded veterans from job discrimination; extends unemployment insurance, including for people at 99 weeks; and supports the TANF emergency contingency fund to help States pay for the cost of hiring unemployed workers. We can do these things. The ''Rebuild the American Dream Act for the 99% Act'' does it.

□ 1230

H.R. 3650, ZERO TOLERANCE FOR CHILD SEXUAL ABUSE

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

Ms. JACKSON LEE of Texas. Mr. Speaker, in the calamity of news reports proliferating across America regarding the epidemic proportions of child sexual abuse, I introduce Zero Tolerance For Child Sexual Abuse, H.R. 3650. I ask my colleagues to join me for a national statement of abhorring and standing against the abuse of our children.

On a much happier topic, I thank our leader for her comments on our returning troops, and I look forward to introducing a resolution thanking and congratulating our returning troops, having one day or two days in which our Members will join me in wearing a yellow ribbon and, as well, commemorating the return of our wonderful troops and thanking their families from wherever they have come for this holiday season.

What greater gift than the men and women who have served on the front lines to honor us by their presence here in the holiday season. Our message should be ''no silent State, no silent neighborhood, no silent community'' in reference to honoring them as they come home.

OPPOSING H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT

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

Ms. SCHAKOWSKY. Why did I vote against H.R. 3630 yesterday? I could list many reasons, but I only have 1 minute so here are three.

One, the bill extends unemployment insurance for some jobless Americans and then drastically cuts months off of benefits for others, and it makes all who are unemployed jump through demeaning hoops in order to get any benefits.

Two, in order to reluctantly give the middle class a payroll tax break, it asks seniors and people with disabilities to pay more for Medicare, but it refuses to ask millionaires and billionaires to pay one more cent.

Three, the bill threatens public health by preventing the Environmental Protection Agency from regulating dangerous mercury and other emissions, and then it goes a step further by threatening the public health by cutting the Prevention and Public Health Fund.

H.R. 3630 is a political statement, not a serious proposal. What a statement to make—more support for dirty air and water, increased health care costs for middle-income people, and less help for those struggling to find jobs.

NO VETERAN DIES ALONE PROGRAM

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

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the No Veteran Dies Alone program at the veterans hospital in Fresno, California.

During the holiday season, it is appropriate to give thanks. Members of the military follow the sacred oath of ''leave no man behind.'' The No Veteran Dies Alone program follows the ethos that ensures all veterans know that they are not forgotten in their remaining days.

Men and women, some of whom work at the hospital, volunteer their time to care for those who have worn the uniform of the U.S. military. This innovative volunteer program helps our veteran hospice patients spend their final days in friendship and warmth.

During the holiday season, may we seek to lead lives as compassionately as the volunteers who selflessly serve our veterans in the No Veteran Dies Alone program.

SUPPORTING THE PRIMARY CARE WORKFORCE ACCESS IMPROVEMENT ACT

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

Mrs. MCMORRIS RODGERS. I rise today to urge support for the Primary Care Workforce Access Improvement Act.

This bipartisan bill, which I've introduced with my colleague Mr. THOMPSON from California, will ensure that some of the most rural parts of our country will have greater access to doctors and that the high quality of health care that we value as Americans will continue. Right now, some areas of Washington State don't have enough doctors because there isn't enough funding for their residencies. Other areas, like Garfield County, simply have no doctors at all.

As cochair of the Congressional Rural Health Caucus, I can tell you

this legislation directly helps by bringing more physicians to places like eastern Washington by providing creative avenues for funding our graduate medical education. It also helps solve the longer-term problem of too few doctors in rural areas, because studies show that, when people do their residencies in the rural areas, they're more likely to practice in the rural areas.

I urge the support of this legislation, and I thank Mr. THOMPSON for joining me in introducing it.

RELUCTANT OPPOSITION TO THE NATIONAL DEFENSE AUTHORIZATION ACT OF 2012

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

Mr. MORAN. Mr. Speaker, I rise in reluctant opposition to the National Defense Authorization Act of 2012, which we will be voting on today.

The bill does include provisions that are vital to our national defense, but it also includes provisions that present a false choice between our safety and our values.

Section 1021 would authorize the indefinite military detention of all terrorism suspects. Allowing the United States military to detain individuals, some of whom may be innocent, without charge or trial during this endless war on terrorism undermines our most defining principles as a Nation of individual freedom and justice for all.

Mr. Speaker, our civilian law enforcement agencies have proven themselves capable of apprehending, interrogating, and prosecuting terrorism suspects. In fact, civilian courts have overseen the successful prosecution of more than 400 terrorists—the military courts only six.

This Congress should not impose these law enforcement duties upon our troops. It is un-American and unconstitutional. We should reject the false choice between our short-term security and our long-term survival as the leader of the free world.

SUPPORT H.R. 1905, THE IRAN THREAT REDUCTION ACT

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

Mr. WELCH. I rise today in support of the Iran Threat Reduction Act.

Mr. Speaker, I believe in dialogue and I very much believe in diplomacy; but despite an unprecedented effort by President Obama in his speech to the Iranian people for outreach, the Iranian Government was unreciprocal in any kind of response. Instead, what we've seen is that they are pursuing the development of nuclear weapons full speed ahead. Last month, the International Atomic Energy Agency further confirmed in a report detailing efforts by the Iranian Government Iran's nuclear aspirations to acquire the skills needed to weaponize highly enriched uranium.

This is extremely dangerous. Iran has had a longstanding relationship with Hezbollah, which continues to condone violence as a political tactic; and Iran is continuing to be the major bulwark of support for the brutal crackdown by the Syrian Government on the democratic aspirations of its people.

I urge my colleagues to support the Iran Threat Reduction Act.

CONFERENCE REPORT ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 493 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 493

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, 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.

SEC. 2. It shall be in order at any time through the remainder of the first session of the One Hundred Twelfth Congress for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, if the text of the measure proposed in a motion is made available to Members, Delegates, and the Resident Commissioner (including pursuant to clause 3 of rule XXIX) on the calendar day before consideration.

SEC. 3. On any legislative day of the first session of the One Hundred Twelfth Congress after December 16, 2011—

(a) the Journal of the proceedings of the previous day shall be considered as approved;

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment; and

(c) bills and resolutions introduced during the period addressed by this section shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred by the Speaker at a later time.

SEC. 4. On any legislative day of the second session of the One Hundred Twelfth Congress before January 17, 2012—

(a) the Speaker may dispense with organizational and legislative business;

(b) the Journal of the proceedings of the previous day shall be considered as approved if applicable; and

(c) the Chair at any time may declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by sections 3 and 4 as though under clause 8(a) of rule I.

□ 1240

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

Mr. BISHOP of Utah. Mr. Speaker, for the purpose 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 yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members may have 5 legislative days during which they may revise and extend their remarks.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, this resolution provides a standard conference report rule and other end-of-the-year housekeeping provisions.

H.R. 1540, the National Defense Authorization Act for 2012, has been considered in committee. It was debated on the House floor. It included 152 amendments made in order before passing this Chamber, and that was done in May with an overwhelming and bipartisan majority. It went through the Senate. And now we bring to you today a bipartisan conference report.

I have to commend the chairman of the Armed Services Committee, the gentleman from California (Mr. MCKEON), as well as the ranking member, the gentleman from Washington (Mr. SMITH), for truly continuing the tradition of bipartisanship and mutual cooperation in the Armed Services Committee and in this particular bill.

There are some times when Congress has a reputation of being somewhat contentious and partisan, sometimes deservedly so. However, I have been a member of the Armed Services Committee myself for several years, and I recognize that they clearly understand Article I of the Constitution, which requires a common defense of our country; and in that particular committee, partisanship really has been checked at the door regarding the product of the Armed Services Committee, which is this annual Defense authorization bill.

In its essence, I think the process has been good, the efforts have been good, and it has made a significant issue that we are bringing here to the floor ready to pass in its final version from the conference committee. There are significant underlying issues that I think we will talk about during the course of the discussion on the rule and perhaps on the bill as well, but those things, I think, will be handled as they appear at that particular time.

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

Mr. HASTINGS of Florida. I thank my friend from Utah for yielding the

time, and I yield myself such time as I may consume.

Mr. Speaker, it's been more than 10 years since the attacks of September 11. We have fought two wars and have engaged in military action in numerous other countries. Hundreds of thousands of people have died, and many more have been wounded. We have spent more than $1 trillion. Osama bin Laden is dead, and the Obama administration officials have declared that al Qaeda is ''operationally ineffective.''

Here at home, we've reformed our national government, compromised our civil liberties, spent billions on a surveillance state, and created a culture of paranoia in which, even in the last few days, a reality TV show about Muslim Americans is subjected to a campaign of hate and intolerance.

Before proceeding, let me commend the chairman and the ranking member of the relevant committee of jurisdiction that put this package together. I am fundamentally opposed to many aspects of it, but I am in tremendous agreement with their bipartisan efforts and the staffs of both of them and the other committee members for putting forth the effort to bring us to this point of discussion.

We should take this opportunity at this moment in our history to seriously and carefully deliberate our Nation's counterterrorism efforts. We ought to consider which policies are effective and which, in the end, only create more anti-American sentiment. We ought to consider which policies align with our national values and which, instead, undermine them. We ought to consider whether we should continue using the full thrust of the United States Armed Forces in country after country or whether a more nuanced approach might better serve our needs.

Unfortunately, the legislation before us does not attempt to answer these questions. Instead, it commits us to dive even further down the road of fear. It commits us to more war and more wasteful spending, and it commits us to ceding our freedoms and liberties on the mere suspicion of wrongdoing. This legislation erodes our society and our national security by militarizing our justice system and empowering the President to detain anyone in the United States, including American citizens, without charge or trial, without due process.

If this is going to continue to be the direction of our country, Mr. Speaker, we don't need a Democratic Party or a Republican Party or an Occupy Wall Street party or a Tea Party; we need a Mayflower party. If we are going to undermine the foundational principles of this great country, then we might as well sail away to someplace else.

This legislation establishes an authority for open-ended war anywhere in the world and against anyone. It commits us to seeing a ''terrorist'' in anyone who ever criticizes the United States in any country, including this one. The lack of definitions as to what constitutes ''substantial support'' and ''associated forces'' of al Qaeda and the Taliban mean that anyone could be accused of terrorism. Congress has not tried to curtail civil liberties like this since the McCarthy era; but here we are today, trying to return to an era of arbitrary justice, witch-hunts, and fearmongering.

While this measure includes an exemption for United States citizens, it does not protect them from indefinite detention. In one fell swoop, we have set up a situation where American citizens could have their Fourth, Fifth, Sixth, Seventh, and Eighth Amendment rights violated on mere suspicions. And by placing suspected terrorists solely in the hands of the military, these provisions deny civilian law enforcement the ability to conduct effective counterterrorism efforts.

The fact of the matter is that our law enforcement agencies and civilian courts have proven over and over again that they are more than capable of handling counterterrorism cases. I had the distinct privilege in this country of serving as a Federal judge shepherding cases and protecting the interests of the United States and vital security interests during that period of time. And in every one of those cases—some 11 over the period of 9¾ years—all of the defendants were found guilty, and that is before 2001.

More than 400 suspected terrorists have already been tried in the Federal courts of the United States of America. We should not break something that already works. The idea that the executive branch's current powers are inadequate to fight terrorism is proven false by 10 years of successful counterterrorism efforts. The idea that the President—any President—needs a whole new expansion of his—and I hope one day soon—her powers is just wrong.

Most national security experts, Democrats and Republicans, are telling us not to adopt this language. Many officials responsible for our homeland security are telling us not to adopt this language. A lot of our military leaders are telling us not to adopt this language, Mr. Speaker. This legislation goes too far.

□ 1250

We spend billions of dollars every year on counterterrorism, but we weaken those efforts by tossing aside our own system of justice. We tell the American public that we are fighting overseas in order to protect our freedoms, but then we pass legislation that undermines those very same freedoms here in the people's House and at home.

And we tell the rest of the world to emulate our democratic traditions and our rule of law, but we disregard those values in a mad rush to find out how we can pretend to be the toughest on terrorism.

We won't defeat terrorism by using the military to lock up innocent people for the rest of their lives on the mere suspicion of wrongdoing. We will not defeat terrorism by claiming the entire world as a battlefield. And we will not defeat terrorism by replacing our rule of law with reckless, uncontrolled, and unaccountable powers.

Mr. Speaker, we need to have a more considered debate about the best way to conduct our defense and counterterrorism policies. This bill contains over $600 billion in spending, runs to over 1,000 pages, and is coming to the floor less than 48 hours after it was filed.

While the detainee provisions in this legislation might have received the most attention in the last few days, there are plenty of other critical provisions that Members may have opinions about, and that's why on these kinds of measures we should have open rules.

I realize that I've said that Congress—and we are proving it at the end of this session—has a bad case of deadline-itis. But my friends in the Republican majority don't only have deadline-itis, they have deadline-ophila.

Yesterday we considered a poorly conceived extenders package that will harm the middle class and weaken our economy. Today we are considering controversial language in a defense bill that sets a dangerous precedent and will potentially harm the civil liberties of American citizens.

I appreciate that the Republican majority, many of whom are my friends, don't want their holiday season ruined by having to work. But that doesn't mean we have to ruin everyone else's holiday season by passing bad laws.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, the issues and accusations that were brought up by the gentleman from Florida will be something that we will address in the course of this debate, but I wish to do this in somewhat of a regular order. There are other issues, as he said, that are significant.

To address the first of those, I would like to yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

I rise in support of the rule and the conference report of the National Defense Authorization Act.

The NDAA includes a long-term reauthorization of the Small Business Innovation Research and Small Business Technology Transfer programs. I was proud to serve as a conferee for this important bill.

SBIR was originally signed into law by President Reagan and has been an effective tool supporting innovation among our small business community for nearly 30 years. Since its inception, this competitive grant program has enabled more than 100,000 research and development projects across the Nation and has helped spawn familiar companies such as Qualcomm, Sonicare, and Symantec.

Although this reauthorization of these programs isn't perfect, it improves them in a number of ways. It opens up the program for more small companies to participate. It increases

the emphasis on commercialization of new technologies. Finally, it significantly strengthens the data collection and oversight requirements of the programs.

In my hometown of Phoenix, we have a thriving tech community. By passing today's bill and providing long-term reauthorization, we will provide our small businesses the certainty they need to continue to innovate and grow and create jobs.

I would like to thank Chairman HALL and Chairman GRAVES for all of their work in ushering through this agreement.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to my good friend, the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE of California. First let me thank the gentleman from Florida for yielding. He is a former member of the Intelligence Committee, and I just have to thank him for his tremendous leadership and for his opening statement which laid out many of the concerns that many of us have about this bill.

Mr. Speaker, I rise today in strong opposition to this very controversial bill that directly attacks the bedrock values of America. I'm talking about the constitutional guarantees of due process for those charged with crimes.

Now, against the wishes of President Obama; our Defense Secretary, Mr. Panetta; the Director of National Intelligence, Mr. Clapper; and FBI director, Mr. Mueller, this bill allows the Federal Government to seize suspected terrorists, including United States citizens, and hold them in indefinite detention.

Arresting citizens and holding them without trial violates the Fifth Amendment's due process guarantees. This bill fundamentally is un-American, and it threatens all of our liberties. We cannot allow those who seek to terrorize the American people to win by trashing the very civil liberties at the heart of our national identity. Giving up American ideals will not make us safer. This legislation undermines our national security and our democracy.

Mr. Speaker, I would like to enter into the RECORD this letter from 26 retired generals and admirals concerned about how the United States treats detainees. These veteran national security experts wrote this rare public letter denouncing the detention provisions.

I will conclude with the words of those honorable retired generals and flag officers who warned that this legislation ''both reduces the options available to our Commander in Chief to incapacitate terrorists and violates the rule of law, and would seriously undermine the safety of the American people.''

I ask my colleagues to defend the civil freedoms which we all cherish, to support our national security, to support our democracy, and to vote ''no'' on this very dangerous bill and this rule.

NOVEMBER 28, 2011.

DEAR SENATOR: We are members of a nonpartisan group of forty retired generals and admirals concerned about U.S. policy regarding enemy prisoner treatment and detention.

We write to urge you to vote for Amendment 1107 to the National Defense Authorization Act which would strike all of the controversial detention provisions in sections 1031, 1032 and 1033 and, in their place, mandate a process for Congress to consider whether any detention legislation is needed.

As retired general and flag officers, we clearly do not make this request lightly. It is clear, however, that there is significant disagreement over the impact on our national security of these provisions. There should be no disagreement that legislation which both reduces the options available to our Commander-in-Chief to incapacitate terrorists and violates the rule of law would seriously undermine the safety of the American people.

We appreciate that our leaders are constantly striving to make America more secure, but in doing so, we must be careful not to overreact and overreach, resulting in policies that will do more harm than good. At the very least, the current detention provisions merit public debate and should not be agreed to behind closed doors and tucked into legislation as important as our national defense bill.

Sincerely,

General Joseph P. Hoar, USMC (Ret.); General Charles C. Krulak, USMC (Ret.); General David M. Maddox, USA (Ret.); General William G. T. Tuttle Jr., USA (Ret.); Lieutenant General Robert G. Gard Jr., USA (Ret.); Lieutenant General Charles P. Otstott, USA (Ret.); Lieutenant General Harry E. Soyster (Ret.); Major General John Batiste, USA (Ret.); Major General Paul D. Eaton, USA (Ret.); Major General Eugene Fox, USA (Ret.); Rear Admiral Don Guter, USN (Ret.); Major General William L. Nash, USA (Ret.); Major General Thomas J. Romig, USA (Ret.); Major General Murray G. Sagsveen, USA (Ret.); Major General Walter L. Stewart, Jr., ARNG (Ret.); Major General, Antonio 'Tony' M. Taguba, USA (Ret.); Brigadier General John Adams, USA (Ret.); Brigadier General David M. Brahms, USMC (Ret.); Brigadier General James Cullen, USA (Ret.); Brigadier General Evelyn P. Foote, USA (Ret.); Brigadier General Gerald E. Galloway, 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 Anthony Verrengia, USAF (Ret.); Brigadier General Stephen N. Xenakis, USA (Ret.).

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for generously yielding to me to offer a dissenting view of section 1021 of the underlying conference report.

This is the section referenced by the gentleman from Florida that specifically affirms that the President has the authority to deny due process to any American the government charges with ''substantially supporting al Qaeda, the Taliban or any associated forces,'' whatever that means.

Would ''substantial support'' of an ''associated force'' mean linking a Web site to a Web site that links to an al Qaeda site? We don't know. The question before us is: Do we really want to find out?

We're told not to worry, the bill explicitly states that nothing in it shall alter existing law. But wait—there is no existing law that gives the President the power to ignore the Bill of Rights and detain Americans without due process. There is only an assertion by the last two Presidents that this power is inherent in an open-ended and ill-defined war on terrorism. But it is a power not granted by any act of Congress until now.

What this bill says is, what Presidents have only asserted, Congress now affirms in statute.

We're told this merely pushes the question to the Supreme Court to decide if indefinite detainment is compatible with any remaining vestige of our Bill of Rights. Well, that's a good point if the court were the sole guardian of the Constitution. But it is not. If it were, there would be no reason to require every Member of Congress to swear to preserve, protect, and defend the Constitution. We are also its guardians.

And today we, who have sworn fealty to that Constitution, sit to consider a bill that affirms a power contained in no law and that has the full potential to crack the very foundation of American liberty.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, over 8 years since the start of the wars in Iraq and Afghanistan, we are still not properly addressing traumatic brain injury, also known as the signature injury of both wars.

□ 1300

I want to thank Chairman MCKEON, Ranking Member SMITH, all the chairmen of the subcommittees, as well as members of this committee who are moving forward on this issue. I wish we had the same compromise as we would have on other issues. I commend them for compromising. That's what our Forefathers talked about. I'm glad to see that the Defense Centers of Excellence for Psychological Health and Brain Injury will move oversight to the Army where there will be an increased efficiency and attention for our soldiers.

But there are still problems with screening and treating our troops. Recently, NPR ran an expose on how the Department of Defense has tested over 500,000 soldiers with a predeployment cognitive test, but has performed fewer than 3,000 tests postdeployment to actually compare the results and see if our troops were injured in theater.

The fiscal 2008 National Defense Authorization bill, bipartisanly supported, Public Law 110–181, required

predeployment and postdeployment screenings of a soldier's cognitive ability. Current policy is clearly violating the intent of the law. We must ensure that the same tool is used for pre- and postdeployment cognitive screenings. We can't gauge the cognitive health of our troops without comparing tests. Last year, my amendment to the NDAA for fiscal year 2011 to address this passed the House, but was not in the final bill. We need to correct this in the next year's Defense authorization before any more soldiers slip through the cracks. It has consequences within service; and when they get out of service, it has bigger consequences.

The Defense Department has raised concerns with the currently administered test, but has stated that it will not be able to select an alternative until 2015. That is not acceptable. The longer we wait, the longer our troops suffering from undiagnosed TBIs go untreated.

I am concerned that we are not providing proper oversight for those soldiers who could have been injured in theater before this policy took effect in 2010. Many of these soldiers remain on active duty, and we must ensure that they are tested and treated.

I fear we are doing a disservice to them and our Armed Forces by not addressing this problem in this bill, and I ask everyone to consider this. This is a critical, critical issue given little attention except by Mr. MCKEON and Mr. SMITH.

I ask that you do review that.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to my good friend from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this bill authorizes permanent warfare anywhere in the world. It gives the President unchecked power to pursue war. It diminishes the role of this Congress.

The Founders saw article I, section 8 of the Constitution, which places in the hands of Congress the war power as essential to a check and balance against executive abuse of power. This legislation diminishes Congress' role in that regard.

This legislation authorizes the military to indefinitely detain individuals without charge or trial, including the detention of U.S. citizens on U.S. soil.

In short, what this bill does is it takes a wrecking ball to the United States Constitution and gives enormous power to the government or the State. I want friends on both sides of the aisle to understand this. We're giving the State more power over individuals with this bill. It's the wrong direction.

Our children deserve a world without end, not a war without end. Our children deserve a world where they know that while their government will protect them, that it's not going to rule over them by invading their very thoughts and going, as the PATRIOT Act does, into their banking records or into their educational records.

We've got to keep the government out of people's lives and stop the government from getting more into war, which gives the government more control over people. This is a time we take a stand for the Constitution and a stand for a government which is smaller when it comes to matters of war.

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

In the year we have been here discussing these things, we have talked a lot about budget problems that we have in this country. It is my contention that our budget is not just that we have been spending too much, but we have been spending on too much.

One of the things, though, that we should be spending on is, of course, military issues. Article I of the Constitution clearly states the defense of this country is a core constitutional responsibility, and for that there must be government workers who are required to do this. That is what it should, indeed, be.

Unfortunately, we have a President and an administration that has decided that there should be some financial restraints in this particular area. Indeed, it means reducing spending significantly on the military, not necessarily other areas. The result of this will be, as has been shown in testimony, that we will create an Army smaller than any Army we have had since World War II, a Navy at its smallest since World War I, and an Air Force that is smaller and older than at any time in this country. And to do that, there will at least be 100,000 uniformed jobs that will be cut, destroyed, and reduced.

There are some people who think that simply cutting a few soldiers, a few airmen, and a few sailors will be an easy solution to this issue. That is naive. It will not happen. What it means, though, is that, also, programs must be cut at the same time. We have acquisition which buys new materials for our soldiers, and we have sustainment which fixes it. That means in certain situations our maintenance and sustainment side will have even greater requirements of them because of the decisions the administration has foisted and we will be making in this and the appropriations bill to come later.

For example, the United States has owned air superiority ever since the Korean war, and we take it for granted. Yet the F–16s we fly to maintain that air superiority we were flying at 150 percent of their designed capacity when I was first elected to this Congress. And yet this is an administration that, even though we have that deficit, decided not to build any more F–22s and are delaying the F–35, which does produce, and put our air superiority in jeopardy. You have to have a plane for an Air Force, and you have to have a boat for a Navy. And they cost some kind of money.

In each case, we will have the oldest equipment. That means when men and women go into battle to defend this country, we are equipping them with the oldest products they will ever have to protect themselves, and that old stuff requires massive maintenance if you're really going to do that.

But what we are requiring to do in this particular budget, if we go along with the President's request for making bigger and bigger cuts in the defense of this country, is taking those civilian employees that make that maintenance effort, that do that sustainment, and that make that equipment last longer than they were designed to last, we are taking them out of the picture.

The end result for the massive cuts we are looking at in the military, both proposed by the Obama administration and if, in effect, they go into effect because of rescission by the failed supercommittee, will be anywhere between 100,000 and a half million civilian employees—and this vital function in this constitutional function—that will lose their jobs. And if you go to the worst case scenario, it may even be 1 million employees.

Now, I mention that specifically because we have heard often and often, where are the jobs bills. This House has passed a number of jobs bills to promote private sector growth. Yet at the same time, we now have a situation where, indeed, the right hand does not know what the left hand is doing. There are those out there who are going around saying that we have to pass—and they are pillorying this Congress for not passing much bigger and bigger spending to create more and more government jobs in areas which are questionable if we should be there in the first place. But at the same time we are being pilloried for not doing that. We are being presented by the left hand with a proposal that will actually cut existing civilian jobs in areas where we were constitutionally required to have them and to maintain them.

If we don't find that at least inconsistent—and mind-bogglingly inconsistent—it is one of our problems in not facing the reality. We are always told pass more government jobs. And at the same time, the same people who are demanding that are saying, okay, now in this area, cut more government jobs. There is no consistency with that. And the sad part is the left hand, the one that is defending this country with the needs of the military—which is our constitutional responsibility—those are the ones which are appropriate, and those are the jobs that are needed, and those are the jobs that are not being protected in the future.

We must make some decisions in Congress on what is significantly important to us, and this is an area in which we must make those decisions in the future. We must continue to talk about jobs; but we have to realize that if you want more jobs, you can't go

about cutting the jobs, and, unfortunately, this administration is trying to play both of those ends, and it is unfortunate.

I reserve the balance of my time.

□ 1310

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

After my good friend from Utah spoke, I guess I say, Wow. Last night I reminded him that military people are government workers also. And toward that end, when we talk about cuts and my friend talked about passing on spending, I'm curious. When $1 billion walks away in Iraq and nobody knows where it went, I'd ask my friend to tell those soldiers at Fort Bragg—where President and Mrs. Obama have spoken to them today—that are returning home why they were in Iraq and what is it that we protected by spending $1 trillion. Why is it we are sending money to corrupt governments? And somewhere along the lines I think we will come up with some answers—that we had enough money to spend, but we spent it on things that we should not have.

Mr. Speaker, I am very pleased to yield 2 minutes to my very good friend from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, for many American families, they will only be able to celebrate this holiday if they forget about the burdens of their daily lives. Some are about to lose their jobs, others are about to close their businesses for the last time; some are worried they can't pay for their health care, others are worried that they're next in the layoff line.

This Congress has an opportunity on this day to address those problems. Yesterday the House took action on a bill that, frankly, isn't going to go anywhere to address these problems, and today is the day we ought to act on a bill that will.

On January 1, everyone who earns wages in this country is facing a tax increase if this Congress doesn't act, a $1,000-a-year tax increase on the middle class. We should suspend that tax increase today.

Many people will lose their unemployment benefits. They will have no income, no check. And to those who say, well, they should go find a job, you should walk in the shoes of those who are in that predicament because here's what you would find: For every one job that's available in this country, there are four people looking for it. So failing to extend unemployment benefits is craven, in my opinion.

On the 1st of January, doctors who take care of our seniors—our grandmothers, our grandfathers, our disabled citizens—will see a 23 percent cut in what Medicaid pays them if we do not act by December 31.

Now, yesterday's bill was deficient in so many ways, but here's two of the real big ones:

First of all, it attached extraneous provisions about whether to build an oil pipeline. Some people are for it, others are not. It doesn't belong in that bill; and

Second, a large way the bill was paid for was to blame the unemployed and to say we're going to pay for what's in that bill by cutting their benefits. That's wrong.

The SPEAKER. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. What we ought to be saying is we can hold down the taxes on the middle class, we can fairly extend benefits for the unemployed, we can make sure our doctors will continue to see our seniors and our disabled people if we ask the hedge fund managers and the millionaires and the billionaires of this country to pay just a little bit more.

We will give the House an opportunity this afternoon to vote on that bill. That's the bill we should be considering. If we do, we can then proceed immediately with passing this badly needed defense bill.

Mr. BISHOP of Utah. Mr. Speaker, the gentleman from New Jersey is right, yesterday the House did act in a bipartisan way. Now it's up to the Senate to act—amend, change, anything except just sitting there and not taking action.

I am pleased to yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, today I rise in support of section 1245 in the conference report to the NDAA that would require what we hope are crippling sanctions on the Central Bank of Iran. These provisions, offered as a bipartisan amendment in the other Chamber and approved by a unanimous vote, would severely limit the funding available for the Iranian regime to use in its pursuit of nuclear weapons. I have introduced similar legislation as a stand-alone bill here in Congress, and we also wrote a letter encouraging the conferees to accept this language. I am pleased that they did.

There is no silver bullet when it comes to stopping the Iranian regime from acquiring nuclear weapons, but if there is any sweet spot where we can make a difference, it is with the Central Bank of Iran. And so I am pleased that this provision is in the bill, and I would urge adoption of that section all the way through the process. And I hope that this signals our intent certainly to ensure that Iran does not obtain nuclear weapons.

Mr. HASTINGS of Florida. Mr. Speaker, would you be so kind as to inform us as to the amount of time remaining on either side.

The SPEAKER. The gentleman from Florida has 10 minutes remaining. The gentleman from Utah has 18½ minutes remaining.

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

At this time, I am very pleased to yield 2 minutes to my friend, the distinguished woman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, this is a positive bill for our military families, and when we move to the bill I'm going to take an opportunity to address that. But while we're on the rule, I have to express my immense disappointment that still, to this day, we, as a Congress, will not even bring to the table, we won't even look at the fact that if a military servicewoman is raped and becomes pregnant, she does not have access to an abortion procedure. Mr. Speaker, this is really an outrage.

We say that we want to help our servicewomen. We say that we are finally starting to treat them as the warriors that they are, and yet I ask you: How many women have to fight and die for our country in order to have the same rights as women sitting in Federal prison?

This is a slap in the face to all military women. They volunteer to train, they volunteer to deploy and fight for our country, and we repay them by treating them as less worthy than prisoners.

Honoring women in our military means changing this policy and treating them with respect. Haven't they earned this? It's well past time to show them that they have.

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

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

If we defeat the previous question, I will offer an amendment to the rule to provide that immediately after the House adopts this rule it will bring up the Middle Class Fairness and Putting America Back to Work Act of 2011, which extends middle class tax relief, unemployment benefits, and the Medicare reimbursement doc fix.

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

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, at this time I am very pleased to yield 2 minutes to the distinguished gentlelady from California (Ms. HAHN).

Ms. HAHN. I thank my colleague from Florida for giving me this time.

I want to encourage my friends and colleagues on both sides to defeat the previous question so that we can work together to pass a clean extension of unemployment benefits and the payroll tax cut.

You know, yesterday the House Chaplain began the day with a reminder that the holidays are a time of hope. And it is in that spirit of hope that Congress should embrace and put aside some of the politics that have darkened our recent discussions.

□ 1320

Last night my Republican friends passed legislation that, however well intended, has no chance of passing in the Senate. It did not receive my vote because, like many of my fellow Democrats in the House and the Senate, I don't believe that we should be debating controversial issues as part of those extensions.

If you believe that building a pipeline through the United States is a good idea, let's have that debate. If you believe that the EPA shouldn't regulate emissions from certain industries and machines, let's have that debate.

However, those issues cloud the need for extending unemployment benefits to those who can't find work. And it clouds the benefits for American families that would get an extension of the payroll tax cuts.

I want to work with my Republican friends to get this done. I know I'm new around here, but I think that means putting aside these other issues to debate them on their own merits.

Let's work together in a spirit of hope, vote against the previous question, and let's come back to the table and do what needs to be done.

Mr. HASTINGS of Florida. I would advise my friend from Utah that I am going to be the last speaker if he is ready to close.

Mr. BISHOP of Utah. I am prepared to close as well.

I continue to reserve the balance of my time.

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

In the mad rush to get home for Christmas, we're delivering an early gift to those who criticize our country for failing to live up to our ideals.

With this legislation, we're undermining over 200 years of constitutional protections. We're returning American society to an age when an all-powerful executive can command unaccountable power over people's lives.

To codify in law the power of the President to indefinitely detain American citizens without charge or trial is an egregious affront to our Nation's system of justice. Franz Kafka wrote about it years ago, and it has been known as Kafkaesque.

Ten years after the attacks of September 11—10 years of war, of runaway defense spending, of the PATRIOT Act, torture, and extraordinary rendition—and we're still responding to the terrorist threat with a knee-jerk reaction, devoid of reason and common sense.

This legislation says that our law enforcement agencies do not work; that our judiciary, our court system does not work. This legislation says that the President can, alone, decide who is guilty or innocent.

I would remind my friends that Barack Obama may not be the President all the time. But no President should have untrammeled authority to determine innocence or guilt. It puts the lie to the judicial branch of our government and to the legislative branch of our government. This legislation goes too far.

If the Republican majority was serious about having this body carefully consider our Nation's defense policies, Members would have had more than 2 days to review the more than 1,000 pages covering $600 billion in spending.

I urge my colleagues to vote against this rule and the underlying legislation, and I yield back the balance of my time.

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

This bill has gone through regular order as no other bill has. It went through its committee in regular order and was passed out in an overwhelmingly bipartisan vote, 60–1. It came on the floor with 152 amendments to be considered and was passed out with an overwhelming bipartisan vote. It went to the Senate, was passed out in an overwhelming bipartisan vote, and the conference report was signed by the conferees in a clear bipartisan effort.

This is one of those good bills that does authorize our military forces through fiscal year 2012, and it is significant.

But I would like, in closing, to talk about one of the issues that I think was brought up, and brought up with some exaggeration to the content of what is there that deals specifically with military detainees. I want this very clear because both Congressman MCKEON, who is the chairman of the committee, Congressman SMITH, who is the ranking member of the committee, spoke at length in Rules Committee on this specific issue. They were asked about the issue; they addressed the issue.

Let me make this very clear. Anything in this law that deals with detainees does not change in any way, shape, or form existing law. It does not deny anyone habeas corpus opportunities. That is not waived in any way, shape, or form.

Let me quote from Mr. SMITH, the ranking Democrat on the committee, when talking about different things, he simply said that there is the possibility of indefinite detention without a normal criminal charge, but even if you do that, which, once again, the President said he won't do, but even if you did that in certain isolated circumstances where it could be necessary under the law of war, even if you do that, habeas corpus still applies, which means you have to have a hearing in front of a Federal judge to make your case under the law for why you have the right to detain this person. And to do that, you have to show there is a connection to al Qaeda and the Taliban, and you have to show there is a threat that they present. So habeas corpus applies to everyone, whether they are a citizen, illegal alien, or a noncitizen. Habeas corpus still applies.

It is very clear in both sections 1021 and 1022 that protections for American citizens are clearly stated in there. In the Senate, they added, in 1021, the words:

> Nothing in this section shall be construed to affect existing law or authorities relating to the detention of U.S. citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

In 1022 it makes it very clear, before somebody can be detained, there are two standards which must be met. First of all, there has to be association with an armed force that is in coordination and acting against the interests of the United States and, not just membership, they have to have participated in the course of planning or carrying out attacks or attempted attacks against the United States or its coalition partners.

You can't just go out and pick people off the streets. There has to be a standard. And everyone still gets habeas corpus rights in all of these events.

Let me quote again from the law, from the report, the bill that we are debating and discussing and voting:

''The requirement to detain a person in military custody under this section''—this power—''does not extend to citizens of the United States,'' which means you can't do this kind of detainment against a citizen or a lawful alien of the United States.

Only in this section, and in both sections, do you have to meet certain very restrictive criteria which are not different than what we are currently doing, which simply means in the past history of this United States, especially in some of our war times, there have been Presidents who we jokingly say used to throw people in jail who were opposed to them.

President Obama could still do that under existing statute, but he can't do it with this language in this particular bill. There are specifics that are set forth. There are specific protections written for American citizens, specific protections written for illegal aliens of the United States. It is only a very restricted authority and a very restricted power, and it doesn't affect habeas corpus. It doesn't change existing law.

In essence, those people who worked in the committee on this bill have done a yeoman's work in coming up with a good bill. Those people who worked in the conference did a yeoman's work in coming up with a good conference report.

This is a good rule, which is a standard conference report rule. And with the only exception that we still must be very careful that if we follow the administration's advice and cut our military spending too much, not only are we putting our military in jeopardy and our equipment in jeopardy, but we are destroying jobs, which is what we don't want to be doing in this particular time period.

I would urge everyone to vote for this rule, and I would urge everyone to vote for the underlying bill.

□ 1330

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

AN AMENDMENT TO H. RES. 493 OFFERED BY MR. HASTINGS OF FLORIDA

SEC. 6. 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 a bill consisting of the text of the amendment printed in the Congressional Record dated December 13, 2011 pursuant to clause 8 of rule XVIII and numbered 1, which will bear the title ''to support the middle class and create jobs, and for other purposes''. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. 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. 7. Clause 1(c) of rule XIX shall not—apply to the consideration of the bill specified in section 6 of this resolution.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

The question was taken; and the Speaker 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. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 235, nays 173, not voting 25, as follows:

[Roll No. 925]

YEAS—235

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
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
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
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 (FL)
Young (IN)

NAYS—173

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
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
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Peterson
Pingree (ME)
Polis
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—25

Bachmann
Bass (CA)
Cardoza
Coble
Diaz-Balart
Filner
Frank (MA)
Giffords
Gohmert
Gutierrez
Holt
Kaptur
LaTourette
Lummis
McIntyre
Myrick
Paul
Pearce
Perlmutter
Price (NC)
Sanchez, Loretta
Shuler
Sullivan
Velázquez
Young (AK)

□ 1354

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 925, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 169, not voting 19, as follows:

[Roll No. 926]

AYES—245

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

NOES—169

Ackerman
Altmire
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
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
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Peterson
Pingree (ME)
Polis
Posey
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—19

Bachmann
Coble
Diaz-Balart
Filner
Frank (MA)
Giffords
Gutierrez
Holt
Kaptur
Larson (CT)
LaTourette
McIntyre
Myrick
Paul
Price (NC)
Sanchez, Loretta
Shuler
Velázquez
Young (AK)

□ 1401

Ms. HOCHUL changed her vote from ''no'' to ''aye.''

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:

Mr. LARSON of Connecticut, Mr. Speaker, on rollcall No. 926, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. FILNER. Mr. Speaker, on rollcall 926, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

□ 1410

Mr. MCKEON. Mr. Speaker, pursuant to House Resolution 493, I call up the conference report on the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LUCAS). Pursuant to House Resolution 493, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 12, 2011, at page H8356.)

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 30 minutes.

Mr. NADLER. Mr. Speaker, is the gentleman from Washington opposed to the conference report?

Mr. SMITH of Washington. No, I am not. I support the conference report.

Mr. NADLER. Mr. Speaker, I claim the time in opposition to the conference report.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XXII, the gentleman from California (Mr. MCKEON),

the gentleman from Washington (Mr. SMITH), and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 1540.

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

There was no objection.

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

I rise today in support of the Fiscal Year 2012 National Defense Authorization Act conference report. As you know, the NDAA is the key mechanism by which the Congress fulfills its primary constitutional responsibility to provide for the common defense, and this year will mark the 50th consecutive year we've completed our work. The NDAA passed the Armed Services Committee with a vote of 60–1. It passed the full House by a wide margin of 322–96. Likewise, the Senate adopted its version of the bill by a vote of 93–7. We negotiated every provision in the two bills and have delivered this conference report using regular order. This is a bipartisan product from start to finish, with a wide base of support.

Let me further assure Members that the bill's authorization levels have been reduced to comply with the Budget Control Act. The bill would bring the total authorized funding for the national defense to $554 billion for the base budget and $115.5 billion for overseas contingency operations. This represents a $19 billion reduction from last year's authorization.

Nonetheless, what makes our bill such an important piece of legislation are the vital authorities contained therein. Our bill provides for pay and benefits for our military and their families, as well as the authorities that they need to continue prosecuting the war on terrorism.

In addition, we include landmark pieces of legislation sanctioning the Central Bank of Iran and strengthening policies and procedures used to detain, interrogate, and prosecute al Qaeda, the Taliban, and affiliated groups, and those who substantially support them. However, I must be crystal clear on this point: the provisions do not extend any new authorities to detain U.S. citizens and explicitly exempt U.S. citizens from provisions related to military custody of terrorists.

The conference report covers many more critical issues, but I will close in the interest of time. However, before I do, I would like to thank my partner, the gentleman from Washington, ADAM SMITH, the ranking member on the committee.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield myself 3 minutes.

I, too, want to thank the chairman, Mr. MCKEON. We always say that our committee is the most bipartisan committee in Congress. We strongly believe that. Republicans and Democrats on that committee are committed to doing our job, which is to provide for the troops and make sure that our national security is protected in this country.

Mr. MCKEON was an excellent partner to work with. It's a model for what happens when you sit down and try to legislate together, and something that I think could be emulated by many more committees and on many more issues.

So, thank you, BUCK. It's been great working with you on this. I think we've produced a good product.

I want to, upfront, address the issue that most people have focused on in the rule and elsewhere, and that is the issue surrounding detainee policy. I have never seen an issue that was more distorted in terms of what people have said is in the bill versus what is actually in the bill. Number one, habeas corpus is protected, not touched in this bill. Pursuant to court rulings, anyone picked up pursuant to the authorization for the use of military force, has habeas corpus rights. That is not touched categorically.

Now I understand that a lot of people have a problem with what is current law, and current law is something we've been debating ever since 9/11. Both the Bush administration and the Obama administration have taken the position that indefinite detention is an option. In two cases before the Supreme Court, the Hamdi case most notably, a U.S. citizen was briefly subject to indefinite detention. The Fourth Circuit Court upheld that right. That is current law. And I actually share some of the concerns amongst my colleagues about that current law.

But this bill doesn't affect that. We, in fact, make it clear in our category on military detention that it is not meant to apply to U.S. citizens or lawful resident aliens. Read the bill. It is in there. Nothing in this section shall apply to U.S. citizens or lawful resident aliens.

Now if you have a problem with indefinite detention, that is a problem with current law. Defeating this bill will not change that, won't change it at all. But I'll tell you what it will do. It will undermine the ability of our troops to do their job, to do what we've asked them to do. If we defeat this bill, we defeat a pay raise for the troops, we defeat MILCON projects for the troops, and we defeat endless support programs that are absolutely vital to their doing their jobs. And I don't think I need to remind this body that 100,000 of those troops are in harm's way in Afghanistan right now facing a determined enemy in the middle of a fight. It is not the time to cut off their support over an issue that isn't going to be fixed by this bill.

And let me emphasize that just one more time. Current law as interpreted by the Bush administration, the Obama administration, and the judiciary of this country creates the problems that everybody is talking about, not this bill. We put language in on detention policy because we think it's about time the legislative branch at least said something on the subject. But we are not the ones that created that problem.

I urge support for this bill.

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

Mr. SMITH of Washington. I yield myself an additional 30 seconds.

One issue I want to address is the issue of military construction projects for Guam. There is some limiting language in this bill on that issue based on the fact that the Department of Defense is rethinking their posture in Asia between Okinawa, Guam, and other places. One thing I want to make clear is that Guam is a critically important part of our Asia presence. They have presence of our military there now. The language in the bill is not meant to cut off existing military construction projects or indeed other ones that may not be related to this. I want to make sure that that's clear.

With that, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself 5 minutes.

It's been a decade since the attacks of September 11, 2001. We are in danger of losing our most precious heritage, not because a band of thugs threatens our freedom, but because we are at risk of forgetting who we are and what makes the United States a truly great nation.

□ 1420

In the last 10 years, we have begun to let go of our freedoms, bit by bit, with each new executive order, court decision and, yes, act of Congress. The changes in this bill to the laws of detention have major implications for our fundamental rights. We should not be considering this as a rider to the Defense authorization bill. This should have been the subject of close scrutiny by the Judiciary Committee. The complex legal and constitutional issues should have been properly analyzed and the implications for our values carefully considered.

You will hear that this bill merely recodifies existing law; but many legal scholars tell us that it goes a great deal further than what the law now allows, that it codifies claims of executive power against our liberties that the courts have never confirmed. You will hear that it really won't affect U.S. citizens, although, again, there is credible legal authority that tells us just the opposite. You will hear that it doesn't really turn the military into a domestic police force, but that clearly isn't the case.

Most of all, you will hear that we must do this to be safe, when the opposite is true. We can never be safe without our liberties, and this bill continues the decade-long campaign to destroy those liberties.

This bill goes far beyond the authorization for the use of military force. That resolution authorized ''all necessary and appropriate force against those nations, organizations, or persons the President determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons.''

This bill is not limited to those responsible for the September 11 attacks and those who aided or harbored them. It includes anyone who ''substantially supported'' al Qaeda and the Taliban or ''associated forces that are engaged in hostilities against the United States or its coalition partners.'' It is not clear what is meant by ''substantially supported'' or what it takes to be ''associated'' with someone who ''substantially supported'' them. It refers to any ''belligerent act'' or someone who has ''directly supported such hostilities in aid of such enemy forces.'' It doesn't, as does our criminal law, say ''material support,'' so we really don't know whether that support could be merely a speech, or an article, or something else.

So let's not pretend that this is just the same as the AUMF. If it were, there would be no need to pass this law; we have it already. Courts, in reading legislation, operate on the very sensible assumption that Congress doesn't write surplus language, that it must have intended to do something. Here it is pretty clear that we are expanding the reach of the AUMF beyond the 9/11 perpetrators and those who aided and harbored them. Whoever it reaches—and we don't know—but whoever it reaches, the government would have the authority to lock them up without trial until ''the end of hostilities,'' which, given how broadly the AUMF has been used to justify actions far from Afghanistan, might mean forever.

And who will be taken out of the civilian justice system and imprisoned forever without a trial? The bill says anyone who ''is determined'' to be covered by the statute. It doesn't say determined by whom or what protections there are to ensure that an innocent person doesn't disappear into a military prison. That's not America.

We also need to be clear that the so-called ''Feinstein amendment'' does not really provide the protection its sponsor intended to provide. The Feinstein amendment says that ''nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.''

So what are ''existing law and authorities''? As former FBI Director William Sessions has recently written: ''The provision does not limit such detention authority to people captured on the battlefield. The reality is that current law on the scope of such executive authority is unsettled.'' Director Sessions goes on to point out that the two cases where the Supreme Court might have decided the question of detaining a U.S. citizen or a legal permanent resident, the U.S. claimed that the President had the authority—the administration claimed that the President had the authority to detain a suspected terrorist captured within the United States indefinitely without charge or trial.

In both these cases, Padilla and al-Mari, the government changed course and decided to try them in civilian courts in order to avoid a Supreme Court ruling on that question, and that question remains undetermined.

So when the Feinstein amendment references ''existing law,'' you should not assume that means that current law clearly deprives the President of this dangerous power. I hope it does, but it is still, legally, an open question. We should ensure that our liberty is protected and not leave that question to some future court, and we should certainly not enact a law codifying—and that's what this law does, it codifies, it puts into law terrifying claims of power made by Presidents but never approved by the courts or, until now, by the Congress. And that's the fundamental reason we should reject this bill.

We must take great care. Our liberties are too precious to be cast aside in times of peril and fear. We have the tools to deal with those who would attack us.

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

Mr. NADLER. I yield myself an additional 30 seconds.

We do not need to do this. We should not do this. And because of this momentous challenge to one of the founding principles of the United States—that no person may be deprived of his liberty without due process of law—this bill must be rejected.

I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Texas, vice chairman of the committee, the chairman of the Subcommittee on Emerging Threats and Capabilities, and a member of the conference committee, Mr. THORNBERRY.

Mr. THORNBERRY. Mr. Speaker, I rise in support of this conference report. It is a broad-ranging conference report that affects everything from personnel policies to weapons systems to research and development across the Department of Defense and the military. And I especially commend Chairman MCKEON, Ranking Member SMITH, and all the staff who have worked all year to make this possible, but have worked especially hard in the last few days to make this conference report possible before the Congress adjourns.

There are a number of good, important provisions in this bill that strengthen our country's national security. But in light of the comments we have recently heard, Mr. Speaker, let me talk just a moment about this issue of detention.

You know, one can put into law ''the sun comes up,'' and if somebody comes and says, no, it doesn't, you can present all the evidence and you can present words that have clear meaning, and if somebody just wants to say, no, it doesn't, you at some level reach an impasse.

The two provisions related to detention in this bill, the words that have been put into the law, are very clear. One says it does not apply to U.S. citizens. It does not. Nothing here affects U.S. citizens. The other provision says that nothing in this section can be construed to affect existing law or authorities related to the detention of U.S. citizens.

Now, it seems to me there may well be people who are uncomfortable with the current law, and I understand that. And the proper thing to do is to introduce a bill and try to get that amended in some way to get it more to your liking. But to argue that this bill changes in some way the current law when the words say nothing in this section shall be construed to affect existing law or authorities is just not credible.

The provisions in this bill, Mr. Speaker, are a small step towards having this Congress back involved in making those detention decisions. I think it is the right small step, and it should be supported.

Mr. SMITH of Washington. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a very important member of the Armed Services Committee.

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

Mr. ANDREWS. Mr. Speaker, I rise with profound respect for our Constitution and for my colleagues and friends who care deeply about the impact of this bill on that Constitution. It is because I have considered those issues that I would respectfully disagree with some of my colleagues and argue for the propriety and constitutionality of this bill.

I would deplore the idea that an American citizen or a permanent resident alien could be rounded up and put in a prison in the United States of America. This bill does not authorize that scenario. I would deplore a circumstance where any person—even a person who is not here under some permanent legal status—could be rounded up and put in a prison and only a military prison. That is not what this bill authorizes. It leaves open the option that such a person could be detained in a regular civilian prison or in a military prison.

I would reject completely the proposition that any person could be held in any facility—military or civilian—anywhere in our country indefinitely without the right to have the charges that are levied against them heard by some

neutral finder of fact. It is our interpretation that the habeas corpus provisions already extend to these individuals. That is to say that a nonresident or nonlegal person in the country who is held under such circumstances in fact has the right of habeas corpus. I think the law requires it. I think the Constitution demands it.

□ 1430

There is a legitimate difference of opinion as to whether or not that conclusion is correct. That is the state of present law. This bill does not amend present law in a way that I would like to see it amended by clarifying that right of habeas corpus, but it absolutely does not erode or reduce whatever protections exist under existing law.

So those who would share our view that the right of habeas must be clarified should work together to pass a statute that does just that, but we should not subvert this necessary and important bill.

I would urge a ''yes'' vote on the bill.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Judiciary Committee.

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

Mr. CONYERS. Members of the House of Representatives, this issue has never gone before the House Judiciary Committee—never.

I have a letter dated December 14 that says:

''There has been some debate over whether section 1021 of the National Defense Authorization Act merely restates existing law or would, for the first time, codify authority for the President to indefinitely detain, without charge, virtually anyone picked up in antiterrorism efforts, including United States citizens arrested on United States soil.

''Please find attached a letter from Judge William Sessions, a former Federal judge and former Director of the FBI under Presidents Reagan, Bush, and Clinton, explaining that current law on this point is unclear, and that enacting section 1021 of this act would dangerously expand the power for indefinite detention.''

I would like to place in the RECORD sundry correspondence, including the letter from Judge Sessions.

THE CONSTITUTION PROJECT,
Washington, DC, December 9, 2011.

DEAR REPRESENTATIVE MCKEON AND FELLOW CONFEREES, I am writing to you with grave concern over the National Defense Authorization Act of 2012 (NDAA). It is highly regrettable that the Senate passed the NDAA without first stripping it of dangerous provisions regarding the treatment of detainees. But it is not too late to act; as conferees, it is now your task to remove these harmful provisions before the NDAA becomes law. I strongly urge you to do so, and to preserve both our constitutional traditions and our most effective tools in the fight against terrorism.

If enacted, these detention provisions would for the first time codify authority for methods such as indefinite detention without charge and mandatory military detention, and would authorize their application—on the basis of suspicion alone—to virtually anyone picked up in antiterrorism efforts, including those arrested on U.S. soil. In effect, the U.S. military would become the judge, jury and jailer of terrorism suspects, to the exclusion of the FBI and other law enforcement agencies.

An astounding array of individuals from across the political spectrum opposes the over-militarization of our counterterrorism efforts, and for good reason. I have attached Beyond Guantanamo: A Bipartisan Declaration, organized by The Constitution Project and Human Rights First, in which I joined with over 140 additional former government officials and practitioners from across the political spectrum in explaining that federal courts are the most effective mechanism for trying terrorism cases, and that indefinite detention without charge runs afoul of our Constitution and would harm U.S. interests globally. As a former federal judge, former U.S. Attorney, and former director of the FBI, I myself can attest to the competence of our nation's law enforcement officers and civilian federal courts, as well as the urgency to preserve these tools for use in our counterterrorism efforts.

Secretary of Defense Leon Panetta similarly opposes this transfer of responsibility to the military. Indeed, virtually the entire national security establishment—including James Clapper, the director of national intelligence; Robert Mueller III, the director of the FBI; David Petraeus, the director of the CIA; White House Advisor for Counterterrorism John Brennan; Lisa Monaco, the assistant attorney general for national security; and Jeh Johnson, general counsel for the Department of Defense—has warned that further restricting the tools at our disposal to combat terrorism is not in the best interest of our national security. I implore you to heed their warning.

With regard specifically to Section 1031 from the Senate bill, some have argued that Section simply reiterates current law, and by doing so maintains the status quo. That is not the case. This very dangerous provision would authorize the President to subject any suspected terrorist who is captured within the United States—including U.S. citizens and U.S. persons—to indefinite detention without charge. The provision does not limit such detention authority to people captured on the battlefield. Importantly, although subsection (e) of this provision states that the provision should not be ''construed to affect existing law or authorities'' relating to detention of ''persons who are captured or arrested in the United States,'' the reality is that current law on the scope of such executive authority is unsettled.

In fact, on two occasions when this issue was on track to come before the U.S. Supreme Court, the executive branch changed course so as to avoid judicial review. Specifically, in both the Padilla case in 2005–06 (involving a U.S. citizen) and the al-Marri case in 2008–09 (involving a legal permanent U.S. resident), the U.S. government claimed that the President had the authority to detain a suspected terrorist captured within the United States indefinitely without charge or trial. In both instances, however, before the Supreme Court could hear the case and evaluate this claim, the Justice Department reversed course and charged the defendant with criminal offenses to be tried in civilian court. Thus, this extreme claim of executive detention authority for people captured within the United States has never been tested, and the state of the law at present is unclear. Passage of Section 1031 would explicitly provide this authority by statute for the first time, thereby clearly, and dangerously, expanding the power for indefinite detention.

I firmly believe that the United States can best preserve its national security by maintaining the use of proven law enforcement methods and our well-tested traditional criminal justice system to combat terrorism. By contrast, enacting the NDAA without first removing the current detainee provisions could pose a genuine threat to our national security and would represent a sweeping and unnecessary departure from our constitutional tradition.

I therefore urge you, as conferees, to strip these dangerous detainee provisions from the NDAA. Thank you for your consideration.

Sincerely,

WILLIAM S. SESSIONS.

OCTOBER 7, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Capitol, Washington, DC.

DEAR SENATOR REID: We are members of a nonpartisan group of retired generals and admirals who believe that U.S. counterterrorism policies are strongest when they adhere to the rule of law and American values. As such, we write to applaud your leadership in ensuring that the detainee provisions (Section 1031–1033) in the Senate Armed Services Committee's reported version of the Fiscal Year 2012 National Defense Authorization Act do not move forward.

If passed, we believe these provisions would reshape our counterterrorism policies in ways that would undermine our national security and transform our armed forces into judge, jury and jailor for foreign terrorism suspects. The military's mission is to prosecute wars, not terrorists. The bill would expand the military's mission to detain and try a large category of future foreign terror suspects, which falls outside the military's core competence and erodes faith in the judicial process. It would also authorize the indefinite detention without trial of terrorism suspects, including American citizens captured on U.S. soil—a policy that is contrary to the very American values needed to win this fight.

As retired military leaders, we believe in the importance of the underlying bill to sustain the strength of our Armed Services. For that reason, we have been advocating against these provisions, and agree with your statement that our nation: must maintain the capability and flexibility to effectively apply the full range of tools at our disposal to combat terrorism. This includes the use of our criminal justice system, which has accumulated an impressive record of success in bringing terrorists to justice. Limitations on that flexibility, or on the availability of critical counterterrorism tools, would significantly threaten our national security.

With your commitments this week, you took an important step to avert those threats.

Sincerely,

General Joseph P. Hoar, USMC (Ret.); General Charles C. Krulak, USMC (Ret.); General David M. Maddox, USA (Ret.); General Merrill A. McPeak, USAF (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 Arlen D. Jameson, USAF (Ret.); Lieutenant General Charles Otstott, USA (Ret.); Lieutenant General Harry E. Soyster, USA (Ret.); Major General Eugene Fox, USA (Ret.); Rear Admiral Don Guter, USN (Ret.); Rear Admiral John D. Hutson, USN (Ret.); Major General Melvyn S.

Montano, USAF (Ret.); Major General William L. Nash, USA (Ret.); Major General Thomas J. Romig, USA (Ret.); Major General Antonio 'Tony' M. Taguba, USA (Ret.); Brigadier General John Adams, USA (Ret.); Brigadier General James Cullen, USA (Ret.); Brigadier General David R. Irvine, USA (Ret.); Brigadier General John H. Johns, USA (Ret.); Brigadier General Anthony Verrengia, USAF (Ret.); Brigadier General Stephen N. Xenakis, USA (Ret.).

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 PANETTA.

DIRECTOR OF NATIONAL INTELLIGENCE,
Washington, DC.

Hon. DIANNE FEINSTEIN,
Chairmen, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: I am writing in response to your letter requesting my views on the effect that the detention provisions in the National Defense Authorization Act for Fiscal Year 2012 could have on the ability of the Intelligence Community to gather counterterrorism information. In my view, some of these provisions could limit the effectiveness of our intelligence and law enforcement professionals at a time when we need the utmost flexibility to defend the nation from terrorist threats. The Executive Branch should have maximum flexibility in these areas, consistent with our law and values, rather than face limitations on our options to acquire intelligence information. As stated in the November 17, 2011, Statement of Administration Policy for S. 1867, ''[a]ny 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.''

Our principal objective upon the capture of a potential terrorist is to obtain intelligence information and to prevent future attacks, yet the provision that mandates military custody for a certain class of terrorism suspects could restrict the ability of our nation's intelligence professionals to acquire valuable intelligence and prevent future terrorist attacks. The best method for securing vital intelligence from suspected terrorists varies depending on the facts and circumstances of each case. In the years since September 11, 2001, the Intelligence Community has worked successfully with our military and law enforcement partners to gather vital intelligence in a wide variety of circumstances at home and abroad and I am concerned that some of these provisions will make it more difficult to continue to have these successes in the future.

Taken together, the various detention provisions, even with the proposed waivers, would introduce unnecessary rigidity at a time when our intelligence, military, and law enforcement professionals are working more closely than ever to defend our nation effectively and quickly from terrorist attacks. These limitations could deny our nation the ability to respond flexibly and appropriately to unfolding events—including the capture of terrorism suspects—and restrict a process that currently encourages intelligence collection through the preservation of all lawful avenues of detention and interrogation.

Our intelligence professionals are best served when they have the greatest flexibility to collect intelligence from suspected terrorists. I am concerned that the detention provisions in the National Defense Authorization Act could reduce this flexibility.

Sincerely,

JAMES R. CLAPPER.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, Nov. 28, 2011.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express concerns regarding the impact of certain aspects of the current version of Section 1032 of the National Defense Authorization Act for Fiscal Year 2012. Because the proposed legislation applies to certain persons detained in the United States, the legislation may adversely impact our ability to continue ongoing international terrorism investigations before or after arrest, derive intelligence from those investigations, and may raise extraneous issues in any future prosecution of a person covered by Section 1032.

The legislation as currently proposed raises two principal concerns. First, by establishing a presumption of military detention for covered individuals within the United States, the legislation introduces a substantial element of uncertainty as to what procedures are to be followed in the course of a terrorism investigation in the United States. Even before the decision to arrest is made, the question of whether a Secretary of Defense waiver is necessary for the investigation to proceed will inject uncertainty as to the appropriate course for further investigation up to and beyond the moment when the determination is made that there is probable cause for an arrest.

Section 1032 may be read to divest the FBI and other domestic law enforcement agencies of jurisdiction to continue to investigate those persons who are known to fall within the mandatory strictures of section 1032, absent the Secretary's waiver. The legislation may call into question the FBI's continued use or scope of its criminal investigative or national security authorities in further investigation of the subject. The legislation may restrict the FBI from using the grand jury to gather records relating to the covered person's communication or financial records, or to subpoena witnesses having information on the matter. Absent a statutory basis for further domestic investigation, Section 1032 may be interpreted by the courts as foreclosing the FBI from conducting any further investigation of the covered individual or his associates.

Second, the legislation as currently drafted will inhibit our ability to convince covered arrestees to cooperate immediately, and provide critical intelligence. The legislation introduces a substantial element of uncertainty as to what procedures are to be followed at perhaps the most critical time in the development of an investigation against a covered person. Over the past decade we have had numerous arrestees, several of whom would arguably have been covered by the statute, who have provided important intelligence immediately after they have been arrested, and in some instances for days and weeks thereafter. In the context of the arrest, they have been persuaded that it was in their best interests to provide essential information while the information was current and useful to the arresting authorities.

Nonetheless, at this crucial juncture, in order for the arresting agents to proceed to

obtain the desired cooperation, the statute requires that a waiver be obtained from the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, with certification by the Secretary to Congress that the waiver was in the national security interests of the United States. The proposed statute acknowledges that this is a significant point in an ongoing investigation. It provides that surveillance and intelligence gathering on the arrestee's associates should not be interrupted. Likewise, the statute provides that an ongoing interrogation session should not be interrupted.

These limited exceptions, however, fail to recognize the reality of a counterterrorism investigation. Building rapport with, and convincing a covered individual to cooperate once arrested, is a delicate and time sensitive skill that transcends any one interrogation session. It requires coordination with other aspects of the investigation. Coordination with the prosecutor's office is also often an essential component of obtaining a defendant's cooperation. To halt this process while the Secretary of Defense undertakes the mandated consultation, and the required certification is drafted and provided to Congress, would set back our efforts to develop intelligence from the subject.

We appreciate that Congress has sought to address our concerns in the latest version of the bill, but believe that the legislation as currently drafted remains problematic for the reasons set forth above. We respectfully ask that you take into account these concerns as Congress continues to consider Section 1032.

Sincerely,

ROBERT S. MUELLER III,
Director.

I know you gentlemen have studied this in the Armed Services Committee; but I've got a letter from the former head of the FBI and Judge Williams Sessions, and another letter from 23 generals and admirals saying the same thing. I know you're very learned people and very conscientious, but, please, when the heads of the FBI, Republicans, judges, all tell you that you're doing the wrong thing, what does it take for us to vote this down; because this provision allows, for the first time, we codify a court decision that will now make it okay to lock up U.S. citizens for terrorism.

This is what it says, Mr. Chairman.

I will read it again:

''There has been some debate''——

Mr. SMITH of Washington. Will the gentleman yield for a point of clarification?

That person——

Mr. CONYERS. Will the gentleman let me recognize him on his own time? I only have 3 minutes.

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

Mr. CONYERS. I would like to remind my colleagues that provisions within the conference report impact our civil liberties and should have been referred to the Judiciary Committee for review. The conference report dangerously expands existing authorizations pertaining to individuals detained by the United States government and the military.

First, Section 1021 grants broad discretionary authority that could permit the indefinite detention of United States citizens, areas of law that should have been referred to the Judiciary Committee.

Secondly, Section 1021 is not the current law of the land and instead is new and dangerously extensive detention authority that has its origins in case law that never involved questions of whether American citizens could be indefinitely detained.

Third, Section 1022 violates due process by permitting indefinite military detention without charge or trial.

Next, the conference report ignores the concerns of members of our intelligence community, domestic law enforcement, and former generals who have opposed these provisions because they would undermine the ability of the government to interrogate and prosecute suspected terrorists.

Lastly, the conference report displaces the legal expertise necessary for trying successful terrorism cases.

First, Section 1021 grants broad discretionary authority that could permit the indefinite detention of United States citizens. The indeterminate breadth of conference report provides little or no protection against the indefinite detention of United States citizens. In addition, it threatens our constitutional protections and civil liberties.

I would like to know why an amendment to exempt American citizens from indefinite military detention failed in the Senate. If we were concerned about preserving the civil liberties and constitutional protections for American citizens, why did it fail? In addition, if existing laws prohibit this, why did we not specify this in the bill? Although supporters of this bill continue to claim that this bill would not expand detention authority inside of the U.S., that is just not the case.

There are too many questions that affect our civil liberties in the conference report that should have been referred to the Judiciary Committee for review and clarification. For example, Section 1021 is broad in its definition of ''hostilities'', what constitutes ''directly supporting hostilities in aid of enemy forces,'' and does not address the question of when or how do we determine ''the end of hostilities.''

Former FBI Director under Reagan, Bush, and Clinton and former Judge, Williams S. Sessions, recently wrote to the conferees explaining that ''This very dangerous provision would authorize the President to subject any suspected terrorist who is captured within the United States—including U.S. citizens and U.S. persons—to indefinite detention without charge. The provision does not limit such detention authority to people captured on the battlefield. Importantly, although subsection (e) of this provision states that the provision should not be 'construed to affect existing law or authorities' relating to detention of persons who are captured or arrested in the United States,' the reality is that current law on the scope of such executive authority is unsettled.''

With so much ambiguity, this bill could authorize detention—into perpetuity—United States citizens who in some instances—such as making statements protected under the First Amendment—could arguably be considered subject to indefinite detention under this provision.

In addition, Section 1021 does not expressly address whether U.S. citizens or lawful resident aliens may be determined as ''covered persons'' subject to detention under the section. Although the conference report includes the amendment offered by Senator FEINSTEIN, the conference report leaves definitions that are very broad of who can be detained without charge or trial.

Secondly, let me remind my colleagues that Section 1021 is not the current law of the land. The definition in Section 1021 was used by the Obama Administration to continue to detain indefinitely without charge or trial detainees at Guantanamo Bay, GITMO. This definition was used in court cases dealing with GITMO detainees, NOT American citizens. Thus, the question is whether this Congress wants the same GITMO detainee standard applied to American citizens? Do you want our government treating American citizens that way?

Section 1021 states that ''Nothing in the section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States or any other persons who are captured or arrested in the United States.'' This does not mean that American citizens are protected.

I am very troubled today to have learned that when an amendment came up in the Senate to address these protections for American citizens, members of the Senate stated that they would want room in the law for an American citizen to fall under this new and broad definition.

No one at GITMO is an American citizen and the only cases that deal with this type of indefinite detention without charge or trial are GITMO detainee cases. So there is no good law out there.

Thus, if existing laws do impact the civil liberties of American citizens, then we need to be changing those laws instead of codifying them.

Thirdly, the conference report violates due process and rejects our American values. The United States Constitution grants specific due process rights to citizens that guarantee they will be charged and brought to trial in the event they are apprehended by law enforcement. However, Section 1022 militarizes our justice system and could allow United States citizens to be detained by the military without charge or trail.

We take an oath every Congress to uphold the Constitution and to guard its values and protections for American citizens. Earlier this year, members of this body stood before the American people and read the Constitution. Yet I must inquire whether that was theatrics or did we intend to follow through with our obligation? The broad definitions in 1022 could include American citizens under indefinite military detention, and thus must be opposed if we are to be protectors of the Constitution.

Next, this Congress has ignored the concerns of our national intelligence community. Changes into Section 1022 will undermine the ability of the government to interrogate and prosecute suspected terrorists.

The Secretary of Defense, Leon Panetta, Director of the FBI, Robert Mueller, Director of National Intelligence, James Clapper, CIA professionals, along with dozens of retired generals and professional interrogators have rejected this proposal because it is a militarization of our justice system and some have stated that these provisions are unwise and unworkable.

Members of the House claim that out of respect for our military we need to pass this authorization. However, passing this bill ignores

their concerns and will negatively impact operations that preserve our national security. Under the provisions of the conference report, intelligence and domestic law enforcement would lose authority to take further action with terrorist suspects in U.S. custody absent a wavier from the President—which still thwarts the information gathering that is crucial at that time of arrest.

This provision in the conference report will cause controversy and chaos in handling terrorism investigations. Tying the hands of our intelligence and law enforcement professionals would also cause unnecessary delays in justice.

These provisions also harm our national security by threatening the global reputation of the United States. Under President Obama, the image of the United States has been restored as well as the rule of law. However, the conference report rejects our national values of democracy, due process, and justice by authorizing the military's role in domestic law enforcement.

Lastly, the conference report displaces the legal expertise necessary for trying successful terrorism cases. A bi-partisan alliance of our national defense and intelligence community—including retired generals—have spoken out against provisions in Section 1022 that provide for military commissions to conduct terrorism trials.

The military has not even completed 3 percent of the case load that the Justice Department has completed. Military tribunals have completed six terrorism cases, compared to the Justice Department's case load of close to 400 cases with a 90 percent conviction rate to go along with that. To date, there is no record of any federal court unable to convict a terrorist.

This is not a responsibility the military wants, therefore Congress should not insist on the use of military tribunals in order to sound tougher on terrorists. We should not treat terrorists like warriors. Federal courts and our Justice Department can deliver harsher sentences and are better equipped to handle such cases. In addition, Article III Judges and the Department of Justice are more versed in the body of law that covers such cases.

I was also disappointed that the conference report failed to adopt Senate-passed language proposed by Senators MERKLEY, PAUL, and LEE calling for expedited transition of responsibility for military and security operations in Afghanistan to the Afghan government.

Specifically, this amendment would have required the President to devise and submit to Congress a plan to expedite the drawdown of U.S. combat troops in Afghanistan and accelerate the transfer of security authority to Afghan authorities.

The conference report amended the amendment's language to change the focus from drawing down our troop footprint to empowering and building up the Afghan security forces. While a worthy goal unto itself, this language changed the focus of the amendment and undermined the the message expressed by the entire Senate through the Merkley Amendment. Including this provision would have sent an important message about our country's commitment to bringing the war in Afghanistan to a responsible end. It is unfortunate that the report does not reflect a position supported by a majority of the American people.

I also support efforts to enhance the ability of Customs & Border Protection to prevent counterfeit goods from being imported into the United States. However, Section 8 of this bill will disrupt the flow of genuine brand name products into the United States.

This is true because many of the goods which CBP inspectors view with suspicion are in fact genuine goods, lawfully moving in distribution streams parallel to the authorized distributors. These transactions are desirable because they provide U.S. consumers with price competition and wider distribution of brand name products.

However, the existence of these transactions is often under attack by trademark and copyright owners who actively seek to control resale pricing and downstream distribution of the products they have already sold into commerce. Section 8 will give anti-competitive companies a new tool by giving them confidential information about competing parallel imports at their times of arrival, while they are still detained by CBP and unavailable to the importer, and without giving the importer an opportunity to prove its goods are genuine, and without even giving notice to the importer that its information has been shared with a competitor seeking to prevent its lawful transaction.

This problem could be minimized if Section 8 is limited to goods raising national security concerns or purchases by the military. I believe that is the intent of this provision of the Department of Defense Appropriation bill.

This problem could also be minimized if this bill or CBP would adopt the safeguards which the Administration proposes be included in the Customs Reauthorization Act. This would be appropriate since Section 8 provides that it sunsets when the Customs Reauthorization is adopted. The safeguards include a requirement that the Secretary find there is a need for disclosing confidential information, and that CBP provide the importer with notice and an opportunity to respond before any confidential information is released to other private parties.

For some reason, we are adopting this provision in anticipation of a more thoughtful approach in the Customs Reauthorization Act. This is not a wise or needed course of action. CBP today can provide redacted samples to IP owners and very often that is sufficient to determine if they are genuine or counterfeit.

CBP today keeps suspicious goods out of U.S. commerce while it determines if they are genuine. The safeguards proposed by the administration will not put suspicious goods into commerce nor delay the final determination of CBP because there is an existing 30-day requirement that is not altered by any proposed legislation.

We must not be willing to compromise our civil liberties and American values for the false sense of enhancing security. I urge members to vote no on the Conference report and do what is right for America, its people, and the rule of law.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Maryland, the chairman of the Subcommittee on Tactical Air and Land Forces and a member of the conference committee, Mr. BARTLETT.

Mr. BARTLETT. I rise in support of the conference report for the National Defense Authorization Act for fiscal year 2012. This is the 50th consecutive conference report for the National Defense Authorization Act.

I have the honor of serving as the chairman of the Tactical Air and Land Forces Subcommittee of our Armed Services Committee. Under the full committee leadership of Chairman MCKEON and Ranking Member SMITH, the support of SILVESTRE REYES, our subcommittee's ranking member, and a superb staff, ours is truly a bipartisan effort.

Consideration of this conference report comes at a critical period for our Nation and our military. World events and the Nation's fiscal circumstances have challenged our government's will and capacity to constructively address the enormity of the challenges we face. We need to develop a new national military strategy that better reflects the current and projected threat and fiscal environment. This is needed to facilitate full and balanced consideration of force structure and equipment investment plans and programs.

Our first priority and immediate requirement is to fully support our personnel serving overseas in Afghanistan and the many other countries where we have asked them to serve under the daily, constant threat to their personal survival. This conference report properly reflects this immediate requirement.

The National Defense Authorization Act Conference Report authorizes an additional $325 million for National Guard and Reserve equipment unfunded requirements; $3 billion is provided to support urgent operational needs and to counter improvised explosive device activities; $2.7 billion is provided to support Mine Resistant Ambush Protected Vehicle modernization and survivability enhancements; and $2.4 billion is provided for Army and Marine Corps Tactical Wheeled Vehicles, including $155 million for development of the Joint Light Tactical Vehicle.

To meet projected future needs, an additional $255 million is provided to support the Abrams Tank industrial base and National Guard tank modernization, increasing the request of 21 to 70 tank upgrades, avoiding a production break in the tank upgrade program; $8.5 billion is provided for F–35 multiservice aircraft; $3.2 billion is provided for 40 aircraft in two models of F–18 aircraft; $2.4 billion is provided for V–22 Ospreys for the Marine Corps and the Air Force; and multiyear procurement is authorized for various models of Army and Navy H–60 helicopters.

I urge all of my colleagues to support this conference report.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, the ranking member on the Air and Land Subcommittee, Mr. REYES.

Mr. REYES. I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of the Fiscal Year 2012 National Defense Authorization Act. This bill represents months of hard work by Members on both sides of the aisle. And I especially wanted to thank my friend and chairman, Mr. MCKEON, and Ranking Member SMITH, as well as my chairman, ROSCOE BARTLETT, for the inclusive work that was done in this legislation.

It is important to note what this bill does not include. During conference negotiations, unnecessary provisions limiting the work of military chaplains were dropped. Now the bill will allow the repeal of Don't Ask, Don't Tell to proceed so that troops who defend our values will have protections that they have fought to defend.

Working with the White House, our committee achieved a final compromise on detainees that does not grant broad new authority for the detention of U.S. citizens and does not establish a new authority for indefinite detention of terrorists. The bill strikes a reasonable balance between protecting our Nation from terrorists like those who attacked our Nation on September the 11th and protecting our American values. It demonstrates that we do not need to sacrifice our civil liberties to be safe.

Finally, I urge Members to support this legislation because it also includes a pay raise for our troops and provides funds for the care needed to recover from the wounds of war. The bill improves access to mental health care for members of the National Guard and Reserves, and the bill also expands and improves laws dealing with sexual assault and harassment.

I ask all Members to vote for this very important piece of legislation.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I have a unique position in Congress in that I serve both on the House Armed Services Committee and the House Judiciary Committee. The House Armed Services Committee is charged with the responsibility of protecting the security of America from external threats. The Judiciary Committee is charged with the awesome responsibility of protecting the rights of Americans to live freely and protecting that from internal threats.

□ 1440

I know that my service on the Armed Services Committee has been good, and I appreciate the bipartisanship with which our chairman and the ranking member addressed the issues for keeping America safe from external threat. I must commend you for, at very difficult times, in reaching this particular product.

However, I rise in opposition to this defense authorization bill reached in conference committee because it does disturb the rights that Americans have come to enjoy under our Constitution.

We have sworn to uphold our Constitution of the United States of America regardless of which committee you serve on. Yet we're about to give our seal of approval to a bill that gives the military the authority to hold American citizens captured abroad on suspicion of terrorism, and to hold them indefinitely without trial.

This is a codification of an unfortunate Supreme Court ruling that is wrong, and it gives that ruling statutory legitimacy.

Mr. Speaker, we must reject indefinite detention of Americans and defend the Constitution. An American arrested abroad could be subject to indefinite detention abroad, and that's wrong. No matter how you spin it, it's wrong. It's unjust, it's Orwellian, and it's not who we are.

As Americans, we don't put Americans in jail indefinitely without trial no matter how heinous the accusations against them. This is not what we are about. This is not who we are. It's against our values as Americans, and for this reason, I cannot support the bill.

The bill also makes the military, not civilian law enforcement authorities, responsible for custody and prosecution in the military courts of foreign terrorist suspects apprehended within the United States. This provision disrespects and demoralizes our law enforcement officers and prosecutors who are responsible for protecting our national security using the United States criminal justice system and process, which has been effectively used repeatedly to investigate, arrest, prosecute, and incarcerate for long stints individuals who are convicted of terrorism.

Imagine you're an FBI agent or a Federal prosecutor with a tremendous record finding, arresting, convicting, locking up terrorists. Now you're told to step aside so that the military can do your job for you. The military is a machine of war, not a law enforcement agency.

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

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

Mr. JOHNSON of Georgia. Thank you.

That's why the Director of National Intelligence, the Director of the FBI, the Director of the CIA, the head of the Justice Department's National Security division, and the Secretary of Defense himself oppose this provision.

More than 400 terrorists have been convicted in our civilian courts. Only a handful of cases have been brought before military tribunals, and not all of them have been successful.

If it ain't broke, ladies and gentlemen, don't fix it.

Terrorism is a crime, and our law enforcement authorities, our prosecutors, our judges are more than up to the task. This bill ties the hands of law enforcement, militarizes counterterrorism on our own soil, and makes us less safe.

Mr. Speaker, our constituents sent us here to provide for the common defense, yes, but they also sent us here to safeguard their liberty.

So I ask my colleagues to think long and hard about this vote, and I ask the staffers watching this on C–SPAN to think long and hard before making their recommendations. Reject indefinite detention, empower civilian law enforcement, and defend the Constitution.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Missouri, the chairman of the Subcommittee on Seapower and Protection Forces and a member of the conference committee, Mr. AKIN.

Mr. AKIN. Thank you, Mr. Chairman.

I think that perhaps before we give the report on the status of seapower, I would make the comment that if this sequestration goes through, which people are talking about, it gravely influences the ability of our country to protect itself, and it hollows out our force. As it is, if that were to go through, we would have the smallest Navy or a Navy smaller than we had in the year 1916.

However, this particular authorization bill has some good aspects. One of the things it does is support the construction of 10 new ships in the budget request. The bill also is going to require a competitive acquisition strategy for the main engine of the next-generation bomber. That's a place we've gotten in trouble before. It allows the retirement of six B–1 aircraft but still maintains the requirement for 36 aircraft for the next 2 years.

It provides the recommended force from the Air Force of the strategic airlift of 301 aircraft comprised of C–17s and C–5s. It also requires the GAO to conduct an annual review on the new tanker program which the military has just entered into.

I would be remiss if I didn't call our attention to a historic pattern that has occurred all through America's past. That is, in times of peace, we keep cutting defense and cutting defense, and then some war comes up and we don't have what we need, and we sacrifice a lot of lives and money. We also give ourselves fewer political possibilities because we are not prepared.

We are rapidly approaching that same mistake once again in our history with the danger of the sequestration. We've already taken almost a 10 percent cut in defense, $450 billion. As a Navy guy, what that means is 45 aircraft carriers. That's how much we've cut. We only have 11 in the Navy. You're not supposed to lose them or sink them. This would be the equivalent of cutting 45 aircraft carriers. That's before sequestration. We must be careful.

Mr. SMITH of Washington. I yield 2 minutes to the gentlelady from California, the ranking member of the Personnel Subcommittee, Mrs. DAVIS.

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of the National Defense Authorization Act for Fiscal Year 2012.

As the ranking member of the Military Personnel Subcommittee, I am pleased that this bill includes a number of provisions that continues our commitment to our men and women in uniform as well as their dedicated families.

First, I want to thank my chairman, JOE WILSON, for his support and assistance. I would also like to recognize Chairman MCKEON and Ranking Member SMITH for their leadership.

I urge my colleagues to vote for this conference report as it supports our military and their families who have faced the stress and the strains of a decade at war.

The conference report includes a 1.6 percent pay raise for our troops. And it will also require the Department of Defense to enhance suicide prevention programs. It allows servicemembers to designate any individual, regardless of their relationship, to direct how their remains are treated.

This bill will also allow service Secretaries to permit members to participate in an apprenticeship program that provides employment skills training. It makes significant enhancements to the sexual assault and harassment policies of the DOD, such as requiring full-time sexual assault coordinators and victim advocates, ensuring access to legal assistance, and allowing for the consideration of a permanent change of station.

And, finally, H.R. 1540 will ensure future TRICARE prime enrollment fees are tied to increases in military retired pay cost of living adjustments.

The bill before us continues to recognize the sacrifices of those who serve our Nation in uniform. I urge my colleagues to support this bill.

□ 1450

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlelady from Guam (Ms. BORDALLO).

Ms. BORDALLO. I wish to thank Ranking Member SMITH for his support for Guam, and I thank the gentleman from New York (Mr. NADLER) for yielding.

Mr. Speaker, I rise in strong opposition to H.R. 1540, the conference report accompanying the National Defense Authorization Act for Fiscal Year 2012. If I were able to vote on the final passage of this legislation, I would vote against this bill.

The bill completely ignores the important efforts that this administration has taken to better posture our military forces in the Pacific. Furthermore, we undercut efforts, significant efforts, by Prime Minister Noda, in Japan, in trying to achieve progress with the development of a Futenma replacement facility.

I am deeply concerned about this bill because there is constant talk in this Chamber about recognizing the importance of the Asia-Pacific region, and now we are going in the opposite direction. People discuss their concerns about the potential threats posed by both China and North Korea. Yet when this country and this administration ask the Congress to act in our best national interest to realign forces in the Pacific, we blink. We are all talk and no action on this very important issue. I understand the budget realities that we currently face; but we must make the necessary hard choices and investments now, or it will cost more money and time in the long run.

That said, it is important for our partners in Japan to continue the progress they are making to begin the construction of a replacement facility for Futenma in northern Okinawa. It is important for Prime Minister Noda to continue to show leadership and present an environmental impact statement to the Governor of Okinawa by the end of this year. In addition, we must have further progress toward the permitting of a landfill so that we can finally move forward with this realignment. Right or wrong, the patience of those in the Senate has run out, and it is important to have more action and less rhetoric in Okinawa.

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

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

Ms. BORDALLO. The cuts to infrastructure funding on Guam are simply punitive, and they fly in the face of the unified action by both the House and Senate appropriators. This Congress has uniformly stated that infrastructure improvements are needed on Guam to sustain any type of additional military presence. Yet once again, our rhetoric does not match our words.

I will continue to work to make sure that we get funding to address critical infrastructure needs. As such, I urge all of my colleagues to vote ''no'' on this legislation.

Mr. MCKEON. Mr. Speaker, I yield myself 1 minute to engage in a colloquy with my friend from Louisiana (Mr. LANDRY).

Mr. LANDRY. Will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from Louisiana.

Mr. LANDRY. Mr. Speaker, I rise today in order to fulfill my constitutional duty of ensuring that the liberties and freedoms are protected of the men and women that this bill authorizes to fight for. The protections bestowed on U.S. citizens are the ones that I am concerned with the most.

The question now upon us is whether or not the NDAA impacts the rights of a U.S. citizen to receive due process to challenge the legality of detention by the executive before an article III court.

Mr. MCKEON. This conference report does no such thing. It in no way affects the rights of U.S. citizens.

Mr. LANDRY. My concern is that when the writ is suspended, the government is entirely free of judicial oversight.

So do we agree that no section of the NDAA purports to suspend the writ of habeas corpus?

Mr. MCKEON. I agree completely.

Mr. LANDRY. Do you agree that, as the Supreme Court has held, ''a state of war is not a blank check for the President when it comes to the rights of our citizens''?

Mr. MCKEON. I do.

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

Mr. MCKEON. I yield myself an additional 15 seconds.

Mr. LANDRY. Will the chairman assure me that together we will work with the committee to further clarify the language contained in this bill in order to ensure that the clear and precise language which protects the constitutional rights of American citizens is protected?

Mr. MCKEON. I do, and I will be happy to work with you to that end.

Mr. LANDRY. Thank you, Mr. Chairman.

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

Mr. SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentlelady from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Mr. Speaker, I rise in support of the National Defense Authorization Act that is before us today.

I want to thank Chairman MCKEON, Ranking Member SMITH, and all the members of the Armed Services Committee who have worked to ensure that significant protections for our servicemembers are included in this year's bill, particularly for those who are survivors of military sexual trauma.

I also want to highlight the inclusion of a long-term reauthorization of the Small Business Innovation Research program. It is the government's most effective research and development program, creating jobs and fostering innovation in Massachusetts and across the country; and it plays a critical role in the Department of Defense.

The bill before us today ensures that the SBIR program retains its proper focus on true small businesses—creating a platform for needed job growth while guaranteeing that our Armed Forces continue to have access to the best technology available.

I urge its passage.

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

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from South Carolina, the chairman of the Subcommittee on Military Personnel, Mr. WILSON.

Mr. WILSON of South Carolina. Thank you, Chairman MCKEON, for your commitment to military servicemembers, family members, and veterans.

Before I begin, I want to commend Vice Chairman MAC THORNBERRY for his clarification of the detainee issue, which is that the issue does not apply to U.S. citizens. This is directed at al Qaeda—illegal enemy combatants—not at U.S. citizens.

The military personnel provisions of H.R. 1540 provide new and important authorities to support the men and women in uniform and their families. Some of the more important personnel provisions contained in the conference agreement are: a 1.6 percent increase in military basic pay; a revised policy for measuring and reporting unit operations tempo and personnel tempo, especially when we must continue our resolve for victory in the current mission requirements.

Another initiative important to my constituents is the reform of the military recruiting system to include graduates of home schooling and virtual schools. I see military service as opportunity and fulfilling, and these are extraordinary patriots who deserve the opportunity to serve.

The conference agreement would make the chief of the National Guard Bureau a member of the Joint Chiefs of Staff. Furthermore, the agreement clarifies the legal authority for the oversight of Arlington National Cemetery, a national shrine for veterans.

I believe this bill is also strong in the multiple provisions dealing with sexual assault; and it provides new authority, such as temporary early retirement, to ease the impact of future military personnel reductions.

I urge all of my colleagues to support the conference report.

Mr. SMITH of Washington. Mr. Speaker, may I inquire as to how much time each side has remaining.

The SPEAKER pro tempore. The gentleman from Washington has 10 minutes remaining. The gentleman from California has 8¼ minutes remaining. The gentleman from New York has 4 minutes remaining.

Mr. SMITH of Washington. With that, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), ranking member on the Emerging Threats Subcommittee.

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

□ 1500

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 1540, the 2012 National Defense Authorization Act.

I would like to begin by thanking Chairman MCKEON, Ranking Member SMITH, and my subcommittee chairman, Mr. THORNBERRY, for their leadership and commitment to keeping our Nation safe and protecting our servicemembers. As a conferee, I was proud to join them in signing the conference report Monday night, and I am even more proud of our excellent staff that completed a full conference in a record 1 week's time.

As ranking member of the Emerging Threats Subcommittee, I am especially pleased with the inclusion of significant funding for special operations forces, the full reauthorization of the SBIR program to support our job-creating small businesses, and also the inclusion of important cyberprotections to prevent future incidents similar to WikiLeaks.

This bill will also ensure the long-term strength of programs critical to our naval dominance and strategic posture, such as the purchase of two new Virginia class submarines, fully funding the development of the Ohio replacement submarine, and continuing work on the first Zumwalt DDG–1000 destroyer.

Further, the conference committee successfully removed damaging language that would have ended efforts by DOD to procure clean alternative fuel technology in order to break our dependence on foreign oil and reduce our carbon footprint, which DOD officials have stated are both high risks to our national security.

Finally, while I'm concerned that we were unable to remove some harmful measures requiring that terrorist detainees be held in military custody, provisions included in this bill help address concerns about potential detention of U.S. citizens in military custody and the flexibility of counterterrorism efforts by the FBI.

In closing, this legislation supports the incredible sacrifices that our brave men and women in uniform make for our country every day and provides critical resources to carry out vital national security projects.

With that, I am proud to serve on the House Armed Services Committee and to serve with Chairman MCKEON and Ranking Member SMITH. I commend them for the great work they have done in producing a good bill, and I appreciate the staff for their great work as well.

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

The SPEAKER pro tempore. Without objection, the gentleman from Virginia will control the time of the gentleman from California.

There was no objection.

Mr. WITTMAN. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Ohio, the chairman of the Subcommittee on Strategic Forces and member of the conference committee, Mr. TURNER.

Mr. TURNER of Ohio. Mr. Speaker, I join my colleagues in speaking in favor of passage of the conference report on the FY12 NDAA.

As chairman of the Strategic Forces Subcommittee, I would like to walk through some of the key provisions of the conference report.

This conference report imposes checks on the administration's plans for nuclear reductions by requiring assessments of those reductions from the STRATCOM commander before any nuclear weapons reductions are made. It also requires the administration to disclose its plans for future reductions and reasserts congressional oversight of the Nation's nuclear war plan.

Concerning the proposed LightSquared network, we have retained House and Senate provisions that will ensure that the FCC will not be able to give final approval to that network unless it resolves concerns about impacts to our national security. Recent press reports indicate that, per new test results, LightSquared's proposed network continues to create unacceptable interference to DOD GPS systems.

I would also like to thank Chairman HAL ROGERS and Chairman RODNEY FRELINGHUYSEN for their support of the NNSA vital nuclear weapons programs.

And I would also like to discuss an issue that is important to our men and women in uniform, impacts our Air Force's readiness, and forces servicemembers to choose between their service to their Nation and their families. This is the issue of military child custody.

A short time after becoming a member of the House Armed Services Committee, I was struck to learn that this country's judicial system was using a servicemember's deployment against them when making child custody determinations. Just to be clear, we're asking an all-volunteer force, which consists of less than 1 percent of our population, to engage in the longest conflict in our Nation's history, endure more deployments than any other generation in our history, and do so at the peril of losing custody of their children upon return.

Recognizing this unconscionable injustice, the House Armed Services Committee has included language in the past five National Defense Authorization Acts to provide servicemembers a uniform standard of protection. This provision has also made it through the House Veterans' Affairs Committee.

Unfortunately, despite overwhelming bipartisan support in the House and the support of the Department of Defense, the Senate has once again failed our servicemembers and their families. It appears that they are operating on false information.

This provision should pass the House, and we are going to continue to stand for our servicemembers.

Mr. SMITH of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member, and I thank the members of this committee.

This is a very tough decision. But in the midst of welcoming home many of our troops, I believe it is important to look at aspects of this legislation that have been corrected and aspects that have been enhanced.

Let me thank the members of the committee for the enhancement of the small business technology and the efforts on research and development. Let me thank them for the response on sexual assault and harassment policies that have been improved, as well as the improvement of the military pay for our military families and soldiers, and the enhanced resources that have been

put in to help our soldiers return to the workplace.

But I am concerned. And as I have reviewed this, let me specifically yield to the gentleman from Washington, the ranking member, and ask a question on detention, about which I think so many are concerned.

It is my understanding, along with present law, that this has been vetted, the language of detention and the response to civilians, American civilians and legal aliens have been vetted to be in sync with the Constitution, due process, and the right to habeas corpus if individuals are detained.

Mr. SMITH of Washington. Yes. That was a huge priority for me in the conference committee. We worked hard to make sure that that happened, and we absolutely protect those rights.

Ms. JACKSON LEE of Texas. And I believe also that Congress has the privilege to be notified if someone is detained and has the ability to both intervene or interact with the executive, the President, on the particularly unique circumstances of a U.S. citizen being detained as a person that may be involved in terrorist acts.

I thank the gentleman and would argue the point that this is a difficult call but that this bill has value because it improves the law on the question of detention and compliance with the Constitution. It also improves the lives of our soldiers and families.

I support the legislation.

Mr. WITTMAN. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Illinois, a member of the conference committee, Mr. SCHILLING.

Mr. SCHILLING. I rise today in support of the NDAA conference agreement. First I want to thank Chairman MCKEON and Ranking Member SMITH for shepherding this bill through the committee and through the Armed Services Committee and for really doing a great job for our brave men and women.

This marks the 50th year of the NDAA passing, and it is truly an example of bipartisan cooperation for the good of our country. I appreciate the opportunity I have had, serving on this important conference. And I believe that what we have put together is a great framework that is fiscally responsible and supportive of our troops and national security.

Included in this bill were provisions that would help support our military organic base, including arsenals like the one I represent in Rock Island. I am proud to represent this national treasure found within the Department of Defense. The Rock Island Arsenal and its 8,600 employees have worked hard for our country.

One of the provisions that was included in the NDAA allows our Army industrial facilities to enter into private-public partnerships under section 4544. This provision does away with the cap on these partnerships and ends the sunset date.

I urge strong support and passage of the bill.

□ 1510

Mr. SMITH of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BISHOP).

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

Mr. Speaker, in a few minutes I will offer a motion to recommit that would strike a misguided provision in the conference report that would exempt Tricare network providers from our labor protection laws.

Section 715 of this conference report excludes the Tricare network health care providers from being considered subcontractors for purposes of any law. Section 715 is nothing but an attempt to override pending litigation and longstanding civil rights law under Executive Order 11246 of 1965, section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans Readjustment Assistance Act of 1974.

The civil rights protections contained in these laws have existed for decades, and they've served to protect millions of workers from race, sex, and other forms of illegal discrimination. Large Federal contractors are simply required to have an affirmative action plan to ensure that minority groups are not being discriminated against and that the Department of Labor reviews the records. The law currently exempts employers with fewer than 50 employees who do not meet minimum contract value requirements.

The health care industry employed approximately 16 million workers in 2009. Hospitals and similar entities employ tens of thousands of minorities, women, veterans and low-wage workers, groups that historically and currently depend on the basic assurances of fair treatment. The health care industry is the largest growing sector of employment in this country.

Veterans would be especially hard hit under this change in the law. There are close to 900,000 unemployed veterans in America right now. Despite their unique experience and leadership skills, wounded warriors and veterans often struggle to find meaningful employment in the civilian sector. That's why Congress passed laws, enforced by the Department of Labor, to protect the brave men and women who have served our country.

The Office of Federal Contract Compliance ensures that Federal contractors and subcontractors do not discriminate against our veterans, and instead take steps to recruit, to hire, to train, and to promote qualified protected veterans.

Tricare providers, the very people who provide health care to our Nation's veterans, are arguing that they should be exempt from adhering to the very regulations that were passed to protect our veterans. This action would gravely undermine our efforts to employ veterans. These large government health care contractors should not be exempted from civil rights responsibilities that apply to all other similarly situated contractors or subcontractors.

Section 715 is a brazen attempt by large health care industries to overturn pending litigation and exempt themselves from civil rights scrutiny. Congress should vote against weakening these laws, and I urge my colleagues to join with me and support my motion to recommit the conference report.

Mr. WITTMAN. Mr. Speaker, I yield 1½ minutes to my friend and colleague, the gentleman from Missouri, the chairman of the Small Business Committee and a member of the conference committee, Mr. GRAVES.

Mr. GRAVES of Missouri. Mr. Speaker, I rise in support of the conference report on H.R. 1540.

Included in this bill is a long-term reauthorization of the Small Business Innovative Research program. This program sets aside Federal research and development dollars for small businesses that have cutting-edge ideas and promising research that the government needs. The SBIR program fosters innovation while giving a boost to our Nation's best job creators.

Today, I am pleased to say that the House and Senate have come together on a compromise that will give certainty to our small businesses and make important reforms to the program. I want to thank Chairman MCKEON and Ranking Member SMITH for including this bipartisan deal in the National Defense Authorization Act conference report, and I would also like to thank the ranking member of the Small Business Committee, Ms. VELÁZQUEZ, for her very important contributions to this debate, as well as the chairman and ranking member of the Science Committee, Mr. HALL and Ms. JOHNSON, who have also been partners in this effort. And, of course, all of the staff on the various committees who have worked very hard on this. They deserve a lot of credit for their hard work.

I encourage my colleagues to support the conference report and the thousands of small businesses and jobs that benefit from the SBIR program.

The SPEAKER pro tempore. The gentleman from Virginia has 3¾ minutes remaining. The gentleman from Washington has 3½ minutes remaining. The gentleman from New York has 4 minutes remaining.

Mr. NADLER. Mr. Speaker, I will reserve until it is time to close.

Mr. SMITH of Washington. I am also going to reserve until it is time to close. We are down to our last speaker.

Mr. WITTMAN. Mr. Speaker, I would tell my colleagues I am prepared to close.

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

The SPEAKER pro tempore. The gentleman from New York is recognized for 4 minutes.

Mr. NADLER. Mr. Speaker, we are told, and this seems to be one of the

principle issues in the debate today, that this bill, with reference to the detention and security provisions, merely codifies existing law. Some of us say no, it doesn't codify existing law; it codifies claims of power by the last two administrations that have not been confirmed by the courts—by some courts, but not by the Supreme Court. Rather terrifying claims of power, claims of the right to put Americans in jail indefinitely without a trial even in the United States.

Now, I can cite specifics here. The text, for example, says very specifically that Congress affirms the authority of the President, includes the authority for the Armed Forces of the United States to detain covered persons pending disposition under the law of war, and then expands the definition of covered persons to people not implicated or supporting or harboring people implicated in 9/11 for the first time.

And then we have a provision that says nothing in this section is intended to limit or expand the authority of the President or the scope of the authorization for use of military force.

Well, that directly contradicts what I just read, which is a very specific provision. And since the rules of statutory construction always say that the specific controls the general, this provision, frankly, insofar as it contradicts the first, is meaningless. It provides no protection whatsoever. The same is true of the Feinstein amendment, for similar reasons.

Now, we have disagreement we heard on the floor today, but that reflects the disagreement in the country at large. We have many law enforcement people, many legal scholars disagree on what this language means. The President's chief counterterrorism advisor, John Brennan, said that the bill mandates military custody for a certain class of terrorism suspects, and since it would apply to individuals inside the U.S.—which we have heard denied on the floor but the President's counterterrorism advisor thinks it does—it would be inconsistent with the fundamental principle that our military does not patrol our streets.

And we have many generals, including a former Commandant of the Marine Corps, saying that this is a terrible expansion and change of existing law.

Now the fact of whether it simply codifies existing law or further restricts our liberties in unprecedented ways is unclear. That my friends here can say it only codifies existing law, and I can say and all of these other people—experts, legal experts, military people, counterterrorism experts—can say it goes way beyond existing law, shows why it is dangerous to have this kind of provision affecting fundamental rights and civil liberties in a defense authorization bill which is admirable in many other ways.

The Armed Services Committee is not the proper place to consider questions of civil liberties and legal rights, and certainly not a conference report. All these questions should have been considered in hearings. The Judiciary Committee in both Houses, frankly, should have held hearings. We should have called in the counterterrorism experts, we should have called in the legal scholars, we should have called in the statutory scholars and asked: What does this provision mean? How should it be changed? Does this provision contradict that provision, and what does it really mean? Does it go beyond existing law, and, if so, how can we change that?

In legislation like this, there should be hearings and testimony and proper debate and consideration.

Now, we can still fix this. If we defeat this bill now, we can then take this provision out of the bill, and pass the bill without this provision in a couple of days. We are going to be here. There is no reason we shouldn't do that. And then next year—which is only a couple of weeks away—give proper consideration to these detention provisions if people feel a need to pass them. We should not do such fundamental changes on the fly in a conference report with one hour of debate, no proper committee consideration, no public hearings, and considerable disagreement among scholars and judges and counterterrorism experts and military experts as to what this language means and what it does.

The true answer is that nobody on this floor can be 100 percent certain what this does. And when you are dealing with our fundamental liberties, that should say don't pass it. So I urge my colleagues to defeat the bill. We can then take this out of the bill, take the bill up on the floor again in a couple of days, and that's the safe way to safeguard our liberties and to do what we have to do for our military security.

I yield back the balance of my time.

□ 1520

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

The SPEAKER pro tempore. The gentleman is recognized for 3½ minutes.

Mr. SMITH of Washington. First of all, let me say we had hearings on this last February and March. We had language in our bill which we passed in May. This issue has been thoroughly debated. Now, I've heard a couple of times that the Judiciary Committee has not heard this issue. This has been going on for 10 years under both Democratic and Republican control. I don't know why the Judiciary Committee has not chosen to have hearings on this issue, but that's hardly our fault. We have. We've had endless discussions on this. It has, in fact, been debated.

And let me also say that I am very concerned about these very issues. On our committee, I have been one of the strongest voices of concern. I support closing Guantanamo. I know a lot of people don't. I think we should have all of the suspects here in the U.S. and that we should try them. I also strongly believe that the criminal justice system has to be part of how we combat al Qaeda. I have heard the argument. People say, this is a war, not a criminal matter. Why are we bothering with things like article III courts? I disagree with that and have spoken out publicly and strongly and in many cases even when popular support has been on the other side of issues like closing of Guantanamo.

I care deeply about this issue; and from the very start, I fought hard to protect precisely the things Mr. NADLER is referencing. I fought hard in the conference committee to make sure they were protected, and they were.

Now the argument is we don't know exactly what it means; so, therefore, we should do nothing. It is very true that law is unsettled. That, again, has nothing to do with this bill. There are court cases ongoing; there are habeas corpus cases continuously happening as a result of Guantanamo; and it's being interpreted by courts and also by the executive branch. I want to make it also clear that the judiciary and the executive branch would always rather that we do nothing. They would always rather forget that we are supposed to be a coequal branch of government, but we are.

After 10 years and after countless hearings, the legislative branch should say something about this. And what we said we said very, very carefully to simply codify what the executive branch and the judiciary have said about the AUMF and to make absolutely clear—and this language is not ambiguous—that military custody in the U.S. does not apply to U.S. citizens and does not apply to lawful resident aliens.

Again, the problems that people have—and I share some of them—are with existing law, not with this bill. Defeat this bill, and it won't change a piece of that existing law that we've heard about and that we should all be concerned about. But defeat this bill, and it will make it very difficult for our troops to get the support they need.

Now, I've been around this process long enough to know that there ain't no guarantee of fixing anything. And if we defeat this bill, our troops will be left to wonder if they're going to get that pay raise, if those military support projects are going to get built, if our troops are going to get the support they need. And I don't know the answer to that question.

So there's a ton of very, very good stuff in this bill that supports our troops, that addresses Members' concerns on issues like sexual assault within the military and a whole host of others. We need to support this bill to support our troops.

And the issues that folks are concerned about on detention, again, that is existing law. Whether this bill passes or not, those controversies will continue.

This is an excellent piece of legislation, well-crafted and worked hard by a lot of folks. It deserves an overwhelming ''yes'' vote.

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

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

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 3¾ minutes.

Mr. WITTMAN. I want to thank our conferees and the members of the Armed Services Committee once again, and I want to thank our staff directors, Bob Simmons and Paul Arcangeli.

This conference report addresses a wide array of policy issues, from cooperation with nations like Israel and Georgia, operations in Afghanistan, our new partnership with Iraq, and balancing strategic opportunities and risks with respect to China and Pakistan, to mitigating the threat from Iran and North Korea, enhancing missile defense, and maintaining this Nation's nuclear deterrent. Passage ensures our troops get a 1.6 percent pay raise and the benefits their families rely upon.

This bill also ensures that we continue to fulfill our Nation's most sacred obligations to our brave men and women serving in the greatest all-volunteer force in history. The service by our men and women in uniform is priceless, especially during the last 10 years of combat operations. Besides thanking them for their service and sacrifice to this Nation in ensuring they are afforded the best benefits and care for their service, there's little we can do to repay them for standing the watch and keeping America safe.

This bill authorizes a modest 1.6 percent pay increase, but it never can express how truly grateful we are as a Nation for the service and sacrifice of our all-volunteer force and their families.

Additionally, some very important provisions were included to ensure our industrial base maintains a constant workload and a fully employed workforce; and $14.9 billion was authorized for U.S. Navy shipbuilding, a total of 10 ships, which include two Virginia class submarines. The bill also extends the multiyear funding authority for the second and third Ford-class aircraft carriers for 4 to 5 years of incremental funding authority.

American ingenuity, creativity, and initiative are alive and well in our shipyards that build warships for the United States Navy. Shipbuilding is supported through business and industry spanning 50 States and designed and engineered by our greatest asset—the American people. The American aircraft carrier is the pinnacle of this industrial engineering ingenuity and genius where mechanical, nuclear aerospace, and electrical engineering converge with naval architecture to form a magnificent 100,000-ton, 1,092-foot-long piece of American sovereignty that travels anywhere, anytime around the world.

Additionally, the bill reinstates the requirement for annual delivery of the Navy's 30-year shipbuilding plan solidifying the need for the Navy to communicate their plan as it relates to the strategic objectives of the United States balanced against a very challenging budget environment.

I'm pleased that this legislation came together to support our men and women in uniform. In times of austerity, they remain a priority, as do the safety and security of this Nation.

Today, I stand in support of this legislation and encourage my colleagues to support its passage; and I would like to reflect that all 26 Senate conferees signed this report, and 29 out of the 32 core House conferees signed as well. This is a solid product, thoroughly debated and deliberated considerably. I urge my colleagues to support and vote in favor of the conference report.

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

Mr. DINGELL. Mr. Speaker, I rise in support of the conference report for H.R. 1540, the National Defense Authorization Act. While this legislation is not without problems, it still provides the necessary resources and support to our men and women in uniform. As our nation winds down one war and continues to fight another, giving the troops the resources they need to succeed should be a top national priority. The legislation before us today accomplishes this important goal.

H.R. 1540 does the right thing and gives our service members a pay raise of 1.6 percent. It also ensures that we are taking adequate measures to protect our troops which are still in the theatre of combat by authorizing $2.7 billion for Mine Resistant Ambush Protected (MRAP) Vehicles, which protect our troops from improvised explosive devices (IEDs). Additionally, the legislation provides $3 billion for directly combating IEDs in Afghanistan, and increases the Abrams tank program by $255 million. All of these important increases will have a real impact on the safety and wellbeing of out troops overseas, and it would be irresponsible to not support this legislation because of that fact.

The provisions relating to military detention for foreign al-Qaeda terrorists has generated much discussion, and rightfully so. Any effort which deals with civil liberties and constitutional rights must be taken very seriously. H.R 1540 simply restates what has become law on this issue through court decisions and executive actions over the last 10 years. It provides for military custody for foreigners who are members of, or substantially supporting, al-Qaeda, but gives the president wide latitude to try any such suspect in civilian courts. Specifically, the president is granted the authority to issue a national security waiver to authorize a trial in civilian courts. The legislation also explicitly states that U.S. citizens are not subject to military detention, which is a vitally important safeguard. Finally, H.R. 1540 includes language to ensure that the FBI can continue with their investigations of terrorists on U.S. soil. While this language is certainly not perfect, I believe it strikes a fair compromise between national security and civil liberties as it simply restates what our policy has been over the last decade.

Decisions about war and our national defense should never be taken lightly, and this is especially true in this instance. This legislation makes the necessary investments to keep our troops safe and deserves to be supported.

Mr. RAHALL. Mr. Speaker, while I support the conference agreement on the National Defense Authorization Act, I am extremely disappointed that it does not include language from previous years to prevent the Administration from moving forward with increases in TRICARE pharmacy copayments and enrollment fees.

As a cosponsor of the Military Retirees Health Care Protection Act, which would prohibit increases in TRICARE costs for servicemembers, I do not believe our brave soldiers and their families should have to bear the burden of closing our Nation's deficits.

For thirty-five years, I have fought to expand and protect affordable, quality health care for our servicemembers, and I will continue to do so.

Mr. STARK. Mr. Speaker, I rise in strong opposition to the National Defense Authorization Act because it will continue to waste more money on weapons we do not need and wars that are not necessary. This legislation prioritizes military spending over our economic stability, the health of our people, and the basic civil liberties guaranteed by the Constitution. The costs of this bill are simply too great.

Families in my district and across the country are facing unemployment, foreclosures, and the loss of their retirement savings. All levels of government are making difficult decisions to decrease budget deficits. Now is the time to focus our efforts on bringing the defense budget under control. Instead, this bill continues our unsustainable spending on wars and the military.

It is our job to spend taxpayer dollars wisely and efficiently. When it comes to defense, we have failed miserably. We have doubled our military spending since 2001, and spend six times more than China—the next highest-spending country. Continuing to spend 60 percent of our discretionary budget on an already bloated and redundant defense sector is more than just negligence; it is malicious. Every dollar we spend on war and weapons is a dollar we cannot spend on education, health care, infrastructure, or even deficit reduction. This bill does nothing to seriously rein in our defense budget.

To make matters worse, this defense authorization is costing American citizens more than just their tax dollars, but their civil liberties as well. Provisions within this legislation allow anyone—including Americans—to be detained indefinitely by the military if found to have ''substantially supported'' forces ''associated'' with a terrorist organization, or who ''are engaged in hostilities'' against the U.S. or ''coalition partners.'' As none of the quoted terms are defined, this vague language gives excessive and broad power to the military.

Our Constitution does not permit the Federal Government to detain American citizens without charge or trial, nor does it give the military the authority to act in place of our justice system. And yet this legislation would codify into law the authority of the military to indefinitely detain suspected terrorists—something never even seriously considered during the McCarthy-Cold War era. I could never support a measure that, in the name of security, violates Americans' constitutional rights.

This authorization is not an accurate reflection of American values. Our first priority is

not, nor should it be, spending more money on defense than every other Western country combined. Defense spending should not receive privileged budgetary treatment while the rest of our budget faces deep cuts, nor should it be used as a vehicle to suppress civil liberties. I urge all of my colleagues to oppose this wasteful and dangerous legislation.

Mr. POLIS. Mr. Speaker, I rise today in opposition to the Rule and the underlying bill.

The bill we have before us allows for the indefinite detention of terror suspects, including U.S. citizens, without being charged and without the right to a trial. If enacted, this would be the first time since the McCarthy era that Congress has authorized the indefinite imprisonment of American citizens without this fundamental right.

The bill's detainee provisions undermine our national security and violate the Constitutional principles we all adhere to. If we are truly considering the Nation's best interests—we should strip this bill of these harmful provisions.

The federal criminal justice system has worked effectively to prosecute suspected terrorists throughout both the Bush and Obama administrations. This system has proven invaluable in producing counterterrorism information precisely because it provides incentives for suspects to cooperate.

Further, the detainee provisions in this bill do not provide the president with the flexibility that is needed to successfully combat terrorism.

Many of our Nation's most respected military leaders and national security leadership have come out against the detention provisions in this bill. In the past weeks, the director of the FBI, director of National Intelligence, Secretary of Defense, and head of the National Security Division at the Department of Justice have all spoken out against these detainee provisions.

Instead of protecting our Nation, these detainee provisions will ultimately make our Nation less safe at a time when we need every counterterrorism tool available to defend our Nation from terrorist threats.

We will not defend our country by shredding the Constitution or denying U.S. citizens of their most fundamental rights. We can defend our country while securing the basic freedoms that make America unique among the community of nations.

I urge Members to respect our fundamental constitutional rights and protect our country's security by opposing this bill.

Mr. HALL. Mr. Speaker, I urge my colleagues to support the Conference Report for H.R. 1540, the National Defense Authorization Act, which includes a reauthorization of the SBIR and STTR programs.

This long-term reauthorization will provide thousands of small businesses with the certainty necessary to facilitate innovation and create high-paying jobs. The legislation will also strengthen the program's research and development output by opening it up to more small businesses, and will ensure the greatest return on taxpayer investment by helping us combat waste, fraud, and abuse.

I would like to congratulate and thank Chairman GRAVES of the House Committee on Small Business for his leadership in this process, and for working to ensure that we produced a bill that both the House and Senate could proudly support.

I would also like to thank Subcommittee Chairman QUAYLE of the Committee on Science, Space, and Technology, for his work in improving this legislation and ensuring that it produces strong research outcomes.

Finally, I would like to thank our Committee's Ranking Member, Mrs. JOHNSON, who served as a co-sponsor of the original House legislation, for her work throughout this process.

This legislation has been a long time coming. I am confident that we have produced an outstanding bill that will improve the SBIR and STIR programs, will improve the quality of research and innovation from the programs, and will help small businesses create high-paying jobs.

Ms. SCHAKOWSKY. Thank you, Mr. Speaker, I rise today in strong opposition to the C National Defense Authorization Act (NDAA) of 2012.

Mr. Speaker, I oppose this bill because it fails to rein in our out of control defense spending, it includes over $115 billion in war funding, and, most of all, because it codifies dangerous detainee provisions that are at odds with the U.S. constitution.

At a time when we are discussing drastic cuts to domestic spending programs critical to millions of Americans, this bill provides a whopping $670 billion in Pentagon spending—that's almost as much as the rest of the world, combined, spends on defense. We can reduce our defense spending without jeopardizing our national security, yet this bill continues what former Secretary Gates termed the ''gusher'' of defense funding.

In addition, this legislation codifies indefinite detention without charge or trial in military custody for foreign Al Qaeda terrorists suspected of involvement in attacks on the U.S. It also blocks the transfer of Guantanamo Bay detainees to the U.S., even for trial. It severely restricts the transfer of detainees to third countries.

Most disturbingly, the bill does not guarantee suspected terrorists a trial, even if they are U.S. citizens arrested within the United States, leaving open the possibility of indefinite detention. Passing this legislation throws fundamental rights of American citizens into serious jeopardy.

These provisions are both dangerous and unnecessary. The Secretary of Defense, Director of National Intelligence, and Director of the FBI have all publically opposed the bill's detainee language. Neither the military nor the national security establishment has sought the added detention authorities provided under this legislation.

Military detention and trial not only jeopardizes our American ideals, it is also not practical. The role of the military is to fight and win wars—not to detain and try criminals. Since 9/11, military commissions have convicted only six people on terror-related charges, while over 400 have been convicted in civilian courts. Military experts have expressed concerns about the still largely untested military tribunal system, as well as the overall capacity of the military to handle a large influx of terrorism-related cases.

Mr. Speaker, we can provide for the national security of the United States without jeopardizing our fundamental freedoms and rights. Even some of our closest allies, including Germany and the UK, have expressed reticence to transfer suspected terrorists or share intelligence about them over concerns that these individuals will end up in U.S. military custody.

In his inaugural address, President Obama stated that we ''reject as false the choice between our safety and our ideals.'' This bill would undermine 200 years of respect for fairness and due process. I strongly urge my colleagues to join me in opposing this dangerous and destructive legislation.

Mr. HOLT. Mr. Speaker, this could have been a landmark bill. Instead, it offers our nation more of the same—more spending on programs we don't need, and no rethinking of our priorities.

To be fair, there are some good provisions in this bill—a military pay raise, additional funding for programs important to military families. I am pleased that this bill authorizes $216 million for cooperative tactical missile defense programs with Israel like Iron Dome. Indeed, it's astounding that some in the Republican Party have suggested that America should zero out our aid to Israel—a reckless idea that would endanger the security of our best ally in the Middle East.

I regret that the conferees elected to continue a series of dubious Cold War-era programs instead of taking this opportunity to do what we must do: rescale our armed forces to meet the real threats we face.

This bill authorizes $8.5 billion for 31 F–35 Joint Striker Fighters and $9 billion for missile defense programs. Neither of these kinds of programs will give us the ability to deal with the kind of asymmetric threats we currently face and will likely encounter in the future. It's worth remembering that our Cold War-legacy systems did nothing to stop the 9/11 attacks. They will do nothing to confront the cybersecurity threats we face. They will do nothing to address our imported oil vulnerability, or our strategic minerals vulnerability. Continued funding of these and other Cold War-era programs only proves that the Congress has no intention of seriously rethinking our defense spending priorities, without which we cannot possibly responsibly provide for ''the common defense''.

Additionally, this bill should be defeated because it contains provisions that would eviscerate Constitutional protections against indefinite detention.

I am not at all convinced by the arguments of proponents of this bill that sufficient changes have been made to the sections dealing with detainees to ensure that no U.S. citizen can be detained indefinitely in U.S. military custody. We need only remember the case of Jose Padilla, the accused terrorist and U.S. citizen who was held in a military brig for years without trial. This bill would do nothing to prevent that from happening again because it does nothing to change the language of the original Authorization for the Use of Military Force (AUMF) passed after the 9/11 attacks. That language makes the President of the United States the sole determiner of who is a member of Al Qaeda, or who may have ''supported'' Al Qaeda, etc. Since there is no way to immediately challenge the President's determination of who is a terrorist, there is no way to ensure that innocent Americans will not be charged falsely with having committed terrorist acts. That is the true problem with the detainee-related implications of this bill.

Finally, I cannot support this bill because it does not even mention the recently disclosed scandal at the Dover Port Mortuary, much less

take any action to correct the egregious desecration of the remains of hundreds—and perhaps thousands—of our fallen heroes.

The initial revelations about the mishandling or desecration of the remains of deceased servicemembers came about through the work of three heroic Air Force employees at Dover. Despite the risk of retaliation from their chain of command, they brought their allegations to the Office of Special Counsel, which ultimately prompted investigations by the Air Force Office of Special Investigations and the Army Inspector General. Separately, a constituent of mine—Mrs. Lynn Smith of Frenchtown, New Jersey—made me aware earlier this year that for at least several years, the unclaimed additional remains of fallen servicemembers were being cremated, mixed with medical waste, and dumped in a Virginia landfill.

When Mrs. Smith learned that this had happened to her husband, she suspected immediately that it had happened to others. She was right, as we learned late last month with the Pentagon finally provided a response—albeit incomplete—to my inquiry as to how many servicemember's unclaimed remains had been mishandled in this way. Right now, the number stands at 274. I strongly suspect that number is actually higher.

Although the House Armed Services Committee held a briefing with the Air Force secretary and his senior staff in mid-November, this issue is not even mentioned in this bill, which is inexcusable. At a minimum, the bill should've had condemned the Air Force's mishandling of the remains and directed that the Secretary of Defense establish a family advisory panel to make recommendations to the Pentagon and the Congress on how to improve the casualty notification and remains disposition process. Because this bill does not address this issue and the families impacted by it, I will not support H.R. 1540.

Ms. CLARKE of New York. Mr. Speaker, I rise today in opposition to the National Defense Authorization Act of 2012. As a member of the Committee on Homeland Security, I am well aware of the threats that face this nation from home and abroad, but even though this struggle is of the highest stakes, we must remember the very values and basic rights that set us apart from those who would seek to destroy us. We must remember that we cannot sacrifice our freedom or the freedom of others in order to maintain it. To follow such a path represents a fundamental contradiction and degrades any moral high ground we claim to possess. The indefinite detention provisions do just that; they continue a shameful precedent set in the wake of the attacks against our nation on 9/11 that allows our military to detain suspected terrorists, foreign and domestic, indefinitely and with limited ability for redress.

It has been reported that if enacted, the detention provisions would codify authority for indefinite detention without charge and mandatory military detention, authorizing their application on the basis of suspicion to virtually anyone picked up in the anti-terrorism efforts; including those arrested on U.S. soil. In effect, the U.S. military would become the sole authority over terrorism suspects, to the exclusion of the U.S. judicial system.

Mr. Speaker, this blatant eradication of Habeas Corpus is a scary thing, particularly for the people of New York City who live under the constant threat of terrorism and the ever present surveillance of law enforcement. That, among other reasons is why I'm not voting against this bill, and I urge my colleagues to do the same.

H.R. 1540, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Ms. BORDALLO. Mr. Speaker, I rise in opposition to H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. Although I have serious concerns about this legislation because of its lack of commitment to forces in the Asia-Pacific region, there are portions of the bill that are good for our national defense.

Chief among those provisions is section 512, which provides the Chief of the National Guard Bureau with a seat on the Joint Chiefs of Staff. Including section 512 brings to a conclusion more than seven years of work to align the roles and responsibilities of the Chief of the National Guard Bureau appropriately for an operational reserve force. The provision recognizes the unique and important role our National Guard has played in our Nation's defenses throughout history, particularly since the attacks of September 11. This year, on the 10th anniversary of these tragedies, the National Guard will finally have the recognition and appropriate responsibilities to ensure the requirements and capabilities of the National Guard are fully integrated into our national security infrastructure. Section 511 also establishes the position of Vice Chief of the National Guard Bureau which is necessary if the Chief of the National Guard Bureau is to sit on the Joint Chiefs of Staff.

I also strongly support inclusion of section 621, which provides a one-year extension of authority to reimburse travel expenses for inactive-duty training outside of normal commuting distances. This authority is critical to the Guam National Guard as well as units in Hawaii and Alaska. Section 621 is an important recruiting and retention tool for our National Guard.

Finally, the bill also maintains our committee's longstanding support for the C–27J Joint Cargo Aircraft program by providing authorization of appropriation for nine additional aircraft in Fiscal Year 2013. The C–27J is a critical tactical airlift asset for our Air Force and Air National Guard. I regret that language restricting the retirement of C–23 Sherpa aircraft was not maintained in the final bill, but I hope that the Department can clarify how it intends to meet airlift mission requirements given the reduction in aircraft procurement over the last several years.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in opposition to H.R. 1540, the Defense Authorization Agreement for FY 2012.

I strongly oppose the conference language which amends section 1097b(a) of title 10 of United States Code which exempts important and hard-fought civil rights protections that were enacted to advance the goals of ensuring equal opportunity and promoting diversity in the workplace. There is no principled reason for creation of this grave precedent exempting this class of subcontractors from the workplace discrimination laws applicable to all other companies that enjoy the privilege of doing business with the federal government. Subcontractors that do follow the law deserve a level playing field, instead of a Congressional exemption for their competitors.

If this provision becomes law, many of those TRICARE network providers that are federal subcontractors unlike other federal subcontractors will be exempt from systemic evaluations of contractors' employment practices. Additionally, their employees will lose the assurance that there is a federal agency independently monitoring their employers' compliance with nondiscrimination and affirmative action law. Being a federal contractor or subcontractor is a privilege and with that privilege comes a responsibility to comply with the law and make equal opportunity a reality for everyone.

This is unfortunate as I am very pleased that this legislation contains a comprehensive reauthorization of the Small Business Innovation Research, SBIR, program and the Small Business Technology Transfer, STTR, program. We have worked tirelessly over the last few months on a bipartisan, bicameral basis in an attempt to strike a deal on this reauthorization and I am pleased that these efforts have finally paid off.

We all recognize the important role that small businesses play in fueling technological innovation and creating jobs in the United States. That being the case, we should be doing what we can to foster a vibrant small business community and give our small businesses the tools that they need to succeed. The SBIR and STTR programs are such tools. They have been critically important programs for fostering innovation by small businesses and meeting the research and development needs of our Federal agencies.

I am particularly pleased that the SBIR/STTR reauthorization contained in this bill includes important provisions to ensure that outreach is carried out to small businesses that have traditionally been underrepresented in the SBIR and STTR programs. This was a top priority for me for this reauthorization since one of the four stated congressional objectives for the SBIR program is to increase participation by woman- and minority-owned small businesses. In its 2008 evaluation of the SBIR program, however, the National Research Council found that the program was not achieving this objective and recommended that targeted outreach be developed to improve the participation rates of these small businesses. The reauthorization bill included in the Defense Authorization bill includes funding for targeted outreach activities, consistent with the National Research Council recommendations. I am thrilled that we were able to find common ground on this important issue and have taken critical steps to ensure that all small businesses have access to these important programs.

Mr. Speaker, in conclusion I must quote Coretta Scott King as she once said, ''Struggle is a never-ending process. Freedom is never really won. You earn it and win it in every generation.'' Moreover, I cannot in good faith support a bill that turns back the clock on civil rights, fairness and inclusion in this country.

Mr. PRICE of Georgia. Mr. Speaker, this Congress has enacted a defense authorization bill every year for the last half-century, generally with broad bipartisan support. The reason for this broad support is simple: under Republican and Democratic leadership alike, we have recognized that support for our Nation's men and women in uniform should remain above the partisan fray, unencumbered by controversial policy debates that are only tangentially related to the mission of our Armed Forces.

Throughout my service in Congress, I have almost always supported this annual measure, which authorizes funding for a wide range of programs upon which our military depends, from salaries and benefits to military health care to critical equipment and readiness accounts. I thus find it deeply unfortunate that the House Republican leadership chose to use this year's bill as a vehicle for advancing ill-advised policies that seek to tie the President's hands in the war on terror and expand the military's role in the detention and disposition of terror suspects, at the expense of our civilian justice system and our civil liberties.

To be sure, the original House version of this bill, which I opposed, was much worse. It would not only have indefinitely extended the Authorization for the Use of Military Force that was enacted in the wake of September 11, but would also have required suspects detained pursuant to that authorization to be prosecuted in military tribunals. My Republican colleagues' inexplicable insistence on forcing terror trials into military commissions instead of civilian courts flies in the face of the facts; our court system has a strong record of trying and convicting terrorism suspects, while the record of military commissions has been spotty at best. It is no wonder that the Obama Administration threatened to veto this bill—as any administration, Democrat or Republican, would almost certainly have done.

To their credit, our Democratic conferees succeeded in averting the worst aspects of the House bill in the conference report before us today. But they didn't go far enough. The measure would still require all foreign suspects detained in the war on terror to be kept in military custody, potentially disrupting critical anti-terrorism operations and muddying the waters of a process that should be crystal clear. As FBI Director Robert Mueller reiterated today, this provision would unnecessarily complicate interrogation and intelligence collection—the very capabilities that the provision's supporters claim they are trying to enhance. The conference report would also needlessly reaffirm our ability to detain terror suspects indefinitely, upholding an ambiguity in current law that should be resolved by the courts. And it would impose new consultation requirements that further restrain the discretion of the Attorney General to determine how to prosecute terror cases.

For these reasons, I intend to oppose the measure before us today, despite my strong support for the majority of its provisions. In the future, rather than using the defense authorization bill to advance their partisan agenda, I urge the Republican leadership to return to the past practice of leaving controversial policy debates for another time and place. Our men and women in uniform deserve nothing less.

Mr. TURNER of Ohio. Mr. Speaker, I rise today to speak in favor of passage of the conference report on the FY12 NDAA.

As the Chairman of the Strategic Forces Subcommittee, I'd like to briefly walk through some of the key provisions in the conference report.

First, concerning U.S.-Russia missile defense, the conference report contains a modified version of a provision offered by Mr. BROOKS of Alabama to require the President, before sharing any classified information about U.S. ballistic missile defenses, to prove that it is in the interest of the United States and to show how the information will be protected from third party transfers.

Second, regarding U.S. nuclear forces, the conference report imposes checks on the Administration's plans for nuclear reductions by requiring assessments of those reductions from the STRATCOM commander before any nuclear weapons reductions are made; requiring the Administration to disclose its plans for future reductions; and, re-asserting Congressional oversight of the nation's nuclear war plan.

Third, concerning LightSquared, we retained House and Senate provisions that will ensure that the FCC will not be able to attempt to slip one by Congress and the DOD in the dark of night again. And I note recent press reports that new proposals for LightSquared's network continue to impose unacceptable interference to DOD GPS systems.

Also, for the first time, DOD will be able to directly transfer funding to NNSA Weapons Activities for up to $125 M per year if there are shortfalls in that budget in the event of an appropriations shortfall.

And the bill ensures that the credibility of the U.S. deterrent and extended deterrent will start to get equal billing with safety, security and reliability.

I also would like to thank Chairman HAL ROGERS and Chairman RODNEY FRELINGHUYSEN—I have appreciated their support for funding for NNSA's vital nuclear weapons programs, which are key to maintaining the safety, security, reliability and credibility of the U.S. nuclear weapons stockpile, and enabling any of the force reductions the Administration may plan, including those under the New START treaty.

I also hope that our NATO allies and the Administration read closely the provision on our extended nuclear deterrent in Europe and any future arms control negotiations with Russia, which states that if any negotiations occur they should focus on Russia's massive stockpile of tactical nuclear weapons and that for the purposes of the negotiations, consolidation or centralized storage of Russia's tactical nuclear weapons should not be viewed as elimination of those weapons.

This last position was recently endorsed by the NATO Parliamentary Assembly, the U.S. delegation to which I am the Chairman.

Now I would like to discuss an issue that is important to our men and women in uniform, is impacting our Armed Forces readiness and forces servicemembers to choose between service to their nation and their families. This is the issue of military child custody.

Now I would like to discuss an issue that is important to our men and women in uniform, is impacting our Armed Forces' readiness and forces servicemembers to choose between service to their nation and their families. This is the issue of military child custody.

In a short time after becoming a member of the House Armed Services Committee, I was struck to learn that this country's judicial system was using servicemember's deployments against them when making child custody determinations.

Just to be clear, we are asking an all volunteer force which consists of less than one percent of our population to engage in the longest conflict in our nation's history, endure more deployments than any other generation in our history, and do so at the peril of losing their children.

Recognizing this unconscionable injustice, the House Armed Services Committee has included language in the past 5 NDAA's to provide servicemembers a uniform national standard of protection. This provision has also made it through the House Veterans Affairs Committee.

Unfortunately, despite overwhelming bipartisan support in the House and the support of the Department of Defense, the Senate once again failed our servicemembers and their families. It appears that they have done so using false information.

Earlier this year, Secretary Gates stated, "I have been giving this matter a lot of thought and believe we should change our position to one where we are willing to consider whether appropriate legislation can be crafted that provides Servicemembers with a federal uniform standard of protection." This year, I worked with the DoD and the House Armed Services Committee to provide that legislation. Yet, the Senate failed to provide the protections in the final bill.

Given all the sacrifices made by our servicemembers, I ask that the Senate finds it within themselves to reconsider their position and work with us to provide the protections our men and women in uniform deserve. It's the right thing to do and we owe it to them.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 493, the previous question is ordered.

Pursuant to clause 1(c) of rule XIX, further consideration of the conference report is postponed.

RECESS

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

Accordingly (at 3 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1740

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 5 o'clock and 40 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 1905, by the yeas and nays;
H.R. 2105, by the yeas and nays;
H.R. 3421, de novo;
H.R. 1264, de novo.

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

IRAN THREAT REDUCTION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

bill (H.R. 1905) to strengthen Iran sanctions laws for the purpose of compelling Iran to abandon its pursuit of nuclear weapons and other threatening activities, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 410, nays 11, not voting 12, as follows:

[Roll No. 927]

YEAS—410

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

NAYS—11

Amash
Blumenauer
Duncan (TN)
Ellison
Kucinich
Lee (CA)
McDermott
Moran
Olver
Stark
Woolsey

NOT VOTING—12

Bachmann
Coble
Diaz-Balart
Filner
Giffords
Gutierrez
Johnson, E. B.
LaTourette
Lynch
Myrick
Paul
Sanchez, Loretta

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1806

Messrs. MORAN, STARK, ELLISON, and AMASH changed their vote from ''yea'' to ''nay.''

Messrs. CAPUANO, HONDA, and RUSH changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 927, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

EXPLANATION OF INJURY

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

Mr. FRANK of Massachusetts. Madam Speaker, I deeply appreciate the solicitude of my colleagues on my appearance. I want to first assure them that there is much less here than meets the eye. I am going to explain that because, as much as I appreciate the solicitude, responding to it 400 times would seem to me a bit excessive, literally adding insult to injury.

I just want to explain that I discovered a torn ligament. We're not exactly sure how it happened. It was easily repaired today. I am wearing this because the arm was blocked and is not mobile. It is simply to protect the arm.

Madam Speaker, I do want to anticipate any question. This had nothing to do with my retirement. I did not discover it until after my announcement of my retirement. And I would just add that at no point during my 31 years here was this ligament ever essential to the performance of my duties.

IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION REFORM AND MODERNIZATION ACT OF 2011

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2105) to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 2, not voting 13, as follows:

[Roll No. 928]

YEAS—418

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren

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

NAYS—2

Kucinich
Stark

NOT VOTING—13

Bachmann
Coble
Diaz-Balart
Filner
Giffords
Gutierrez
Johnson, E. B.
LaTourette
Lynch
Myrick
Paul
Sanchez, Loretta
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1817

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 928, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. LYNCH. Madam Speaker, on rollcall votes 927 and 928, had I been able to vote, I would have voted "aye" on both votes.

FALLEN HEROES OF 9/11 ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3421) to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001.

The Clerk read the title of the bill.

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

The question was taken.

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

RECORDED VOTE

Mr. SMITH of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 17, as follows:

[Roll No. 929]

AYES—416

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud

Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NOT VOTING—17

Bachmann
Bilbray
Blumenauer
Coble
Diaz-Balart
Filner
Giffords
Gutierrez
Issa
Johnson, E. B.
LaTourette
Lynch
Myrick
Paul
Price (GA)
Sanchez, Loretta
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1824

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISSA. Madam Speaker, on rollcall No. 929 due to Whip activities, I missed this vote but would have voted "aye."

Mr. PRICE of Georgia. Madam Speaker, on rollcall No. 929, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. FILNER. Madam Speaker, on rollcall No. 929, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

M.D. ANDERSON PLAZA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1264) to designate the property between the United States Courthouse and the Ed Jones Building located at 109 South Highland Avenue in Jackson, Tennessee, as the "M.D. Anderson Plaza" and to authorize the placement of a identification marker on the grounds recognizing the achievements and philanthropy of M.D. Anderson, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FLEISCHMANN) that the House suspend the rules and pass the bill, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 14, as follows:

[Roll No. 930]

YEAS—418

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

NAYS—1

Amash

NOT VOTING—14

Bachmann
Coble
Diaz-Balart
Duffy
Filner
Giffords
Gutierrez
Johnson, E. B.
LaTourette
Lynch
Myrick
Paul
Sanchez, Loretta
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1831

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 930, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mr. DUFFY. Madam Speaker, on rollcall No. 930, I was unavoidably detained. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, will now resume.

MOTION TO RECOMMIT

Mr. BISHOP of Georgia. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of Georgia. I am in its current form.

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

The Clerk read as follows:

Mr. Bishop of Georgia moves to recommit the conference report on the bill H.R. 1540 to the committee of conference with instructions to the managers on the part of the House to disagree to section 715 (regarding the determination of whether TRICARE network providers are considered subcontractors for purposes of the Federal Acquisition Regulation or any other law) in the conference substitute recommended by the committee of conference.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. BISHOP of Georgia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the conference report.

The vote was taken by electronic device, and there were—ayes 183, noes 234, not voting 16, as follows:

[Roll No. 931]

AYES—183

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

NOES—234

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

NOT VOTING—16

Bachmann
Bass (CA)
Coble
Diaz-Balart
Filner
Giffords
Gutierrez
Johnson, E. B.
LaTourette
Lynch
McDermott
Myrick
Paul
Pitts
Sanchez, Loretta
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1850

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. McDERMOTT. Madam Speaker, on rollcall No. 931 I was detained. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the conference report.

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

RECORDED VOTE

Mr. NADLER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 136, not voting 14, as follows:

[Roll No. 932]

AYES—283

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Barletta

Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Buerkle
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chabot
Chandler
Cicilline
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (CA)
Davis (KY)
Denham
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Ellmers
Emerson
Engel
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hirono
Hochul
Holden
Hoyer
Hultgren
Hunter
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lowey
Lucas
Luetkemeyer
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
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Palazzo
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Pastor (AZ)
Paulsen
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Pelosi
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Poe (TX)
Pompeo
Price (GA)
Quayle
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Reed
Rehberg
Reichert
Renacci
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Richardson
Rigell
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Rogers (AL)
Rogers (KY)
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Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
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Schiff
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Schmidt
Schock
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Scott (SC)
Scott, Austin
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Sessions
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Sires
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Southerland
Stearns
Stivers
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Tsongas
Turner (NY)
Turner (OH)
Upton
Visclosky
Walden
Walz (MN)
Wasserman Schultz
Waxman
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Becerra
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Braley (IA)
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Burton (IN)
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Chu
Clarke (MI)
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Conyers
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Davis (IL)
DeFazio
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Heinrich
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Hinojosa
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Honda
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Miller (NC)
Miller, George
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Thompson (CA)
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Tierney
Tipton
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Van Hollen
Velázquez
Walberg
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Diaz-Balart
Filner
Giffords
Gutierrez
Johnson, E. B.
LaTourette
Lynch
Myrick
Paul
Pitts
Sanchez, Loretta
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1858

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.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO CORRECT THE ENROLLMENT OF THE BILL H.R. 1540

Mr. McKEON. Madam Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 92

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 1540, the Clerk of the House of Representatives shall strike subsection (b) of section 310 of title 37, United States Code, as inserted by section 616(a)(2) of the bill, and insert the following:

''(b) SPECIAL PAY AMOUNT.—(1) Except as provided in paragraph (2), the amount of special pay authorized by subsection (a) for qualifying service during a day or portion of a day shall be the amount equal to 1/30th of the maximum monthly amount of special pay payable to a member as specified in paragraph (3).

''(2) In the case of a member who is exposed to hostile fire or a hostile mine explosion event in or for a day or portion of a day, the Secretary concerned may, at the election of the Secretary, pay the member special pay under subsection (a) for such service in an amount not to exceed the maximum monthly amount of special pay payable to a member as specified in paragraph (3).

''(3) The maximum monthly amount of special pay payable to a member under this subsection for any month is $225.'';

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR A CORRECTION TO THE ENROLLMENT OF THE BILL H.R. 2845

Mr. SHUSTER. Madam Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 93

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 2845, the Clerk of the House of Representatives shall make the following correction: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; DEFINITIONS; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011''.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act 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 49, United States Code.

(c) DEFINITIONS.—

(1) APPLICABILITY OF CHAPTER 601 DEFINITIONS.—In this Act, any term defined in chapter 601 of title 49, United States Code, has the meaning given that term in that chapter.

(2) HIGH-CONSEQUENCE AREA.—In this Act, the term ''high-consequence area'' means an area described in section 60109(a) of title 49, United States Code.

(d) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49, United States Code; definitions; table of contents.
Sec. 2. Civil penalties.
Sec. 3. Pipeline damage prevention.
Sec. 4. Automatic and remote-controlled shut-off valves.
Sec. 5. Integrity management.
Sec. 6. Public education and awareness.
Sec. 7. Cast iron gas pipelines.
Sec. 8. Leak detection.
Sec. 9. Accident and incident notification.
Sec. 10. Transportation-related onshore facility response plan compliance.

Sec. 11. Pipeline infrastructure data collection.
Sec. 12. Transportation-related oil flow lines.
Sec. 13. Cost recovery for design reviews.
Sec. 14. Biofuel pipelines.
Sec. 15. Carbon dioxide pipelines.
Sec. 16. Study of transportation of diluted bitumen.
Sec. 17. Study of nonpetroleum hazardous liquids transported by pipeline.
Sec. 18. Clarifications.
Sec. 19. Maintenance of effort.
Sec. 20. Administrative enforcement process.
Sec. 21. Gas and hazardous liquid gathering lines.
Sec. 22. Excess flow valves.
Sec. 23. Maximum allowable operating pressure.
Sec. 24. Limitation on incorporation of documents by reference.
Sec. 25. Pipeline safety training for State and local government personnel.
Sec. 26. Report on minority-owned, woman-owned, and disadvantaged businesses.
Sec. 27. Report on pipeline projects.
Sec. 28. Cover over buried pipelines.
Sec. 29. Seismicity.
Sec. 30. Tribal consultation for pipeline projects.
Sec. 31. Pipeline inspection and enforcement needs.
Sec. 32. Authorization of appropriations.

SEC. 2. CIVIL PENALTIES.

(a) GENERAL PENALTIES; PENALTY CONSIDERATIONS.—Section 60122 is amended—

(1) in subsection (a)(1)—

(A) in the first sentence by striking ''$100,000'' and inserting ''$200,000''; and

(B) in the last sentence by striking ''$1,000,000'' and inserting ''$2,000,000''; and

(2) in subsection (b)(1)(B) by striking ''the ability to pay,''.

(b) OPERATOR ASSISTANCE IN INVESTIGATIONS.—Section 60118(e) is amended to read as follows:

''(e) OPERATOR ASSISTANCE IN INVESTIGATIONS.—

''(1) ASSISTANCE AND ACCESS.—If the Secretary or the National Transportation Safety Board investigates an accident or incident involving a pipeline facility, the operator of the facility shall—

''(A) make available to the Secretary or the Board all records and information that in any way pertain to the accident or incident, including integrity management plans and test results; and

''(B) afford all reasonable assistance in the investigation of the accident or incident.

''(2) OPERATOR ASSISTANCE IN INVESTIGATIONS.—

''(A) IN GENERAL.—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under this chapter.

''(B) OBSTRUCTS DEFINED.—

''(i) IN GENERAL.—In this paragraph, the term 'obstructs' includes actions that were known, or reasonably should have been known, to prevent, hinder, or impede an investigation without good cause.

''(ii) GOOD CAUSE.—In clause (i), the term 'good cause' may include actions such as restricting access to facilities that are not secure or safe for nonpipeline personnel or visitors.''.

(c) ADMINISTRATIVE PENALTY CAPS INAPPLICABLE.—Section 60120(a)(1) is amended by adding at the end the following: ''The maximum amount of civil penalties for administrative enforcement actions under section 60122 shall not apply to enforcement actions under this section.''.

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—Section 60119(a) is amended—

(1) in the subsection heading by striking ''AND WAIVER ORDERS'' and inserting '', ORDERS, AND OTHER FINAL AGENCY ACTIONS''; and

(2) by striking ''about an application for a waiver under section 60118(c) or (d) of this title'' and inserting ''under this chapter''.

SEC. 3. PIPELINE DAMAGE PREVENTION.

(a) MINIMUM STANDARDS FOR STATE ONE-CALL NOTIFICATION PROGRAMS.—Section 6103(a) is amended to read as follows:

''(a) MINIMUM STANDARDS.—

''(1) IN GENERAL.—In order to qualify for a grant under section 6106, a State one-call notification program, at a minimum, shall provide for—

''(A) appropriate participation by all underground facility operators, including all government operators;

''(B) appropriate participation by all excavators, including all government and contract excavators; and

''(C) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

''(2) EXEMPTIONS PROHIBITED.—In order to qualify for a grant under section 6106, a State one-call notification program may not exempt municipalities, State agencies, or their contractors from the one-call notification system requirements of the program.''.

(b) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134(a) is amended—

(1) in paragraph (1) by striking ''and'' after the semicolon;

(2) in paragraph (2)(B) by striking ''(b).'' and inserting ''(b); and''; and

(3) by adding at the end the following:

''(3) does not provide any exemptions to municipalities, State agencies, or their contractors from the one-call notification system requirements of the program.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

(d) EXCAVATION DAMAGE.—

(1) STUDY.—The Secretary of Transportation shall conduct a study on the impact of excavation damage on pipeline safety.

(2) CONTENTS.—The study shall include—

(A) an analysis of the frequency and severity of different types of excavation damage incidents;

(B) an analysis of exemptions to the one-call notification system requirements in each State;

(C) a comparison of exemptions to the one-call notification system requirements in each State to the types of excavation damage incidents in that State; and

(D) an analysis of the potential safety benefits and adverse consequences of eliminating all exemptions for mechanized excavation from State one-call notification systems.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 4. AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES.

Section 60102 is amended—

(1) by striking subsection (j)(3); and

(2) by adding at the end the following:

''(n) AUTOMATIC AND REMOTE-CONTROLLED SHUT-OFF VALVES FOR NEW TRANSMISSION PIPELINES.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, and after considering the factors specified in subsection (b)(2), the Secretary, if appropriate, shall require by regulation the use of automatic or remote-controlled shut-off valves, or equivalent technology, where economically, technically, and operationally feasible on transmission pipeline facilities constructed or entirely replaced after the date on which the Secretary issues the final rule containing such requirement.

''(2) HIGH-CONSEQUENCE AREA STUDY.—

''(A) STUDY.—The Comptroller General of the United States shall conduct a study on the ability of transmission pipeline facility operators to respond to a hazardous liquid or gas release from a pipeline segment located in a high-consequence area.

''(B) CONSIDERATIONS.—In conducting the study, the Comptroller General shall consider the swiftness of leak detection and pipeline shutdown capabilities, the location of the nearest response personnel, and the costs, risks, and benefits of installing automatic and remote-controlled shut-off valves.

''(C) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.''.

SEC. 5. INTEGRITY MANAGEMENT.

(a) EVALUATION.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall evaluate—

(1) whether integrity management system requirements, or elements thereof, should be expanded beyond high-consequence areas; and

(2) with respect to gas transmission pipeline facilities, whether applying integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(b) FACTORS.—In conducting the evaluation under subsection (a), the Secretary shall consider, at a minimum, the following:

(1) The continuing priority to enhance protections for public safety.

(2) The continuing importance of reducing risk in high-consequence areas.

(3) The incremental costs of applying integrity management standards to pipelines outside of high-consequence areas where operators are already conducting assessments beyond what is required under chapter 601 of title 49, United States Code.

(4) The need to undertake integrity management assessments and repairs in a manner that is achievable and sustainable, and that does not disrupt pipeline service.

(5) The options for phasing in the extension of integrity management requirements beyond high-consequence areas, including the most effective and efficient options for decreasing risks to an increasing number of people living or working in proximity to pipeline facilities.

(6) The appropriateness of applying repair criteria, such as pressure reductions and special requirements for scheduling remediation, to areas that are not high-consequence areas.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, based on the evaluation conducted under subsection (a), containing the Secretary's analysis and findings regarding—

(1) expansion of integrity management requirements, or elements thereof, beyond high-consequence areas; and

(2) with respect to gas transmission pipeline facilities, whether applying the integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(d) DATA REPORTING.—The Secretary shall collect any relevant data necessary to complete the evaluation required by subsection (a).

(e) TECHNICAL CORRECTION.—Section 60109(c)(3)(B) is amended to read as follows:

''(B) Subject to paragraph (5), periodic reassessments of the facility, at a minimum of once every 7 calendar years, using methods described in subparagraph (A). The Secretary may extend such deadline for an additional 6 months if the operator submits written notice to the Secretary with sufficient justification of the need for the extension.''.

(f) RULEMAKING REQUIREMENTS.—

(1) REVIEW PERIOD DEFINED.—In this subsection, the term ''review period'' means the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 1 year after the date of completion of the report under subsection (c); or

(B) the date that is 3 years after the date of enactment of this Act.

(2) CONGRESSIONAL AUTHORITY.—In order to provide Congress the necessary time to review the results of the report required by subsection (c) and implement appropriate recommendations, the Secretary shall not, during the review period, issue final regulations described in paragraph (3)(B).

(3) STANDARDS.—

(A) FINDINGS.—As soon as practicable following the review period, the Secretary shall issue final regulations described in subparagraph (B), if the Secretary finds, in the report required under subsection (c), that—

(i) integrity management system requirements, or elements thereof, should be expanded beyond high-consequence areas; and

(ii) with respect to gas transmission pipeline facilities, applying integrity management program requirements, or elements thereof, to additional areas would mitigate the need for class location requirements.

(B) REGULATIONS.—Regulations issued by the Secretary under subparagraph (A), if any, shall—

(i) expand integrity management system requirements, or elements thereof, beyond high-consequence areas; and

(ii) remove redundant class location requirements for gas transmission pipeline facilities that are regulated under an integrity management program adopted and implemented under section 60109(c)(2) of title 49, United States Code.

(4) SAVINGS CLAUSE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may issue final regulations described in paragraph (3)(B), if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the regulations will address the risk or hazard.

(B) IMMINENT HAZARD DEFINED.—In subparagraph (A), the term ''imminent hazard'' means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

(g) REPORT TO CONGRESS ON RISK-BASED PIPELINE REASSESSMENT INTERVALS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall evaluate—

(1) whether risk-based reassessment intervals are a more effective alternative for managing risks to pipelines in high-consequence areas once baseline assessments are complete when compared to the reassessment interval specified in section 60109(c)(3)(B) of title 49, United States Code;

(2) the number of anomalies found in baseline assessments required under section 60109(c)(3)(A) of title 49, United States Code, as compared to the number of anomalies found in reassessments required under section 60109(c)(3)(B) of such title; and

(3) the progress made in implementing the recommendations in GAO Report 06–945 and the current relevance of those recommendations that have not been implemented.

SEC. 6. PUBLIC EDUCATION AND AWARENESS.

(a) NATIONAL PIPELINE MAPPING SYSTEM.—Section 60132 is amended by adding at the end the following:

''(d) MAP OF HIGH-CONSEQUENCE AREAS.—The Secretary shall—

''(1) maintain, as part of the National Pipeline Mapping System, a map of designated high-consequence areas (as described in section 60109(a)) in which pipelines are required to meet integrity management program regulations, excluding any proprietary or sensitive security information; and

''(2) update the map biennially.

''(e) PROGRAM TO PROMOTE AWARENESS OF NATIONAL PIPELINE MAPPING SYSTEM.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop and implement a program promoting greater awareness of the existence of the National Pipeline Mapping System to State and local emergency responders and other interested parties. The program shall include guidance on how to use the National Pipeline Mapping System to locate pipelines in communities and local jurisdictions.''.

(b) INFORMATION TO EMERGENCY RESPONSE AGENCIES.—

(1) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue guidance to owners and operators of pipeline facilities on the importance of providing system-specific information about their pipeline facilities to emergency response agencies of the communities and jurisdictions in which those facilities are located.

(2) CONSULTATION.—Before issuing guidance under paragraph (1), the Secretary shall consult with owners and operators of pipeline facilities to determine the extent to which the owners and operators are already providing system-specific information about their pipeline facilities to emergency response agencies.

(c) RESPONSE PLANS.—

(1) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

''§ 60138. Response plans

''(a) IN GENERAL.—The Secretary of Transportation shall—

''(1) maintain on file a copy of the most recent response plan (as defined in part 194 of title 49, Code of Federal Regulations) prepared by an owner or operator of a pipeline facility; and

''(2) provide upon written request to a person a copy of the plan, which may exclude, as the Secretary determines appropriate—

''(A) proprietary information;

''(B) security-sensitive information, including information described in section 1520.5(a) of title 49, Code of Federal Regulations;

''(C) specific response resources and tactical resource deployment plans; and

''(D) the specific amount and location of worst case discharges (as defined in part 194 of title 49, Code of Federal Regulations), including the process by which an owner or operator determines the worst case discharge.

''(b) RELATIONSHIP TO FOIA.—Nothing in this section may be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60137 the following: ''60138. Response plans.''.

SEC. 7. CAST IRON GAS PIPELINES.

(a) FOLLOW-UP SURVEYS.—Section 60108(d) is amended by adding at the end the following:

''(4) Not later than December 31, 2012, and every 2 years thereafter, the Secretary shall conduct a follow-up survey to measure the progress that owners and operators of pipeline facilities have made in adopting and implementing their plans for the safe management and replacement of cast iron gas pipelines.''.

(b) STATUS REPORT.—Not later than December 31, 2013, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(1) identifies the total mileage of cast iron gas pipelines in the United States; and

(2) evaluates the progress that owners and operators of pipeline facilities have made in implementing their plans for the safe management and replacement of cast iron gas pipelines.

SEC. 8. LEAK DETECTION.

(a) LEAK DETECTION REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report on leak detection systems utilized by operators of hazardous liquid pipeline facilities and transportation-related flow lines.

(2) CONTENTS.—The report shall include—

(A) an analysis of the technical limitations of current leak detection systems, including the ability of the systems to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies; and

(B) an analysis of the practicability of establishing technically, operationally, and economically feasible standards for the capability of such systems to detect leaks, and the safety benefits and adverse consequences of requiring operators to use leak detection systems.

(b) RULEMAKING REQUIREMENTS.—

(1) REVIEW PERIOD DEFINED.—In this subsection, the term ''review period'' means the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 1 year after the date of completion of the report under subsection (a); or

(B) the date that is 2 years after the date of enactment of this Act.

(2) CONGRESSIONAL AUTHORITY.—In order to provide Congress the necessary time to review the results of the report required by subsection (a) and implement appropriate recommendations, the Secretary, during the review period, shall not issue final regulations described in paragraph (3).

(3) STANDARDS.—As soon as practicable following the review period, if the report required by subsection (a) finds that it is practicable to establish technically, operationally, and economically feasible standards for

the capability of leak detection systems to detect leaks, the Secretary shall issue final regulations that—

(A) require operators of hazardous liquid pipeline facilities to use leak detection systems where practicable; and

(B) establish technically, operationally, and economically feasible standards for the capability of such systems to detect leaks.

(4) SAVINGS CLAUSE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary, during the review period, may issue final regulations described in paragraph (3) if the Secretary determines that a condition that poses a risk to public safety, property, or the environment is present or an imminent hazard exists and that the regulations will address the risk or hazard.

(B) IMMINENT HAZARD DEFINED.—In subparagraph (A), the term ''imminent hazard'' means the existence of a condition related to pipelines or pipeline operations that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur.

SEC. 9. ACCIDENT AND INCIDENT NOTIFICATION.

(a) REVISION OF REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall revise regulations issued under sections 191.5 and 195.52 of title 49, Code of Federal Regulations, to establish specific time limits for telephonic or electronic notice of accidents and incidents involving pipeline facilities to the Secretary and the National Response Center.

(b) MINIMUM REQUIREMENTS.—In revising the regulations, the Secretary, at a minimum, shall—

(1) establish time limits for telephonic or electronic notification of an accident or incident to require such notification at the earliest practicable moment following confirmed discovery of an accident or incident and not later than 1 hour following the time of such confirmed discovery;

(2) review procedures for owners and operators of pipeline facilities and the National Response Center to provide thorough and coordinated notification to all relevant State and local emergency response officials, including 911 emergency call centers, for the jurisdictions in which those pipeline facilities are located in the event of an accident or incident, and revise such procedures as appropriate; and

(3) require such owners and operators to revise their initial telephonic or electronic notice to the Secretary and the National Response Center with an estimate of the amount of the product released, an estimate of the number of fatalities and injuries, if any, and any other information determined appropriate by the Secretary within 48 hours of the accident or incident, to the extent practicable.

(c) UPDATING OF REPORTS.—After receiving revisions described in subsection (b)(3), the National Response Center shall update the initial report on an accident or incident instead of generating a new report.

SEC. 10. TRANSPORTATION-RELATED ONSHORE FACILITY RESPONSE PLAN COMPLIANCE.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 311(m)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(m)(2)) are each amended by striking ''Administrator or'' and inserting ''Administrator, the Secretary of Transportation, or''.

(b) CONFORMING AMENDMENT.—Section 311(b)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)(6)(A)) is amended by striking ''operating or'' and inserting ''operating, the Secretary of Transportation, or''.

SEC. 11. PIPELINE INFRASTRUCTURE DATA COLLECTION.

(a) IN GENERAL.—Section 60132(a) is amended by adding at the end the following:

''(4) Any other geospatial or technical data, including design and material specifications, that the Secretary determines are necessary to carry out the purposes of this section. The Secretary shall give reasonable notice to operators that the data are being requested.''.

(b) DISCLOSURE LIMITED TO FOIA REQUIREMENTS.—Section 60132, as amended by this Act, is further amended by adding at the end the following:

''(f) PUBLIC DISCLOSURE LIMITED.—The Secretary may not disclose information collected pursuant to subsection (a) except to the extent permitted by section 552 of title 5.''.

SEC. 12. TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102, as amended by this Act, is further amended by adding at the end the following:

''(o) TRANSPORTATION-RELATED OIL FLOW LINES.—

''(1) DATA COLLECTION.—The Secretary may collect geospatial or technical data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

''(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term 'transportation-related oil flow line' means a pipeline transporting oil off of the grounds of the well where it originated and across areas not owned by the producer, regardless of the extent to which the oil has been processed, if at all.

''(3) LIMITATION.—Nothing in this subsection authorizes the Secretary to prescribe standards for the movement of oil through production, refining, or manufacturing facilities or through oil production flow lines located on the grounds of wells.''.

SEC. 13. COST RECOVERY FOR DESIGN REVIEWS.

(a) IN GENERAL.—Section 60117(n) is amended to read as follows:

''(n) COST RECOVERY FOR DESIGN REVIEWS.—

''(1) IN GENERAL.—

''(A) REVIEW COSTS.—For any project described in subparagraph (B), if the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline facility or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person proposing the project to pay the costs incurred by the Secretary relating to such reviews. If the Secretary exercises the cost recovery authority described in this paragraph, the Secretary shall prescribe a fee structure and assessment methodology that is based on the costs of providing these reviews and shall prescribe procedures to collect fees under this paragraph. The Secretary may not collect design safety review fees under this paragraph and section 60301 for the same design safety review.

''(B) PROJECTS TO WHICH APPLICABLE.—Subparagraph (A) applies to any project that—

''(i) has design and construction costs totaling at least $2,500,000,000, as periodically adjusted by the Secretary to take into account increases in the Consumer Price Index for all-urban consumers published by the Department of Labor, based on—

''(I) the cost estimate provided to the Federal Energy Regulatory Commission in an application for a certificate of public convenience and necessity for a gas pipeline facility or an application for authorization for a liquefied natural gas pipeline facility; or

''(II) a good faith estimate developed by the person proposing a hazardous liquid pipeline facility and submitted to the Secretary; or

''(ii) uses new or novel technologies or design, as determined by the Secretary.

''(2) NOTIFICATION.—For any new pipeline facility construction project in which the Secretary will conduct design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials at least 120 days prior to the commencement of construction. To the maximum extent practicable, not later than 90 days after receiving such design specifications, construction plans and procedures, and related materials, the Secretary shall provide written comments, feedback, and guidance on the project.

''(3) PIPELINE SAFETY DESIGN REVIEW FUND.—

''(A) ESTABLISHMENT.—There is established a Pipeline Safety Design Review Fund in the Treasury of the United States.

''(B) DEPOSITS.—The Secretary shall deposit funds paid under this subsection into the Fund.

''(C) USE.—Amounts in the Fund shall be available to the Secretary, in amounts specified in appropriations Acts, to offset the costs of conducting facility design safety reviews under this subsection.

''(4) NO ADDITIONAL PERMITTING AUTHORITY.—Nothing in this subsection may be construed as authorizing the Secretary to require a person to obtain a permit before beginning design and construction in connection with a project described in paragraph (1)(B).''.

(b) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue guidance to clarify the meaning of the term ''new or novel technologies or design'' as used in section 60117(n)(1)(B)(ii) of title 49, United States Code, as amended by subsection (a) of this section.

SEC. 14. BIOFUEL PIPELINES.

Section 60101(a)(4) is amended—

(1) in subparagraph (A) by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) nonpetroleum fuel, including biofuel, that is flammable, toxic, or corrosive or would be harmful to the environment if released in significant quantities; and''.

SEC. 15. CARBON DIOXIDE PIPELINES.

Section 60102(i) is amended—

(1) by striking ''The Secretary shall regulate'' and inserting the following:

''(1) TRANSPORTATION IN LIQUID STATE.—The Secretary shall regulate''.

(2) by adding at the end the following new paragraph:

''(2) TRANSPORTATION IN GASEOUS STATE.—

''(A) MINIMUM SAFETY STANDARDS.—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in a gaseous state.

''(B) CONSIDERATIONS.—In establishing the standards, the Secretary shall consider whether applying the minimum safety standards in part 195 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this paragraph, for the transportation of carbon dioxide in a liquid state to the transportation of carbon dioxide in a gaseous state would ensure safety.

''(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection authorizes the Secretary to regulate piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation, or treatment of carbon dioxide or the preparation of carbon dioxide for transportation by

pipeline at production, refining, or manufacturing facilities.''.

SEC. 16. STUDY OF TRANSPORTATION OF DILUTED BITUMEN.

Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall complete a comprehensive review of hazardous liquid pipeline facility regulations to determine whether the regulations are sufficient to regulate pipeline facilities used for the transportation of diluted bitumen. In conducting the review, the Secretary shall conduct an analysis of whether any increase in the risk of a release exists for pipeline facilities transporting diluted bitumen. The Secretary shall report the results of the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives.

SEC. 17. STUDY OF NONPETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

The Secretary of Transportation may conduct an analysis of the transportation of nonpetroleum hazardous liquids by pipeline facility for the purpose of identifying the extent to which pipeline facilities are currently being used to transport nonpetroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis should identify the extent to which the safety of the pipeline facilities is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline facility across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation. The results of the analysis shall be made available to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives.

SEC. 18. CLARIFICATIONS.

(a) INSPECTION AND MAINTENANCE.—Section 60108(a)(1) is amended by striking ''an intrastate'' and inserting ''a''.

(b) OWNER AND OPERATOR.—Section 60102(a)(2)(A) is amended by striking ''owners and operators'' and inserting ''any or all of the owners or operators''.

SEC. 19. MAINTENANCE OF EFFORT.

Section 60107(b) is amended by adding at the end the following: ''For each of fiscal years 2012 and 2013, the Secretary shall grant such a waiver to a State if the State can demonstrate an inability to maintain or increase the required funding share of its safety program at or above the level required by this subsection due to economic hardship in that State. For fiscal year 2014, and each fiscal year thereafter, the Secretary may grant such a waiver to a State if the State can make the demonstration described in the preceding sentence.''.

SEC. 20. ADMINISTRATIVE ENFORCEMENT PROCESS.

(a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall issue regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 of title 49, United States Code, to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under section 60112, 60117, 60118, or 60122 of such title to arrange for a transcript of the hearing, at the expense of the requesting person;

(C) ensuring expedited review of any order issued pursuant to section 60112(e) of such title;

(D) implementing a separation of functions between personnel involved with the investigation and prosecution of an enforcement case and advising the Secretary on findings and determinations; and

(E) prohibiting ex-parte communication relevant to the question to be decided in such a case by parties to an investigation or hearing.

(2) PRESIDING OFFICIAL.—The regulations issued under this subsection shall—

(A) define the term ''presiding official'' to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official be an attorney on the staff of the Deputy Chief Counsel of the Pipeline and Hazardous Materials Safety Administration that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, notices relating to civil penalty assessments, notices relating to compliance, or notices of proposed corrective actions.

(3) EXPEDITED REVIEW.—The regulations issued under this subsection shall define the term ''expedited review'' for the purposes of paragraph (1)(C).

(b) STANDARDS OF JUDICIAL REVIEW.—Section 60119(a) is amended by adding at the end the following new paragraph:

''(3) A judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.''.

SEC. 21. GAS AND HAZARDOUS LIQUID GATHERING LINES.

(a) REVIEW.—The Secretary of Transportation shall conduct a review of existing Federal and State regulations for gas and hazardous liquid gathering lines located onshore and offshore in the United States, including within the inlets of the Gulf of Mexico.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review.

(2) RECOMMENDATIONS.—The report shall include the Secretary's recommendations with respect to—

(A) the sufficiency of existing Federal and State laws and regulations to ensure the safety of gas and hazardous liquid gathering lines;

(B) the economic impacts, technical practicability, and challenges of applying existing Federal regulations to gathering lines that are not currently subject to Federal regulation when compared to the public safety benefits; and

(C) subject to a risk-based assessment, the need to modify or revoke existing exemptions from Federal regulation for gas and hazardous liquid gathering lines.

(c) OFFSHORE GATHERING LINES.—Section 60108(c) is amended by adding at the end the following:

''(8) If, after reviewing existing Federal and State regulations for hazardous liquid gathering lines located offshore in the United States, including within the inlets of the Gulf of Mexico, the Secretary determines it is appropriate, the Secretary shall issue regulations, after notice and an opportunity for a hearing, subjecting offshore hazardous liquid gathering lines and hazardous liquid gathering lines located within the inlets of the Gulf of Mexico to the same standards and regulations as other hazardous liquid gathering lines. The regulations issued under this paragraph shall not apply to production pipelines or flow lines.''.

SEC. 22. EXCESS FLOW VALVES.

Section 60109(e)(3) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) DISTRIBUTION BRANCH SERVICES, MULTIFAMILY FACILITIES, AND SMALL COMMERCIAL FACILITIES.—Not later than 2 years after the date of enactment of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011, and after issuing a final report on the evaluation of the National Transportation Safety Board's recommendation on excess flow valves in applications other than service lines serving one single family residence, the Secretary, if appropriate, shall by regulation require the use of excess flow valves, or equivalent technology, where economically, technically, and operationally feasible on new or entirely replaced distribution branch services, multifamily facilities, and small commercial facilities.''.

SEC. 23. MAXIMUM ALLOWABLE OPERATING PRESSURE.

(a) IN GENERAL.—Chapter 601, as amended by this Act, is further amended by adding at the end the following:

''§ 60139. Maximum allowable operating pressure

''(a) VERIFICATION OF RECORDS.—

''(1) IN GENERAL.—The Secretary of Transportation shall require each owner or operator of a pipeline facility to conduct, not later than 6 months after the date of enactment of this section, a verification of the records of the owner or operator relating to the interstate and intrastate gas transmission pipelines of the owner or operator in class 3 and class 4 locations and class 1 and class 2 high-consequence areas.

''(2) PURPOSE.—The purpose of the verification shall be to ensure that the records accurately reflect the physical and operational characteristics of the pipelines described in paragraph (1) and confirm the established maximum allowable operating pressure of the pipelines.

''(3) ELEMENTS.—The verification process under this subsection shall include such elements as the Secretary considers appropriate.

''(b) REPORTING.—

''(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this section, each owner or operator of a pipeline facility shall identify and submit to the Secretary documentation relating to each pipeline segment of the owner or operator described in subsection (a)(1) for which the records of the owner or operator are insufficient to confirm the established maximum allowable operating pressure of the segment.

''(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—If there is an exceedance of the maximum allowable operating pressure with respect to a gas transmission pipeline of an owner or operator of a pipeline facility that exceeds the build-up allowed for operation of pressure-limiting or control devices, the owner or operator shall report the exceedance to the Secretary and appropriate State authorities on or before the 5th day following the date on which the exceedance occurs.

''(c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

''(1) IN GENERAL.—In the case of a transmission line of an owner or operator of a pipeline facility identified under subsection (b)(1), the Secretary shall—

''(A) require the owner or operator to reconfirm a maximum allowable operating pressure as expeditiously as economically feasible; and

''(B) determine what actions are appropriate for the pipeline owner or operator to take to maintain safety until a maximum allowable operating pressure is confirmed.

''(2) INTERIM ACTIONS.—In determining the actions for an owner or operator of a pipeline facility to take under paragraph (1)(B), the Secretary shall take into account potential consequences to public safety and the environment, potential impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

''(d) TESTING REGULATIONS.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall issue regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in high-consequence areas and operating at a pressure greater than 30 percent of specified minimum yield strength.

''(2) CONSIDERATIONS.—In developing the regulations, the Secretary shall consider safety testing methodologies, including, at a minimum—

''(A) pressure testing; and

''(B) other alternative methods, including in-line inspections, determined by the Secretary to be of equal or greater effectiveness.

''(3) COMPLETION OF TESTING.—The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account potential consequences to public safety and the environment and that minimize costs and service disruptions.

''(e) HIGH-CONSEQUENCE AREA DEFINED.—In this section, the term 'high-consequence area' means an area described in section 60109(a).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60138 the following:

''60139. Maximum allowable operating pressure.''.

SEC. 24. LIMITATION ON INCORPORATION OF DOCUMENTS BY REFERENCE.

Section 60102, as amended by this Act, is further amended by adding at the end the following:

''(p) LIMITATION ON INCORPORATION OF DOCUMENTS BY REFERENCE.—Beginning 1 year after the date of enactment of this subsection, the Secretary may not issue guidance or a regulation pursuant to this chapter that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge, on an Internet Web site.''.

SEC. 25. PIPELINE SAFETY TRAINING FOR STATE AND LOCAL GOVERNMENT PERSONNEL.

(a) IN GENERAL.—To further the objectives of chapter 601 of title 49, United States Code, the Secretary of Transportation may provide the services of personnel from the Pipeline and Hazardous Materials Safety Administration to provide training for State and local government personnel at a pipeline safety training facility that is established and operated by an agency or instrumentality of the United States, a unit of State or local government, or an educational institution.

(b) REIMBURSEMENTS FOR TRAINING EXPENDITURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may require reimbursement from sources other than the Federal Government for all expenses incurred by the Secretary in providing training for State and local government personnel under subsection (a), including salaries, expenses, transportation for Pipeline and Hazardous Materials Safety Administration personnel, and the cost of training materials.

(2) AUTHORIZATION OF APPROPRIATIONS.—Amounts collected as reimbursement under paragraph (1) are authorized to be appropriated for the purposes set forth in chapter 601 of title 49, United States Code.

SEC. 26. REPORT ON MINORITY-OWNED, WOMAN-OWNED, AND DISADVANTAGED BUSINESSES.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, based upon available information, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a comprehensive report assessing the levels and types of participation and methods of facilitating the participation of minority-owned business enterprises, woman-owned business enterprises, and disadvantaged business enterprises in the construction and operation of pipeline facilities in the United States.

SEC. 27. REPORT ON PIPELINE PROJECTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a comprehensive study regarding the process for obtaining Federal and State permits for projects to construct pipeline facilities.

(b) EVALUATION.—In conducting the study, the Comptroller General shall evaluate how long it takes to issue permits for pipeline construction projects, the relationship between the States and the Federal Government in issuing such permits, and any recommendations from the States for improving the permitting process.

(c) CONSULTATION.—In conducting the study, the Comptroller General shall consult with the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 28. COVER OVER BURIED PIPELINES.

(a) IN GENERAL.—Chapter 601, as amended by this Act, is further amended by adding at the end the following:

''§ 60140. Cover over buried pipelines

''(a) HAZARDOUS LIQUID PIPELINE INCIDENTS INVOLVING BURIED PIPELINES.—

''(1) STUDY.—The Secretary of Transportation shall conduct a study of hazardous liquid pipeline incidents at crossings of inland bodies of water with a width of at least 100 feet from high water mark to high water mark to determine if the depth of cover over the buried pipeline was a factor in any accidental release of hazardous liquids.

''(2) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

''(b) ASSESSMENT OF CURRENT REQUIREMENTS FOR DEPTH OF COVER OVER BURIED PIPELINES.—

''(1) IN GENERAL.—If, following completion of the study under subsection (a), the Secretary finds that the depth of cover over buried pipelines is a contributing factor in the accidental release of hazardous liquids from the pipelines, the Secretary, not later than 1 year after the date of completion of the study, shall review and determine the sufficiency of current requirements for the depth of cover over buried pipelines.

''(2) LEGISLATIVE RECOMMENDATIONS.—

''(A) DEVELOPMENT.—If the Secretary determines under paragraph (1) that the current requirements for the depth of cover over buried pipelines are insufficient, the Secretary shall develop legislative recommendations for improving the safety of buried pipelines at crossings of inland bodies of water with a width of at least 100 feet from high water mark to high water mark.

''(B) CONSIDERATION OF FACTORS.—In developing legislative recommendations under subparagraph (A), the Secretary shall consider the factors specified in section 60102(b)(2).

''(C) REPORT TO CONGRESS.—If the Secretary develops legislative recommendations under subparagraph (A), the Secretary shall submit to the committees referred to in subsection (a)(2) a report containing the legislative recommendations.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 is amended by inserting after the item relating to section 60139 the following:

''60140. Cover over buried pipelines.''.

SEC. 29. SEISMICITY.

In identifying and evaluating all potential threats to each pipeline segment pursuant to parts 192 and 195 of title 49, Code of Federal Regulations, an operator of a pipeline facility shall consider the seismicity of the area.

SEC. 30. TRIBAL CONSULTATION FOR PIPELINE PROJECTS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall develop and implement a protocol for consulting with Indian tribes to provide technical assistance for the regulation of pipelines that are under the jurisdiction of Indian tribes.

SEC. 31. PIPELINE INSPECTION AND ENFORCEMENT NEEDS.

(a) INSPECTION AND ENFORCEMENT NEEDS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides information on—

(1) the total number of full-time equivalent positions for pipeline inspection and enforcement personnel at the Pipeline and Hazardous Materials Safety Administration;

(2) out of the total number of such positions, how many of the positions are not filled and the reasons why the positions are not filled;

(3) the actions the Administrator of the Pipeline and Hazardous Materials Safety Administration is taking to fill the positions; and

(4) any additional inspection and enforcement resource needs of the Pipeline and Hazardous Materials Safety Administration.

(b) STAFFING.—Subject to the availability of funds, the Secretary may increase the number of positions for pipeline inspection and enforcement personnel at the Pipeline and Hazardous Materials Safety Administration by 10 full-time equivalent employees, if—

(1) on or before September 30, 2014, the Secretary fills the 135 full-time equivalent positions for pipeline inspection and enforcement personnel specified in section 18(e) of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (120 Stat. 3498); and

(2) in preparing the report under subsection (a), the Secretary finds that additional pipeline inspection and enforcement personnel are necessary.

SEC. 32. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125(a) is amended to read as follows:

''(a) GAS AND HAZARDOUS LIQUID.—

''(1) IN GENERAL.—To carry out the provisions of this chapter related to gas and hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), there is authorized to be appropriated to the Department of Transportation for each of fiscal years 2012 through 2015, from fees collected under section 60301, $90,679,000, of which $4,746,000 is for carrying out such section 12 and $36,194,000 is for making grants.

''(2) TRUST FUND AMOUNTS.—In addition to the amounts authorized to be appropriated by paragraph (1), there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107–355), $18,573,000, of which $2,174,000 is for carrying out such section 12 and $4,558,000 is for making grants.''.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking ''2007 through 2010'' and inserting ''2012 through 2015''.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) in subsection (a) by striking ''2007 through 2010.'' and inserting ''2012 through 2015.'';

(2) in subsection (b) by striking ''2007 through 2010.'' and inserting ''2012 through 2015.''; and

(3) by striking subsection (c).

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section $1,500,000 for each of fiscal years 2012 through 2015. Such funds shall remain available until expended.''.

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) in subsection (a)(1) by striking ''$50,000'' and inserting ''$100,000'';

(2) in subsection (b)—

(A) by inserting ''to grant recipients and their contractors'' after ''this section''; and

(B) by inserting '', for direct advocacy for or against a pipeline construction or expansion project,'' after ''for lobbying''; and

(3) in subsection (d) by striking ''$1,000,000 for each of the fiscal years 2003 through 2010'' and inserting ''$1,500,000 for each of fiscal years 2012 through 2015''.

(f) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) in subsection (d) by adding at the end the following:

''(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation, in coordination with the Director of the National Institute of Standards and Technology, as appropriate, shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program every 2 years. The biennial report shall include a summary of updated research needs and priorities identified through the consultation requirements of paragraph (2).

''(B) CONSULTATION.—The Secretary shall comply with the consultation requirements of paragraph (2) when preparing the program plan and in the selection and prioritization of research and development projects.

''(C) FUNDING FROM NON-FEDERAL SOURCES.—The Secretary shall ensure at least 30 percent of the costs of program-wide research and development activities are carried out using non-Federal sources.''.

(2) in subsection (f) by striking ''2003 through 2006.'' and inserting ''2012 through 2015.''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1900

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

MANIILAQ ASSOCIATION PROPERTY CONVEYANCE

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 443

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

SECTION 1. CONVEYANCE OF PROPERTY.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, but not later than 180 days after such date, the Secretary of Health and Human Services (in this Act referred to as the ''Secretary'') shall convey to the Maniilaq Association located in Kotzebue, Alaska, all right, title, and interest of the United States in and to the property described in section 2 for use in connection with health and social services programs. The Secretary's conveyance of title by warranty deed under this section shall, on its effective date, supersede and render of no future effect on any Quitclaim Deed the properties described in section 2 executed by the Secretary and the Maniilaq Association.

(b) CONDITIONS.—The conveyance required by this section shall be made by warranty deed without consideration and without imposing any obligation, term, or condition on the Maniilaq Association, or reversionary interest of the United States, other than that required by this Act or section 512(c)(2)(B) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa–11(c)(2)(B)).

SEC. 2. PROPERTY DESCRIBED.

The property, including all land and appurtenances, to be conveyed pursuant to section 1 is as follows:

(1) KOTZEBUE HOSPITAL AND LAND.—Re-Plat of Friends Mission Reserve, Subdivision No. 2, U.S. Survey 2082, Lot 1, Block 12, Kotzebue, Alaska, containing 8.10 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on August 18, 2009.

(2) KOTZEBUE QUARTERS AKA KIC SITE.—Replat of Friends Mission Reserve, U.S. Survey 2082, Lot 1A, Block 13, Kotzebue, Alaska, containing 5.229 acres recording in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.

(3) KOTZEBUE QUARTERS AKA NANA SITE.—Lot 1B, Block 26, Tract A, Townsite of Kotzebue, U.S. Survey No. 2863 A, Kotzebue, Alaska, containing 1.29 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.

SEC. 3. ENVIRONMENTAL LIABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of Federal law, the Maniilaq Association shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination, including any oil or petroleum products, or any hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal law, on any property described in section 2 as of the date of the conveyance.

(b) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed as may be reasonably necessary to satisfy any retained obligations and liability of the Secretary.

(c) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—The Secretary shall comply with section 120(h)(3)(A) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 443 is sponsored by our colleague from Alaska (Mr. YOUNG). The legislation directs the Indian Health Service to transfer three parcels of Federal land in Alaska to the Maniilaq Association. The association is a nonprofit entity that runs Federal Indian health services for Native people in northwest Alaska. The parcels of land subject to this legislation, which total about 15

acres, are currently the site of the existing Native health facility and of proposed long-term care facilities and employee housing.

The subject lands have already been conveyed by the Secretary to the association through a quit claim deed. The Federal Indian health laws, however, under these laws, transferring a land through the use of a quit claim deed could present some obstacles for the future use of the land by the association. H.R. 443 addresses this problem by directing the Secretary to convey the property through the use of a warranty deed. This method provides clean title to the land. The administration testified in support of the land transfer, and we have heard no other objection to this bill.

The bill was referred to the Committee on Energy and Commerce. The chairman of that committee, Mr. UPTON, has kindly forgone action on the bill in the interest of expediting its consideration on the House floor. I thank him for his cooperation and at this point would like to include in the RECORD an exchange of letters between our committees regarding this bill.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 7, 2011.

Hon. DOC HASTINGS,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR CHAIRMAN HASTINGS: I am writing concerning H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska, which was ordered reported out of your Committee on October 5, 2011. I wanted to notify you that the Committee on Energy and Commerce will forgo action on H.R. 443 so that it may proceed expeditiously to the House floor for consideration.

This is being done with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, and the Committee will not in any way be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 443, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON NATURAL RESOURCES,
Washington, DC, December 7, 2011.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska. As you know, the Committee on Natural Resources ordered the bill reported by unanimous consent on October 5, 2011. The Committee on Natural Resources is interested in bringing this legislation before the House of Representatives, and accordingly, appreciates that the Committee on Energy and Commerce will forego action on the bill.

The Committee on Natural Resources concurs that by foregoing consideration of H.R. 443 at this time, the Committee on Energy and Commerce does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Energy and Commerce represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,

DOC HASTINGS,
Chairman.

With that, Mr. Speaker, I urge the House to pass the bill, and I reserve the balance of my time.

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

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

Mr. SABLAN. Mr. Speaker, I rise in support of H.R. 443.

This bill would provide the Maniilaq Association with clear title to land previously conveyed to it by the United States. Elimination of this restriction would enable the association to obtain loans for improvements to the property without Federal involvement.

I urge my colleagues to support the passage of this legislation, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to the author of this legislation, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman for yielding, and I want to thank Chairman HASTINGS and the ranking member for their cooperation in moving this bill.

As you said in your explanation, this is a noncontroversial bill. It solves the problem for the health providers of that area in Kotzebue.

I urge the House to pass the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 443, as amended.

The question was taken.

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

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

RATTLESNAKE MOUNTAIN PUBLIC ACCESS ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2719) to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2719

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 ''Rattlesnake Mountain Public Access Act of 2011''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Hanford Reach National Monument is public land that belongs to the American people.

(2) The United States Fish and Wildlife Service's Comprehensive Conservation Plan (CCP) for the Monument restricts public access to large portions of the Monument, including the summit of Rattlesnake Mountain.

(3) Public access to Rattlesnake Mountain is important for educational, recreational, historical, scientific, and cultural purposes.

(4) Rattlesnake Mountain reaches an elevation of 3,660 feet above sea level—the highest elevation of the Monument, and provides unparalleled scenic views over the Monument, the Hanford Site, and the Columbia River.

(5) Public access to Rattlesnake Mountain will increase tourism interest in the Monument and will provide economic benefits to local governments.

SEC. 3. ENSURING PUBLIC ACCESS TO THE SUMMIT OF RATTLESNAKE MOUNTAIN IN THE HANFORD REACH NATIONAL MONUMENT.

(a) IN GENERAL.—The Secretary of the Interior shall provide public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes, including—

(1) motor vehicle access; and

(2) pedestrian and other nonmotorized access.

(b) COOPERATIVE AGREEMENTS.—The Secretary of the Interior may enter into cooperative agreements to facilitate access to the summit of Rattlesnake Mountain—

(1) with the Secretary of Energy, the State of Washington, or any local government agency or other interested persons, for guided tours, including guided motorized tours to the summit of Rattlesnake Mountain; and

(2) with the Secretary of Energy, and with the State of Washington or any local government agency or other interested persons, to maintain the access road to the summit of Rattlesnake Mountain.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative

days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

H.R. 2719 directs the Department of the Interior to ensure public access to the summit of Rattlesnake Mountain, located within the Hanford Reach National Monument in my district.

At 3,600 feet, Rattlesnake Mountain is the highest point in the region and provides unparalleled views for miles around the monument, the Hanford Site, the Columbia River, the Yakima River and the Snake River. Unfortunately, it took the Fish and Wildlife Service 8 years to write a management plan that effectively closed Rattlesnake Mountain to public access, despite the public comments favoring just the opposite.

After I introduced this bill last Congress, the Fish and Wildlife Service, in October of 2010, offered two public tours for selected individuals, and then suddenly reneged on the offer just days before the tours were to occur without any explanation. During a recent committee hearing on the bill, the Interior Department's testimony suggested that the Fish and Wildlife Service supports tours of Rattlesnake Mountain, but very carefully didn't go the extra step of ensuring that the Service would allow public access to the actual summit. Access to the mountain and access to the summit are two entirely different matters.

To put it bluntly, Mr. Speaker, the Service has had more than 10 years, and they say it will take several more before they can determine if it will allow the American people to have access to this portion of the monument. That is why this bill is so necessary to guarantee public access by law and to do so in a very timely manner.

Mr. Speaker, I might add the tallest mountain in Washington State is Mount Rainier at 14,410 feet. People have access up to that under certain conditions. This is a mountain that has no trees; it's 3,600 feet. There's no reason why people shouldn't have access.

And to that extent, the legislation is supported by the Tri-Cities Development Council, the Board of Benton County Commissioners in which Rattlesnake Mountain is located, the Tri-Cities Regional Chamber of Commerce, the Tri-Cities Visitor and Convention Bureau, and the Back Country Horsemen of Washington.

The American people deserve to have access to public lands, including Rattlesnake Mountain. I ask that the House pass this reasonable legislation today to help make that possible.

□ 1910

I note that the bill was reported by the Committee on Natural Resources by unanimous consent, and I appreciate the support of my colleagues on both sides of the aisle for this measure.

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

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

I rise in support of H.R. 2719, which would require the Fish and Wildlife Service to provide both motorized and non-motorized access to the summit of Rattlesnake Mountain. This bill would allow the Fish and Wildlife Service to enter into cooperative agreements with the Department of Energy, the State of Washington, local governments, and other interested persons to provide guided tours to the summit of the mountain and to maintain the access road to the summit.

In 2008 the Fish and Wildlife Service completed a management plan for this area and determined that Service-sponsored or led tours and a hiking trail are appropriate and compatible uses of the area. In October, at the hearing on H.R. 2719, the Fish and Wildlife Service supported the bill's intent to provide appropriate public access on Rattlesnake Mountain that gives due consideration to all stakeholders, including the Yakima tribe.

I commend Chairman HASTINGS from Washington for introducing this bill.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2719.

The question was taken.

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

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 278) to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sugar Loaf Fire Protection District Land Exchange Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term ''District'' means the Sugar Loaf Fire Protection District of Boulder, Colorado.

(2) FEDERAL LAND.—The term ''Federal land'' means—

(A) the parcel of approximately 1.52 acres of land in the National Forest that is generally depicted on the map numbered 1, entitled ''Sugarloaf Fire Protection District Proposed Land Exchange'', and dated November 12, 2009; and

(B) the parcel of approximately 3.56 acres of land in the National Forest that is generally depicted on the map numbered 2, entitled ''Sugarloaf Fire Protection District Proposed Land Exchange'', and dated November 12, 2009.

(3) NATIONAL FOREST.—The term ''National Forest'' means the Arapaho-Roosevelt National Forests located in the State of Colorado.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of approximately 5.17 acres of non-Federal land in unincorporated Boulder County, Colorado, that is generally depicted on the map numbered 3, entitled ''Sugarloaf Fire Protection District Proposed Land Exchange'', and dated November 12, 2009.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—Subject to the provisions of this Act, if the District offers to convey to the Secretary all right, title, and interest of the District in and to the non-Federal land, and the offer is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the District all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (a), except that—

(1) the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; and

(2) as a condition of the land exchange under subsection (a), the District shall—

(A) pay each cost relating to any land surveys and appraisals of the Federal land and non-Federal land; and

(B) enter into an agreement with the Secretary that allocates any other administrative costs between the Secretary and the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to—

(1) valid existing rights; and

(2) any terms and conditions that the Secretary may require.

(d) TIME FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.

(e) AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.—

(1) IN GENERAL.—In accordance with paragraph (2), if the land exchange under subsection (a) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary may offer to sell to the District the Federal land.

(2) VALUE OF FEDERAL LAND.—The Secretary may offer to sell to the District the Federal land for the fair market value of the Federal land.

(f) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a) any amount received by the Secretary as the result of—

(A) any cash equalization payment made under subsection (b); and

(B) any sale carried out under subsection (e).

(2) USE OF PROCEEDS.—Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land in the National Forest System.

(g) MANAGEMENT AND STATUS OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under this section shall be—

(1) added to, and administered as part of, the National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest.

(h) REVOCATION OF ORDERS; WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public order withdrawing the Federal land from entry, appropriation, or disposal under the public land laws is revoked to the extent necessary to permit the conveyance of the Federal land to the District.

(2) WITHDRAWAL.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn until the date of the conveyance of the Federal land to the District.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

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

S. 278 will exchange approximately 5 acres of land between the Forest Service and the Sugar Loaf Fire Protection District in Colorado. The District has operated two fire stations on Forest Service land since 1967 but has been unable to install septic services or make other improvements to the fire stations since it does not own the land.

This bill would correct this issue by conveying the lands to the District in exchange for an inholding it currently owns within the Arapaho-Roosevelt National Forest, at no cost to the Federal Government. The Committee on Natural Resources has already favorably reported the House version of this bill, H.R. 643, and if we pass this bill, the bill will go to the President's desk.

With that, I urge adoption of the measure and reserve the balance of my time.

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

Since 1967 the Forest Service has issued two special use permits to the Sugar Loaf Fire Protection District to own and operate two fire stations on National Forest System land.

The District would like to own the parcels of land on which the fire stations sit in order to build an area for firefighter training and bathroom facilities. The land exchange authorized in this legislation will assist the Fire District in its mission and is in the public interest. I support passage of this measure.

Mr. Speaker, the gentleman from Colorado, Congressman POLIS, sponsored the House companion to this legislation, H.R. 643. I commend Congressman POLIS for his work on this bill and wish to yield him such time as he may consume.

Mr. POLIS. I thank the gentleman.

Mr. Speaker, I rise today to provide a description and some color for this important bill, which passed this body last session in the 111th Congress without any objection and did not make it through the Senate last session.

Well, I am proud to say that, since that point, Senate bill 278 has cleared the Senate. It's the companion to my bill, H.R. 643. There are some minor changes to comply with House rules that are going to be sent back to the Senate, and we sure hope that, expeditiously, we can get this bill to President Obama's desk because what we're trying to accomplish here is very simple and noncontroversial.

It's the result of a longtime effort, far too long, by the Sugar Loaf Fire Protection District in Sugar Loaf, Colorado. This Fire Protection District came to national notice for their heroic efforts in the Fourmile Canyon Fire last year, which, remarkably, while it led to considerable property damage led to no loss of life, thanks in no small part to their heroic efforts.

Sugar Loaf Fire Protection District and the U.S. Forest Service have always worked together very closely since the Fire District was created in 1967. The volunteer first responders at the Sugar Loaf Fire Protection District are the key to both wildland and residential fires in Boulder County, as well as car accidents and health emergencies in the communities and public lands that they so capably serve.

However, until this bill becomes law, they're unable to make any improvements to their facility. They can't even add a much-needed restroom facility so that their volunteers can have the same type of plumbing that we can expect in this day and age.

In its start, again, since 1967, the Fire District's physical home was established in an existing building on U.S. Forest Service land through a special use permit. Three years later a second building was constructed, another special use permit, both in important locations for accessibility on the few main roads that serve this mountainous area.

This bill will exchange the small amount of Federal land on which these facilities exist with private land that's been purchased by the Fire District for this transfer, land that's better suited for the scenic and recreational needs of the public lands. It's a net gain for our Federal Government.

While the U.S. Forest Service and these special use permits have been greatly appreciated over the 40-year history, it's important that the Fire District has the autonomy to direct its future, modernize its facilities, build basic amenities like running water and restrooms. And their location on public land has precluded them from making these modernizations, which we need to better protect both our wildlands and residential areas.

The surrounding communities have grown considerably over the past decades, and these volunteer fire departments and the buildings that serve them have taken on additional responsibilities as community meeting centers, making it even more critical that we update them to facilitate this role.

Mr. Speaker, I appreciate Chairman HASTINGS' and Ranking Member MARKEY's efforts in bringing this bill to the floor, hopefully seeing this bill through to law soon. This bill's been passed out of both Chambers of Congress now, but just hasn't been able to make it past the finish line within a single Congress in one form, barely running out of time in the Senate last year.

By the House agreeing to take up the Senate bill, I'm confident and thankful that this commonsense bill will finally become law.

Again, I thank Chairman HASTINGS and Ranking Member MARKEY for bringing this bill to the floor. I urge a ''yes'' vote on this measure.

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

I just note to my friend from Colorado, he said that the bill passed the House last year and the Senate didn't act on it. I think it's very good strategy on his part to take the Senate bill. Now we, of course, have to perfect it, but we'll send it back and maybe this will be easier for them to act. I certainly hope so.

With that, I urge passage of the bill.

I advise my friend that I am prepared to yield back if he yields back.

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

Mr. HASTINGS of Washington. Mr. Speaker, I again urge adoption of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the

rules and pass the bill, S. 278, as amended.

The question was taken.

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

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1920

BRIAN A. TERRY MEMORIAL ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2668) to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the ''Brian A. Terry Border Patrol Station.''

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

FORT HOOD SHOOTINGS: WORKPLACE VIOLENCE OR TERRORISM?

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

Mr. CARTER. Mr. Speaker, 13 adults and one unborn child were killed and 31 individuals were wounded in a shooting attack at Fort Hood, Texas, on November 5, 2009. Since that time, the Department of Defense has taken no steps to award combat benefits to the casualties or even officially recognize the attack as a terrorist incident.

The House and Senate have included two reform measures in the NDAA, which we just passed, while additional attacks have been attempted by similar high-profile radical Islamic terrorists. It is past time for the government to deliver on this act.

Mr. Speaker, here we are almost 3 years later, and there's been a recent report that has come out; and in that report, it references this incident of this slaughter of American troops on Fort Hood soil in Texas. It references that it shall be taken up as part of workplace violence.

The Obama regime calls the Fort Hood shooting ''workplace violence.'' Sure, it's workplace violence: it's where they work and it's violence. But we have a concept of what workplace violence is. And your normal workplace violence is not preceded by a shout by the shooter, ''God is great,'' in the Arabic language. It's not preceded by discussions by the alleged perpetrator. It's alleged because he hasn't been convicted yet. And we, in a free American world, take the position that all are innocent until proven guilty. So we will call him the ''alleged'' shooter.

But there's clear evidence in reports by the Defense Department and by reports by the news media, reports by witnesses on the scene, reports by his fellow soldiers, reports by folks from Walter Reed Hospital where this American-trained, military-trained doctor worked that he had advocated that the American soldier was wrong and that he was contrary, and he spoke and preached Islamic terrorism.

So your normal workplace violence, that's not a part of the factor. Yet this is what happened in this case. Senator COLLINS on Wednesday blasted the Defense Department, and bless her for it, for classifying the Fort Hood massacre as workplace violence and suggested political correctness is being placed above the security of the Nation's Armed Forces at home.

I've been talking about this now since the day after this happened. We can't have a world where political correctness fails to define the criminal act. By its very nature, whether we're talking about military law and the criminal relations in military law, we're just talking about criminal acts in general, we have to be able to define them. Just to make the system work we have to be able to define them.

But more importantly, we owe a duty and a responsibility to the American soldier to call an event what it is and not try to put a smokescreen over it or cloud the issue or in any way worry about the feelings of groups, because the definition is the definition. This man identified himself that he was committing this act in the name of ''God is great'' in Arabic. He acknowledged when questioned that it was part of his mission. He acknowledged that he had dealt with terrorist spokesmen in the past and that the concept came from his interaction with Awlaki and others.

So this guy is an Islamic terrorist. There's no other way you can describe this gentleman.

But now years after the event as he sits in the Bell County Jail in Belton, Texas, we continue to have reports coming down from our Defense Department that the folks that are responsible for our soldiers and responsible for those who died in this incident want to downplay this to be treated as an incident of workplace violence with all the white bread connotation that that has. To me, we ought to be ashamed of ourselves.

So let's look at some of the evidence we have that connects this to Islamic terrorism, recognizing the November 5, 2009, attack on Fort Hood, Texas, as an act of radical Islamic terrorism and jihad.

□ 1930

Anwar Awlaki connection. Now, Mr. Awlaki is no longer with us. We have taken that boy out. Yet the bottom line is, at the time this happened, they were directly connected.

This man preached, taught, and encouraged violence—Islamic terrorist violence: ''Hasan's presentations to the DOD on jihad justification.'' He would argue with his fellow soldiers about the justification for having jihad against the American military. Mr. Hasan was a member of the United States Army. He was a major. He had been serving in the Medical Corps as a psychiatrist. He was trained with American taxpayer dollars, but he was preaching jihad to soldiers, and there was lots of evidence.

I had a bill, which was included in this recent defense bill that we just passed. It said that this guy was telling people that he'd believed in this kind of thing since medical school. Now he's a major, serving as a psychiatrist, advising our soldiers.

''Hasan purchased and practiced with high-capacity firearms prior to the attack.'' He went out and he bought firearms. He bought them at a local gun store. Of the guns that were used in the killings, one of them was a semiautomatic weapon with a large magazine capacity. He went out to the firing range and familiarized himself with these weapons prior to this incident.

You can't think of this as some guy who goes postal all of a sudden. This guy was planning this whole event. He shouts, ''God is great'' in Arabic, before he starts shooting, but they refer to it in the context of the broader threat of workplace violence. I think there is a very good argument that the evidence shows this was a premeditated act on the part of Major Hasan; and I believe when this case finally gets to trial that the evidence will be overwhelming that it was premeditated.

At the time of the event, Lieutenant General Cone, the III Corps Commander at Fort Hood, told NBC's ''Today'' show on the Friday after the shooting that the soldiers who witnessed the shooting rampage that left 13 people dead reported that the gunman shouted, ''Allahu Akbar''—which means ''God is great''—before opening fire at the Texas post.

The day after, it was being reported that he did this. Yet, in the initial report that came out from the Defense Department, the man's name didn't even appear. The relationship to any Islamic terrorism was not referenced. It was like any major from any outfit just wandered in and started shooting soldiers, like he was having a bad day or something.

Now we get another comment saying that we're going to treat this in the bigger scope of workplace violence. Certainly, we want to prevent workplace violence in every workplace, but

the connotation is that this is just something that happened. It's not something that just happened because, quite honestly, since that time, others have been caught who reportedly were trying to imitate this shooter, Mr. Hasan.

We introduced a bill, the Fort Hood Families Benefits Protection Act. It would award both military and civilian casualties of the Ford Hood attack with combat status to ensure full benefits and eligibility for the Purple Heart and other awards and for the civilian award equivalence to the Secretary of Defense's Defense of Freedom medal.

Now, why did I ask for that? Because there was a precedent for it. When they flew the plane into the Pentagon on 9/11, this is what was the finding of the Department of Defense—that it was an act of terrorism, and therefore they should be treated as combat casualties, and those two medals were awarded. This didn't just come off the top of my head. This is what happened with the first terrorist attack in our country and with the second or third or whatever attack this one was.

When this man walked into that room, there were people in civilian garb, and there were people in uniform. He went out of his way to shoot the people in uniform. The civilians who were injured were injured because of misfire or misdirection. As he walked down that line, his target was all of those soldiers who were doing nothing more than either coming back from being off post and out of the country—or wherever they'd been—or preparing for their next duty stations, wherever they may be going—Iraq or Afghanistan. They were being processed and they were in this big room. He walked down the line, shooting everybody in uniform.

Now, when you're killing our combat soldiers and when you're crying out slogans of the jihad terrorists, why wouldn't you think it's a terrorist attack, and why shouldn't these people who died in the line of duty be treated like those at the Pentagon who died in the line of duty?

In fact, except for what we were able to put together in circumstantial evidence after the fact, at the time of the incident, we had no idea who flew that plane into the Pentagon. We just made an educated guess. In this case, before this shooting started, the guy identified himself and what his mission was.

For some reason, in this world of political correctness, someone has the idea that this is good for the morale of our military soldiers or that it's good for something as, I think, the Chief of Staff said when this happened: Oh, this is sure going to hurt our Islamic outreach program.

Whether it's good for that or not, I hold nothing against the Islamic people nor does anybody at Fort Hood; but we hold a lot against Islamic terrorists who kill soldiers, and the Department of Defense should have the guts to step up and to stand up for these soldiers.

I see my good friend and colleague from Texas, former Judge LOUIE GOHMERT, has joined me here.

Congressman GOHMERT, I yield such time as you may require.

Mr. GOHMERT. I thank my friend, and I appreciate his taking the time to discuss this matter of national security.

I have the quote directly here from Army Chief of Staff General George W. Casey, Jr., who was the Chief of Staff at the time of the Fort Hood attack. He came out and had this prepared quote to give.

Mr. CARTER. He was Chief of Staff of the Army.

Mr. GOHMERT. Chief of Staff of the Army.

Mr. CARTER. Correct.

Mr. GOHMERT. This is a quote that, obviously, he and those helping him had prepared to give in response to 14 people being killed. We know one was an unborn child and that one of the people was a pregnant woman—a female soldier. So here is the quote that they had prepared after 13 of his soldiers lay either dying or dead at Fort Hood:

''I'm concerned that this increased speculation could cause a backlash against some of our Muslim soldiers . . . Our diversity, not only in our Army but in our country, is a strength; and as horrific as this tragedy was, if our diversity becomes a casualty, I think that's worse.''

□ 1940

This is a general who is charged with leading soldiers and directing soldiers in war and in battle with an avowed enemy. Well, we have an enemy who has sworn to be at war with us. And one of those enemies was Major Hasan at Fort Hood, who went off on a shooting spree.

Now unfortunately, our leaders did not bother to monitor the security of our own soldiers, such that when Major Hasan made actual pronouncements in advance that he could not be deployed and be a Muslim because, in his interpretation of the Koran—thankfully it's not all of our Muslim soldiers in the U.S. military that have this interpretation—but his interpretation was that he could not be deployed because that might require him to kill Muslims in a foreign country without cause.

And under the belief of some Muslims, like Major Hasan, if he were to kill a Muslim without cause—for example, in his way of thinking, it is appropriate cause, say, if a Muslim were to become a Christian, then that is a cause, in his mind, worthy of killing the individual, if they committed this horrible crime, in his mind, according to the Koran, of becoming a Christian. That's worth killing them for. But since he couldn't be sure that in a foreign country in a battle with Muslims that he might not be required to shoot someone who had not committed apostasy and not committed some act that justified murder under the Koran, then he could not be deployed. And if he were deployed, he would have to kill American soldiers to avoid having to go kill soldiers overseas.

It is interesting because you would think that the military would be concerned about this issue and that we would try to make sure that this incident that happened at Fort Hood would not happen again. You would think that when this private showed up on al Jazeera in uniform and told al Jazeera basically the same things that Major Hasan had, that people like General Casey would be concerned. But apparently, he was more concerned about our diversity than he was about the lives of his own soldiers.

So when you see this private on al Jazeera—and it's not hard. You can go online and find this on YouTube, his interview—he spoke in English. But the story was done actually in the language that al Jazeera prefers, and it's not English. He explained basically what Major Hasan did. And this is a line from al Jazeera, ''I can't both deploy and be a Muslim.'' And we have the transcript of what he said, the transcript of the story. But basically, he was letting people like General Casey, that would bother to worry about the—well, not General Casey, because he is worried about diversity, and the safety of his soldiers is secondary to that. But for those who are concerned, number one, about the safety of those in this country and making sure that their own soldiers are tantamount, in their minds, they would be concerned when you have another soldier saying the same things Major Hasan did before the killing spree.

So we know that there are people in our special ops, in our military that noted this, that saw this, that said, This is a guy we had better watch. But because the people at the top are more concerned about diversity than they are about our soldiers' safety—I mean, it's bad enough that they put their lives on the line. They're willing to do that in combat. But you would think that there would be more concern for their own safety in their own units. Nothing was done about this private.

And despite this Justice Department trying to vilify gun dealers whom it forced into making sales to criminals who carry guns across the border, and despite the efforts that were made to maybe—and in fact, names were produced, pictures were produced of gun dealers out of the Fast and the Furious program—despite that, it was not General Casey, not one of his subordinates, not one of our own people in the military that reported this guy. No. Nothing was done, even though they knew he was ready to pull a Major Hasan, he could not be deployed, nothing was done. And it was not until he went to a gun dealer. The gun dealer became suspicious. The gun dealer reported him. Thank God for Americans like that gun dealer who realized, We've got our own soldiers' lives at stake here. He reported him.

Then locally he was dealt with and interdiction occurred, and he was not given the chance to kill the soldiers he wanted to, again at Fort Hood. Because if it weren't for the gun dealer and those intervening—not the military, not our intelligence, who surely monitor al Jazeera and would surely note a soldier in uniform with the screaming eagle patch on his arm, and that this is something we need to worry about.

But because we have become so politically correct, to the detriment and death of our own soldiers, nothing was done from intelligence, from State, from Justice. It took a local gun dealer to protect our soldiers at Fort Hood. And you wonder how many more times this is going to have to happen.

Heck, this soldier—you can go on Facebook, and you can find that he notes his activities and interests. CAIR, the Council on American-Islamic Relations. CAIR is named in the Holy Land Foundation trial as a coconspirator. There was evidence produced that showed that CAIR was also funding terrorism, funding Hamas, participating in that venture with the Holy Land Foundation, as found by the Fifth Circuit when they refused to eliminate CAIR's name from their pleadings. He identifies CAIR as one of his interests and activities. And our intelligence, our military, they didn't pick up on that. Why? Because that would be politically incorrect and might hurt our diversity.

We've got outstanding Muslim soldiers serving in our military who love and care about this country, like all other soldiers. But it is insane and I believe a violation of the commitment and oath that every officer takes—like I did when I went in the military—not to keep your eyes open and protect those people who are put to your service as your charges.

So here he is, Nasser Abdo. He went on al Jazeera. He makes it clear, he may have to kill American soldiers. He cannot allow himself to be deployed as a Muslim. He requested conscientious objector status. And all we can do is thank God for the gun dealer that did what his superiors should have done in this case. It's time to end political correctness when it costs the lives of those protecting us.

I thank my friend for yielding.

Mr. CARTER. When you read the reports on Major Hasan, he was acting erratically. In the months before the attack, he promoted radical Islamic views while at Walter Reed Hospital. He exchanged email with Anwar al-Awlaki, a Yemeni cleric with terrorist ties. All of those references also pertained to the soldiers you were talking about right there. It is all part of a network.

□ 1950

Now, is every Muslim that is involved in the United States military involved in this? Absolutely not. I went to the National Training Center in California, and I met loyal, truly loyal and patriotic Muslim Americans who are helping our soldiers understand the nature, the language, the concepts, everything that they might be facing as they interact with Muslim civilians over in Iraq. And they do it in constructed villages.

I met a guy who was a former cab driver from Chicago who said, Man, I've come up in the world; I'm now mayor of this town, because he was negotiating with a mayor and city councilman for our soldiers as they came into the National Training Center. These people are patriots. They are living out in the desert just to help our soldiers understand.

I'm not anti those folks, but you can't have a world where you refuse to identify evil, and this is what you do when political correctness overcomes the truth.

Janet Napolitano personally testified: Violent Islamic terrorism was part and parcel of the Fort Hood killings, Homeland Security Napolitano said on February 24, 2010, about 3 months after the event, 4 months after the event, in a Senate Homeland Security Committee. She testified—accurately—and I praise her for it, that this was a terrorist act.

And yet we continue to have from the Department of Defense the soft-soaping of this whole issue and the disguising of this whole issue. And now with their statement that they are going to deal with it as they would deal with any workplace violence, you know, it just never stops.

The shoe bomber, the Christmas following this incident, the shoe bomber who did exactly what Major Hasan did, reading back what the press reported, acted erratically before his attack, promoted radical Islamic views, and exchanged emails with Awlaki in Yemen. He did all of those things. And when caught, referenced Major Hasan as one of his heroes. He got caught before he blew up an airplane. Praise God. Thank goodness.

So, you know, over 3 years since the incident, the Defense Department is still taking the position that this should be treated as normal workforce violence or something to that effect.

I yield to the gentleman.

Mr. GOHMERT. I think it is particularly interesting that this determination by the Army came, or our military leaders, came here in December. We just observed—it wasn't a celebration—we observed the anniversary of Pearl Harbor. As Judge CARTER pointed out numerous times, the victims of the 9/11 attack on the Pentagon have been recognized as victims of warfare. They were attacked by people of the same belief as Major Hasan, that he secures a place in paradise if he is killed while killing infidels like his soldier friends.

In fact, those soldiers that he was also hired to counsel as a counselor at Fort Hood, a local imam for Fort Hood, and yet one cannot help but wonder if these same folks who declared the deaths at the hands of a Muslim extremist at Fort Hood, if these same people in charge today had been in charge on December 7, 1941, then there is nothing to indicate their reasoning would have been different. All of those soldiers killed at Pearl Harbor, those entombed in the Arizona, those killed in that horrific surprise attack, actually they were at their duty stations. They were at work and someone came and killed them. Therefore, apparently under the reasoning as applied at Fort Hood, those killed at Pearl Harbor could also be considered as having been killed in workplace violence. It was violent. It was their workplace. Therefore, our mental geniuses that decided Fort Hood was workplace violence could say that about Pearl Harbor.

Mr. CARTER. Don't you wonder have we changed so much since the attack on Pearl Harbor that we don't recognize an enemy attack on us and we just want to stick our head in the sand and act like it didn't happen?

Here's an interesting report from Time magazine. They are asking the question, and they state: The U.S. military just released a report—this is that first report—not once mentioning Major Hasan's name or even discussing whether the killings had anything to do with his Muslim faith. The fort ignores the elephant in the room.

That's what I said. And it's true. It does ignore the elephant in the room. If before the first bullet is fired, a man shouts, Allahu Akhbar, that elephant is in the room. And all of the cover-up and all of the writing of the reports with reference to typical workforce violence, or treat it as workforce violence, it doesn't make sense. It was an attack on American soldiers in uniform.

I yield to the gentleman.

Mr. GOHMERT. With regard to that very issue, we know that in the 9/11 Commission there were hundreds of mentions of Islam, jihad, all of these type things that we know were involved. And again, we thank God that the vast majority of Muslims love this country like we do. They are not about to kill Christians, Jews; but there are those in the radical element that believe otherwise. And we ought to be able to talk about it. We now know that this administration has seen to such a purging of our training material for Defense Department, Intelligence, State, that in the current lexicon from which the FBI, our intelligence folks are trained, there are zero mentions of Islam, zero mentions of jihad, zero mentions of the very things that created the worst attack on American soil in American history.

As one of our own officers told me: We have been blinded in this war with those using terrorism. We're not allowed to see our enemy. We're not allowed to describe our enemy. We're not allowed to talk about who the real enemy is. We're just expected to protect America with our eyes closed and our mouths shut. That's no way to protect America.

Mr. CARTER. This exhibit here is from the San Francisco Chronicle: Political Correctness on Fort Hood at the Pentagon. Political correctness is alive in the Pentagon. Witness the protecting the force lessons from Fort Hood. A Department of Defense report released last week on the November 5 shooting, if the report's purpose was to craft lessons to prevent future attacks, how could they leave out radical Islam? Ignoring Hasan's pro-terrorist Web postings, the report instead focuses on workplace violence programs to prevent workplace violence such as the post office's Going Postal program and the stress imposed on military health care providers.

□ 2000

The whole point of that San Francisco Chronicle article is to point out, I think, the irony of what we are teaching our soldiers to protect them from events like this and what we are excluding from the evidence. And I think that's blatantly not in the best interests of the soldier.

Mr. GOHMERT. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. GOHMERT. There is an article dated February 9, 2010, in The Washington Times by Bill Gertz that says, the Army was warned about the jihadist threat in '08. It says:

> Almost 2 years before the deadly Fort Hood shooting by a radicalized Muslim officer, the U.S. Army was explicitly warned that jihadism—Islamic holy war—was a serious problem and threat to personnel in the U.S., according to participants at a major Army-sponsored conference.

It references Patrick Poole, Army Lieutenant Colonel Joseph Myers, and Terri Wonder as individuals that participated. It says:

> The shooting at a recruiting center in Little Rock, Arkansas, in June and the November shooting at Fort Hood, Texas, that killed 13 people have exposed the problem of the Army's deficiencies in understanding the nature of the domestic Islamic terrorist threat, Mr. Poole said.
>
> The incidents have raised questions about whether the Army made any effort to ''operationalize'' the threat warnings from the 2008 conference and develop policies to counter the threats. ''The answer quite clearly is no,'' Mr. Poole said.

And then it goes on to discuss this whole problem, and Mr. Poole said:

> I noted because of our lack of understanding of Islamic doctrines, Islamic jihad and my view that our counterintelligence function is broken, outdated, being usurped in some cases by public affairs and equal opportunity officials, we were going to get soldiers killed in America on our own bases for that professional ignorance.

This is the kind of thing that should not be happening. This article was in 2010, before at least two other individuals had gone on Al Jazeera in uniform blasting our military and indicating they could not ever be deployed in a Muslim area.

It's also worth noting that the term ''Islamophobe,'' that I'm sure is being generated right now about the two of us here talking about this issue, actually originated with the Organization of Islamic Conference, the OIC. They came up with the terms ''Islamophobia'' and ''Islamophobe,'' and there is an ongoing effort to brand anybody who attempts to identify those by their beliefs who have gone about killing Americans, terrorizing Americans as an Islamophobe or as having Islamophobia.

We know that there are places like Harvard where a professor from India who wrote an article about the attacks that are ongoing on his homeland in India by Muslim extremists and how that should be dealt with, he was fired because Islamic activists at Harvard do not believe we should have free speech anymore. And as I mentioned on this floor earlier this week, one of the 2005 10-year goals of the Muslim Brotherhood here in America is to subvert our Constitution to sharia law by 2015. That effort is ongoing.

And when they continue to brand professors, soldiers, and intelligence officers as Islamophobes and that we need laws to prevent people from describing radical jihadists who want to kill our own American people, as long as that's being done and that's being allowed, then our First Amendment rights are being subverted to sharia law, and we're well on our way to their meeting their 2015 goal as more and more good folks have been won over into this idea, this thought, that, gee, if you say anything about radical jihadists and radical Islamists, you're the sick one and you need to be stopped.

This is an ongoing effort around the world, and we cannot allow it to overtake America. We should be able to recognize those wonderful, patriotic Muslims in America for who they are, but we should also be able to recognize and talk about those who want to kill us and destroy our way of life for who they are. They're radical Islamic jihadists.

Mr. CARTER. I thank the gentleman.

You just referenced in your poster and showed us a picture of Mr. Abdo, the man that was saying he couldn't go to war. That was back on July 28, 2011, after the workplace violence. Another soldier made the same claim, and Abdo was also referenced in this story.

More and more of these folks are stepping up and saying they can't be deployed because they are Muslim and can't kill Muslims, and they reference Hasan, this man who is sitting in the Bell County jail awaiting trial probably this spring and is, I understand it, awaiting trial on a death penalty case, a potential death penalty case.

Everybody knew what it was when they attacked the Pentagon. What happened to us that we decided when, in front of 50 witnesses, somebody shoots a bunch of people and we can't recognize what that was? This was a surprise attack like Pearl Harbor. That was a premeditated murder like you and I have dealt with in the past with more witnesses than you could put on a stand. I mean, this is not going to be a hard case to prove because, fortunately, he didn't kill everybody in the room. In fact, he left an awful lot of witnesses there to testify.

He is just lucky he didn't get killed in an active shooter program that our two police officers used to respond effectively to his slaughter.

Mr. GOHMERT. If the gentleman would yield.

Mr. CARTER. I yield to the gentleman.

Mr. GOHMERT. Well, my friend the judge indicates he was lucky, unfortunately, in his perverted way of thinking. That also is a way of thinking that confounded Thomas Jefferson when he was negotiating with the Islamic Barbary pirates.

He actually believed he would have gone to paradise and had dozens of virgins at his disposal if he had been killed, so he doesn't necessarily think of himself as lucky. Nor would those in Iran, once a nuclear weapon or nuclear weapons are assuredly procured, be any different. They would believe, if they were to go up with the nuclear weapon that they carried into some place where lots of Americans were or Israelis were, then they would be assured of instantly being transported to paradise. Some of us have a different view of what they would find when they meet their Maker after this life, and I think they're going to be terribly surprised.

But our job and our oath is to our Constitution. It's to provide for the common defense against all enemies, foreign and domestic. And when someone presents this kind of danger to our troops, it is just unfathomable that our military leaders would become so politically correct and so militarily neutered that they would not stand up for their own troops, for those whose care has been put under their service and attention.

I thank my friend for yielding.

□ 2010

Mr. CARTER. Mr. GOHMERT, let me read to you a resolution, H. Res. 495, which I dropped yesterday. It's a resolution recognizing the November 5, 2009, attack on Fort Hood, Texas, as an act of radical Islamic terrorism and jihad:

> Whereas the United States Army Major Nidal Hasan is reported to have communicated on multiple occasions with radical Islamic terrorist, Anwar al-Awlaki, on the topic of justifying jihad on the United States and its Armed Forces;
>
> Whereas Major Hasan delivered addresses to the Department of Defense personnel concerning the justification of jihad against the United States Armed Forces;
>
> Whereas Major Hasan is reported to have planned and trained for an attack on unarmed members of the United States Armed Forces at Fort Hood, Texas, with the specific intent to kill and injure those troops before the deployment to overseas theaters of war;
>
> Whereas Major Hasan is reported to have declared his attack to be an act of jihad in defense of Islam, shouting ''God is great'' in

Arabic while gunning down unarmed military personnel and civilians;

Whereas Major Hasan is currently charged with murder of 13 and attempted murder of 32 United States citizens during that attack;

And whereas the Department of Defense submitted correspondence to the United States Senate Committee on Homeland Security which referred to the violent Islamic extremist attack on Fort Hood, Texas, in the context of a broader threat of workplace violence: Now, therefore, be it

Resolved, that the House of Representatives recognizes the attack on Fort Hood, Texas, as an act of radical Islamic terrorism and jihad against the United States Armed Forces.

I have submitted this to the House, and I'm going to be seeking support for this resolution.

I wonder sometimes what our Forefathers would think of how far we've gone out of kilter in recognizing who's our friend and who's our enemy, or how we are so concerned about what the speak police or the voice police would say to us about some language we use that we would be willing to put those men and women who wear the uniform of our armed services at risk rather than make a statement that might offend somebody.

I think our grandparents would look at this country and say, what happened, what happened to the United States of America that I fought for in World War II or Korea or Vietnam? When did it become evil for Americans to speak the truth? Why would people who have four stars on their shoulder, who we highly respect as leaders of our armed services, tolerate being instructed in this concept of political correctness and be treating this as if it were an ordinary incident of workforce violence? How do we justify that? Where is the common sense in this effort? We're worried about hurting other people's feelings, and other people are killing us. I mean, this doesn't make any sense.

And most of all, let's not forget—because I attended the funeral of one of the civilians. I have met with some of the wives and children of these dead combat soldiers and talked to the parents that looked me in the eye and said, how do I figure this out? My kid was there to be deployed for the fourth time. He stood in harm's way for our country 3 years already, and he goes over to the deployment center for a routine matter dealing with paperwork and he gets attacked and killed in Texas, just right down the street from where he lives. And his children and his wife are without a brave American soldier who had proven his worth in combat in three deployments already.

This is something that his parent sits there and says, how could anything like this ever happen? I mean, I know to be praying every day for my child when he's in combat. This is the profession he has chosen; I respect it. I fear for him; I worry about him. I want to make sure—he or she, because our ladies are fighting just like our men. And now I get the word that my son is killed down the street from his kid's elementary school while he's going through a routine act of filling out paperwork in the Army?

And then what do we tell that parent when later we find out that a report has come out from the government saying ''routine workforce violence''? Come on, come on. What's wrong with this? I think it's just tragic.

I introduced a bill that just said, look, acknowledge it for what it is. Nothing will draw disrespect for the Purple Heart, or others who are wounded in combat in a combat theater, to just acknowledge that these innocent people got attacked on their way to their next deployment, or on their way back from their last deployment, on our soil, on our military base, in our State of Texas. Can we at least give them the respect to acknowledge that they're part of the war effort, that this guy shot them because we are at war with terrorists? Give them combat credit. Give them the honor and respect that comes from that. But we're still not able to get that done.

We're going to keep trying. I have people call me from all over the country and say, how are we doing? You know, my kid at least ought to get a Purple Heart. My daughter ought to get a Purple Heart for the wound she received, and now she's debilitated and has to go out of the Army. My son, who's going through constant therapy for his head wound, he ought to be recognized by the Army for what happened to him, the reality of what happened to him.

And so we won't make the easy acknowledgement that these folks were in combat. And the only reason they didn't fight this guy is because they were not armed. And the reason they were not armed is because you're not supposed to be armed on post. This guy attacks them. If they would have been armed, it would have been over when the first bullet fired. These are combat veterans.

But no, we are very strict—oh, we're now going to change this designation the Army has or that designation the Army has. But we aren't going to call this guy a terrorist. Don't mention the word ''Islamic.'' Don't recognize his relationship with an Islamic terrorist. Ignore all that evidence, ignore the testimony of 50-some-odd witnesses and say we will treat it within the concept of workforce violence. What does that say to the wife or husband of that soldier, or the father or mother of that soldier, or the brother and sister of that soldier that was killed or wounded with a debilitating wound—many of which are still struggling with their wounds, just like they do in combat.

Yet we conveniently define things in that situation, but refuse to define the act that caused the situation. This just is not right. That's why I'm very grateful my friend Mr. GOHMERT and I came down here to talk about this. This is all about trying to just set the record straight. You know, let's call it like we see it, and let's don't think we have to protect anybody.

And it has absolutely nothing to do with the Muslim religion. If he was a Baptist and was shouting Baptist slogans as his reason for shooting somebody, we ought to call him a Baptist.

This is a tragedy. It's a terrible tragedy because these were soldiers, all of whom had been willing to go in harm's way on behalf of our country, and most of whom had gone into harm's way on behalf of our country and suffered through that miserable weather and those dark lonely nights, and all the other things that soldiers suffer through when they're addressing terrorism around the world.

□ 2020

I say around the world because we've still got plenty of places we're addressing terrorism, not just Iraq and Afghanistan. To have us be willing to soft-pedal what happened to them is an American tragedy, and I'm going to continue to talk about it.

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

JOBS FOR AMERICANS

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

Mr. GARAMENDI. Mr. Speaker, thank you for the opportunity this evening. I'm joined by my colleague from Ohio, MARCY KAPTUR.

I want to thank our colleague from Texas for the explanation he gave about the tragedy at Fort Hood. It was, indeed, an American tragedy, as were other acts of violence against this country, both within the country and around the world.

No doubt that there is radical Islam, no doubt that it is killing, not only Americans, but others around the world. And it is part of our task to find an appropriate way to deal with it. It's also part of our task to appropriately recognize the tremendous sacrifice made by our soldiers, both here, as in the Fort Hood incident, and certainly in Iraq and Afghanistan.

Today marks a very, very special day in American history. It is the end of one of the great American tragedies, and that is the war in Iraq. No matter how we may think of this today, I think we can be very confident that this war of choice was, indeed, a very bad choice. More than 4,000 Americans have been killed in this war, and perhaps several times that number injured.

Physical injuries, we often see them just off the floor as these men and women return from their medical treatment at the Bethesda hospital, and we mourn their physical loss.

The mental problems that our veterans have incurred after multiple deployments in Iraq will go on for years, as will the physical injuries. Post-traumatic stress syndrome is a major,

major problem among the thousands of veterans, hundreds of thousands of veterans that have returned. These are issues that we must deal with.

And as we mark, today, the final withdrawal of American troops from Iraq, our heart, our compassion, and indeed our actions go out to those veterans who have served this Nation in this war. Whatever we may think of the war, we must always think well and appropriately of these soldiers, men and women, multiple tours, National Guard, the Reserves, and the active Army and Navy and Air Force and Marines, all serving this country.

Many things have happened here on the floor to deal with those issues that they have incurred. Just 2 weeks ago we passed major pieces of legislation that are a followup to earlier pieces of legislation for the veterans. The Democratic Congress, in 2009 and '10, enacted the most far-reaching veterans benefits since the end of World War II. A new GI bill is in place. Job opportunities and training are in place. Enhancement of the medical services through the Veterans Administration and many other that were culminated last week—wrong word. Not culminated, but added to last week with the legislation that provides a very strong incentive for employers to hire unemployed veterans.

The unemployment rate for veterans is generally twice as high as the average American unemployment rate. Those benefits go to the employer, reducing their taxes by $2,600 for every veteran they hire. If they hire a long-term unemployed veteran, it'll be $5,600, and if it happens to be one of the disabled veterans, perhaps one that we often see outside this Chamber, then it's a $9,600 reduction in the taxes for that employer. We hope employers all across this Nation hear this and reach out to the veterans in their community and give them a job.

The rest of the time we have tonight I'd like to talk about jobs for Americans. As much as we may want to think about the wars, and today we did, we passed the Defense Authorization Act, we have to also think about Americans here at home that need a job. We've been working for some time on a program that we call ''Make It in America,'' a rebuilding of the strength of the American manufacturing industry.

Over the last 20 years, we have seen a rapid decline in the manufacturing base of America because that's where the middle class found its place. That's where the middle class found their opportunity to use the skills, whatever training they may have, whatever education they may have, and get a good, solid job that would support a family. Twenty million Americans were employed in manufacturing 20 years ago. Today, it is just over 11 million, almost a 50 percent decline.

We can't let this continue. We cannot allow the outsourcing of American jobs. We have to bring those jobs back home, and there are many ways that we can do that. And our ''Make It in America'' agenda by the Democratic Party here in Congress is taking root. And tonight we're going to talk about many parts of that.

Joining me is MARCY KAPTUR from Ohio, which once and will be the heart of the American manufacturing sector. I know you have many pieces of legislation, and I know your intense passion on rebuilding the manufacturing sector in America. So let's talk about some of the things that are going on here in Congress and what we can do.

Ms. KAPTUR. I want to thank Congressman GARAMENDI for, again, bringing us together to discuss the most important issue on the minds of the American people, and that is healing the economy here at home and producing a sufficient number of jobs to employ all Americans who want to work.

And I join the Congressman's comments about our veterans, veterans who have served our country so bravely, a great sense of self-sacrifice and national sacrifice. We thank them, particularly during this holiday season, their families, their children, their relatives, their friends, their communities, all their employers, all of those who understand what this requires.

And I wanted to just mention that, in connecting our veterans coming home to the employment question, it's a very serious challenge that we face because, even in a State like Ohio, currently, of all those who remain unemployed in Ohio, and there are many, 52,000 are veterans, already. And it was correct, I think, for President Obama, in going to visit with our veterans and active military at this holiday season, that one of the issues that came up repeatedly was, well, with our veterans coming home, where are they going to work with so many unemployed already?

And to give an example, in Ohio and many other parts of the country, for every job that exists, 100 people apply or more. And even if we filled every job that exists, we would have millions of Americans still out of work.

And yet, we have huge, unmet national needs, and that's why making decisions here, both on the tax side and the spending side, to get our economic house in order and to rein in the abuses in the financial sector on Wall Street that have caused such damage here and abroad, is absolutely critical for us to deal with and to keep those at the top of our priority list.

I think Congressman GARAMENDI and I agree that some of the partisan wrangling here is really so nonproductive. And if you want to put the country back to work, that's what the debate should be about. We should have job thermometers here showing how well we're doing and how fast we are helping to grow this economy.

□ 2030

So as with Congressman GARAMENDI's support of the veterans tax credit for hiring, I obviously support that as well. But it's not sufficient because, as I understand it, the tax credit will yield about 40,000 openings around the country; 40,000 companies will hire maybe one worker, or however it will ultimately transpire, but we have a need to reinvest in America.

The most important factor in reinvestment is for our banks to have confidence and our people to have confidence that there's going to be stability for people in our economy. I think our party wrangling really works against that.

Wouldn't you agree, Congressman?

Mr. GARAMENDI. It really does, if I might take a moment here.

You raised one of the very important points. I know later in this discussion you're going to take this up in much more detail. But it's very, very clear that the financial sector, in their rush for profit, created the housing bubble. Didn't do it all by themselves. There was plenty of greed on the part of certain people that bought houses, and the real estate community was involved in that, the mortgage community.

But here we are after bailing out Wall Street. What is Wall Street doing to bail out Main Street? Not much.

I heard a discussion earlier today from a banker that said, Oh, we're making all kinds of SBA loans. Yes, that's guaranteed. Those are loans guaranteed by the Federal Government. But what risks are they taking?

We passed the Dodd-Frank language, which was designed to rein in Wall Street. Good. Very good. As strong as I would like? No. I would go back and put in place the Glass-Steagall Act. I was the insurance commissioner before the Glass-Steagall Act disappeared, and insurance was over here and banks were over there and investment banking was separate. So that the kind of problem that existed in 2000 where the banks went berserk and crazy in greed creating all of these CDOs and other kinds of really fake instruments, they couldn't do it. But nonetheless, the Dodd-Frank is there. Our Republican colleagues are refusing to fund the implementation of that program, putting all of us at risk once again.

I want to go back to the manufacturing sector and some of the issues that arise there, and particularly the unemployment rate in your communities.

Now, we have to reauthorize the unemployment insurance program; otherwise, is it 3.3 million Americans are going to lose their unemployment insurance in the first of the year? And when you have such high unemployment as you do in your communities, what are they going to do? How are they going to feed their families, pay their mortgages? And when you provide an unemployment check, it immediately goes into the economy and creates $1.6 for every dollar of the check.

And I know you see this in yours, and you've talked to me about the unemployment and the way in which the cessation of the unemployment insurance would just devastate people here

at holiday season. So share with us what you were sharing, just this, earlier in the week when we were talking about this issue.

Ms. KAPTUR. The problem is, when you have 100 people out there looking for a given job, it means 99 won't get it. And these are people who want to work. They have a record of working. They have actually collected their benefits. They've paid into the insurance fund for unemployment in their respective States. But when the economy doesn't recover as fast as it must, then what happens is, after they use up their first 26 weeks of unemployment, what are they supposed to do? Where are they going to work in order to provide for their families?

We've had to, at the Federal level, extend unemployment because of this massive recession that we are digging out of. We have had to extend people. These are people who want to work, who have worked, who have a working record. So they continue looking for jobs. And I can tell you, some of them have been looking for jobs for 3 and 4 years. It isn't that they don't want to work. How many have I talked to where they have sent out hundreds of resumes? They have gone door-to-door looking for work. They have tried, and yet the door keeps getting shut in their face.

At some point, any human being begins to think, There must be something wrong with me that I can't obtain work, when they have a very good record. Many of them are doing two and three jobs just to bring income in and then look to find a full-time job. It's very disruptive to family life. Many of them have moved in with their relatives now.

And they shouldn't feel like failures. I said to my audiences back home, It isn't your fault. You didn't do this to America. The biggest banks failed us. They failed our country. They've hurt us. They've created false money. Many of them became so rich that no normal person could even imagine what they're floating in.

But it isn't the fault of the ordinary worker. They shouldn't eat themselves up in self-agony. There's a lot of that out there.

Mr. GARAMENDI. I see it in my own district in California.

One of the things that we've been trying to do is to take up the President's call on this matter. The President, back in September, put forth the American Jobs Act. Many pieces of it. We'll talk about some of those pieces today.

But in the American Jobs Act, there was an extension of the unemployment insurance, which economists, left, right, and center, all say it's the best way to stimulate, to keep the economy moving. He suggested that we extend it for those who have been unemployed for 2 years or more. And I think it's the only humane and compassionate thing to do, particularly here at the holiday season.

He also made the suggestion that we continue the payroll tax reduction, which was 2 percent, that is from 5½ percent to 3½ percent. He suggested that the reduction be 3.1 percent.

Now, we are as concerned as our Republican colleagues about the deficit, and the President is, too. And he suggested that this needs to be paid for. We cannot borrow money from China to do the unemployment insurance or to do the payroll tax deduction.

Now, the payroll tax deduction, it's rather important. It's over $1,500 in the pocket of every working person in this Nation. That's an enormous amount of money for a person that's earning $10, $20 an hour. So he wanted to do that.

How is he going to pay for it?

He suggested that we pay for this in what is called tax fairness, that we take the upper income, those people that have earned a million dollars a year or more, and increase the tax that they pay over a million dollars by 3½ percent. A 3½ percent increase above a million dollars—not below but above. Now, that's fairness, because these folks have had an enormous tax reduction over the last decade, part of the Bush tax cuts.

Unfortunately, that didn't happen, and you and I have been here. And perhaps we ought to share with the public what happened yesterday when a bill came to the floor to provide unemployment insurance extension and a payroll tax deduction. It was really not a shining day for the House of Representatives.

We'll go into some detail here, but essentially what happened was that the legislation put forth by our Republican colleagues basically said, okay, we'll continue the payroll tax deduction, not at 3.1 percent but at a 2 percent reduction, which is about a thousand dollars for an average worker, and that's good, certainly better than not doing anything; and we will also do the unemployment insurance, but only for half the time that the President suggested.

And here's the kicker. All of that will not be paid by those who earn more than a million, the millionaires and billionaires. That will be paid for by the middle class. It was the 99 percenters that were going to have to pay for this. Not the 1 percenters, but the 99 percenters. It was the great shell game, and a very, very sad day. Fortunately, the President said, I will veto that if it ever gets to my desk; and the Senate has said, No way; this is not fair to the working men and women of America.

□ 2040

Now, we were here, and we heard some of the debate. Share with us your thoughts about all that went on yesterday in that rather sad piece of legislation.

Ms. KAPTUR. Again, it's like a teeter-totter. It's like it's tipped in one direction.

Mr. GARAMENDI. Yes.

Ms. KAPTUR. I think everybody in our country knows that we all will have to sacrifice in order to pay down our long-term debt and that when we make public decisions that we help our economy grow.

In every business I go into, they say, Marcy, bring me customers, bring me customers.

Whether they're out of work and they receive unemployment benefits, which they have earned, or whether it's allowing an individual through a payroll tax holiday to have a few extra dollars of spending money, the advantage of helping the middle class is that it's going to go directly into our economy. It goes to every small business. Whether it's to buy vegetables at the corner stand, whether it's to buy gasoline for your car, whether it's to buy clothing for your children, when you think about where those dollars will go, it's going to go to essentials. It won't be wasted money.

All of history shows us, because their incomes have really not gone up, because buying power has gone down for the average family and prices are going up, that the middle class is guarding every penny so much more carefully.

I had to go out and buy some throw rugs the other day because of all the rain in the Midwest that had caused water to rise in our basement. I couldn't believe the price of throw rugs. I thought, oh, my goodness, and I went to two or three stores. I don't have time to do that, but I was reacting to the increase in prices. The average family has great difficulty in buying those kinds of items, so those few hundreds of dollars mean everything, and they will use it to improve their homes, for example.

Mr. GARAMENDI. If I might interrupt for just a moment, you raised a very, very important point about the fate of the American middle class and of the extraordinary benefit that has grown for the top 1 percent. This is where the 99 percent comes in.

Let me just show you this chart. It has become one of my favorites. This chart is about the growth of income.

Down here on the bottom are the bottom 99 percent of Americans and the income that they have seen since 1979: virtually no real growth in the income of the working men and women, of the middle class of America. So, if you look at these lines, this is the top quartile; this is the middle quartile and the bottom quartile here: no growth or just a little tiny growth. Incidentally, most of that comes because now both the husband and wife are working, not because just one of the wage earners has seen it.

This top line, Marcy, is the 1 percenters. We can see, over the last 25, 30 years, the 1 percenters have done very, very nicely, and there are many reasons for this. One, they are very productive. They've been able to find good opportunities and to make the most of them. We wouldn't deny anybody that opportunity to become very, very wealthy in America if they play by the rules. I know, a little later,

you're going to talk about some who have not played by the rules and who have become extraordinarily wealthy. But if you play by the rules, you ought to be able to do very well in America.

Yet what we're talking about here is tax fairness. A lot of this growth right here in the last decade was as a direct result of tax policy. Now, the George W. Bush tax cuts for the super wealthy, which were supposed to create jobs, didn't create jobs. In fact, we had a loss of employment in the United States. Even if you discount and take out the great crash of 2007–8, in the George Bush era, the argument for reducing the high-income tax rate was that it would create jobs because these were the job creators. It didn't create jobs. It did not create jobs. So now we're talking about how do we keep this economy going, about how do we provide for those who don't have jobs. How do we put money back into the economy? As you say, it will be spent. We do it with tax fairness.

As the President suggested, for those people who earn more than $1 million a year after all the deductions, the amount of income above $1 million would be taxed an additional 3½ percent. That's fair. That's fair to the American workers, if they're unemployed or if they're looking for jobs, so that they'll have an opportunity.

Ms. KAPTUR. Congressman GARAMENDI, as you were talking, I was thinking about that chart that shows the flatness of income growth in the middle class, and I was thinking about the last several years and about our U.S. trade deficits.

Most Americans probably don't realize it, but annually, we rack up about $500 billion more in imports coming into our country than exports going out, and it hits the working class—the middle class of people—very, very hard because it substitutes for the income that they would normally earn if they were manufacturing in this country as many cars as they used to.

What we see happening is a tipping toward the top, but really all sectors are affected by the fact that our trade deficit lops off most of the gross domestic product growth every year. A half-trillion dollars bleeding out of our economy for purchases of everything from electronics to energy to automobiles, which are things that should be made inside this country, is a huge downdraft on every income quartile in our country. Thus, your efforts to promote American-made goods are right on target.

Mr. GARAMENDI. Before we go back to Make It in America, which is our principal policy, at least among those of us who are talking about the Make It in America agenda, I want to just make it very clear that this debate over the payroll tax reduction and the unemployment insurance is not over. We've got a little bit of time to get this done before the end of the year when all of these opportunities for people to continue to survive terminate.

Right now, the Senate is going to take up the House bill, and it is our understanding that that bill is not going to move in the Senate. We need to get past this gamesmanship that we saw in the legislation that passed here just yesterday, and we need to get serious about finding a compromise that can deal with this problem.

Here is our wish list. This is the American wish list. We have Santa up here, but let's just say it's to the House of Representatives—all of us—and to the Senate. What we would like to have in the stocking is not a bad lump of coal but, rather, a payroll tax cut extension. We could probably settle for the present. If we were to compromise, we'd want 3 percent, but we could settle for the 2 percent reduction. That's $1,000 in the pockets of every working man and woman in the State. That's 160 million people. That's an enormous thing for us to do.

So this is one of the things that we would wish would happen, that we wish that we would do—your Representatives, Democrat and Republican alike, and the Senators—for the working men and women of America so that they can have food on their tables and roofs over their heads.

The other deals with the unemployment insurance—5.7 million people are going to be losing their unemployment insurance in the coming year. What in the world are they going to do? Their jobs are not there, as you so clearly pointed out, Ms. KAPTUR. The jobs are not there, and they need help. That's where the unemployment insurance program will help them and will simultaneously help the economy, as Ms. KAPTUR pointed out. We can pay for this. We can pay for this with a Fair Tax system in America.

Ms. KAPTUR. I wanted to just comment obliquely here based on what you've been talking about.

In looking at job creation in a given region, if I look at the regions that I've been privileged to represent, we have many small companies or medium-sized companies. I happened to be speaking with one of them the other day, Hirzel, which is a major producer of tomato products in our region.

□ 2050

And I said, you know, I was looking for your spaghetti sauce on the shelves of one of our major grocery chains, and I couldn't find it. And it's the best sauce I have ever eaten. I said, How can I help you expand your product placement on the shelves of stores across the country? The owner of the company, a family-owned company—and they are the most wonderful people—he said to me, Well, you don't really understand, Marcy. We really aren't allowed on those shelves because one of the big spaghetti sauce manufacturers—and I won't mention the name—pays the grocery store a fee to keep all new products off their shelves. And even though Hirzel's is not a new product, it's regionally bound; and they can't get on the shelves of supermarkets because of what's called ''slotting fees.''

Mr. GARAMENDI. We should work together. Excuse me for interrupting, but in my district, we have a ravioli company. We're talking out of this world. Now, maybe your sauce on top of their raviolis we could actually get on the shelf.

Ms. KAPTUR. You know what, these large outfits that control retail sales in our country hurt innovation because what they do is they make deals with some of the biggest companies. Ask yourself, why, when you go through a supermarket and you want to find soda pop—they call it soda pop in some places, and they call it—what do they call it in your part of the country?

Mr. GARAMENDI. Obesity.

Ms. KAPTUR. Well, if you try to find different brands, you will see certain brands at eye level because they pay thousands of dollars to each grocery store to put it there. But if you want locally bottled soda, or pop, you are lucky if you can find it on the bottom shelf, and you probably can't.

So we have like gatekeepers. The public is largely unaware of this. Local meat. I represent a region that is both urban and rural. I love it. I am privileged to represent it. Try to get locally produced pork on the shelves of large supermarket chains. Good luck. You know, the same is true with vegetables. We could have so much more income growth and job growth in this country if we would have some consciousness by these big retailers and box stores to go local. We grow local. We make local. But then to try to move it to the shelf, it's almost impossible.

Mr. GARAMENDI. Black Friday, a week ago. It is all about the big retailers. But Small Saturday, now that was exciting. A lot of advertising out in California about, Go to your local shop. Buy local. Buy small. And it was just what you are talking about, and that is to find a way to provide opportunity, moving, in this case, customers to the local stores. Instead of the big box store, go down to Main Street. Stop at the local shop. Very, very powerful. And I suspect that many of us did that. We stopped at the local store, and we didn't go down to Home Depot. We went down to the Ace Hardware.

Ms. KAPTUR. This year, again, I went to craft shows. I buy dozens and dozens of gifts. And I find locally made items because I know the money will go right in the pockets of local people. And why is it these craft shows, they hold them in churches, and they hold them in auditoriums, why don't some of these big shopping center complexes invite them in? What's the problem with trying to help local innovation, local development? We find so many restrictions that make it hard.

One of the reasons we can't grow jobs fast enough is because certain interests in our society have such a lock on who can get in the door. There ought to be a section for local. We shouldn't have

to pass a Federal law for that. People should be smart enough out there to do it. It creates more customers all ways around, and a lot of us want to support local.

Mr. GARAMENDI. I don't think we're talking about a law or a new regulation here, but we're talking about something that we ought to do for our communities, and that is recognize that we're all part of a community.

You said something a few moments ago that caused me to come back to this issue. You talked about the trade deficit. And the way in which we are literally exporting our money, we're also exporting our jobs.

Last December—just a year ago—on this floor, we took up a piece of legislation that dealt with this issue. In the previous Tax Code, there were tax breaks given to American corporations for shipping jobs offshore. For offshoring American jobs, they got a tax reduction. And some of us said, Well, what in the world is that all about? So we scrambled and tried to find out where the codes were. And a bill came forth on the floor that eliminated about two-thirds of those tax breaks given to American corporations when they offshore jobs.

A very interesting division occurred here on the floor of this House. It was a straight-up bill. It wasn't complex. It was on that issue: Should American corporations continue to receive tax breaks for offshoring jobs? That was the bill. No riders. No hidden agendas. No extraneous sentences put in. This House divided right down the middle. The Democrats voted to end the tax cuts. The Republicans, not one Republican voted to end those tax breaks given to American corporations for offshoring jobs.

And I'm going, I don't get it, guys. You guys talk about jobs all the time. You talk about small businesses, and here you want to continue to subsidize the offshoring of American jobs? What's that all about? We never got an answer. But it speaks directly to the point that you were making earlier about policy choices. Our work is policy, policy choices: Are we going to do this, or are we going to do that? Are we going to continue to support American corporations for offshoring jobs, giving them our tax dollars? Are we going to continue to allow the oil companies to be subsidized?

The wealthiest industry in the world takes about $15 billion a year of your tax money, and we give it to them. The oil, the gas, and the coal industries, about $15 billion a year in tax subsidies. Why do we do that?

Ms. KAPTUR. You raise a very good point, Congressman. And I went into one of these dollar stores—I won't say which name it was—with one of my good friends the other day. I couldn't find a non-Chinese-made item on the shelf.

Mr. GARAMENDI. Wouldn't you love to go into Wal-Mart and find ''Made in America''? Wouldn't that be something?

Ms. KAPTUR. I'm a city planner by training. So I look at the space in these stores, and I thought, I could do this. I could clear one of these aisles. I could consolidate over there. I could provide a place for locally made items, and let the local entrepreneurs compete. But give them a place on the shelf, and don't make them pay these exorbitant fees. It doesn't take an act of Congress for some business innovation in these big box stories. And I am thinking, you know, maybe America in some ways is losing her edge. Because if the CEOs in charge of these retail stores can't be creative enough to figure out how to help us encourage innovation at the local level, what are they getting paid so much for?

I think of all the local food products, all the hand-made sweaters, all of the artwork, all of the pottery that's made locally, the food products that can't get to shelf because they keep them out. Come on, men and women out there in the retail world. Show a little creativity here. We have a lot of innovation at the local level.

Mr. GARAMENDI. A little bit of patriotism.

Ms. KAPTUR. Boy, it takes a little bit of patriotism.

Mr. GARAMENDI. Let me give you another example of what we can do with policy. Right now we have a ''Buy American'' policy that really has not been enforced much. So I've introduced a piece of legislation, H.R. 613, that simply says that if it's our tax money—and every time we buy a gallon of gasoline or a gallon of diesel fuel, we pay either 18.5 cents for the gasoline or 26 cents for the diesel fuel in taxes, where's the money going? Some of it all too often, in fact, a lot of it all too often, winds up going offshore.

I will give you an example: the Oakland-San Francisco Bay Bridge, a multibillion dollar project, $1 billion worth of steel going into that bridge. It will be a beautiful thing when it's completed. The bids for that came in for an American-made steel bridge or a Chinese-made steel bridge.

□ 2100

It was a 10 percent difference in cost. That's a lot of money. So the State of California Bridge Authority decided that they would take the 10 percent cheaper Chinese steel. The result is after years, the steel had problems. The welds had problems. The cost went well above 10 percent, and 3,000 jobs wound up in China, and zero jobs wound up in America.

So what this bill does, it simply says no more waivers. No more. If it is American tax dollars that are being used, it is going to be used to buy American-made equipment—buses, trains and the steel and concrete. It works.

In the stimulus bill, which all of our Republican friends want to dismiss, in the stimulus bill there was one line for the several billion dollars of money that went into transit that said that money can only be used to buy American-made light rail, transit trains, and locomotives for Amtrak.

Siemens opened a factory in Sacramento, California, to build those light-rail cars and the locomotives because the policy, drafted here on this floor, passed by the Senate and signed into law by President Obama, said that tax money can only be used to buy American-made equipment. And it created hundreds of American jobs in Sacramento, California.

This bill, and another one like it that has now been introduced by the ranking member Democrat in the Transportation Committee, will bring hundreds of thousands of jobs when our tax money is going to be used to buy American-made equipment.

Ms. KAPTUR. I wanted to mention as you were talking, Congressman GARAMENDI, as a result of the refinancing of the U.S. automotive industry in northern Ohio—from Cleveland, Elyria, Lorain, Avon Lake, Sandusky, Toledo, Defiance, the whole corridor—what we are seeing is a reinvestment in the supplier chain. That includes steel such as Republic Steel. People don't realize how many jobs in America are connected to the automotive industry.

Your State of California, which manufactures a lot of semiconductors, half of the semiconductors procured in this country go into the automotive industry. If you think about carpeting, half of the carpeting sold in this country goes into automotive production. Plastics, glass—think about what is really in there. As a result of what we were able to do here, with a lot of flak from one side of the aisle, although there was some support, was to refinance the U.S. auto industry.

We just had an announcement in Avon Lake that the truck platform will be coming back to us from Mexico. So that is retention of jobs in Avon Lake. It is part of the rebirth of automotive and truck transportation across the north. We are producing vehicles like the Wrangler, one of the most popular vehicles in the country, obviously, and the new Cruze for General Motors.

But all the supplier chain, Republic Steel, they're putting in a new arc furnace. You're looking at the restoration of production. It's coming slowly, but it's coming. So we have to be proud of actions that were taken by the Government of the United States of America through the action of Congress and by the President to help save one of America's lodestar industries, which has now paid back its loans and is rehiring.

Mr. GARAMENDI. Let me just add to this. This was a result of the stimulus bill that put the money there, if need be, to rebuild certain sectors of America. President Obama courageously, and with enormous opposition from Republicans, said, I will not let the American automotive industry die. This is a fundamental industry in the United States; I will not let it die.

And so he authorized the money that went to bail out General Motors and

Chrysler. Ford didn't take advantage of it because they had a different financial situation. But the result of that is precisely what you've described. It is precisely the saving of the American automotive industry and all of supply chain that goes with it. A very courageous action by the President, one that worked for the benefit of America so that we can once again make it in America.

I'm going to wrap this up very quickly because I know you have a couple of things you want to talk about with regard to Wall Street.

Ms. KAPTUR. I would like to add one item, though.

Mr. GARAMENDI. Why don't you go ahead, and then I will wrap up at the end.

Ms. KAPTUR. Perfect. I just want to say a deep thanks to Congressman GARAMENDI for bringing us together tonight.

I wanted to say as a member of the China Commission, we had testimony yesterday from various witnesses on the economy, on the legal structure of China, on democracy and the lack thereof in that country. One of the points that we discussed was how closed the Chinese market is to products from around the world—much like Japan, much like Korea. You look at Singapore, many of the Asian nations keep our products out. And we're asking American companies to try to compete in a situation where our market is open and their market is closed. So we can't get access to those customers.

One of the points that was brought up by one of the top economists that testified before the China Commission was the fact that the Chinese Government backs those companies. Really, the government owns the companies, and they infuse billions of dollars. So think about this. The workers and companies of northern Ohio and the U.S. automotive industry are trying to compete in a global market where some of the major markets in the world, like Japan, are closed. And they've remained closed for decades. China does not welcome us in. We are literally competing against state-managed capitalism. It is not a free market. It is not a market economy we are dealing with. It is very controlled.

There was criticism by some that, oh gosh, look at Congress, they are helping the U.S. automotive industry. It showed a lack of understanding of what these companies face in the global marketplace. It is not a level playing field. It is simply not. And, unfortunately, we have never had a trade ambassador knowledgeable enough about the automotive industry—that came out again yesterday—who can really successfully bargain to give us a level playing field in one of the most important industries that we have.

Mr. GARAMENDI. Let me just give you another example. I thank you for raising that very, very important issue.

Last year, this House by an overwhelming bipartisan vote set out to address the China situation. It was a piece of legislation that simply said that when any government anywhere around the world unfairly subsidizes its business sector in a way or to the detriment of American businesses, then that country will face sanctions. And specifically, it had to do with the Chinese currency. The Chinese currency is significantly undervalued, perhaps giving as much as a 20 percent advantage to China in its exports. Bipartisan, it passed here. It did not pass in the Senate. However, this year my Republican colleagues would not even allow that to come up for a vote here, even though it has now passed in the Senate. So the Chinese currency bill passed the Senate; it is languishing in this House. I do not understand why our Republican colleagues want to continue to allow China to have an unfair advantage.

I was going to wrap up with this. China subsidizes to a fare-thee-well its solar and wind industries. So much so that they have taken over the market and have led to the bankruptcy of a couple of American solar manufacturers, Solyndra being one example that is much discussed around here. But it was really as a result of China driving down the price of solar panels.

This bill, again one that I have introduced, and it comes directly from my district because we have a major wind farm and solar system there, it says that our tax money that presently goes to subsidize the purchase of solar systems and wind turbines must only be used to buy American-made wind turbines and solar panels. In other words, buy American, make it in America, and rebuild our industry.

I am going to just wrap up quickly.

It's the holiday season. It's that time when we think about our families. It's that time when we think about our communities. We have a real obligation here in the House of Representatives to put forth really solid legislation to support those men and women and families in America that, through no fault of their own, are unemployed or are having a very difficult time in making it in the current economy as wages are driven down and as opportunities for advancement are diminished.

□ 2110

What we hope for, and literally pray for, is a consensus, a compromise, in the next couple of days here on the floor of this House and with the Senate so that we can pass legislation that would actually help the American workers, those that are unemployed and those that are seeking a job or have a job and are unable to make it, and with that payroll tax deduction put another $1,000 in their pocket. And I want us to keep in mind that in America today there are 1.4 million children—1.4 million children—that are homeless. Their parents have lost their job, they've lost their home, and they're sleeping in cars. They're homeless. They may be able to find an opportunity at a motel. We've seen some of this on television. But this is in all of our communities. Every community in America has this problem.

And it's up to us here in Congress to use what compassion and wisdom we possess to find ways of addressing it. We have such an opportunity with the payroll tax deduction, with the welfare. And, unfortunately, the bill that passed here yesterday basically would put money into the right pocket through a payroll tax deduction or an unemployment check, and then take it out of the left pocket with an increase in fees, a reduction in medical services, the closing of clinics or other ways in which that money would be extracted.

Yes, it would balance. It wouldn't increase the deficit except for the working men and women of America. We think that's wrong, and we've offered a different solution.

My colleague from New York has come for a couple of short comments. I promised Ms. KAPTUR the last few moments of this. Welcome, Mr. TONKO. The East-West Show is back in session.

Mr. TONKO. Representative GARAMENDI, thank you again for leading us in what has been a very important discussion about job creation and job retention in our country. And I couldn't agree more than with your sentiments that include this concern about providing a benefit to the middle class in terms of a payroll tax holiday extender, but then also asking them to pay for that benefit. So it is like one hand is offering and the other hand is taking from our working families, middle class Americans. This is not the prescription for success.

What has been offered by the President is a payroll holiday extender, a tax holiday extender for both employers and employees. And there are many small businesses that stand to gain. The overwhelming majority of small businesses gain by that extension, and certainly the employees do. But it works best when you bring leverage into the equation that comes from the surcharge that is placed upon the most high income strata in our country.

And when you look at the charts from 1979 to the present day, there is no denying what statistics indicate. Facts can't be argued with. There has been this exponential rise in the growth of income for the top 1 percent to about 250 percent of an increase, all while, from 1979, middle-income Americans have seen a flat-lining of their household income, and now it's even dipping. So why mess with this progress that has been realized, this steady climb upward—slow but steady—from an 8.2 million jobs loss hole? We have climbed steadily. Why would you mess with that obvious success that is coming back into the economy? Allow for America's middle class families to move forward, and allow for that benefit to be paid for by someone other than the middle class. Otherwise, it's giving and taking from the same audience. It makes no sense.

We stand by progress, we stand by progressive policy, and we stand by our

middle class, our working families. Let's get it done for middle class America. Without a strong middle class, there is not a strong America.

Mr. GARAMENDI. I thank you very much, Mr. TONKO, for bringing that up.

I'm going to ask Ms. KAPTUR of Ohio to take the podium here and to tell us about Wall Street and some of the reforms that she is advocating.

Ms. KAPTUR. I thank the gentleman for yielding me this time and rise this evening on the subject of MF Global and the clear need for oversight by the Congress.

Mr. Speaker, Congress isn't doing its job to investigate the fraud that has infected our entire financial system, fraud perpetrated by Wall Street, and it has hurt the global financial system as well. I think the reason is that too many people have forgotten that gambling with other people's money often entices very addictive personalities who are incapable of self-policing. They need rules, they need limits, and they need oversight. Otherwise they just keep getting into the same trouble again and again, harming innocent people in the process by looting their assets.

The American people know that corruption on Wall Street is pervasive, and millions upon millions of our fellow citizens have been harmed by it. The Republican leadership in this House have failed in their responsibility to aggressively investigate crime in the financial services sector.

Earlier this month, I spoke about Bloomberg's report on how President Bush's Secretary of the Treasury, Hank Paulson, in 2000, inappropriately and behind closed doors in a private meeting tipped off his former colleagues at Goldman Sachs and a handful of Wall Street insiders about how Fannie Mae and Freddie Mac might collapse and what steps the government intended to take. All of this occurred on the very same day that Secretary Paulson led The New York Times to believe that those two companies would give a signal of confidence to the markets.

You can imagine what those financial insiders did with their investments before the rest of America was even aware.

I also reminded my colleagues that the Securities and Exchange Commission was finally rebutted recently in a New York court for settling fraud cases with major Wall Street banks like Citigroup in a way that allowed the biggest banks to walk away by simply paying a few fines without so much as admitting any wrongdoing.

I ask, where is this Congress' oversight of these most crucial financial machinations that have so harmed our Nation and world since the market crashed in 2008?

Finally, after months and months of press coverage, Congress is taking a tad of action. Last week, the House's Agriculture Committee held one of the first hearings we have seen all year. That hearing, called by Chairman FRANK LUCAS of Oklahoma and Ranking Member COLLIN PETERSON of Minnesota, began to shed some light on what is the eighth-largest bankruptcy in U.S. history at MF Global Holdings. Its misdeeds had been widely reported, but they deserve much closer scrutiny. We need to subpoena their full records and transactions that led to the collapse.

Even before last week's hearings, we knew that MF Global Holdings filed for Chapter 11 on October 30. Citizens in my district have been impacted and harmed as over $1 billion disappeared from customer accounts. The Washington Post and other press reported weeks ago that the firm's CEO, former Governor Jon Corzine, had essentially placed a $6.3 billion bet on the sovereign debt of several European Governments. After its most recent quarterly return showed almost $200 million in losses, MF Global 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. As investigators continue to piece together what happened at MF Global, there is increasing evidence of criminal activity. This case has all the trappings of a massive case of fraud.

Now, CME Group Incorporated, which audited MF Global's accounts, reported weeks ago that Mr. Corzine's company violated key Federal requirements to keep its accounts separate from their customer accounts. At last week's Agriculture Committee hearing, the public was once again told that as much as $1.2 billion may still be missing from segregated customer accounts.

This isn't just a case of misplaced money. The financial press has been 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. Many of those checks, we all know now, bounced. 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 their accounts were also altered inappropriately. May I ask, if this doesn't sound like fraud, what is it?

□ 2120

The American people must demand more congressional oversight. Congress needs to produce more information.

I attended last week's hearing in the House Agriculture Committee. While some important questions were asked of Mr. Corzine, Congress' responsibility has been far from met. Anyone who carefully followed the hearing watched as Mr. Corzine dodged questions and provided hollow responses.

The Wall Street Journal provided us with an interesting assessment of Mr. Corzine's testimony that is worth entering in the RECORD. According to the Journal, Governor Corzine ducked or deflected questions 15 times. On five occasions, he used a well known strategy for avoiding accountability by using some variant of the phrase, ''I did not intend to break any rules.'' He apologized or expressed regret six times for the damage his choices wrought on countless families and businesses. But the operative fact is $1.2 billion; that is the amount that is missing from MF Global's segregated client funds for which Mr. Corzine could provide no explanation. In fact, astoundingly, this seasoned trader pleaded ignorance of what was happening at his own company.

Let me mention that the Commodity Futures Trading Commission, Jill Sommers, a representative who testified at the hearing, was very invaluable to public understanding.

The SPEAKER pro tempore (Mr. GRIFFITH of Virginia). The time of the gentleman from California has expired.

Ms. KAPTUR. Mr. Speaker, I believe that I have a Special Order and time remaining, my own Special Order for 30 minutes.

MF GLOBAL

The SPEAKER pro tempore. There being no majority Member to be recognized at this time, under the Speaker's announced policy of January 5, 2011, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 30 minutes.

Ms. KAPTUR. I thank the Speaker.

Let me rephrase this. At the hearing, the Commodity Futures Trading Commission's Jill Sommers' testimony was invaluable to the public. Her testimony places the MF Global collapse in proper perspective, and I'm quoting directly. She said:

''Lehman Brothers and Refco are the two most recent futures commission merchant bankruptcies. While the Lehman Brothers' bankruptcy was monumental in scale and the Refco bankruptcy involved serious fraud at the parent company, commodity customers did not lose their money at either firm. In both instances, commodity customer accounts were wholly intact; that is they contained all open positions and all associated segregated collateral. That being the case, customer accounts were promptly transferred to healthy FCMs''—or futures commission merchants—''with the commodity customers having no further involvement in the bankruptcy proceeding. Unfortunately, that is not what happened at MF Global because customer accounts were not intact.''

The fact that ''customer accounts were not intact,'' as Commissioner Sommers described it, means that someone took other people's money. I believe most of us would call that theft. Even if some of the money is recovered by the bankruptcy process, that does not alter the fact that the process by which customer accounts were violated broke the law.

It is an understatement to say that many American families and businesses lost important investments. The mismanagement of this one firm has put hundreds of people's investments in jeopardy. They deserve answers. Congress has lead responsibility to ask hard questions, and here are some questions that demand reply.

On transfers of funds from customer accounts, Congress must ask examiners from Chicago Mercantile Exchange Group, who said that transfers at MF Global were made ''in a manner that may have been designed to avoid detection,'' so let us ask: Should the person or persons who attempted to avoid this detection be held accountable, and how should that occur? It seems unlikely Mr. Corzine is not responsible. So which person, or persons, at MF Global made the decision to invade customer accounts? Congress must assure full tracing of those transactions.

A second group of questions should revolve around who are the responsible parties. If Mr. Corzine simply cannot recall or does not know what happened at MF Global, as he seemed to claim, who should Congress and investigators speak with at MF Global to ascertain his exact role and those of other top executives? Who's going to probe? That's the role of a congressional investigatory committee.

Who, besides Mr. Corzine, was directly responsible for segregating customer account funds from MF Global funds? Over $1 billion did not walk off on its own. Some set of persons at MF Global moved those funds, and it's highly implausible that no one authorized that action. So what set of persons authorized those actions exactly?

Another set of questions should revolve around who approved MF Global's risk standards? We know that Michael Roseman, MF Global's former chief risk officer who resigned in March 2011, reportedly assessed that the strategy that MF Global was undertaking was too risky. Any assertion that the strategy was prudent at the time, as Mr. Corzine is arguing, is against the facts of history because MF Global went bankrupt. Congress needs to take whatever steps are necessary to find out exactly who pressured Mr. Roseman to resign for blowing the whistle on the behavior inside that company.

Another set of questions can be asked about what other financial partners participated in MF Global's trades. There are allegations that the transfer of $200 million to J.P. Morgan in the final days of MF Global was suspected by J.P. Morgan bankers of utilizing MF client funds. To what extent are these allegations true? At what point can we determine whether wire fraud was committed and, if so, by whom and to what extent? All of this begs the ultimate question of whether or not sufficient protections were exercised for customers to stop wire fraud.

Another set of questions can revolve around were any inside players aiding and abetting MF Global's behavior. We know that current Commodity Futures Trading Commission Chairman Mr. Gensler has recused himself from the case. Mr. Gensler actually worked for Mr. Corzine at Goldman Sachs, and they apparently carried on later in the same social and academic circles. The public has a right to know at what point Mr. Gensler had any knowledge or reason to believe that the customer accounts at MF Global might not have been intact; and then, how did he and his agency and his staff respond—day by day, hour by hour, email by email?

Finally, according to Reuters, companies like Koch Industries removed billions from MF Global just before it filed bankruptcy. How did that powerful company know when to take their money out and why did my constituents not know when to take their money out? Could, in fact, Koch Industries have gotten the same tip-off that Goldman's CEO Hank Paulson had given Freddie Mac investors and Fannie Mae investors just a few years before? How much of MF Global's money not wired rightfully belongs to the holders of segregated accounts that were inappropriately tapped by MF Global? How do my constituents get full restitution?

Yes, there are far too many questions—lots of questions—and far too few complete answers.

Yes, this Congress needs to take white collar crime more seriously. Who would accept an explanation, as we heard the other day, that ''I did not intend to steal.'' It could be $100 from the corner gas station, right? How can that be an acceptable answer for taking hundreds of millions and over $1 billion?

Rigorous investigation matters. Congress needs more robust hearings. We need more thorough investigations.

□ 2130

What should concern all of us is that the financial industry's fraud and imprudence, yes, addictive behavior, is not limited to a case here or there. In the financial services sector, fraud has become systemic. It is endemic. It has harmed our Nation's economy to its vitals and has hurt millions of people across our country and the financial systems of other countries.

In 2009, the FBI testified before the House Judiciary Committee that the current financial crisis, and I'm quoting directly, ''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 hitting the economy hard and the public is hurting as a result of market deterioration.''

What a true statement. Regretfully, this isn't the first time that our country has seen a crime wave in the financial services industry. Indeed, the crimes and addictive behavior seem to be getting bigger, not smaller.

In the 1980s, it was the savings and loan crisis. Then the FBI responded with a staff of 1,000 agents and forensic experts based in 27 cities.

Do you know how many they had over there when this started? Forty-five. You could count them on your own hands.

Perpetrators went to jail back then but, rather, the Congresses at that time ignored the warnings of what had happened, and they gave an even bigger green light during the 1990s to more abuse by removing the rules of the road for banking during the 1990s.

Example, the upending of the Glass-Steagall Act in the late 1990s that blew the lid off prudent banking and allowed bankers and speculators to be in the same company. And look what has happened. We need to restore the Glass-Steagall Act, and I have a bill to do that, and there are dozens and dozens of cosponsors on that bill.

In 2000, the surreptitious undermining of derivative regulation by this Congress led to Wall Street's bullish plunder that we are now experiencing again, the result of addictive behavior of the 2000s.

You know, when you go back to the savings and loan crisis, that was much smaller than what we are enduring today. That is why I have a straightforward bill, H.R. 1350, the Financial Crisis Criminal Investigation Act. It authorizes an additional 1,000 agents and forensic experts for the white collar crime division of the FBI to investigate and prosecute these financial crimes. I encourage all of my colleagues to join me as a cosponsor. The Bureau does not have anywhere near the resources it needs to take on crimes of this magnitude and dimension.

Congress has long debated what level of regulation is needed to restrain financial addicts. There should be no debate about the need to uphold the law, to recover innocent people's money, to prosecute the addicted gamblers, to set a strict standard of behavior in the financial sector so it simply never happens again, so that we can restore confidence and regular order, not insider abuse, to America's financial markets.

I think this Congress has an awesome responsibility to do its job, and it should not fear anyone. The committees of this House should be working overtime to probe the truth, to find the truth, to get at the truth of those who have harmed America, that have put so many millions of people out of work, where so many homes have been foreclosed that the property values of this country can't even find their footing at this point.

It's affecting capital formation; it's affecting the ability of local banks to make loans because they're not sure what's going to happen to valuation on their books. What could be more serious than the committees of this Congress doing their job?

I want to commend Congressman LUCAS of Oklahoma. I want to commend Congressman PETERSON of Minnesota. Wouldn't it be wonderful if

they could continue their important work, but that the other committees of this Congress that have responsibility for oversight, Government Oversight and Reform, the Judiciary Committee, the Financial Services Committee, the Energy and Commerce Committee, were actually to do the work that needs to be done to put this country's banking and financial system back in a decent position with prudent rules and to finally quash the addictive behavior that has brought our country to this very dangerous point?

[From The New York Times, Dec. 11, 2011]

A ROMANCE WITH RISK THAT BROUGHT ON A PANIC

(By Azam Ahmeo, Ben Protess and Susanne Craig)

Soon after taking the reins of MF Global in 2010, Jon S. Corzine visited the Wall Street firm's Chicago offices for the first time, greeting the brokers, analysts and sales staff there.

One broker, Cy Monley, caught Mr. Corzine's eye. Unknown to MF Global's top management in New York, the employee, whose job was to match buyers and sellers in energy derivatives, was also trading a small account on the side, using the firm's capital.

''How are you making money on side bets? What else are you guys doing to make money here?'' Mr. Corzine asked enthusiastically, his eyes widening, the broker recalled. The new chief executive grabbed a seat and spent an hour questioning Mr. Monley as other top executives from New York hovered impatiently nearby.

Although Mr. Corzine had been a United States senator, governor of New Jersey, co-head of Goldman Sachs and a confidant of leaders in Washington and Wall Street, he was at heart a trader, willing to gamble for a rich payoff.

Dozens of interviews reveal that Mr. Corzine played a much larger, hands-on role in the firm's high-stakes risk-taking than has previously been known.

An examination of company documents and interviews with regulators, former employees and others close to MF Global portray a chief executive convinced that he could quickly turn the money-losing firm into a miniature Goldman Sachs.

In the final days before filing for bankruptcy, MF Global moved an estimated $1.2 billion of customer funds to other institutions.

He pushed through a $6.3 billion bet on European debt—a wager big enough to wipe out the firm five times over if it went bad—despite concerns from other executives and board members. And it is now clear that he personally lobbied regulators and auditors about the strategy.

His obsession with trading was apparent to MF Global insiders over his 19-month tenure. Mr. Corzine compulsively traded for the firm on his BlackBerry during meetings, sometimes dashing out to check on the markets. And unusually for a chief executive, he became a core member of the group that traded using the firm's money. His profits and losses appeared on a separate line in documents with his initials: JSC.

After joining MF Global, Jon S. Corzine invested heavily in the debt of troubled European countries.

Yet few appeared willing to check Mr. Corzine's trading ambitions.

The review of his tenure also sheds new light on the lack of controls at the firm and the failure of its watchdogs to curb outsize risk-taking. The board, according to former employees, signed off on the European bet multiple times. And for the first time it is now clear that ratings agencies knew the risks for months but, as they did with subprime mortgages, looked the other way until it was too late, underscoring how three years after the financial crisis, little has changed on Wall Street.

MF Global filed for bankruptcy on Oct. 31. As the firm spun out of control, it improperly transferred some customer money on Oct. 21—days sooner than previous y thought, -F.-s-gd people briefed on the matter. And investigators are now examining whether MF Global was getting away with such illicit transfers as early as August, one person said, a revelation that would point to wrongdoing even before the firm was struggling to survive.

The consequences of the firm's collapse have been severe: Some $1 billion in customer money remains missing and thousands of clients, including small farmers in Kansas or hedge funds in Connecticut, still do not have nearly a third of their funds.

Some of that money may never be recovered if, as some regulators now fear, MF Global used it to cover trading losses and replenish overdrawn bank accounts.

The bet on European sovereign debt is not thought to be directly connected to the missing money. But the fears about the firm's exposure to Europe tipped an anxious market, causing a run on MF Global that regulators suspect led the firm to fight for its life using customer money.

Mr. Corzine has not been accused of any wrongdoing. Through a spokesman, he declined to comment for this article.

While Mr. Corzine apologized for the firm's collapse when he appeared before the House Agriculture Committee on Thursday, he has continued to defend the European trade, calling it ''prudent'' at the time.

The European trade was initiated by Mr. Corzine late in the summer of 2010. The new chief executive explained the bet to a small group of top traders, arguing that Europe would not let its brethren default. In just a few months, the trade swelled to $6.3 billion, from $1.5 billion.

Europe's debt crisis, meanwhile, continued to flare, raising questions about whether some of the Continent's bigger economies, Spain and Italy, might be ensnared in the maelstrom.

In August, some directors questioned the chief executive, asking him to reduce the size of the position. Mr. Corzine calmly assured them they had little to fear.

''If you want a smaller or different position, maybe you don't have the right guy here,'' he told them, according to a person familiar with the matter. He also told one senior board member that he would ''be willing to step down'' if they ''had lost confidence in me,'' Mr. Corzine told Congress on Thursday, although he said he had not intended to make a threat.

The board relented.

A CURIOUS CAREER MOVE

Few would have guessed that Mr. Corzine, having led Goldman Sachs before serving in the Senate and as a governor of New Jersey, would wind up the chief executive of a little-known brokerage house.

At Goldman, which he joined in 1975, the young bond trader quickly gained a reputation as someone able to take big risks and generate big profits. Even after ascending to the top of the firm, he kept his own trading account to make bets with the firm's capital. In 1999, Mr. Corzine was ousted from Goldman amid a power struggle.

By 2010, having suffered a stinging defeat in his bid for re-election as the Democratic governor of New Jersey, Mr. Corzine hoped to resume his career on Wall Street.

A friend, J. Christopher Flowers, one of MF Global's largest investors, helped him get there. Mr. Corzine and Mr. Flowers worked at Goldman decades ago, and at one point, Mr. Flowers helped manage Mr. Corzine's vast wealth while he was a senator, according to Congressional records.

Mr. Corzine's arrival was a coup. MF Global had hired an executive search firm, Westwood Partners, to hunt for a new leader. But some members of the board, including David I. Schamis, who worked for Mr. Flowers, were recruiting Mr. Corzine.

He was a popular manager, former employees say. An avuncular presence with a beard and sweater vest, he had a knack for remembering names. Even in the firm's final hours, they recall that Mr. Corzine never lost his temper. His work ethic also impressed colleagues. He often started his day with a five-mile run, landing in the office by 6 a.m. and was regularly the last person to leave the office.

His intense routine was on par with his ambitions for the firm. With 15 top executives in the firm's boardroom on his first day, March 23, 2010, he said, ''I think this firm has tremendous potential and I can't wait to get started,'' one person who attended said.

Mr. Corzine faced a steep challenge.

For years, MF Global aligned buyers and sellers of futures contracts for commodities like wheat or metals, and took a small commission along the way. But over the last decade, that business had become endangered. By the time Mr. Corzine arrived, near zero-percent interest rates and paper-thin commissions had led to five consecutive quarters of losses.

Soon after taking the helm, Mr. Corzine oversaw a wave of job cuts and overhauled compensation, moving from steady commissions to salary and discretionary bonuses like the rest of Wall Street.

At the same time, Mr. Corzine filled the ranks with employees from Goldman Sachs and hedge funds like the Soros Fund Management. He recruited Bradley Abelow, a fellow Goldman alumnus and a top aide when he was governor, to be chief operating officer.

Mr. Corzine arrived just as Washington was pressing the big banks to curb their lucrative yet risky businesses. Spotting an opening, he fashioned new trading desks, including one just for mortgage securities and a separate unit to trade using the firm's own capital, a business known as proprietary trading.

Not to be outdone, Mr. Corzine was the most profitable trader in that team, known as the Principal Strategies Group, according to a person briefed on the matter. Mr. Corzine traded oil, Treasury securities and currencies and earned in excess of $10 million for the firm in 2011, the person said.

Some inside MF Global worried that the expansion of the profitable trading business in New York came at the expense of its futures clearing operation, which was centered in Chicago. To drum up sales, Chicago brokers were pushed to introduce longtime clients to their counterparts in New York, a move that raised tensions.

At times, Mr. Corzine seemed unfamiliar with some aspects of the futures division. In June, speaking at the Sandler O'Neill Financial Services Conference at the St. Regis Hotel in Manhattan, Mr. Corzine stumbled. ''Right now, if you thought about MF Global's retail business, you probably could only think of—'' he said, then paused to recall the name of the division at MF Global that catered to individual investors.

He leaned over to an aide, who told him it was Lind-Waldock.

''Chief Risk Officer''

''I consider one of my most important jobs to be chief risk officer of our firm,'' Mr. Corzine told that conference.

Yet soon after joining MF Global, Mr. Corzine torpedoed an effort to build a new risk system, a much-needed overhaul, according to former employees. (A person familiar with Mr. Corzine's thinking said that he saw the need to upgrade, but that the system being proposed was ''unduly expensive'' and was focused in part on things the firm didn't trade.)

While risk at the firm had been sharply increased with the bet on European sovereign debt, there was a compelling argument for Mr. Corzine's strategy.

MF Global had obtained loans to buy debt of Italy, Ireland and other troubled European nations, while simultaneously pledging the bonds as collateral to support the loans. The loans would come due when the bonds matured, which would happen no later than the end of 2012. MF Global, Mr. Corzine reckoned, would profit on the spread between the interest paid on the loans and the coupons earned from the bonds.

But the size of the European position was making the firm's top risk officers, Michael Roseman and Talha Chaudhry, increasingly uncomfortable by late 2010, according to people familiar with the situation. They pushed Mr. Corzine to seek approval from the board if he wanted to expand it.

Mr. Roseman then gave a PowerPoint presentation for board members, explaining the sovereign debt trade as Mr. Corzine sat a few feet away. The presentation made clear the risks, which hinged on the nations not defaulting or the bonds losing so much value they caused a cash squeeze. The directors approved the increase. Mr. Roseman eventually left the firm.

Within MF Global, Mr. Corzine welcomed discussion about his bet and his reasons for it, though some senior managers said they feared confronting such a prominent figure. Those who did challenge him recall making little progress. One senior trader said that each time he addressed his concerns, the chief executive would nod with understanding but do nothing.

These concerns were only internal at first because, while MF Global had disclosed the existence of the transactions in at least one filing in 2010, it never mentioned the extent to which they were used to finance the purchase of European debt.

The firm bought its European sovereign bonds making use of an arcane transaction known as repurchase-to-maturity. Repo-to-maturity allowed the company to classify the purchase of the bonds as a sale, rather than a risky bet subject to the whims of the market. That called to mind an earlier era of trading when firms used repo-to-maturity to finance the purchase of risk-free assets like United States Treasury securities, Mr. Corzine's specialty at Goldman many years earlier.

''It's like a bond trader from 15 years ago went to sleep and suddenly awoke to make these trades,'' one regulator who later reviewed the transactions remarked to a colleague.

Eventually, MF Global's auditor, PricewaterhouseCoopers, asked Mr. Corzine to report the European debt exposure to his investors. He personally met with the accounting firm in December 2010, two people said, and it was agreed that the transactions would be mentioned in a footnote in the firm's annual report, which was filed on May 20, 2011.

Mr. Speaker, I thank you very much for the time this evening, I thank my colleagues and those who are listening, and I yield back my remaining time.

RECESS

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

Accordingly (at 9 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2339

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOLD) at 11 o'clock and 39 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DIAZ-BALART (at the request of Mr. CANTOR) for today through December 16 on account of a family medical issue.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10 a.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 11 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 15, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4297. A letter from the Under Secretary of Defense (Comptroller), Associate Director of National Intelligence, National Geospatial-Intelligence Agency, transmitting a report of a violation of the Antideficiency Act, National Geospatial-Intelligence Agency case number 10-04; to the Committee on Appropriations.

4298. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of Saudi Arabia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4299. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement'', together known as the Migration Accords; to the Committee on Foreign Affairs.

4300. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2011 to September 30, 2011, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4301. A letter from the Acting Staff Director, Commission on Civil Rights, transmitting the Commission's Performance and Accountability Report for fiscal year 2011; to the Committee on Oversight and Government Reform.

4302. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4303. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Agency Financial Report for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

4304. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4305. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting 2 reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4306. A letter from the Delegated the Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Arizona Advisory Committee; to the Committee on the Judiciary.

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. BLUMENAUER (for himself, Mr. POE of Texas, Mr. PAYNE, Mr. BURTON of Indiana, Mr. CARNAHAN, Mr. SIRES, Mr. MCCAUL, Mr. BERMAN, Mr. MCGOVERN, Mr. CONYERS, Ms. BASS of California, Ms. LEE of California, and Mr. SMITH of Washington):

H.R. 3658. A bill to strengthen implementation of the Senator Paul Simon Water for the Poor Act of 2005, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PAULSEN (for himself, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. SCHOCK, and Mrs. BLACK):

H.R. 3659. A bill to reauthorize the program of block grants to States for temporary assistance for needy families through fiscal year 2012, and for other purposes; to the Committee on Ways and Means.

By Mr. CARNAHAN (for himself, Mr. BURTON of Indiana, Mr. CONNOLLY of Virginia, Mrs. ELLMERS, Mr. JONES, and Mr. WELCH):

H.R. 3660. A bill to establish the United States Office for Contingency Operations, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI (for himself, Mr. NEAL, Mr. BUCHANAN, Mr. RANGEL, Mr. GERLACH, Mr. CROWLEY, Mr. TERRY, Mr. PASCRELL, and Mr. CLEAVER):

H.R. 3661. A bill to amend the Internal Revenue Code of 1986 to make permanent and expand the temporary minimum credit rate for the low-income housing tax credit program; to the Committee on Ways and Means.

By Mr. MCKEON (for himself, Mr. RUNYAN, Mr. AKIN, Mr. THORNBERRY, Mrs.

HARTZLER, Mr. SHUSTER, Mr. AUSTIN SCOTT of Georgia, Mr. ROONEY, Mr. ROGERS of Alabama, Mr. TURNER of Ohio, Mr. PLATTS, Mr. BROOKS, Mr. HUNTER, Mr. WEST, Mr. CONAWAY, Mr. FLEMING, Mr. MILLER of Florida, Mr. LAMBORN, Mr. KLINE, Mr. RIGELL, Mr. WILSON of South Carolina, Mr. YOUNG of Florida, Mr. LOBIONDO, Mr. FRANKS of Arizona, Mr. PALAZZO, and Mrs. BLACKBURN):

H.R. 3662. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HURT (for himself, Mrs. HARTZLER, Mr. LUETKEMEYER, and Mr. LANKFORD):

H.R. 3663. A bill to amend the Federal Power Act to require the Federal Energy Regulatory Commission to minimize infringement on the exercise and enjoyment of property rights in issuing hydropower licenses, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILBRAY (for himself and Mr. COHEN):

H.R. 3664. A bill to provide local communities with tools to make solar permitting more efficient, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. WELCH, and Mr. BOSWELL):

H.R. 3665. A bill to require the Commodity Futures Trading Commission to impose fees and assessments to recover the cost of appropriations to the Commission; to the Committee on Agriculture.

By Mr. HULTGREN (for himself and Ms. KAPTUR):

H.R. 3666. A bill to direct the Secretary of Transportation to establish a program to assist veterans to acquire commercial driver's licenses, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MCMORRIS RODGERS (for herself and Mr. THOMPSON of California):

H.R. 3667. A bill to provide for a Medicare primary care graduate medical education pilot project in order to improve access to the primary care workforce; 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. MEEHAN (for himself and Ms. LINDA T. SÁNCHEZ of California):

H.R. 3668. A bill to prevent trafficking in counterfeit drugs; to the Committee on the Judiciary.

By Mr. RENACCI (for himself, Mr. QUIGLEY, Mr. BUCSHON, Mr. SCHRADER, Mr. OWENS, Mr. CARNEY, Mr. HIMES, and Mr. WEBSTER):

H.R. 3669. A bill to improve the accuracy and transparency of the Federal budget process; to the Committee on the Budget, and in addition to the Committees on Rules, Oversight and Government Reform, 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 Mr. WALZ of Minnesota (for himself, Mr. BILIRAKIS, and Mr. OWENS):

H.R. 3670. A bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act; to the Committee on Homeland Security, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky:

H.R. 3671. A bill making consolidated appropriations for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky:

H.R. 3672. A bill making appropriations for disaster relief requirements for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON:

H. Con. Res. 92. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of the bill H.R. 1540; considered and agreed to.

By Mr. SHUSTER:

H. Con. Res. 93. Concurrent resolution providing for a correction to the enrollment of the bill H.R. 2845; considered and agreed to.

By Mr. ROGERS of Kentucky:

H. Con. Res. 94. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672; to the Committee on Appropriations, and in addition to the Committee on House Administration, 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. CARTER:

H. Res. 495. A resolution recognizing the November 5, 2009, attack on Fort Hood, Texas, as an act of radical Islamic terrorism and Jihad; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California:

H. Res. 496. A resolution adjusting the amount provided for the expenses of certain committees of the House of Representatives in the One Hundred Twelfth Congress; to the Committee on House Administration.

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. BLUMENAUER:

H.R. 3658.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution.

By Mr. PAULSEN:

H.R. 3659.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to ''provide for the common Defence and general Welfare of the United States.''

By Mr. CARNAHAN:

H.R. 3660.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. ''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.''

By Mr. TIBERI:

H.R. 3661.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to Article 1, Section 8 which provides that ''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;'' and Article 1, Section 7 which provides that ''All bills for raising Revenue shall originate in the House of Representatives.''

By Mr. MCKEON:

H.R. 3662.

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 to ''provide for the common defense,'' ''raise and support armies,'' and ''provide and maintain a navy,'' as enumerated in Article I, Section 8 of the United States Constitution.

By Mr. HURT:

H.R. 3663.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States.

By Mr. BILBRAY:

H.R. 3664.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the U.S. Constitution reads in part: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. DELAURO:

H.R. 3665.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 3 and 18 of the United States Constitution.

By Mr. HULTGREN:

H.R. 3666.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mrs. MCMORRIS RODGERS:

H.R. 3667.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, clause 3 to regulate Commerce with foreign nations and among the several States.

By Mr. MEEHAN:

H.R. 3668.

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 Mr. RENACCI:

H.R. 3669.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7 of the United States Constitution, and Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. WALZ of Minnesota:

H.R. 3670.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution.

By Mr. ROGERS of Kentucky:

H.R. 3671.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. ROGERS of Kentucky:

H.R. 3672.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 190: Mr. DOYLE.

H.R. 210: Mr. FATTAH and Mr. LEWIS of Georgia.

H.R. 376: Mr. PLATTS.

H.R. 420: Mr. YOUNG of Florida.

H.R. 476: Mr. MARCHANT.

H.R. 507: Mr. CONNOLLY of Virginia, Mrs. BIGGERT, Mr. ENGEL, and Mr. CARNAHAN.

H.R. 640: Mr. MCDERMOTT.

H.R. 654: Mr. DEFAZIO.

H.R. 665: Mr. DANIEL E. LUNGREN of California and Mr. FARENTHOLD.

H.R. 719: Mr. SHULER.

H.R. 750: Mr. AMODEI.

H.R. 805: Mr. GONZALEZ.

H.R. 835: Mr. YARMUTH, Mr. HINOJOSA, Mrs. CAPITO, Mr. MARKEY, Mr. CUMMINGS, Mr. MEEKS, Mr. WHITFIELD, Ms. ROS-LEHTINEN, Mr. WITTMAN, and Mr. QUIGLEY.

H.R. 938: Mr. CARNAHAN, Mr. HINOJOSA, and Mr. SCOTT of Virginia.

H.R. 995: Mr. KEATING.

H.R. 1044: Mr. SCHOCK.

H.R. 1063: Mrs. MCMORRIS RODGERS and Mr. SHIMKUS.

H.R. 1130: Mr. HOLT.

H.R. 1134: Mr. SCOTT of South Carolina.

H.R. 1148: Mr. GUINTA, Mr. CLAY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1154: Mr. GONZALEZ.

H.R. 1175: Mr. DUFFY and Mr. LONG.

H.R. 1181: Mr. BOUSTANY.

H.R. 1206: Mrs. ELLMERS.

H.R. 1265: Mr. DIAZ-BALART and Mr. GARDNER.

H.R. 1288: Mr. HANNA and Mr. FRANK of Massachusetts.

H.R. 1289: Ms. LEE of California.

H.R. 1426: Mr. MCCOTTER.

H.R. 1477: Mr. THOMPSON of California.

H.R. 1509: Mr. LANCE.

H.R. 1511: Mr. PLATTS, Mr. BUCSHON, Ms. SCHWARTZ, and Mr. NUNNELEE.

H.R. 1529: Ms. HOCHUL.

H.R. 1558: Mr. BERG.

H.R. 1578: Mr. CONYERS.

H.R. 1604: Mr. DANIEL E. LUNGREN of California.

H.R. 1614: Mr. DUFFY and Ms. CLARKE of New York.

H.R. 1653: Mr. MURPHY of Connecticut and Mr. THOMPSON of California.

H.R. 1697: Mrs. MILLER of Michigan.

H.R. 1704: Mr. ENGEL and Mrs. BIGGERT.

H.R. 1738: Mr. ENGEL.

H.R. 1739: Mr. QUIGLEY.

H.R. 1802: Mr. ADERHOLT and Mr. BONNER.

H.R. 1834: Mr. OLSON.

H.R. 1862: Mr. BURGESS.

H.R. 1878: Ms. NORTON.

H.R. 1897: Mr. GONZALEZ.

H.R. 1956: Mr. PAULSEN.

H.R. 1960: Mr. SCALISE.

H.R. 1964: Mr. AUSTIN SCOTT of Georgia.

H.R. 1981: Mr. KLINE.

H.R. 2028: Mr. HOLT.

H.R. 2059: Mr. WITTMAN.

H.R. 2069: Mr. WEBSTER.

H.R. 2086: Mrs. MCCARTHY of New York and Ms. SPEIER.

H.R. 2198: Mr. FINCHER.

H.R. 2284: Mr. COSTA.

H.R. 2313: Mr. BUCHANAN, Mrs. ELLMERS, and Mr. YOUNG of Florida.

H.R. 2334: Mr. HIMES.

H.R. 2366: Mr. LANCE.

H.R. 2412: Mr. MCCARTHY of California.

H.R. 2479: Mr. LEWIS of Georgia.

H.R. 2485: Mr. BISHOP of New York.

H.R. 2492: Ms. SCHWARTZ, Mr. SMITH of Washington, Mr. DICKS, Mr. ROE of Tennessee, Mr. PAULSEN, Mr. YARMUTH, Mrs. CAPITO, Mr. CUMMINGS, Mr. MEEKS, Mr. TONKO, Mr. MARKEY, Mr. MICHAUD, Mr. DEFAZIO, and Mr. SCHIFF.

H.R. 2499: Ms. CHU.

H.R. 2505: Mr. THOMPSON of Pennsylvania and Mr. KLINE.

H.R. 2513: Mr. GONZALEZ.

H.R. 2514: Mrs. MILLER of Michigan.

H.R. 2528: Mr. ROGERS of Michigan and Mr. FARENTHOLD.

H.R. 2536: Mr. CONNOLLY of Virginia, Ms. NORTON, and Mr. ENGEL.

H.R. 2770: Mr. BERG.

H.R. 2809: Mr. GRIJALVA, Mr. CONYERS, Mr. SIRES, and Mr. MORAN.

H.R. 2866: Ms. CLARKE of New York.

H.R. 2874: Mr. WITTMAN.

H.R. 2898: Mr. POMPEO.

H.R. 2948: Mr. ENGEL.

H.R. 2954: Mr. PASTOR of Arizona.

H.R. 2959: Mr. FARENTHOLD.

H.R. 2966: Ms. ROS-LEHTINEN, Mr. DEFAZIO, Mr. SMITH of Washington, Mr. WITTMAN, and Mr. QUIGLEY.

H.R. 2969: Mr. CICILLINE.

H.R. 2982: Mr. BURTON of Indiana.

H.R. 3001: Mr. HUIZENGA of Michigan, Mr. MARINO, Mr. ROSKAM, Mr. SMITH of New Jersey, Mr. DIAZ-BALART, Mrs. LUMMIS, Mrs. SCHMIDT, Mr. BROOKS, Mr. FLORES, Mr. GOHMERT, Mr. GINGREY of Georgia, Mr. ACKERMAN, Mr. MANZULLO, Mr. SIRES, Mrs. NAPOLITANO, Mr. MILLER of North Carolina, and Mr. SCHILLING.

H.R. 3003: Mr. WALDEN.

H.R. 3020: Mr. DIAZ-BALART.

H.R. 3053: Mr. REYES.

H.R. 3059: Mr. YOUNG of Florida.

H.R. 3096: Mr. ROE of Tennessee, Mr. DESJARLAIS, Mr. WILSON of South Carolina, Mrs. LUMMIS, Mr. DUNCAN of South Carolina, and Mr. MARCHANT.

H.R. 3145: Mrs. LOWEY.

H.R. 3159: Mrs. LOWEY.

H.R. 3200: Mr. SCOTT of Virginia.

H.R. 3207: Mr. TIBERI.

H.R. 3221: Ms. CHU.

H.R. 3266: Ms. SCHAKOWSKY.

H.R. 3307: Mr. OWENS.

H.R. 3359: Mr. PETERS.

H.R. 3366: Mr. LEWIS of Georgia.

H.R. 3418: Mr. ENGEL.

H.R. 3435: Mr. CONNOLLY of Virginia, Mr. ACKERMAN, Mr. PASTOR of Arizona, Mr. TIERNEY, Mr. AL GREEN of Texas, Mr. SABLAN, and Mr. PAYNE.

H.R. 3440: Mr. HECK and Mr. NUNNELEE.

H.R. 3454: Mr. BROOKS.

H.R. 3465: Mr. LYNCH.

H.R. 3466: Mr. PAYNE.

H.R. 3480: Mr. PALAZZO and Mr. MCKINLEY.

H.R. 3483: Mr. MICHAUD.

H.R. 3484: Mr. GARAMENDI, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Ms. HAHN, Ms. WOOLSEY, Mr. THOMPSON of California, Mr. SCHIFF, Mr. GEORGE MILLER of California, Ms. RICHARDSON, Ms. ESHOO, Ms. MATSUI, and Ms. LORETTA SANCHEZ of California.

H.R. 3485: Mr. BACA.

H.R. 3506: Mr. YOUNG of Florida.

H.R. 3510: Mr. FORTENBERRY, Mr. RUSH, and Mr. BISHOP of New York.

H.R. 3521: Mr. AKIN and Mr. JOHNSON of Illinois.

H.R. 3533: Mr. GARAMENDI, Mr. RYAN of Ohio, Mr. VISCLOSKY, Ms. DELAURO, Mr. GEORGE MILLER of California, Ms. LINDA T. SÁNCHEZ of California, Mr. LOEBSACK, Mr. MURPHY of Connecticut, Ms. SLAUGHTER, and Mr. CRITZ.

H.R. 3542: Ms. BASS of California, Mr. BLUMENAUER, Mr. CONYERS, Mr. KUCINICH, and Ms. WATERS.

H.R. 3548: Mr. LANKFORD.

H.R. 3550: Mr. YOUNG of Florida.

H.R. 3568: Mr. MORAN and Mr. GRIJALVA.

H.R. 3569: Mr. PETERS on, Ms. LEE of California, Mr. YOUNG of Alaska, Mr. PIERLUISI, Mr. GENE GREEN of Texas, Mr. REYES, Mr. HINOJOSA, Mr. HONDA, Mr. CUELLAR, Ms. RICHARDSON, Mr. LARSON of Connecticut, Mr. AL GREEN of Texas, Mr. CLAY, Mr. CLEAVER, Mr. SIRES, Mr. FATTAH, Mr. BOREN, Mr. COSTA, Mr. RAHALL, Mr. YARMUTH, Mr. PERLMUTTER, Mr. SHULER, Mr. CARDOZA, Mr. BECERRA, Mr. GONZALEZ, Mr. DAVID SCOTT of Georgia, Mr. BRALEY of Iowa, Mr. RICHMOND, Mr. JACKSON of Illinois, Mr. CARSON of Indiana, Mr. SABLAN, Mrs. NAPOLITANO, Mr. PALLONE, Mr. GRIJALVA, Mr. BERMAN, Mr. COHEN, Mr. ANDREWS, Mr. MEEKS, Mr. ROSS of Arkansas, Mr. RANGEL, Mr. BRADY of Pennsylvania, Mr. TOWNS, and Ms. ROYBAL-ALLARD.

H.R. 3575: Mr. ROKITA.

H.R. 3577: Mr. KINZINGER of Illinois, Mr. SENSENBRENNER, and Mr. PAULSEN.

H.R. 3583: Mr. JOHNSON of Illinois, Mr. LABRADOR, Mr. RIBBLE, Mrs. BLACKBURN, and Mr. ROKITA.

H.R. 3589: Mr. HULTGREN, Mr. HONDA, and Mr. ROSKAM.
H.R. 3596: Mr. GRIMM.
H.R. 3608: Mr. LAMBORN.
H.R. 3609: Mr. CHAFFETZ.
H.R. 3626: Mr. LEWIS of Georgia, Mr. HIGGINS, Mr. MCGOVERN, Ms. CHU, and Mr. PAYNE.
H.R. 3638: Ms. BASS of California, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. FILNER, Mr. JACKSON of Illinois, Mr. KUCINICH, Ms. LEE of California, Mr. MCGOVERN, and Ms. WOOLSEY.
H.R. 3643: Mr. CHANDLER.
H.J. Res. 88: Mr. GRIJALVA.
H.J. Res. 90: Mr. GRIJALVA, Ms. LEE of California, and Mr. JOHNSON of Georgia.
H. Con. Res. 63: Mr. WALZ of Minnesota.
H. Con. Res. 85: Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. BRADY of Pennsylvania, and Mrs. CAPPS.
H. Con. Res. 87: Mr. JONES.
H. Res. 111: Mr. GRIMM.
H. Res. 253: Mr. PLATTS, Mr. JOHNSON of Ohio, and Mr. WITTMAN.
H. Res. 298: Mr. CONNOLLY of Virginia, Ms. CHU, and Ms. SCHAKOWSKY.
H. Res. 304: Mr. SMITH of New Jersey.
H. Res. 456: Mr. RANGEL.
H. Res. 460: Mr. JOHNSON of Illinois, Mr. BACA, Mr. PASTOR of Arizona, Mr. MARINO, Mrs. ELLMERS, Ms. SPEIER, and Mr. SIRES.
H. Res. 474: Mr. CARNAHAN and Mr. COSTELLO.
H. Res. 489: Mr. HENSARLING, Mr. HUIZENGA of Michigan, Mr. MCINTYRE, Mr. BACHUS, Mr. YOUNG of Florida, Mr. CRAVAACK, Mr. ROE of Tennessee, Mrs. BLACKBURN, Mr. GOODLATTE, Mr. KING of Iowa, Mr. GOHMERT, Mr. WESTMORELAND, Mr. MULVANEY, Mr. FLORES, Mr. MARCHANT, Mr. STUTZMAN, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. BROOKS, Mr. MANZULLO, Mr. AUSTIN SCOTT of Georgia, Mr. DESJARLAIS, Mr. BARTLETT, Mr. FRANKS of Arizona, Mr. HUELSKAMP, Mr. MILLER of Florida, and Mr. KELLY.
H. Res. 492: Mr. BURTON of Indiana.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. ROGERS OF KENTUCKY

H.R. 3671, the Consolidated Appropriations Act, 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in the Welfare Integrity and Data Improvement Act do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. ROGERS OF KENTUCKY

H.R. 3672, the Disaster Relief Appropriations Act, 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.